

Forum za tranzicionu pravdu

Forum for Transitional Justice



Fond za humanitarno pravo
Humanitarian Law Center

**Udžbenici istorije
u post-konfliktnim društvima:
Obrazovanje za pomirenje?**

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Uprkos značajnom napretku koji je postignut od 2000. godine naovamo u oblasti suočavanja sa prošlošću i tranzicione pravde u Srbiji i regionu, pomirenje u post-jugoslovenskim društvima se i dalje čini nedostižnim. Društva u regionu nastavljaju da neguju međusobno suprotstavljena tumačenja bliske ratne prošlosti, dok su poricanje i relativizacija zločina i dalje prisutni u javnom diskursu. I pored velikog broja činjenica o masovnim zločinima u bivšoj Jugoslaviji, sudski utvrđenih pred Međunarodnim krivičnim sudom za bivšu Jugoslaviju (MKSJ), kao i različitih inicijativa za suočavanje s prošlošću i primenu mehanizama tranzicione pravde, u regionu se i dalje vode „ratovi sećanjima“.

Ovakav odnos prema prošlosti predstavlja potencijalnu opasnost po društvo u celini, a po nove generacije posebno. Mladi u regionu, odrasli i obrazovani na narativima o sopstvenoj zajednici kao ekskluzivnoj žrtvi, nisu zainteresovani da učestvuju u procesu suočavanja sa prošlošću i umesto toga postaju aktivni neprijatelji procesa pomirenja.

Dodatan problem predstavlja i način na koji je period oružanih sukoba iz 1990-ih predstavljen u udžbenicima u Srbiji i regionu, koji na pristrasan način nude uglavnom kratke i selektivne informacije o događajima iz perioda tih ratova. Jasno je da pristrasna interpretacija traumatičnih događaja iz bliske prošlosti u udžbenicima istorije pre svega služi za mobilizaciju novih generacija protiv procesa suočavanja sa prošlošću i pomirenja.

Krajem aprila 2015. godine, FHP je organizovao međunarodnu konferenciju pod nazivom *Udžbenici istorije u post-konfliktnim društvima: Obrazovanje za pomirenje?* o udžbenicima istorije i njihovoj ulozi u procesima suočavanja sa prošlošću. Na konferenciji su govorili međunarodni i regionalni stručnjaci koji se bave analizom sadržaja udžbenika istorije, a čiji su radovi i prezentacije objavljeni u ovoj publikaciji. Pored toga, FHP je na konferenciji predstavio *Analizu sadržaja udžbenika istorije u Srbiji o ratovima u bivšoj Jugoslaviji u svetlu utvrđenih činjenica pred Haškim tribunalom*, u kojoj je prikazao na koji su način činjenice o ratnim zločinima počinjenim u ratovima na teritoriji bivše Jugoslavije obrađene u udžbenicima istorije u Srbiji, ali i uporedio ove navode sa činjenicama koje je o ovim događajima utvrdio MKSJ.

Namera je FHP-a da posebnim izdanjem Foruma za tranzicionu pravdu doprinese debati koja je već neko vreme prisutna u našoj javnosti u vezi sa tim kako se u udžbenicima istorije obrađuju teme iz najbliže prošlosti, ali i sa namerom da istoričare, autore udžbenika, a pre svega relevantne donosiocice odluka, poput predstavnika prosvetnih vlasti, podstakne na preduzimanje konkretnih koraka u cilju izmene sadržaja udžbenika iz istorije o ratovima 1990-tih u skladu sa sudski utvrđenim činjenicama. Veoma smo zahvalni Ministarstvu spoljnih poslova Švajcarske konfederacije koji su pomogli objavljivanje ove publikacije i projekat Osnaživanje novih generacija u procesu suočavanja sa prošlošću Fonda za humanitarno pravo.

Dr Augusta Dimou radi kao istraživačica na Institutu za slovenske studije na Univerzitetu u Lajpcigu od 2006. godine. Pre toga, predavala je na Odeljenju za istoriju i arheologiju Univerziteta u Joanini, i radila kao istraživačica na Institutu Georg-Ekert za međunarodne studije udžbenika. Njen rad se fokusira na proces modernizacije Jugoistočne Evrope i transfer i usvajanje evropskih vrednosti u zemljama Jugoistočne Evrope.

Dr. Peter Gautschi radi kao profesor metodike nastave istorije na Pedagoškom fakultetu Univerziteta u Lucernu, gde takođe rukovodi Institutom za nastavu istorije i kulturu sećanja. Dugo godina je radio kao nastavnik istorije u Švajcarskoj, a pored Lucerna predaje i na Univerzitetu u Frajburgu. U svom radu fokusiran je na istraživanje nastave istorije, udžbenike istorije i istoriju 20. veka.

Ivan Jovanović je pravnik iz Beograda, čija su uža specijalnost međunarodno krivično i humanitarno pravo. Od 2003. do 2014. godine vodio je odseke za ratne zločine, organizovani kriminal i za reformu krivičnog sistema u Misiji OEBS u Srbiji. Bio je konsultant u radu na zakonima o suđenjima za ratne zločine, međunarodnoj pravnoj pomoći, saradnji sa Međunarodnim krivičnim sudom i učestvovao u radu drugih stručnih grupa. Pre dolaska u OEBS 2003. godine, radio je u Institutu za međunarodnu politiku i privredu u Beogradu i u organizaciji Human Rights Watch u Njujorku.

Dr Vera Katz radi kao viša naučna saradnica u Institutu za istoriju (od 2013. Institut za historiju Univerziteta u Sarajevu). Doktorirala je 2006. na Filozofskom fakultetu Univerziteta u Sarajevu na temu "Društveni i ekonomski razvoj Bosne i Hercegovine 1945-1953". Bavi se istorijom 20. veka. Od 2008. je glavna i odgovorna urednica časopisa "Historijska traganja".

Dr Snježana Koren predstojnica je Katedre za metodiku nastave povijesti na Odsjeku za povijest Filozofskog fakulteta Sveučilišta u Zagrebu. Doktorirala je 2011. na modernoj i suvremenoj povijesti. Prethodno je radila kao nastavnica povijesti i sudjelovala u stručnoj izobrazbi nastavnika povijesti. Njezini istraživački interesi uključuju politiku povijesti i sjećanja u socijalističkoj Jugoslaviji i državama nasljednicama, povijest historiografije i nastave povijesti, komparativnu analizu udžbenika i programa povijesti, inicijalno obrazovanje nastavnika u Europi, interkulturalno obrazovanje itd.

Dr Dubravka Stojanović je vanredna profesorka na Odeljenju za istoriju Filozofskog fakulteta u Beogradu. U saradnji sa Centrom za antiratne akcije radila je na projektu analize udžbenika 1993. godine. Sa Milanom Ristićem bila je pisac i urednik školskih dodatnih nastavnih materijala „Detinjstvo u prošlosti“, nastalih u saradnji istoričara svih zemalja Balkana, koja je objavljena na 11 jezika regiona. Kao potpredsednica Odeljenja za obrazovanje Centra za demokratiju i pomirenje u jugoistočnoj Evropi iz Soluna, bila je urednica srpskog izdanja četiri knjige nastavnih materijala za srednje škole. Osnivačica je nezavisnog udruženja nastavnika istorije „Euroclio“. Držala je više desetina seminara za nastavnike, najčešće koncentrisane na predavanje osetljivih sadržaja istorije u školama.

**Analiza sadržaja udžbenika
istorije u Srbiji o ratovima u
bivšoj Jugoslaviji, u svetlu
utvrđenih činjenica pred MKSJ**

Uvod

Poslednja decenija dvadesetog veka, prelomna za većinu istočnoevropskih zemalja, padom Berlinskog zida i komunističkih režima, republikama bivše Jugoslavije donela je destruktivni politički kurs i buđenje nacionalizma, koji su rezultirali raspadom zajedničke države u ratovima u periodu od 1991. do 2001. godine. Kao što je čitav javni diskurs tada promenio pravac i krenuo retrogradnim nacionalističkim kursom, paralelno se javio istorijski revizionizam ujedinjen sa tradicionalističkim pristupom istoriji koji u središte istraživanja postavlja naciju i državu. Nacionalistička ideologija u svim jugoslovenskim republikama krajem 1980-ih i početkom 1990-ih godina znatno je uticala ne samo na odabir obrađivanih tema, već je i samu historiografiju, od ranije nesklonu da se prilagodi modernim naučnim tokovima, učinila jos rigidnijom i konzervativnijom.¹ Istorijska nauka i podučavanje istorije u školama neprikriveno su služili kao instrument političke kontrole i dominacije, noseći sva obeležja hibridne nacionalno-romantičarske ideologije. Time je kroz obrazovne institucije ponuđen naizgled novi i sveži odgovor na prevaziđenu, ideološki utemeljenu historiografiju socijalističkog razdoblja Jugoslavije, a koja je pripremila put za opšte skliznuće u nacionalistički javni diskurs.

Rezime

Samo godinu dana nakon početka ratova na teritoriji prethodne Jugoslavije, 1992. godine su u nastavu istorije u tadašnjoj Saveznoj Republici Jugoslaviji uvedeni novi

udžbenici, koji su korišćeni do pada režima Slobodana Miloševića 2000. godine. U ovim udžbenicima tema raspada SFRJ i ratovi na teritoriji bivše Jugoslavije nisu obrađivani. Udžbenici su obrađivali period do 1970. godine, reformu federacije i donošenje Ustava iz 1974. godine. Ipak, izdanje udžbenika za osmi razred osnovne škole, autora Nikole Gaćeše, iz 2000. godine dopunjeno je periodom koji je obuhvatio događaje do NATO intervencije na SRJ 1999. godine.

Od 2000. godine, u nastavne planove i u udžbenike uvedene su nastavne jedinice koje obrađuju teme raspada SFRJ, ratova koji su vođeni na teritorijama bivših jugoslovenskih republika i posledica koje su ti ratovi ostavili. Iako prisutni u udžbenicima već 15 godina, način na koji su ratovi 1990-ih i ratni zločini počinjeni u ratovima u Hrvatskoj, Bosni i Hercegovini, kao i na Kosovu pre i tokom NATO intervencije, još ni jednom nisu bili predmet posebne analize.

Ovom analizom obuhvaćeni su udžbenici istorije za osnovne škole i gimnazije koji su korišćeni u nastavi istorije u Srbiji od 2000. godine do danas.² Namera ove analize je da prikaže na koji su način činjenice o ratnim zločinima počinjenim u ratovima na teritoriji bivše Jugoslavije obrađene u udžbenicima istorije u Srbiji, ali i da uporedi ove navode sa činjenicama koje je o ovim događajima utvrdio Međunarodni krivični sud za bivšu Jugoslaviju (MKSJ).³

U okviru svog mandata, MKSJ je za zločine počinjene u ratovima u bivšoj Jugoslaviji podigao optužnice protiv 161 osobe. Od ovog broja, 79 osoba je pravosnažno osuđeno, 18 je oslobođeno krivice, protiv 36 su povučene optužnice, 13 osoba je prosledeno za procesuiranje pred nacionalnim

1 U ovom periodu najveći broj tema koje su obrađivane od strane srpskih istoričara imaju izražen nacionalistički diskurs, posebno prepoznatljiv u delima i javnim nastupima članova Srpske akademije nauka i umetnosti, Vasilija Krestića, Milorada Ekmečića, itd.

2 Dr Nikola Gaćeša, Ljiljana Mladenović-Maksimović i dr Dušan Živković, *Istorija za 8. razred osnovne škole*, Zavod za udžbenike i nastavna sredstva: Beograd, 2000; Radoš Ljušić i Ljubodrag Dimić, *Istorija za osmi razred osnovne škole sa čitankom i radnom sveskom*, Freska: Beograd, 2010; Predrag M. Vajagić i Nenad Stošić, *Istorija za 8. razred osnovne škole*, Klett, Beograd: 2011; Đorđe Đurić i Momčilo Pavlović, *Istorija za osmi razred*, Zavod za udžbenike, Beograd: 2010; Zoran Pavlović i Jovo Bosnić, *Mozaik prošlosti: Udžbenik istorije za osmi razred osnovne škole*, BIGZ: Beograd, 2011; Dunja Svilar Dujković i Goran Dujković, *Istorija 8: Udžbenik za osmi razred osnovne škole*, EDUKA: Beograd, 2013; Mira Radojević, *Istorija: Udžbenik za treći razred gimnazije prirodno-matematičkog smera, četvrti razred gimnazije društveno-jezičkog smera i opšteg tipa i četvrti razred stručne škole za obrazovne profile pravni tehničar i birotehničar*, Klett: Beograd, 2014; Kosta Nikolić, Nikola Žutić, Momčilo Pavlović, Zorica Špadijer, *Istorija ¾ za treći razred gimnazije prirodno-matematičkog smera i četvrti razred gimnazije opšteg tipa i društveno-jezičkog smera*, Zavod za udžbenike i nastavna sredstva: Beograd, 2009.

3 Međunarodni krivični sud za bivšu Jugoslaviju osnovan je u maju 1993. godine od strane Ujedinjenih nacija sa ciljem procesuiranja i kažnjavanja odgovornih za ratne zločine počinjene u oružanim sukobima u bivšoj Jugoslaviji od 1991. do 2001. godine.

sudovima a protiv 15 je postupak još uvek u toku. Među optuženima se nalaze bivši predsednik Srbije i SRJ Slobodan Milošević, potpredsednik Vlade SRJ Nikola Šainović, načelnici Generalštaba Vojske Jugoslavije Momčilo Perišić, Dragoljub Ojdanić i Nebojša Pavković, dva bivša predsednika Republike Srpske Krajine, Milan Babić i Milan Martić, bivši predsednik Republike Srpske Radovan Karadžić, komandant Glavnog štaba Vojske Republike Srpske Ratko Mladić, bivši predsednik Vlade Kosova Ramuš Haradinaj, komandant Glavnog štaba Armije Bosne i Hercegovine Rasim Delić, generali Hrvatske vojske i policije Ante Gotovina, Mladen Markač i Ivan Čermak, bivši ministar unutrašnjih poslova Makedonije Ljube Boškovski, kao i niz više i srednje rangiranih pripadnika Vojske Republike Srpske, Hrvatskog Vijeća Obrane, Armije BiH, MUP-a Srbije, Vojske Jugoslavije, Oslobođilačke Vojske Kosova, MUP-a Makedonije i Hrvatske vojske, itd. Od početka svog rada, MKSJ je ispitao oko 4.500 svedoka, održao oko 7.500 dana suđenja i stvorio i prikupio oko 1.600.000 stranica transkripata i dokaznih predmeta. Pre nekoliko godina, MKSJ je učinio dostupnom svoju bazu podataka sudskih dokumenata sa svim javnim podnescima od 1994. godine do danas, koja sadrži više od 190.000 spisa počevši od naloga za hapšenje, podnesaka, dokaznih predmeta, sve do konačne drugostepene presude u svakom od predmeta u kojima je postupano. Sa bogatstvom prikupljene dokumentacije, MKSJ predstavlja najveći i najznačajniji arhiv o ratovima u bivšoj Jugoslaviji u periodu od 1991-2001. godine. I pored svega toga, činjenice utvrđene pred MKSJ još uvek nisu našle svoje mesto u udžbenicima istorije.

* * *

Iz celokupne analize može se konstatovati nekoliko tendencija kada je reč o obradi teme raspada Jugoslavije i oružanih sukoba od 1991-1999. godine. U gotovo svim udžbenicima primetni su distanciran manir i štro prikazivanje događaja tokom ratova u bivšoj Jugoslaviji. Ta oskudnost podataka posebno je uočljiva kada se upoređi sa načinom na koji su

obrađene druge tematske jedinice. Dok je period političke krize koja je prethodila raspadu Jugoslavije obrađen detaljno, u pojedinim udžbenicima o temi ratova i zločina koji su počinjeni u njima, kao i o posledicama koje su ostavili posvećeno je svega nekoliko rečenica, odnosno pola stranice. Druga tendencija koja je prisutna jeste neobjektivnost u prikazivanju događaja u vezi sa ratovima u bivšoj Jugoslaviji, pogotovo u predstavljanju ratnih zločina koji su počinjeni i žrtvama koje su stradale u njima. Neobjektivnost se ogleda pre svega u selektivnom izboru podataka i jasnom prenebregavanju činjenica i događaja u kojima bi uloga srpskog naroda i Srbije kao države mogla biti prikazana u negativnom svetlu, uključujući pre svega činjenice o stradanju pripadnika drugih etničkih grupa i uočljivo nastojanje da se Srbi prikažu kao jedini/najveći stradalnici među narodima na području bivše Jugoslavije u ratovima 1990-ih.

Raspad zajedničke države i uzroci sukoba

Većina udžbenika koji se koriste u osnovnim školama u Srbiji poslednji period zajedničke prošlosti jugoslovenske države vodi pod nazivom „Društvena kriza i poraz Jugoslavije“, koristeći različite interpretacije događaja koji su doveli do raspada bivše države.

Kao prelomni datum za početak raspada procesa bivše Jugoslavije, u najvećem broju udžbenika uzima se datum smrti Josipa Broza Tita.⁴ Nakon smrti Josipa Broza započinje raspad zajedničke države, čiji su uzroci različito interpretirani. U većini udžbenika se navodi da je nakon Brozove smrti, koji se smatra autoritetom na kome se zasnivao „jedan od najvažnijih temelja na kojima je počivala zajednička jugoslovenska država“, započeo period krize koji je postepeno doveo do raspada⁵, odnosno da je njegovom smrću „nestao autoritet koji je označavao jedinstvo zemlje“⁶. Neki od autora navode da je „kult Josipa Broza“ bio onaj presudni element koji je držao na okupu narode u bivšoj Jugoslaviji i održavao jugoslovensku ideju u socijalističkoj Jugoslaviji,

4 Ljušić i Dimić, 237; Dujković i Dujković, 186; Vajagić i Stošić, 193; Pavlović i Bosnić, 144.

5 Vajagić i Stošić, 193.

6 Dujković i Dujković, 186.

uz snagu jednopartijske diktature.⁷ Upravljanje državom je nakon smrti Josipa Broza preuzela komunistička partija, ali se autori udžbenika u Srbiji ne slažu na koji način je partija doprinela raspadu ili je odvela u raspad zajedničku državu. Neki od autora navode da je Savez komunista Jugoslavije bio podvojen po nacionalnom pitanju, naglašavajući da su „slovenački komunisti počeli da zagovaraju samostalnost republike“⁸, ne ulazeći u više detalja krize koja je pogodila bivšu Jugoslaviju u periodu nakon 1980. godine, dok neki udžbenici govore da su neposredno po Titovoj smrti otvorena nacionalna pitanja, koja su zajedno sa političkom krizom, ekonomskim zastojem i visokim stranim dugovima⁹, pogoršala krizu u Jugoslaviji.

Neki od autora jedan od uzroka krize vide u promenama u Srbiji na političkom planu, pre svega u vezi sa „otvaranjem srpskog pitanja“¹⁰. To „otvaranje srpskog pitanja“ u Jugoslaviji i njegove posledice po dezintegraciju Jugoslavije se posmatraju ili kroz nacionalistički diskurs prisutan još od kraja 1980-ih ili kroz selektivno prikazivanje događaja. Revizija ustavno-pravnog položaja Srbije u Jugoslaviji pokrenuta je neposredno nakon demonstracija na Kosovu 1981. godine.¹¹ „Otvaranje srpskog pitanja“ se pre svega dovodi u vezu sa procenom da su unutar Jugoslavije postojali „dezintegracioni procesi koji prete razbijanju Srbije“, te da su oni morali biti zaustavljeni, ali da „zahtev da Srbija ostvari minimalno unutrašnje jedinstvo nije naišao na razumevanje u Zagrebu i Ljubljani“, čime je Srbiji „osporeno pravo da bude

ravnopravna sa ostalim jugoslovenskim republikama“. Time se pre svega pripisuje odgovornost Hrvatskoj i Sloveniji za jedan od razloga raspada Jugoslavije.¹²

Dolazak Slobodana Miloševića na vlast u Srbiji i njegova uloga u svetlu krize 1980-ih godina se obrađuje nešto detaljnije u tri udžbenika za osnovnu školu¹³ i dva udžbenika za srednje škole i gimnazije¹⁴, ali i ostali udžbenici govore o dolasku Slobodana Miloševića na čelo srbijanskih komunista. Jedan od udžbenika koji ne obrađuje detaljnije njegovu ulogu u raspadu Jugoslavije ga ocenjuje kao čoveka koji je „posle višedecenijskog ćutanja progovorio o nasilnom iseljavanju Srba sa Kosova i Metohije pod pritiskom Albanaca“¹⁵, i to navodi kao jedinu stvar vezanu za dolazak Miloševića na vlast. U udžbenicima koji detaljnije govore o ulozi Slobodana Miloševića u krizi 1980-ih pre svega se insistira na njegovoj ulozi u rešavanju krize na Kosovu. Kosovska kriza nakon Brozove smrti se ocenjuje kao „provala albanskog nacionalizma i separatizma“, u kojoj je „albanska politička elita suvereno vladala Kosovom“ i u kojoj je nastavljeno sa „pritisima na Srbe“; dominirali su „atmosfera nesigurnosti i straha, silovanja, uništavanje imovine pa i ubistva iz nacionalne mržnje“.¹⁶ Ovakva atmosfera je doprinela pojačavanju iseljavanja Srba, koje je trajalo od 1945. godine, te je „dovelo do toga da se udeo Srba u ukupnom stanovništvu od 23,62% u 1948. smanjio [...] na 13,2% u 1981“, dok je istovremeno „procenat Albanaca [...] sa 68,45% porastao na 77,5% u 1981. godini“¹⁷. Iseljavanje Srba sa Kosova i pritisci na njih, te

7 Pavlović i Bosnić, 144.

8 Pavlović i Bosnić, 144.

9 Dujković i Dujković, 186.

10 Pavlović i Bosnić, 144.

11 Ljušić i Dimić, 237.

12 *Ibid.*

13 Radoš Ljušić i Ljubodrag Dimić, *Istorija za osmi razred osnovne škole sa čitankom i radnom sveskom*, Freska: Beograd, 2010, Predrag M. Vajagić i Nenad Stošić, *Istorija za 8. razred osnovne škole*, Klett, Beograd: 2011, Đorđe Đurić i Momčilo Pavlović, *Istorija za osmi razred*, Zavod za udžbenike, Beograd: 2010.

14 Mira Radojević, *Istorija: Udžbenik za treći razred gimnazije prirodno-matematičkog smera, četvrti razred gimnazije društveno-jezičkog smera i opšteg tipa i četvrti razred stručne škole za obrazovne profile pravni tehničar i birotehničar*, Klett: Beograd, 2014, Kosta Nikolić, Nikola Žutić, Momčilo Pavlović, Zorica Špadijer, *Istorija ¾ za treći razred gimnazije prirodno-matematičkog smera i četvrti razred gimnazije opšteg tipa i društveno-jezičkog smera*, Zavod za udžbenike i nastavna sredstva: Beograd, 2009.

15 Pavlović i Bosnić, 144.

16 Nikolić i drugi, 227.

menjanje etničke strukture na Kosovu albanskom krivicom se spominju i u drugim udžbenicima, ali ne na previše detaljan način.¹⁸ Uloga Slobodana Miloševića u ovoj krizi je obrađena prilično neutralnim tonom, ili je čak diskretno navedeno da se protivnička struja među srbijanskim komunistima, koju je vodio Ivan Stambolić, pre VIII sednice CK SK Srbije odupirala nacionalizmu, sa nastojanjem da se ostane veran načelima bratstva i jedinstva, dok je sâm Stambolić „smatrao da rešenje problema treba tražiti u saradnji sa rukovodstvima ostalih republika i pokrajina“.¹⁹ Čak se, u jednom od udžbenika, za politiku Slobodana Miloševića koju je vodio u periodu kasnih 1980-ih nakon otvaranja „kosovskog pitanja“, navodi da će njegova politika „iz korena“ potresti zemlju, „dovesti do smena partijskih rukovodstava u Vojvodini, Kosovu i Crnoj Gori, a odnose sa drugim republikama dovesti do otvorenog neprijateljstva“, čime će Srbija ući u „dugi period izolacije, ratovanja i propadanja, što je srpski narod dovelo do ivice opstanka“²⁰. Pored ovoga, u nekoliko udžbenika se ističe da se srpsko državno rukovodstvo najduže „opiralo demokratizaciji društva i taj problem nije prevaziđen ni u narednoj deceniji“.²¹ Ovakvo prikazivanje krize koja je zahvatila Jugoslaviju nakon smrti Josipa Broza je u velikoj suprotnosti sa interpretacijama koje su bile u udžbeniku istorije koji se koristio od 1993. godine i neposredno nakon oktobarskih promena u Srbiji 2000. godine. Tokom 1990-ih i neposredno nakon smene Slobodana Miloševića, u udžbeniku istorije za osmi razred osnovne škole, na izuzetno oštar način se govori o promenama koje su zadesile pokrajine Vojvodinu i Kosovo nakon ustavnih promena 1974. godine. Navodi se da je jedan od glavnih razloga jugoslovenske krize bio albanski separatizam, motivisan težnjom ostvarivanja ideje „Kosova republike“ i

priključenja ove pokrajine Albaniji, da „šiptarska deca sa Kosova i Metohije, godinama odgajana i obrazovana prema udžbenicima iz Albanije, za svoju otadžbinu smatraju Albaniju a ne Jugoslaviju“, te da ne treba da čudi što se „veliki deo šiptarskih masa, posle donošenja Ustava Srbije 1990, koji je ograničio njihova prava, prema Srbiji odnosio neprijateljski“.²² Političke snage pod rukovodstvom Slobodana Miloševića, koje su preuzele političku kontrolu nad Srbijom 1987. godine, ocenjene su kao koncepcija „koja se zalagala za demokratizaciju društva, reviziju postojećeg Ustava, zaštitu Srba i Crnogoraca u Kosovu i Metohiji i za uspostavljanje jedinstvene Srbije na čitavoj njenoj teritoriji“.²³

Većina udžbenika ne govori o spoljnim činocima i njihovoj ulozi u jugoslovenskoj krizi, niti detaljno smešta Jugoslaviju u kontekst propasti komunizma širom Istočne Evrope. Tek poneki kratak opis u samom uvodu u lekciju navodi neke od ovih elemenata kao jedan od faktora koji su doprineli krizi u Jugoslaviji, bez dubljeg ulaženja u analizu: „Kraj Hladnog rata i slom socijalizma u Istočnoj Evropi iz osnova su promenili položaj Jugoslavije. Događaji su bili svetskih razmera i zahtevali hitno prilagođavanje. Jugoslovensko državno rukovodstvo nije bilo u stanju da pronađe izlaz iz duboke državne krize.“²⁴ Tek udžbenik za srednje škole i gimnazije ovome posvećuje veću pažnju: „Kraj blokovske podele sveta i rušenje Berlinskog zida 1989. godine označili su i početak demokratizacije zemalja Istočne Evrope. Zemlje Zapadne Evrope i Sjedinjene Američke Države zahtevale su i od jugoslovenskih vlasti promenu političkog sistema.“²⁵

Još jedan faktor je naveden kao značajan od strane autora udžbenika u predavljanju jugoslovenske krize i raspada SFRJ krajem 1980-ih i 1990-tih godina, a to je pre svega

17 *Ibid.*

18 Đurić i Pavlović, 184.

19 Mira Radojević, 374; Vajagić i Stošić, 198.

20 Nikolić i drugi, 227.

21 Nikolić i drugi, 228.

22 Gaćeša, Mladenović-Maksimović i Živković, 155.

23 *Ibid.*, 156.

24 Ljušić i Dimić, 238.

25 Radojević, 375.

nacionalizam koji se počeo pojavljivati u jugoslovenskim republikama tokom 1980-ih. Većina autora udžbenika spominje „slovenački i hrvatski separatizam“ i težnju za otcepljenjem od zajedničke države, te otpor prema promenama u Srbiji. U okolnostima pada Berlinskog zida i društvene krize u zemlji, deo „republičkih rukovodstava odlučio se za otcepljenje od Jugoslavije. U tome su prednjačile Slovenija i Hrvatska.“²⁶ Kriza Saveza komunista Jugoslavije i dilema oko unutrašnjeg uređenja unutar komunističke partije se spominju samo u dva udžbenika, u kojima se na sličan način govori o ovom događaju: „Slovenačka i hrvatska delegacija zalagale su se za stvaranje konfederacije jugoslovenskih republika i uvođenje višepartijskog sistema, dok je srpska delegacija nastojala da se federacija očuva u postojećem obliku.“²⁷ Pored toga, naglašava se da su prvi višestranački izbori u jugoslovenskim republikama (osim Srbije i Crne Gore) „imali formu nacionalnog opredeljivanja za državno osamostaljivanje“,²⁸ ali je „u isto vreme, pravo na samoopredeljenje poricano [...] svakoj drugoj manjinskoj zajednici“²⁹.

Početak ratova i formalni raspad SFRJ

Gotovo svi udžbenici se slažu da je formalni raspad SFRJ započeo 25. juna 1991. godine, kada je slovenački parlament, „pozivajući se na rezultate sprovedenog referenduma, proglasio nezavisnost republike“ od Jugoslavije.³⁰ O kratkotrajnom ratu u Sloveniji, za koji neki autori navode da je trajao deset dana³¹ a neki da je trajao šest dana³², nema gotovo nikakvih podataka - pogotovo nema podataka o broju nas-

tradalih. Kao neposredni povod za rat u Sloveniji, odnosno „intervenciju JNA“, navodi se „odluka slovenačkih vlasti o preuzimanju kontrole na graničnim prelazima prema Austriji i Italiji“, te se smatra da je taj čin značio „negiranje postojanja jugoslovenskog državnog suvereniteta“.³³ Tok rata u Sloveniji u udžbenicima je objašnjen površno: navodi se da je JNA povratila kontrolu nad državnim granicama, „ali je Predsedništvo SFRJ sredinom jula odlučilo da njene jedinice budu povučene sa teritorije Slovenije“, ne dajući nikakvo objašnjenje zašto je doneta takva odluka.³⁴ Ipak, jedan od udžbenika spominje da je „Jugoslovenska narodna armija pokušala da se suprotstavi otcepljenju, ali da u tome nije imala podršku jer se savezna vlast raspala“.³⁵

Nigde u udžbenicima se međutim ne spominje da je 8. jula 1991. godine postignut „međunarodni sporazum prema kome su Hrvatska i Slovenija odložile sprovođenje svoje nezavisnosti u delo do 8. oktobra 1991. godine“.³⁶

Oružani sukob u Hrvatskoj

Oružani sukob u Hrvatskoj započeo je 1991. godine i završio se 1995. godine, nakon operacije „Oluja“ koju su sprovele vojne i policijske snage Republike Hrvatske u avgustu 1995. godine. U toku sukoba između snaga Republike Hrvatske i snaga hrvatskih Srba, počinjeni su mnogobrojni zločini protiv hrvatskog i srpskog stanovništva. Udžbenici u Srbiji daleko više pažnje posvećuju ratu u Hrvatskoj nego sukobima u Sloveniji, pa čak i u Bosni i Hercegovini.

26 Ljušić i Dimić, 238.

27 Vajagić i Stošić, 193.

28 Vajagić i Stošić, 193.

29 Radojević, 375.

30 Radojević, 375; Vajagić i Stošić, 193; Ljušić i Dimić, 238; Nikolić, 228; Đurić i Pavlović, 184.

31 Radojević, 376; Vajagić i Stošić, 194.

32 Ljušić i Dimić, 238.

33 Ljušić i Dimić, 238.

34 Radojević, 376; Vajagić i Stošić, 194.

35 Pavlović i Bosnić, 145.

36 *Tužilac protiv Milana Martića*, Presuda pretresnog veća T-95-11-T, para.136.

Uzroci i izbijanje rata

Svi udžbenici u Srbiji se bave uzrocima rata u Hrvatskoj, navodeći među njima ustavne promene u Hrvatskoj 1990. godine i strah lokalnog srpskog stanovništva od rastućeg hrvatskog nacionalizma. Donošenjem novog hrvatskog ustava je „promenjen status Srba u Hrvatskoj. Od konstitutivnog naroda, Srbi su postali nacionalna manjina, bez prava na samoopredeljenje.“³⁷ Prema navodima iz jednog udžbenika, „u novom Ustavu, Hrvatska je predstavljena kao država hrvatskog naroda i u njemu se nije spominjala srpska nacionalnost, iako je činila nešto više od 12% celokupnog stanovništva“.³⁸ Pored toga, dolazak Hrvatske demokratske zajednice na vlast u Hrvatskoj 1990. godine izazvao je strah među lokalnim Srbima: „Ponovna pojava ustaških simbola budila je strah od ponavljanja genocida iz vremena postojanja NDH“³⁹ a „mogućnost obnove države u kojoj bi bio ugrožen njegov fizički opstanak, izazvala je otpor srpskog naroda“⁴⁰. Nakon proglašenja državne nezavisnosti u hrvatskom Saboru 26. juna 1991. godine, izbio je oružani sukob u Hrvatskoj, a srpski narod, „osećajući se ugroženim“⁴¹, odgovorio je na ovo formiranjem Republike Srpske Krajine i „njenim odvajanjem od Hrvatske“⁴². Pored toga, u dva udžbenika se, kao jedan od razloga za izbijanje pobune Srba u Hrvatskoj, navodi da je „srpski narod smatrao da ima pravo da izabere ostanak u Jugoslaviji“⁴³.

Sa druge strane, niti u jednom udžbeniku se ne spominje da je srpska manjina u Hrvatskoj preduzela korake za odvajanje

od Hrvatske već u julu 1990. godine, kada je u Srbu, severno od Knina, osnovana Srpska skupština, koja je imala za cilj da politički zastupa srpski narod u Hrvatskoj i koja je „proglasila suverenitet i autonomiju srpskog naroda u Hrvatskoj“, kako je to utvrđeno u presudi MKSJ u slučaju Milana Martića, jednog od ratnih vođa hrvatskih Srba.⁴⁴ Takođe, niti jedan udžbenik ne navodi da je Srpsko narodno veće, koje je formirano kao izvršni organ Srpske skupštine, odlučilo da se od 19. avgusta do 2. septembra 1990. održi referendum o autonomiji Srba u Hrvatskoj, koji je Vlada Hrvatske proglasila protivzakonitim, a na kome je 97,7% glasača glasalo za autonomiju⁴⁵, nekoliko meseci pre ustavnih promena u Hrvatskoj. Pored toga, udžbenici u Srbiji ne daju jasne razloge za formiranje Republike Srpske Krajine, već je njeno stvaranje navedeno nakon što se u udžbenicima navodi da je izbio oružani sukob.⁴⁶ Nema u udžbenicima podatka da se sa stvaranjem RSK započelo još u decembru 1990. godine, kada je nekoliko opština iz regija Severne Dalmacije i Like u jugozapadnoj Hrvatskoj 21. decembra 1990. godine proglasilo Srpsku Autonomnu Oblast Krajinu, dan pred donošenje novog Ustava Hrvatske.⁴⁷ Nema pomena u udžbenicima da je u martu 1991. godine, u Pakracu u Istočnoj Slavoniji i na Plitvicama, između Titove Korenice i Saborskog, došlo do oružanih sukoba između specijalnih policijskih snaga MUP-a Hrvatske i policije SAO Krajine.⁴⁸ Ne spominje se niti referendum organizovan na teritoriji SAO Krajine 12. maja 1991. godine, na kome je 99,8% glasača glasalo za to da „Krajina ostane u Jugoslaviji sa Srbijom, Crnom Gorom i drugim koji žele da očuvaju Jugoslaviju“, te da je Skupština

37 Radojević, 376; Vajagić i Stošić, 194; Ljušić i Dimić, 238.

38 Dujković i Dujković, 187.

39 Radojević, 376.

40 Ljušić i Dimić, 194.

41 Bosnić i Pavlović, 145.

42 Dujković i Dujković, 187.

43 Vajagić i Stošić, 194; Radojević, 376.

44 *Tužilac protiv Milana Martića*, Presuda, IT-95-11-T, para.128

45 *Ibid.*

46 Radojević, 376, Vajagić i Stošić, 194.

47 *Tužilac protiv Milana Martića*, Presuda, IT-95-11-T, para.129

48 *Ibid.*, 131-132.

SAO Krajine „potvrdila rezultat referenduma i izjavila da je teritorija SAO Krajine konstitutivni dio jedinstvene državne teritorije Republike Srbije“⁴⁹, čime je faktički teritorija pod kontrolom Srba u Hrvatskoj istupila iz Hrvatske više od mesec dana pre nego što će Hrvatska proglasiti nezavisnost od Jugoslavije.⁵⁰

Tok rata i ratni zločini

Vrlo je malo informacija o samom toku rata u Hrvatskoj koje su ponuđene u udžbenicima istorije u Srbiji. Nema detalja o većim vojnim operacijama, osim o operacijama „Bljesak“ i „Oluja“ 1995. godine. U udžbeniku *Istorija za osmi razred osnovne škole* autora Radoša Ljušića i Ljubodraga Dimića navodi se da su prvu fazu rata u Hrvatskoj okarakterisali „masovni napadi hrvatskih paravojnih jedinica na JNA, opsada kasarni i poziv hrvatskim oficirima i vojnicima da se stave na raspolaganje Hrvatskoj“.⁵¹ Navodi se i da su se žestoki sukobi u ovoj fazi vodili u Vukovaru.⁵² Najviše pažnje u udžbenicima poklonjeno je vojnim i policijskim operacijama hrvatskih snaga, „Bljesku“ i „Oluji“, koje su rezultirale uništenjem Republike Srpske Krajine i tokom kojih je hrvatska vojska realizovala unapred „planirano etničko čišćenje Srba sa prostora zapadne Slavonije“, kao i „Srba sa prostora Like, Korduna, Banije i Dalmacije“⁵³.

Iako su se sukobi u Hrvatskoj između hrvatskih oružanih snaga i formacija i snaga SAO Krajine, između ostalog u Ki-

jevu, Drnišu, Hrvatskoj Dubici, Saborskom i Škabrnji, vodili od proleća 1991. godine, nigde se u udžbenicima ne spominju ove oružane akcije, niti se spominje da su u nekim od ovih akcija zajedno učestvovali pripadnici srpske milicije SAO Krajine i JNA⁵⁴, te da su tom prilikom ubijani hrvatski civili i da je vršena masovna pljačka imovine hrvatskih građana.⁵⁵ Pored toga, ne navodi se da je vojna operacija opsade Vukovara, koju su izvele JNA i srpske snage, rezultirala gotovo potpunim uništenjem grada i da je završila prvim velikim masovnim zločinom u bivšoj Jugoslaviji - streljanjem oko 200 hrvatskih civila i zarobljenika na poljoprivrednom dobru Ovcara kod Vukovara.⁵⁶ Kako se navodi u presudi MKSJ u slučaju *Mrkšić i ostali*, nakon sporadičnog granatiranja Vukovara u periodu jun-avgust 1991. godine, u ranu jesen je JNA započela operaciju zauzimanja Osijeka, Vukovara i Vinkovaca, dok se grad Vukovar nalazio pod opsadom od 25. avgusta 1991. godine.⁵⁷ Grad je konačno zauzet u novembru 1991. godine, nakon čega je iz njega iseljeno hrvatsko stanovništvo a na poljoprivrednom dobru Ovcara kod Vukovara streljano oko 200 zarobljenika.⁵⁸

Žrtve se u udžbenicima istorije u Srbiji u vezi sa ratom u Hrvatskoj spominju sporadično i površno. Nema slaganja oko broja žrtava, ne ističe se njihova etnička pripadnost kada se govori o ratnim zločinima koje su počinili pripadnici srpskih snaga i kao žrtve se isključivo spominju pripadnici srpskog naroda. Ipak, nema preterivanja kada se govori o broju Srba koji je napustio Hrvatsku za vreme operacije „Oluja“. Podaci koji se navode svedeni su na broj od oko

49 *Ibid*, 134.

50 *Tužilac protiv Mileta Mrkšića, Veselina Šljivančanina i Miroslava Radića*, Presuda, IT-95-13/1-T, para.20

51 Ljušić i Dimić, 239.

52 *Ibid*.

53 Ljušić i Dimić, 239.

54 *Tužilac protiv Milana Martića*, Presuda, IT-95-11-T, para.138.

55 *Ibid*, 161-273.

56 Slučaj Mileta Mrkšića, Veselina Šljivančanina i Miroslava Radića. Postupak protiv Slavka Dokmanovića je obustavljen nakon njegove smrti u pritvorskoj jedinici MKSJ. U toku je suđenje Goranu Hadžiću za, između ostalog, zločine počinjenje u Vukovaru. Pred sudovima u Srbiji pravosnažno je osuđeno 15 osoba za zločine u Vukovaru.

57 *Tužilac protiv Mileta Mrkšića, Veselina Šljivančanina i Miroslava Radića*, Presuda, IT-95-13/1-T, para.33-37.

58 *Tužilac protiv Mileta Mrkšića, Veselina Šljivančanina i Miroslava Radića*, Presuda, IT-95-13/1-T. Prilog: Spisak lica ubijenih na Ovcari u večernjim časovima 20/21. novembra 1991. godine.

200.000⁵⁹ i odgovaraju činjenicama o broju između 180.000 i 200.000, kako je utvrđeno i pred MKSJ-om.⁶⁰

Nekoliko udžbenika spominje stradanja u Hrvatskoj, dok jedan posebno navodi podatak Ujedinjenih nacija da je u Hrvatskoj stradalo 17.469 osoba, ali bez preciziranja njihove etničke grupe ili statusa.⁶¹

Oružani sukob u Bosni i Hercegovini

Oružani sukob u Bosni i Hercegovini je najduži i najrazorniji oružani sukob u bivšoj Jugoslaviji. Trajao je od aprila 1992. do kraja 1995. godine, i u njemu je život izgubilo blizu 100.000 ljudi. Glavna karakteristika ovog konflikta jeste etnički sukob Bošnjaka, Hrvata i Srba, koji je doveo do ogromnog broja počinjenih zločina i involviranosti susjednih država, Srbije i Hrvatske u pomaganje i podršku Srbima, odnosno Hrvatima u BiH. Ono što je posebno zanimljivo jeste da je ovom konfliktu posvećeno daleko manje pažnje nego konfliktima u Hrvatskoj i na Kosovu, iako je u njemu, prema nezvaničnim podacima, život izgubilo najviše pripadnika srpskog naroda nego u ostalim sukobima - njih oko 25.000.⁶²

Uzroci i izbijanje rata

U udžbenicima u kojima se govori o početku oružanog sukoba u Bosni i Hercegovini, kao osnovni uzrok za izbijanje rata uzima se formiranje nezavisne Bosne i Hercegovine, odnosno njeno međunarodno priznanje od Evropske za-

jednice 6. aprila 1992. godine.⁶³ Jedan od udžbenika daje prilično opširan prikaz stanja u BiH neposredno pred izbijanje rata, navodeći da su parlamentom Bosne i Hercegovine pred sam rat dominirale Stranka demokratske akcije (SDA), Srpska demokratska stranka (SDS) i Hrvatska demokratska zajednica (HDZ), koje je povezivao „antikomunizam i želja da se okonča socijalistička vlast u zemlji“⁶⁴. Kako se navodi dalje, bez ulaženja u detalje, „ratna zbivanja i raspad Jugoslavije uslovi su da parlament Bosne i Hercegovine oktobra 1991. godine, na predlog predsednika Predsedništva Alije Izetbegovića, donese Akt o suverenosti Bosne i Hercegovine. Reagujući na taj dokument, hrvatski narod je novembra 1991. godine proglasio Hrvatsku zajednicu Herceg-Bosne. Reakcija srpskog naroda usledila je u januaru 1992. godine, proglašenjem Srpske Republike Bosne i Hercegovine, koja je kasnije nazvana Republika Srpska.“⁶⁵ Takođe, i drugi udžbenici navode da je proglašenje samostalnosti BiH doneo mimo volje srpskog naroda kao konstitutivnog.⁶⁶ Posebno se ističe uloga Alije Izetbegovića, za koga je navedeno da je autor teksta „Islamska deklaracija“ u kome je zagovarao pravni poredak zasnovan na šerijatskom pravu, i da je „aktivno radio na razbijanju jugoslovenske države i otcepljenju Bosne i Hercegovine“⁶⁷.

Međunarodni krivični tribunal za bivšu Jugoslaviju je oružanom sukobu u BiH posvetio daleko najviše pažnje – od broja osoba optuženih za zločine počinjene u BiH, do broja procesuiranih zločina u odnosu na ostale oružane sukobe. U jednoj od najvažnijih presuda, donetoj na suđenju bivšem predsedniku Skupštine Republike Srpske Momčilu Krajišniku, MKSJ je utvrđivao činjenice u vezi sa događajima koji su se odigrali neposredno pred izbijanje rata u Bosni i Hercegovini. Jedna od posebno važnih činjenica koju MKSJ

59 Pavlović i Bosnić, 145; Dujković i Dujković, 187.

60 *Tužilac protiv Ante Gotovine i drugih*, Presuda, IT-06-90-T, para.1712.

61 Vajagić i Stošić, 197.

62 Mirsad Tokača, *Bosanska knjiga mrtvih*, (Sarajevo, 2012), 116.

63 *Ibid*, 195; Ljušić i Dimić, 240; Radojević, 377.

64 Vajagić i Stošić, 195.

65 *Ibid*, 195.

66 Ljušić i Dimić, 240.

67 *Ibid*.

navodi u ovoj presudi, jeste sličan scenario koji se dešavao u Hrvatskoj, tj. organizovanje autonomnih oblasti u kojima su živeli većinom Srbi – tako je već u prvim mesecima 1991. godine „SDS [...] počeo da organizuje opštine u Bosni i Hercegovini sa srpskom većinom u zajednice opština, raskinuvši u nekim slučajevima veze s prijašnjim zajednicama opština“,⁶⁸ a jedan od ciljeva ove zajednice „bila je organizacija odbrane za vrijeme rata ili neposredne ratne opasnosti“⁶⁹. Kako se navodi u presudi Krajišniku, a ne spominje u udžbenicima u Srbiji: „Krajem avgusta 1991, rukovodstvo SDS-a počelo je da razmatra mogućnost stvaranja zasebne srpske teritorije u Bosni i Hercegovini kako bi Srbi imali mogućnost da ostanu u Jugoslaviji ako druge nacionalne zajednice krenu da stvaraju nezavisnu republiku. Taj plan je predviđao najprije osnivanje zasebnih srpskih političkih, policijskih i vojnih struktura, a kasnije stvaranje zasebnih državnih funkcija koje će biti zajedničke svim Srbima u Bosni i Hercegovini.“⁷⁰ U udžbenicima u Srbiji se takođe ne navodi da su kao reakcija na donetu deklaraciju o nezavisnosti BiH, poslanici SDS-a održali odvojenu sednicu i osnovali „Skupštinu srpskog naroda Bosne i Hercegovine (skupština bosanskih Srba)“, koja je usvojila rezoluciju da 'srpski narod u Bosni i Hercegovini ostaje u zajedničkoj državi Jugoslaviji, sa Srbijom, Crnom Gorom, SAO Krajinom, SAO Slavonija, Baranja i Zapadni Srem, te drugima koji se za taj ostanak izjasne', ukoliko to potvrdi plebiscit“.⁷¹ Reakcija HDZ je usledila u novembru 1991. godine, nakon reakcije SDS-a, stvaranjem Hrvatske zajednice Herceg Bosne.⁷² Proglašenje Republike srpskog naroda Bosne i Hercegovine navodi se i u presudama MKSJ, kao i u udžbenicima istorije, ali se nigde ne spominje da je ova politička zajednica nastavila sa naoružavanjem srpskog stanovništva uz podršku SDS-a⁷³, u prvim mesecima 1992.

godine. Pored toga, nigde se u udžbenicima ne navodi da je, krajem februara 1992. godine, skupština bosanskih Srba jednoglasno usvojila Ustav Srpske Republike Bosne i Hercegovine, koji je definisao republiku bosanskih Srba kao „dio savezne Jugoslavije, a ne Bosne i Hercegovine“.⁷⁴

Tok rata i ratni zločini

Najveći broj udžbenika poklanja malo pažnje samom toku oružanog sukoba, kao i ratnim zločinima koji su počinjeni u Bosni i Hercegovini. Oni udžbenici koji se bave ovim temama govore uopšteno o tome da je „u početku to bio rat Srba i Muslimana, da bi počev od 1993. izbio i žestok sukob između dotadašnjih saveznika, Hrvata i Muslimana“.⁷⁵ Pored toga, govori se i o preokretu 1994. godine kada je, na pritisak SAD, Hrvatska sklopila savez sa vladom u Sarajevu, što je omogućilo postepeno oduzimanje teritorija Bosne i Hercegovine koje su kontrolisali Srbi. Dalje se navodi da je Republika Srpska pretrpela „teške poraze i izgubila veliki deo teritorije, zbog čega je u oktobru 1995. godine bila prisiljena da započne pregovore o miru. Rezultat pregovora bilo je potpisivanje Dejtonskog mirovnog sporazuma“.⁷⁶ Ne predstavlja se sam povod izbijanja rata, ne govori se ništa detaljnije o većim vojnim operacijama zauzimanja teritorija, koje su u najvećem broju rezultirale masovnim progonom civilnog stanovništva i zločinima počinjenim nad njima. Nema spominjanja na koji način je tekao proces međunarodnog priznanja Bosne i Hercegovine, niti podatka da su pripadnici SDS-a već u martu podizali barikade po obodima Sarajeva i u samom gradu⁷⁷, te da je „Marš za mir“, započet u noći 5-6. aprila bio prekinut pučnjevima sa

68 *Tužilac protiv Momčila Krajišnika*, Presuda, IT-00-39-T, para.48.

69 *Ibid*, para.49.

70 *Ibid*, para.55.

71 *Ibid*, para.67-68.

72 *Tužilac protiv Jadranka Prlića i ostalih*, Presuda, IT-04-74-T, para.420-421.

73 *Tužilac protiv Momčila Krajišnika*, Presuda, IT-00-39-T, para.103.

74 *Ibid*, para.118.

75 Ljušić i Dimić, 240; Nikolić, 145; Vajagić i Stošić, 195; Radojević, 377.

76 Vajagić i Stošić, 197.

77 *Tužilac protiv Dragomira Miloševića*, Presuda, IT-98-29/1-T, para.20.

zgrade u kojoj su boravili predstavnici SDS-a, kao i da su u noći 6. aprila 1992. granatirani glavni tramvajski depo i Stari grad, a jedinice JNA zauzele kontrolu nad sarajevskim aerodromom⁷⁸, čime je zvanično započeo sukob u BiH. Nema ni spominjanja vazdušne NATO intervencije protiv srpskih snaga u leto 1995. godine, zbog granate ispaljene na sarajevsku pijacu Markale sa srpskih položaja⁷⁹, nakon čega srpska strana postepeno pristaje na mirovne pregovore, održane u novembru u Dejtonu, kojima je završen rat u Bosni i Hercegovini.

Iako je na teritoriji Bosne i Hercegovine počinjeno najviše ratnih zločina, o zločinima počinjenim u Bosni i Hercegovini se malo govori u udžbenicima u Srbiji. U dva udžbenika se govori da su procene Ujedinjenih nacija da su u BiH poginule 102.622 osobe⁸⁰, dok treći udžbenik navodi da se „ukupan broj nastradalih u Bosni i Hercegovini procenjuje [...] na oko 100.000, a u Hrvatskoj oko 20.000“⁸¹. U udžbeniku za osmi razred autora Radoša Ljušića i Ljubodraga Dimića, za rat u Bosni i Hercegovini se kaže da su „vojne operacije svih zaraćenih strana pratili [...] masovni zločini, među kojima se izdvaja zločin u Srebrenici“⁸². Kada se govori o zločinima, navode se uopštene kvalifikacije: da je „u sukobima stradao veliki broj civila, uništavana je imovina i vršeno je nasilno iseljavanje stanovništva (etničko čišćenje)“⁸³. U nekim od udžbenika se navode primeri etničkog čišćenja, ali bez spominjanja odgovornih za ove zločine ili etničke grupe žrtava – tako se u udžbeniku istorije autora Predraga Vajagića i Nenada Stošića za osmi razred osnovne

škole i u udžbeniku Mire Radojević za četvrti razred gimnazije navodi da su „najstrašniji primeri etničkog čišćenja zabeleženi [...] u zločinima nad civilnim stanovništvom u Pakracu, Gospiću, Ovčari kod Vukovara, Kravici, Skelanima, Bratuncu, Medačkom džepu, Ahmićima, Goraždu, Srebrenici i drugim mestima“⁸⁴. Takođe se u udžbeniku za gimnazije navodi da se „u domaćoj i međunarodnoj javnosti, kao i pred sudovima, još vode rasprave o karakteru počinjenih ubistava i nasilja, praćene neslaganjima oko pitanja da li pojedini mogu biti kvalifikovani kao ratni zločin“⁸⁵. Ipak, o kvalifikaciji jednog zločina se posebno raspravlja u udžbeniku za osmi razred autora Đorđa Đurića i Momčila Pavlovića, u kome se navodi da je „masakr u Srebrenici ratni zločin i zločin protiv čovečnosti koji je počinila vojska Republike Srpske uz pomoć paravojnih formacija, nad vojnicima i civilima Bošnjacima.“⁸⁶ Takođe, udžbenik navodi da su podaci o žrtvama sporni, jer „prema jednome, ubijeno je oko 8.000 ljudi, a prema drugima ti brojevi se ocenjuju kao preterivanje“⁸⁷. Autori dalje navode da su Ratko Mladić, bivši glavnokomandujući VRS-a koji je vodio operaciju zauzimanja Srebrenice, „i drugi srpski oficiri [...] u međuvremenu optuženi za ratne zločine, uključujući i genocid, pred Međunarodnim krivičnim sudom za bivšu Jugoslaviju“⁸⁸. Udžbenik takođe navodi da je nekoliko „oficira i vojnika vojske Republike Srpske osuđeno [...] za ovaj zločin u Hagu“⁸⁹. Pored toga, navodi se i da je Međunarodni sud pravde u Hagu 26. februara 2007. godine u presudi po tužbi Bosne i Hercegovine protiv SRJ „ovaj zločin okvalifikovao kao genocid, ali Srbiju nije povezao sa ovim događajem“⁹⁰.

78 *Ibid.*, para.22.

79 *Ibid.*, para.724.

80 Radojević, 379; Vajagić i Stošić, 197.

81 Đurić i Pavlović, 185.

82 Ljušić i Dimić, 240.

83 *Ibid.*

84 Radojević, 379; Vajagić i Stošić, 197.

85 Radojević, 379.

86 Đurić i Pavlović, 185.

87 *Ibid.*

88 *Ibid.*

89 *Ibid.*, 186.

90 *Ibid.*

Sa druge strane, MKSJ je doneo niz presuda u kojima je utvrdio činjenice o zločinima koji se navode u udžbenicima, kako o kontekstu u kome su ovi zločini počinjeni, tako i o odgovornima i žrtvama ovih zločina – od zločina u Ahmićima nad bošnjačkim stanovništvom, za koji je osudio nekoliko bosanskih Hrvata, do genocida u Srebrenici, za koji je osudio niz oficira VRS-a, itd.⁹¹ Pored toga, zločin u Srebrenici je od strane MKSJ još 2004. godine okvalifikovan kao genocid⁹², i ta je kvalifikacija potvrđena od strane MSP-a 2007. godine. Pored toga, MSP je u svojoj presudi u slučaju Bosne i Hercegovine protiv SRJ utvrdio odgovornost Srbije za kršenje Konvencije o sprečavanju i kažnjavanju zločina genocida.⁹³

Oružani sukob na Kosovu

Kriza na Kosovu, koja je započela još 1980-ih godina, rezultirala je oružanom pobunom kosovskih Albanaca i prerasla u oružani sukob početkom 1998. godine. Nakon niza neuspješnih međunarodnih diplomatskih inicijativa da se sukob okonča mirnim putem, NATO savez je započeo vojnu intervenciju protiv Savezne Republike Jugoslavije u martu 1999. godine. Oružani sukob na Kosovu je trajao do juna 1999. godine i potpisivanja Kumanovskog sporazuma između Jugoslavije i NATO-a. Oružani sukob na Kosovu pratili su brojni ratni zločini počinjeni protiv albanskog civilnog stanovništva, kao i kasnije represalije protiv lokalnog nealbanskog stanovništva, nakon povlačenja srpskih snaga.

Uzroci i izbijanje rata

Udžbenici u Srbiji najviše pažnje poklanjaju sukobu koji je izbio na Kosovu krajem 1990-ih godina, kao i NATO bombardovanju koje je usledilo nakon nekoliko neuspješnih pokušaja mirnog rešavanja sukoba između srpske vojske i policije i Oslobodilačke vojske Kosova. Međutim, i u ovom delu je primetno selektivno navođenje činjenica, izbegavanje spominjanja žrtava drugih etničkih grupa osim srpske, kao i prenebrgavanje činjenica koje su utvrđene pred MKSJ o odgovornosti najviših predstavnika Srbije tokom rata na Kosovu.

Kao dominantni uzrok rata na Kosovu navode se „provokacije terorističke Oslobodilačke vojske Kosova“, koje su pretočene „u oružane sukobe u koje se umešala i međunarodna zajednica“⁹⁴, sa ciljem da su „Albanci zahtevali izdvajanje iz Srbije“⁹⁵. Pripadnici OVK su neprestano napadali vojne i policijske snage, i tom prilikom imali „političku podršku Sjedinjenih Američkih Država i više članica Evropske unije“.⁹⁶ Kako se navodi, na pregovorima pod pokroviteljstvom međunarodne zajednice u Rambujeu u martu 1999. godine, Srbiji je „dat ultimatum sa zahtevom da prihvati sporazum kojim bi NATO savez zaposeo teritoriju Kosova i Metohije“, te je „odbijanje tog ultimatumu dovelo do početka vazdušnog napada članica NATO“.⁹⁷

Međunarodni krivični sud za bivšu Jugoslaviju je utvrđivao činjenice u vezi sa oružanim sukobom na Kosovu u slučaju nekoliko visokorangiranih pripadnika vojnih, policijskih i političkih struktura Srbije, kako o ratnim zločinima, tako

91 Videti npr. *Tužilac protiv Daria Kordića i Maria Čerkeza*, Presuda, IT-95-14/2-A; *Tužilac protiv Mileta Mrkšića, Veselina Šljivančanina i Miroslava Radića*, Presuda, IT-95-13/1-A; *Tužilac protiv Vujadina Popovića i dr.*, IT-05-88-A; *Tužilac protiv Momira Nikolića*, IT-02-60/1-S, itd.

92 *Tužilac protiv Radislava Krstića*, Presuda, IT-98-33-A.

93 *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, para.450.

94 Ljušić i Dimić, 240.

95 Vajagić i Stošić, 199.

96 Radojević, 383.

97 *Ibid.*

i o događajima koji su im prethodili, odnosno o uzrocima krize na Kosovu od početka 1990-ih godina.⁹⁸ MKSJ tako navodi da su „počev od otprilike 1989. godine, razlike između težnji većine stanovnika kosovskih Albanaca i plana državnih vlasti SRJ i Srbije stvorile napeto i nestabilno okruženje. Napori vlasti da uspostave čvršću kontrolu nad Pokrajinom i umanje uticaj kosovskih Albanaca na lokalnu upravu, javne službe i ekonomski život polarizovali su društvo. Štaviše, počeli su se sprovoditi zakoni, politika i praksa koji su bili diskriminatorni u odnosu na Albance, što je pothranjivalo ogorčenost lokalnih stanovnika i osećaj da su progonjeni.“⁹⁹ Sa druge strane, „strahovanja manjinskog nealbanskog stanovništva Kosova pojačana su državnim retorikom i postupcima kosovskih Albanaca koji su stvorili svoje 'paralelne' institucije. Ta strahovanja su se pojačala pojavom Oslobođilačke vojske Kosova 1996. godine i njenim akcijama“.¹⁰⁰ Pored toga, MKSJ je utvrdio da je tokom čitave 1998. godine na Kosovu postojao oružani sukob između srpskih snaga i OVK, i da je u tim operacijama „dolazilo do prekomerne i neselektivne primene sile, o čemu svedoči hotimično nanošenje štete kućama i njihovo uništavanje, kao i ubijanje žena i dece“.¹⁰¹

Tok rata i ratni zločini

Gotovo svi udžbenici u Srbiji se u vezi sa oružanim sukobom na Kosovu bave isključivo periodom rata od marta do juna 1999. godine, kao i posledicama po ne-albansko stanovništvo na Kosovu nakon povlačenja srpskih snaga u

junu 1999. godine. Kada se spominju žrtve i ratni zločini, govori se isključivo o stradanju Srba na Kosovu, kao i o stradanju srpskih građana tokom NATO bombardovanja. O NATO bombardovanju se govori kao o agresiji.¹⁰² Kako se navodi, NATO je na SRJ „bacio više od 23.000 bombi i raketa. Tokom bombardovanja, pogodeno je 7.643 kuće, oko 300 škola, 53 bolnice i 50 crkava ili spomenika.“¹⁰³ Navodi se i da je „u vojnim akcijama korišćeno ratnim zakonima zabranjeno oružje (kasetne bombe i bojeva sredstva sa osiromašenim uranijumom)“.¹⁰⁴ Što se tiče broja žrtava, navodi se da je stradalo 462 vojnika i policajaca, kao i između „1.200 i 2.500 civila, među kojima i 88 dece“¹⁰⁵. Broj ranjenih se obično navodi kao „više hiljada“, osim u udžbeniku autora Đorda Đurića i Momčila Pavlovića, gde se navodi podatak da je „povređeno oko 5.000 ljudi“¹⁰⁶. Sa druge strane, nema niti jednog navoda o stradanju albanskih civila, kako pre NATO bombardovanja, tako ni tokom njega. Sa druge strane, MKSJ je u presudama nekolicini osuđenih pripadnika srpskog političkog, vojnog i policijskog vrha, precizno utvrđivao činjenice o ratnim zločinima počinjenim od strane pripadnika srpskih snaga na Kosovu u periodu od 1998-1999. godine. U slučaju *Šainović i ostali*, MKSJ je utvrdio činjenice o zločinima u opštinama Peć, Dečani, Đakovica, Prizren, Orahovac, Suva Reka, Srbica, Kosovska Mitrovica, Vučitrn, Priština, Gnjilane, Uroševac, Kačanik¹⁰⁷, u kojima je stradalo više hiljada albanskih civila, ali i o skrivanju tela kosovskih Albanaca i njihovom sahranjivanju na tajne lokacije u Srbiji¹⁰⁸. Sa druge strane, MKSJ se nije bavio utvrđivanjem činjenica o bombardovanju civilnih ciljeva u toku NATO bombardovanja, ali je saslušao dokaze koji sugerišu da su tokom vazdušne NATO kampanje

98 *Tužilac protiv Nikole Šainovića i dr*, Presuda, IT-05-87-T.

99 *Ibid*, para.237.

100 *Ibid*.

101 *Ibid*, para.920.

102 Ljušić i Dimić, 240; Vajagić i Stošić, 199; Radojević, 383; Đurić i Pavlović, 187; Nikolić, 229.

103 Đurić i Pavlović, 187.

104 Ljušić i Dimić, 187.

105 Radojević, 383.

106 Đurić i Pavlović, 187.

107 *Tužilac protiv Nikole Šainovića i dr*, Presuda, IT-05-87-T, VII.

108 *Tužilac protiv Vlastimira Đorđevića*, Presuda, IT-05-87/1-T.

pogađane zgrade i objekti koji su činili deo srpske civilne infrastrukture, uključujući bombardovanje kineske ambasade u Beogradu 7. maja 1999. godine, civilnog putničkog voza u Grdeličkoj klisuri u istočnoj Srbiji 12. aprila 1999. godine, civilnog konvoja kod Đakovice 14. aprila 1999. godine, sela Koriša (opština Đakovica) 14. maja 1999. godine i autobusa koji je išao od Niša ka Prištini, nadomak sela Lužane (opština Podujevo) 1. maja 1999. godine. S obzirom na to, MKSJ nije utvrđivao ni činjenice o žrtvama koje su stradale u ovim incidentima.

Ilustracije rata

Na kraju, izbor fotografija koje prate tekstove u udžbenicima zahteva posebnu pažnju i govori sam za sebe. Kao što se iz tekstova udžbenika može iščitati predstava o srpskom narodu kao najvećoj/jedinoj žrtvi tokom ratnih sukoba, isti taj koncept se još više može uočiti kada se analizira odabir fotografija. Praktično u svakom udžbeniku se nalaze fotografije bombardovanja SRJ ili prizora objekata uništenih bombardovanjem (srušeni most u Novom Sadu, ostaci voza pogođenog bombama u Grdeličkoj klisuri, molitva za prestanak bombardovanja u Hramu Sv. Save, itd). Takođe, svaki udžbenik sadrži i fotografiju koja prikazuje kolonu izbeglica, ali su u pitanju isključivo srpske izbeglice iz Hrvatske ili sa Kosova. To su jedine fotografije koje referišu o ratnim sukobima tokom raspada Jugoslavije. Fotografija kolone izbeglica iz Hrvatske posle akcije „Oluja“ čak zauzima centralno mesto na korica-ma udžbenika za gimnazije i srednje stručne škole. Stradanja drugih nisu ilustrovana niti jednom fotografijom.

Zaključak

Na osnovu analize sadržaja u udžbenicima istorije koji se koriste u Srbiji, možemo zaključiti da se u njima na više načina ogleda pristrasnost u pristupu temama vezanim za raspad SFR Jugoslavije i oružane sukobe 1990-ih. Odgovor-

nost za nasilni raspad Jugoslavije se isključivo ili neproporcionalno pripisuje „drugome“, odnosno sukobljenoj strani. To se pre svega ogleda u selektivnom prikazivanju podataka, šturoj ili polovičnoj interpretaciji činjenica i zaobilaženju pripisivanja odgovornosti pripadnicima srpskog naroda, dok se taj problem ne identifikuje kada se govori o zločinima počinjenim protiv pripadnika srpskog naroda. Iako većina udžbenika spominje stradanja i ratne zločine, ti zločini su opisani šturo, bez navođenja konkretnih podataka, nasuprot detaljnom opisu zločina za koje je odgovorna suprotna strana. Udžbenici neretko pripisuju drugoj strani odgovornost za „etničko čišćenje“ i druge vrste zločina, a prećutkuju da je i sopstvena strana činila takve zločine. Kada se autori i usude da nešto više kažu o posledicama ratova u bivšoj Jugoslaviji i počinjenim ratnim zločinima, pristrasno interpretiranje podataka još je vidljivije. Neravnoteža u prikazivanju podataka o stradanjima stanovništva u odnosu na njihovu etničku pripadnost najbolje se vidi kada autori navode bročane podatke o stradanjima srpskog naroda, izbegavajući da spomenu broj žrtava drugih etničkih grupa, i prikazujući samo ukupne procene ljudskih gubitaka, kojima su obuhvaćeni pripadnici svih etničkih grupa zaraćenih strana. Ovakvo ignorisanje činjenica o ljudskim gubicima svih zaraćenih strana tokom ratova u bivšoj Jugoslaviji u udžbenicima istorije ne može ni na koji način doprineti kritičkom sagledavanju procesa raspada Jugoslavije i konstituisanja država koje su nekada bile u njenom sastavu od strane mladih generacija u Srbiji. Naprotiv, ovakvim pristupom u interpretaciji bliske i traumatične prošlosti omogućavaju se interpretacija prošlosti zarad političkih ciljeva, vaspitanje novih generacija na priči o ekskluzivnoj viktimizaciji i usvajanju tradicije o „naciji-žrtvi“, te integrisanje diskursa traume u njihovo sagledavanje prošlosti. Na taj način, značajno se smanjuje prostor za učestvovanje novih generacija u procesu uspostavljanja poverenja sa susedima, a oni ostaju pogodna grupa za mobilizaciju unutar nacionalističkog diskursa i trajni neprijatelji procesa pomirenja, baziranog na utvrđenim činjenicama o prošlosti i priznanju odgovornosti za patnje nanete žrtvama.

Prikazivanje ljudi u udžbenicima istorije

Peter Gautschi

Udžbenik istorije pod nazivom “Posmatranje i ispitivanje” (“Hinschauen und Nachfragen”)¹⁰⁹, u kojem je obrađena istorija Švajcarske tokom Drugog svetskog rata, objavljen je 2006. godine, pa je već iste godine bio povod za javne diskusije. Ovih par naslova iz švajcarske štampe koji su objavljeni u to vreme daju nam letimičan pregled uzbuđenja koje je kreirano u medijima:

- “Skandal” se širi našim školama
- Udžbenik koji podstiče kontroverze
- Knjiga koja nas tera na razmišljanje
- Novi udžbenik je obrazovno minsko polje
- Udžbenik: Novo političko bojno polje
- Novi udžbenik je uzdrmao naše kolektivno pamćenje¹¹⁰

Jedan od razloga zašto je ova publikacija privukla toliku pažnju leži u samoj temi “Švajcarska i Drugi svetski rat”, jer su postupci Švajcarske u ovom sukobu različito cenjeni. S druge strane, ova publikacija je takođe pobudila pažnju zbog uvođenja novog didaktičkog koncepta. Po prvi put nakon dugog vremenskog perioda, u centru pažnje švajcarskog udžbenika istorije su opet ljudi, i to sa namerom da se pokaže da su ljudi imali – i još uvek imaju – slobodu izbora kako će se ponašati u različitim situacijama, uključujući i one teške.¹¹¹

U poslednjih nekoliko godina, prikazivanje ljudi u udžbenicima istorije opet izaziva debate. U ovom radu biće govora o individualnom aspektu ovih debata, te će biti predstavljene specijalno odabrane ličnosti, koje su bile obrađene u tri udžbenika istorije u kojima sam ja jedan od autora.

U prvom poglavlju istražujem zbog čega predstavljanje

109 Bonhage, Barbara; Gautschi, Peter; Hodel, Jan; Spuhler, Gregor: Hinschauen und Nachfragen. Die Schweiz und die Zeit des Nationalsozialismus im Licht aktueller Fragen. Zürich: Lehrmittelverlag des Kantons Zürich, 2006. (Posmatranje i ispitivanje: Švajcarska i razdoblje nacional-socijalizma u svetlu aktuelnih pitanja).

110 Takođe pogledati: Gautschi, Peter; Hodel, Jan: Hinschauen und Nachfragen. Die Schweiz und die Zeit des Nationalsozialismus im Licht aktueller Fragen. Informationen und didaktische Hinweise. www.hinschauenundnachfragen.ch (stranica poslednji put posećena 20. juna 2015). (Posmatranje i ispitivanje: Švajcarska i razdoblje nacional-socijalizma u svetlu aktuelnih pitanja. Informacije i didaktički materijal).

111 Videti npr. Gautschi, Peter: Geschichtslehrmittel als eigenwilliger Beitrag zur Geschichtskultur. In: Vadim Oswald, Hans-Jürgen Pandel (dir.), Geschichtskultur. Die Anwesenheit von Vergangenheit in der Gegenwart, Schwalbach/Ts., Wochenschau Verlag, 2009. str. 34-46. (Istorijska kultura. Prisutnost prošlosti u sadašnjosti).

ličnosti u udžbenicima istorije ponovo dobija na značaju. U drugom poglavlju ću izložiti od kolikog je značaja prenošenje kontroverzne prošlosti – u slučaju Švajcarske radi se o delu njene prošlosti tokom Drugog svetskog rata – u kontekstu pojedinih ljudi. Stoga ću predstaviti Gertrudu Kurc (Gertrud Kurz), u Švajcarskoj dobro poznatu kao „majka izbeglica“ („Flüchtlingsmutter“), kao jednu od osoba koja se pojavljuje u udžbeniku istorije „Posmatranje i ispitivanje“¹¹². U trećem poglavlju ću insistirati da se mladim ljudima omogući da predstave ličnosti iz prošlosti na svoj način. U ovom kontekstu biće predstavljen Anri Dinan (Henry Dunant), inicijator osnivanja Crvenog krsta, iz udžbenika istorije „Zaboravljanje ili pamćenje“ („Vergessen oder Erinnern“)¹¹³. U četvrtom poglavlju naglašava se da je prikazivanje ljudi u udžbenicima istorije važno, ali ono što je još važnije je formulisanje zadataka na način koji će podstaknuti mlade ljude da uče sa razumevanjem i interesom za istoriju, ili da uče „istorijski“.

1. Ljudima su interesantni ljudi

„Ljudsko delovanje u neprekidnom procesu društvene prakse“ se već dugo smatra osnovnom kategorijom u podučavanju istorije. Ulrich Majer (Ulrich Mayer), na primer, navodi sledeće: „Ljudi koji deluju u okviru strukturalnih odnosa u svom vremenu su centralna tema istorije.“¹¹⁴ Manfred Špicer (Manfred Spitzer) kaže sledeće: „Ono što pokreće ljude nisu istorijske činjenice i datumi nego emocije, priče i, pre svega, drugi ljudi.“¹¹⁵

To što su u podučavanju švajcarske istorije ljudi sa licima i imenima, u svojim životnim sredinama i sa svojim postupcima i patnjama bili jedva zastupljeni u udžbenicima istorije, ima velike veze sa lošim iskustvima iz prošlosti kada se istorija prenosila na način prilagođen pojedincima.

Prečesto su predstavljani vladari i politički lideri koji su bili u stanju postići to što jesu zahvaljujući podršci ogromnog broja nepoznatih pomagača, a ponekad su svoja dostignuća ostvarili preko leđa velike neimenovane radne snage. Ovakav prikaz je doveo do toga da su mnogi učenici neadekvatno shvatili istoriju jer, po toj logici, istorija ističe pojedince koji su sasvim sami uspeali da odrede tok istorije dok se većina ljudi predstavlja kao anonimna, pasivna i nemoćna masa. U svojoj najpoznatijoj poemi „Pitanja radnika koji čita“ Bertold Breht (Bertold Brecht) kritikuje ovo veličanje muškaraca kroz istoriju¹¹⁶:

„Mladi Aleksandar osvojio je Indiju.

Zar on sâm?

Cezar je potukao Gale.

Nije li uz njega bio bar njegov kuvar?

Filip Španski plak'o je gorko

Kad mu je potopljeno brodovlje.

Nije li plak'o još kogod?“

U današnje vreme, poeta prikazivanja ljudi u udžbenicima

112 Pogledati fusnotu 109.

113 Gautschi, Peter; Meyer, Helmut: Vergessen oder Erinnern? - Völkermord in Geschichte und Gegenwart. Zürich: Lehrmittelverlag des Kantons Zürich, 2001. (Zaboraviti ili zapamtiti? – Genocid u prošlosti i sadašnjosti).

114 Mayer, Ulrich (2005): Qualitätsmerkmale historischer Bildung. Geschichtsdidaktische Kategorien als Kriterien zur Bestimmung und Sicherung der fachdidaktischen Qualität des historischen Lernens. In: Hansmann, Wilfried/Hoyer, Timo (Hrsg.): Zeitgeschichte und historische Bildung. Festschrift für Dietfried Krause-Vilmar. Kassel: Jenior. str. 223–243. (Savremena istorija i nastava istorije. Zbirka u čast Dietfried Krause-Vilmara).

115 Manfred Spitzer, Lernen. Gehirnforschung und die Schule des Lebens, Heidelberg/Berlin, Spektrum Akademischer Verlag, 2002. str. 160. (Istraživanje mozga i škola života).

116 Brecht, Bertold: Fragen eines lesenden Arbeiters, in: Gesammelte Werke in 20 Bänden, Schriften zur Politik und Gesellschaft, Bd. 9, Frankfurt a.M. 1967. (Pitanja radnika koji čita).

istorije nije u tome da se nanovo promovišu heroji i veličaju slavne ličnosti, nego je cilj da se ti ljudi prikažu u okviru svojih dela, kao i da se predstave na način koji ih stavlja u kontekst njihovog društva.¹¹⁷ Hajnrih Pestaloci (Heinrich Pestalozzi), poznati švajcarski pedagog, već je u 18. veku razmatrao ovaj odnos između pojedinca i društva i izrazio svoje misli na sledeći način:

Video sam da okolnosti stvaraju čoveka, ali sam takođe video da čovek stvara okolnosti; čovek poseduje moć u sebi kojom kontroliše okolnosti na razne načine u skladu sa svojom voljom. Postupajući ovako, on preuzima uticaj na svoje vlastito obrazovanje i na način na koji okolnosti utiču na njega.¹¹⁸

Od ključnog je značaja, naravno, da se upoznamo sa pozitivnim uzorima u našim školama i društvu. Ali baš kao što je ključna istorija ovih pojedinaca, isto tako su veoma bitne i okolnosti u kojima su ti pojedinci živeli, koje su oblikovali i koje su zauzvrat i njih obeležile. Deo istorije ovih ljudi je i istorija njihovih društava. Ko god razmišlja o ovoj interakciji, i ko god postavi pitanje koji su to razlozi da ova ili ona ličnost postupi na ovaj, a ne na neki drugi način, često je primoran da razmišlja, a ponekad je i disponiran i dovodi u pitanje stvari koje su pitanje toka događaja, kako u sadašnjosti, tako i u prošlosti. Ovo podstiče način suočavanja sa prošlašću i sadašnjošću gde pojedinac u stvari razmišlja o stvarima, svesno delujući kao pojedinac u društvu. Postizanje ovakvog načina razmišljanja jedan je od najvažnijih ciljeva obrazovnog sistema.¹¹⁹

Međutim, ko god da promišlja o interakciji između čoveka i društva može primetiti da su ljudi u prošlosti imali alternative i mogućnost izbora prilikom donošenja odluka u mnogim situacijama. A ako je to bio slučaj u odnosu na druge ljude u prošlosti, onda je, u principu, to moguće primeniti

i na sebe u sadašnjosti. Ovaj uvid u veliku količinu mogućih opcija za oblikovanje sopstvenog života i društva ohrabruje i pruža pouzdanje, a to na kraju dovodi svaku osobu do toga da "preuzme kontrolu nad sopstvenim obrazovanjem", baš kao što je Pestaloci tako jasno izrazio.

2. Udžbenik istorije "Posmatranje i ispitivanje" sa Gertrudom Kurc

Udžbenik "Posmatranje i ispitivanje – Švajcarska i vreme nacionalsocijalizma u svetlu aktuelnih pitanja"¹²⁰ oslanja se na nova otkrića do kojih je došla Nezavisna ekspertska komisija u vezi sa kontroverznom istorijom Švajcarske tokom perioda nacionalsocijalizma. Komisija je osnovana odlukom švajcarskog parlamenta 1996. godine i imala je značajan budžet u iznosu od 25 miliona švajcarskih franaka.¹²¹

Komisija je dobila mandat da sprovede istorijske i pravne istrage o pojedinim delovima švajcarske problematične istorije tokom Drugog svetskog rata. Posebno su se morali ispitati trgovina zlatom i promet stranih valuta koje su obavljale švajcarske banke, kao i odnos između švajcarskih industrijskih i trgovačkih kompanija i ekonomije nacionalsocijalizma. Još jedan ključni problem, koji se našao pod lupom, bila je švajcarska politika u vezi sa izbeglicama. Komisija se sastojala od međunarodnih eksperata i bila je nezavisna. Nalazi ove komisije su objavljeni u 26 tomova.

Međutim, iako je rad ove istorijske Komisije nakratko privukao veliku pažnju medija, u isto vreme jedva da je bio primećen u školama. Pored toga, različiti ljudi odgovorni za školsko obrazovanje primetili su da ključni aspekti o istoriji Švajcarske tokom Drugog svetskog rata još uvek nisu postali aktuelni. Često je nedostajalo prikaza i opisa švajcarske fi-

117 Bergmann, Klaus: Personalisierung, Personifizierung, in: Bergmann, Klaus / Fröhlich, Klaus / Kuhn, Annette (Hg.): Handbuch der Geschichtsdidaktik, 5., überarbeitete Auflage, Seelze-Velber 1997. str. 298-300. (Priručnik za didaktiku istorije).

118 Johann Heinrich Pestalozzi, Mes recherches sur la marche de la nature dans l'évolution du genre humain (1797), Présentation, traduction et commentaire par Michel Soënard, Lausanne, Editions Payot, 1994. str. 87. (Moje istraživanje o toku prirode u razvoju ljudske rase).

119 Videti npr. Peter Gautschi, Guter Geschichtsunterricht. Grundlagen, Erkenntnisse, Hinweise, Schwalbach/Ts., Wochenschau Verlag, 2009. (Dobra lekcija iz istorije. Osnove, zaključci, saveti).

120 Fusnota 109.

121 Za više informacija pogledati www.uek.ch (stranica poslednji put posećena 20. juna 2015).

nansijske politike ili švajcarskog odnosa sa Trećim rajhom. To je dovelo do želje u politici i nauci da se radi sa novim saznanjima do kojih je došla ova Komisija, za potrebe školskog obrazovanja i šire javnosti. Izdavač nastavnih materijala za Kanton Ciri, Lehrmittelverlag des Kantons Zürich je stoga pozitivno reagovao na našu ideju o kreiranju novog udžbenika istorije na temu "Švajcarska i vreme nacionalsocijalizma". Novi udžbenik nije bio koncipiran da bude obavezan udžbenik iz istorije, već se smatrao dopunskim nastavnim materijalom. Udžbenik je, takođe, bio namenjen osobama zainteresovanim za istoriju i za ovu temu od značaja za Švajcarsku, koje su želele da joj se posvete van školskog okruženja.

Ne samo da je sama istorija podstakla mnoge rasprave i debate, nego je i didaktički koncept privukao pažnju. S jedne strane, po prvi put je na obrazovnom polju nemačkog govornog područja udžbenik istorije razvijen strogo na bazi modela kompetencije.¹²² S druge strane, mi autori smo izabrali da prikazemo pojedince koji deluju u svom društvu jer smo bili ubeđeni da, baš kao i kontroverzna prošlost, tako i biografije različitih pojedinaca pružaju najbolji uvid u pitanja koja su aktuelna za mnoge čitaoce. Prvo poglavlje u udžbeniku "Ljudi u Švajcarskoj u vreme Drugog svetskog rata" stoga prikazuje život i rad različitih ljudi.

Ispostavilo se da je za naše autore veliki izazov bio odabrati ljude koje je trebalo istaknuti u ovom poglavlju. Pomoću tzv. delfi metode (proces tokom kojeg smo ispitali istoričare, političare, novinare i nastavnike nekoliko puta, a zatim iskoristili odgovore koje smo dobili od različitih grupa u sledećem krugu ispitivanja¹²³), identifikovali smo 11 polja u kojima smo prikazali dve osobe koje su postupale na potpuno različite načine u isto vreme i na istom mestu. Na primer, odlučili smo da predstavimo Alfreda Zandera (Alfred Zahnder), zanesenog Hitlerovog sledbenika i člana SS odreda, i Morisa Bavoa (Maurice Bavaud), koji je pokušao da ubije Hitlera nakon čega je osuđen na smrtnu kaznu i kasnije pogubljen.

Kao primer pozitivnog uzora odabrali smo Gertrudu Kurc u delu "Postupanje sa izbeglicama." Gertruda Kurc je rođena u Lucenbergu (Lutzenberg, Kanton Appenzell Ausserrhoden). Udala se 1912. za naučnika prirodnih nauka Alberta Kurca i preselila u Bern. U godinama koje su usledile u potpunosti se posvetila svojoj porodici. 1930. godine upoznaje se sa verskim mirovnim pokretom pod imenom "Krstasi" i postaje njihov aktivni član. Ovaj pokret je osnovan posle Prvog svetskog rata sa ciljem pomirenja naroda Evrope. U spašavanje izbeglica se uključila 1938. nakon događaja vezanih za tzv. Kristalnu noć. U Bernu se brinula za izbeglice bilo kojeg verskog opredeljenja, uverenja i političkih ubeđenja. Smatrala je da joj je dužnost da pruži podršku ljudima u njihovim najtežim trenucima. Kada je izbio rat, situacija se pogoršala za izbeglice. Gertruda Kurc se brinula za novopridošle izbeglice i opremala one koji su nastavljali svoj put. Novca je uvek nedostajalo; stoga je rad tamo zahtevao veliki talenat za improvizaciju. Gertruda Kurc je imala podršku od strane mnogih dobrovoljaca. Zbog svog neumornog zalaganja ubrzo je dobila nadimak „majka izbeglica“ („Flüchtlingsmutter“). Jedan od njenih najtežih zadataka su bile intervencije kod organa vlasti, posebno kod Imigracione policije. Hrabro i dovtljivo je apelovala na humanost službenika i tako spasila mnoge živote. U avgustu 1942. posetila je Saveznog savetnika Štajgera (Steiger) u odmaralištu u kojem je boravio, kako bi ga nagovorila da popusti oko zatvaranja granica. Uspela je da postigne odobravanje izuzetaka u slučajevima ljudi sa posebnim poteškoćama. Gertruda Kurc je želela da pomogne izbeglicama uz što manje birokratije, a da istovremeno ne prekrši smernice postavljene od strane vlasti. Uprkos izuzetno restriktivnoj politici prema izbeglicama, nije dovela politički sistem u pitanje i pokazala je jako puno razumevanja prema vlastima. Na taj način prihvatile su je različite strane.

Nakon rata, njena organizacija za pomoć izbeglicama je promenila ime u Hrišćanska mirovna služba. Zbog njenih zasluga, Savezno veće Švajcarske ju je predložilo za Nobelovu nagradu za mir 1962. godine.¹²⁴

122 Gautschi, Peter: Anforderungen an heutige und künftige Schulgeschichtsbücher. In: Beiträge zur Lehrerbildung. Heft 1/2010. str. 125-137. (Zahtevi za sadašnje i buduće udžbenike istorije).

123 Videti <http://www.horx.com/zukunftsforschung/Docs/02-M-09-Delphi-Methode.pdf> (stranica poslednji put posećena 20. juna 2015); videti takođe Michael Häder (Ed.), Delphi-Befragungen. Ein Arbeitsbuch, Wiesbaden, Westdeutscher Verlag, 2002. (Delfi intervju - Radna sveska.)

124 Za više informacija videti <http://www.hls-dhs-dss.ch/textes/d/D9345.php> (stranica poslednji put posećena 20. juna 2015. godine).

3. Udžbenik istorije “Zaboravljanje ili pamćenje” sa Anri Dinanom (Henry Dunant)

Cilj predstavljanja pojedinaca u udžbenicima istorije svako jeste da se učenici upoznaju sa tim ličnostima i, za one koji hoće nešto da nauče, da razumeju kako ljudi imaju slobodu da deluju čak i u najtežim situacijama i da mogu da se bore za toleranciju, čovečnost i poštovanje. Obrazovanje iz oblasti istorije, takođe, ugrađuje znanje, veštine i stavove koji život u demokratskim društvima čine mogućim.

U poslednje vreme se kombinacija ovih ciljnih područja svodi pod jedan izraz, a to je „stručnost“. Stručnost bi trebalo da omogući učenicima da savladaju izazove u školi i društvu. Zbog toga se u nemačkom delu Švajcarske trenutno razvija novi plan i program. U postojećem planu za prve razrede srednje škole, predviđeno je da se razviju četiri sposobnosti. Učenici bi trebalo da budu sposobni da:

- razumeju Švajcarsku i njenu tradiciju i tokom promene
- izlažu o svetskim istorijskim kontinuitetima i prevratima
- analiziraju i koriste istorijsku kulturu
- razumeju i da budu posvećeni demokratiji i ljudskim pravima.¹²⁵

U oblasti “Istorija Švajcarske” od učenika se očekuje da budu sposobni da predstave razne švajcarske ličnosti koje su dale značajan doprinos razvoju modela zajedničkog života, kako u Švajcarskoj, tako i u svetu. Kao primer biće predstavljen Anri Dinan, zajedno sa ranije pomenutom Gertrudom Kurc.

Fotografija Anrija Dinana se može naći u udžbeniku iz istorije “Zaboravljanje ili pamćenje”¹²⁶, koji se bavi temom genocida. Često kada se govori o zločinima i genocidu, u fokus se stavljaju počinioci i žrtve. Ali, u toku istorije i u kontekstu svih zločina i genocida, postojalo je dosta ljudi koji su

svoje živote posvetili mirnoj koegzistenciji među narodima, ljudi koji su se borili protiv nepravde i koji su spasili mnoge živote. Neki od njih su dobili i Nobelovu nagradu za mir. Udžbenik “Zaboravljanje ili pamćenje” poziva učenike da za domaći zadatak pripreme prikaz jednog od dobitnika Nobelove nagrade za mir.

Anri Dinan je ličnost koju učenici stalno opisuju. Rođen je 1828. godine i kasnije je radio kao trgovac u Ženevi. 1859. godine, kada je putovao zajedno sa Napoleonom III na poslovne pregovore, prolazio je kroz gradić koji se zove Solferino i na taj način je postao slučajni svedok pokolja u bici kod Solferina, koja je odnela preko 10.000 žrtava i ostavila na hiljade ranjenika. Onako u šoku, on je organizovao dobrovoljce među stanovništvom koji su negovali i brinuli za ranjene na najbolji mogući način, čak i bez obzira na stranu kojoj su pripadali.¹²⁷

Tri godine kasnije, Anri Dinan je objavio knjigu pod nazivom „Sećanje na Solferino“ (“Un souvenir à Solferino”). U ovoj knjizi je pozvao na usvajanje međunarodnog sporazuma za zaštitu svih žrtava rata, bez obzira kojoj zaraćenoj strani pripadale. Objavljivanje knjige je dovelo do osnivanja institucije u Ženevi 1863. godine, koja je 1876. godine nazvana Međunarodni komitet Crvenog krsta (MKCK). Tokom 20. veka, MKCK se razvio u Međunarodni pokret Crvenog krsta i Crvenog polumeseca, za koji danas aktivno radi 97.000.000 članova, od kojih 300.000 radi puno radno vreme. Na Bečkoj konferenciji 1965. godine usvojeno je sedam načela Međunarodnog Crvenog krsta i Crvenog polumeseca: humanost, nepristrasnost, neutralnost, nezavisnost, dobrovoljnost, jedinstvo i univerzalnost.

Sâm Anri Dinan je pao u siromaštvo nakon što je bankrotirao i lutao je širom Evrope tokom naredne godine, sve dok se nije skrasio u Hajdenu u Apencelu. Tamo ga je otkrio jedan novinar, koji je privukao pažnju javnosti na njega. 1901. godine je dobio Nobelovu nagradu za mir za svoj doprinos.

125 Za više informacija videti: www.lehrplan.ch (poslednji put stranica posećena 20. juna 2015. godine).

126 Isto kao fusnota br. 113.

127 Up. <http://www.redcross.ch/org/portrait/hist/e01d01-fr.php?> (stranica poslednji put posećena 20. juna 2015. godine); takođe videti Thomas Maissen, *Geschichte der Schweiz, Baden, hier + jetzt*, 2010. P. 210.

U Švajcarskoj je Anri Dinan postao pozitivni uzor za kojeg je trebalo da zna omladina. Njegov život i delo su bili teme izložbi u raznim muzejima, a po prirodi stvari i Muzeja Međunarodnog Crvenog krsta i Crvenog polumeseca u Ženevi, ali takođe i intrigantnog Bourbaki muzeja u Lucernu. Jedan od centralnih eksponata u ovom muzeju bila je jedna od retkih još uvek očuvanih ciklorama slika. Dugačka je 112 metara i visoka 10 metara i na njoj se nalazi oslikana francuska Istočna vojska kako beži pred nemačkim snagama pred kraj Nemačko-francuskog rata 1870-1871. godine i prelazi granicu kako bi se sklonila na bezbedno, u Švajcarsku. Gledajući sliku može se steći utisak o tome koliki je deo Istočne vojske, koja je brojala oko 90.000 vojnika, bio razoružan na Verniju i koji su negovali Crveni krst i građani. Ogromna ciklorama predstavlja atrakciju još iz perioda pre bioskopa. Čak i danas za gledaoce predstavlja vrstu optužbe protiv rata i svedočanstvo o prvim humanitarnim akcijama Crvenog krsta.¹²⁸

4. Udžbenik istorije „Mnogo načina – jedan svet“ sa zadacima za učenje o različitim predstavljanju ličnosti

Za razliku od dva ranije pomenuta udžbenika istorije „Posmatranje i ispitivanje“ i „Zaboravljanje ili pamćenje?“, koji ističu i detaljno obrađuju specifičnu temu, te se kao takvi koriste kao dopunski obrazovni materijal u školama, udžbenik istorije „Mnogo načina – jedan svet“¹²⁹ predstavlja kombinaciju tekstualnih lekcija i radne sveske, koji služi kao uvod u istoriju 20. veka za učenike 9. razreda i njihovih nastavnika. Shodno tome, u ovom udžbeniku su predstavljene i razne ličnosti, kao i različiti zadaci koji se na ove ličnosti odnose. Zadaci su kreirani na način da pomognu učenicima da razmišljaju u istorijskom kontekstu i da im pomognu da steknu znanje, veštine i stavove.

Zadaci koji se nalaze u udžbenicima istorije mogu se razlikovati u zavisnosti od raznih kriterijuma, na primer u skladu sa obrazovnim aktivnostima koje su vezane za određenu temu, a koje se raspoređuju učenicima slučajnim odabirom. Prema tome, pre svega su tu zadaci čiji je cilj podizanje svesti o različitim vremenskim periodima; drugo, da se istraže primarni istorijski izvori i tumače narativni izvori; treće, tumačenje istorije; četvrto, da se pojedinac orijentiše u odnosu na vreme i kako se ono doživljava; i peto, da se izgradi i preispita znanje. Kao i u većini drugih udžbenika iz istorije koji su napisani na nemačkom jeziku, u udžbeniku „Mnogo načina – jedan svet“ česti su razvojni zadaci, naime pokrivaju oko 50% vremena.

Zadaci iz udžbenika istorije se mogu razlikovati i na osnovu materijala. Prema toj podeli razlikuju se: prvo, zadaci koji se odnose na različite primarne izvore i interpretativne narativne izvore; drugo, oni koji se odnose na jedan primarni izvor ili samo na interpretativni narativni izvor; i treće, oni koji uopšte nemaju materijale.¹³⁰

Na kraju, zadaci se mogu razlikovati i prema očekivanom rešenju. Ili postoji samo jedno rešenje koje treba naći, a učenici treba da reprodukuju ono što oni smatraju da se traži (drugim rečima, uzak zadatak), ili se od učenika očekuje da dođu do samostalnog rešenja, rešenja koje oni sami treba da razviju; drugim rečima, otvoren zadatak sa širokim spektrom mogućih rešenja. Pored ove dve jasne forme, dakle „otvorenih“ i „uskih“ zadataka, postoji naravno i čitav niz gradacija.

U udžbeniku istorije „Mnogo načina – jedan svet“, Mamadudjan je opisan u poglavlju koje se odnosi na migracije. On je šesnaestogodišnjak koji dolazi iz Gvineje, prokrijumčaren je na brodu tokom ratnih dešavanja nakon što su mu roditelji ubijeni i stigao je u Švajcarsku sakriven u peku auta. Pored

128 Up. <http://www.bourbakipanorama.ch/de/index.html> (poslednji put posećena 20. juna 2015. godine).

129 Argast, Regula; Binnenkade, Alexandra; Boller Felix; Gautschi, Peter: *Viele Wege – eine Welt. Menschen in Zeit und Raum. Band 9. Buchs: Lehrmittelverlag des Kantons Aargau*, 2005. (Mnogo puteva – jedan svet. Ljudi u vremenu i prostoru).

130 Gautschi, Peter: *Vom Nutzen des Biographischen für das historische Lernen*. In: Bernet, Paul; Gautschi, Peter; Mattioli, Aram; Müller, Julia (Hrsg.): *Menschen mit Zivilcourage. Mut, Widerstand und verantwortliches Handeln in Geschichte und Gegenwart*. Luzern: Bildungs- und Kulturdepartement des Kantons Luzern (BKD), 214. P. 171-191. (Ljudi od moralne hrabrosti. Hrabrost, otpor, i odgovornost u prošlosti i sadašnjosti).

fotografije Mamadudjana i njegove priče, nalazi se isečak iz švajcarskog Zakona o azilu kao treće obrazovno pomagalo. „Uska“ pitanja se takođe postavljaju kako bi se istraživali materijali, i to su pitanja poput sledećih: Kako je Mamadudjan došao u Švajcarsku? Kojim kategorijama lica se prema švajcarskom Zakonu o azilu priznaje status izbeglice?

Takozvani portfolio zadaci predstavljaju potpuno drugačiji tip zadatka. Oni su veliki, otvoreni zadaci bez osnovnih materijala, a koje učenici treba samostalno da reše i koji se onda završavaju proizvodom, na primer, izradom postera, veb-strane, brošure, male audio-slike ili izradom filma. „Portfolio“ zadaci usvajaju sve veštine koje su potrebne za učenje istorije. U prvom poglavlju koje se odnosi na migraciju u udžbeniku iz istorije „Mnogo načina – jedan svet“ učenici se pozivaju da sami predstave istorijske ličnosti iz prošlosti i sadašnjosti.¹³¹

„Portfolio“ zadatak predstavlja zahtevan zadatak i po pravilu se sastoji iz četiri dela. Nakon naslova sledi uvod, zatim „predgovor“ u kojem je zapravo opisan sâm zadatak, a nakon toga se izlaže postupak korak po korak. Na kraju su saveti, na primer za izradu finalnog rada ili u vezi sa kriterijumima za ocenjivanje.

Tu može da piše sledeće:

Zadatak je da se opiše ličnost koja se posvetila omogućavanju mirne koegzistencije između naroda i borbi protiv nepravde. Do vas je da izaberete način na koji ćete predstaviti tu ličnost. U ovoj knjizi, kao i na internetu, naći ćete veliki broj primera i informacija o pojedinim istorijskim ličnostima.

Od vas se traži da obratite pažnju na sledeće stvari:

- Da postavite sliku osobe sa imenom i prezimenom i osnovnim biografskim podacima
- Svakako treba da opišete na koji način se ta osoba

posvetila ostvarivanju mirne koegzistencije između naroda i borbi protiv nepravde

- Značajan deo vašeg opisa ličnosti treba da bude posvećen ličnim razlozima zbog kojih ste odabrali baš tu ličnost
- Važni su i aspekti forme: tekst treba da bude direktan i bez grešaka; opis treba da se sastoji iz nekoliko delova i da ima jasnu strukturu, tako da svako ko pročita vaš rad može da sazna najbitnije činjenice koje se odnose na tu ličnost; opis treba da bude interesantan, intrigantan i sveobuhvatan.

Opisi koji se posebno ističu sadrže i grafičke elemente pored slike ličnosti i sadrže i dodatne nazive knjiga ili filmova na koje se u tekstu poziva.

Najzahtevniji aspekt razvoja zadatka je stvaranje atmosfere pogodne za učenje.¹³² Zbog toga se prikupljaju različiti materijali za odabranu temu i od učenika se traži da urade veći broj zadataka. U ovom udžbeniku za istoriju „Mnogo načina – jedan svet“ kreirali smo atmosferu pogodnu za učenje o Ani Kong (Anne Khong). Ona je rođena u Pnom Penh i nakon perioda bezbrižnog detinjstva našla se usred ratnih previranja. Crveni Kmeri su konfiskovali njenu porodičnu kuću 1975. godine, nakon čega je ona bila u begu koji je trajao godinama, za vreme kojeg su joj Crveni Kmeri ubili muža. 1979. godine je uspela da pobegne na Tajland i 1980. je dobila dozvolu da zajedno sa svojom decom uđe u Švajcarsku.

Pored predavljanja priče o Ani Kong kroz razne materijale, uključujući i fotografije i mape, takođe smo pripremili i jedan obrazovni film o njoj u saradnji sa Švajcarskom televizijom (Swiss Television), prikupili smo i mnoge primarne izvore o Kambodži i Crvenim Kmerima, a takođe smo dokumentovali i razvoj međunarodne pravde. Sada učenici moraju, s jedne strane, da rešavaju samo osnovne obavezne

131 Gautschi, Peter: Didaktisches Konzept des Lehrmittels „Viele Wege - eine Welt“. In: Binnenkade, Alexandra; Boller Felix; Hodel, Jan; Witzig, Hans: Viele Wege – eine Welt. Menschen in Zeit und Raum. Band 9. Kommentar. Buchs: Lehrmittelverlag des Kantons Aargau, 2005. str. 7 - 9. (Mnogo puteva – jedan svet. Ljudi u vremenu i prostoru).

132 Gautschi, Peter: Lernen an Stationen. In: Mayer, Ulrich; u.a. (Hrsg.): Handbuch Methoden im Geschichtsunterricht. Schwalbach/Ts.: Wochenschauverlag, 2004. str. 515 – 531. (Metodika u nastavi istorije).

zadatke u obrazovnom okruženju, na primer, koji se odnose na istoriju Kambodže ili na bekstvo Ane Kong, a s druge mogu dublje da istražuju one sadržaje koji ih posebno interesuju, na primer u vezi sa životom Ane Kong neposredno posle njenog bekstva u Švajcarsku ili u vezi sa dolaskom na vlast Crvenih Kmera u Kambodži.

U takvom obrazovnom okruženju, učenici istražuju istoriju stopama odabranih pojedinaca i, zahvaljujući rezultatima postavljenih zadataka, uče mnogo o prošlosti zarad sadašnjosti ili budućnosti.

Zaključak

U prvom poglavlju sam izložio zbog čega je izlaganje opisa pojedinaca u udžbenicima istorije još jednom dobilo na rastućem značaju. U trećem i četvrtom poglavlju sam predstavio dva udžbenika istorije pod nazivima „Posmatranje i ispitivanje“ i „Zaboravljanje ili pamćenje?“, kao i istorijske ličnosti Gertrudu Kurc i Anrija Dinana koji su u njima

opisani. U četvrtom poglavlju sam naglasio da je predstavljanje ličnosti u udžbenicima istorije važno, ali ono što je još važnije jeste da se formulišu zadaci koji će pogurati omladinu da uče kroz oči istorije ili da uče „istorijski“.

„Istorijsko učenje“ predstavlja proces u kojem učenici prvo stiču svest o promenama koje su se odigrale tokom vremen-skih perioda, a onda stvaraju novi kontekst za tumačenje nakon istraživanja primarnih istorijskih izvora i interpretativnih narativnih izvora, kao i nakon utvrđivanja uzroka i posledica orijentisanja prema vrednosnim sudovima sadašnjice i prošlosti na osnovu istorije i načina na koji se razvijala. Sve ovo je vrlo složeno i zahtevno.

Kako bi se omogućilo da ovaj proces bude uspešan, pre svega, od vitalnog je značaja da se kod učenika pobudi interesovanje, a drugo, da se istorija predstavi na takav način da se može shvatiti. U udžbenicima istorije, oba ova aspekta moraju biti ostvarena kroz predstavljanje stvarnih ličnosti u svetlu njihove humanosti.

Udžbenici istorije u jugoistočnoj Evropi Suočavanje sa izazovima 21. veka

Augusta Dimou

Uvod

Naredni članak se bavi udžbenicima istorije na Balkanu iz dvostruke perspektive: s jedne strane, sa osvrtom na najnovije historiografske težnje vezane za prostor i teritorijalnost (takozvani „prostorni obrt”) i implikacije koje one nose za pisanje istorije, a s druge strane, sa osvrtom na koncept prostora i konkretan način na koji je on u narativnom obliku izveden u udžbenicima istorije u Jugoistočnoj Evropi. Prvi deo se površno bavi nekim od upornih problema proizvodnje udžbenika i obrazovnih reformi u Jugoistočnoj Evropi; drugi deo se sastoji od kratkog osvrta na nedavna dešavanja u Evropi, kao i dešavanja u evropskoj i međunarodnoj istoriografiji, ukazujući na moguće efekte koje ona mogu imati na region Jugoistočne Evrope u budućnosti; treći deo se bavi upotrebom „prostora” u balkanskim udžbenicima istorije, načinom na koji je on prikazan kao deo istorijskog kanona i načinom na koji je on upotrebljen kako bi se proizvela naturalizovana i vidljivo ujednačena teritorijalna nacija. Glavno pitanje ovde je način na koji je pojam prostora prikazan u pojedinačnim nacionalnim istorijama na Balkanu u odnosu na vezu *država-nacija-teritorija*.

Pored bojazni i podsticaja koji proističu iz ovih historiografskih dešavanja, analitički fokus na prostor i teritorijalnost motivisala su dva dodatna zapažanja: kao prvo, to je bila

borba za teritoriju i traganje za teritorijalnom konsolidacijom koja je ležala u srcu poslednjih jugoslovenskih ratova. Teritorija očigledno jeste važna; kao drugo i još važnije, u našim društvima moguće je primetiti veliki i dugotrajni raskorak. Dok su, s jedne strane, istorija, nacija i teritorijalna nacionalna država sposobni da stvore snažne emocije i mogu lako pokrenuti stanovništvo, s druge strane to snažno emotivno stanje spojeno je sa snažnom, da ne kažem potpunom, ravnodušnošću prema građanskim komponentama države, poput naših obaveza i dužnosti kao građana, primenjivosti proverljivih, transparentnih i obavezujućih formalnih procedura, poverenja u državne institucije, vere u meritokratska načela itd. Šta objašnjava taj raskorak i da li podučavanje istorije igra ulogu u razvoju takvih kognitivnih i društvenih stavova u ponašanju? Moj okvirni odgovor na ovo pitanje jeste da podučavanje istorije zaista igra značajnu ulogu; nije samo dužnost građanskog obrazovanja da učenicima usadi osnovne građanske stavove. Veliki teret ovih koncepata, pojmova i vrednosti prenosi se otvoreno ili prikriveno i putem istorije. Iz tog razloga je važan način na koji mi pričamo o našoj istoriji i analiziramo probleme u prošlosti. Htela bih da zagovaram stav da je sveobuhvatno potčinjavanje *građanskog pojma države etničkoj nacionalnoj državi* na nivou istorijske i kulturne svesti i *partizanskoj državi*¹³³ na nivou svakodnevne političke i društvene prakse pomoglo da se učvrsti nezainteresovanost za građansku

133 Pod „partizanskom državom” podrazumevam klijentelističku državu u kojoj političke partije i njihovi sledbenici kontrolišu neuralgičke sektore ekonomije, birokratije i raspoređivanja resursa.

državu i njene vrednosti. Etnička nacionalna država (kakvu je izgradila istorija) i partizanska država su stoga organski međusobno povezane, kako na nivou mentaliteta, tako i na nivou prakse, a svojim međusobnim dejstvom odupiru se manje emotivnim, a više meritokratskim pojmovima društva i zajednice. Ne treba ovde naglašavati da je upravo ovaj oblik površne istorijske „kulture” – delom kvazi istorijske, delom populističke – ono što najbolje služi interesima političkih elita. Najzad, ovaj članak predlaže narativne i metodološke pristupe načinu na koji se treba suočiti sa predstavljanjem prostora sa ciljem dobijanja drugačijeg predstavljanja teritorije i nacije.¹³⁴

Stari-novi problemi

Opšte je poznata činjenica da su udžbenici ključni resursi za oblikovanje kolektivnog pamćenja i negovanje društvenog jedinstva. Udžbenici, od kojih se očekuje da funkcionišu i kao „prenosni kaiš“ za širenje znanja, često predstavljaju odraz glavnih vrednosti jednog društva i mesto na kom se obično kanon nacionalne istorije predaje društvu. Udžbenici se razlikuju od drugih izvora znanja po tome što je znanje koje oni prenose naročito istrajno i selektivno.

Obrazovne reforme i reforme udžbenika predstavljaju naročito složena pitanja.¹³⁵ One čine deo sveobuhvatnog sistema koji uključuje nekoliko zainteresovanih strana kao što su ministarstva obrazovanja, pedagoške institucije i ob-

razovna odeljenja, nastavnici, javnost, autori udžbenika, učenici. Obrazovanje, pa samim tim i udžbenici i priča u njima, u velikoj meri zavise od mnogih spoljnih parametara obrazovanja kao što su politička i geopolitička stabilnost, politička kultura, društvena stabilnost i ekonomsko blagostanje. Svi ovi faktori odlučno oblikuju okvir u kom se mogu sprovesti obrazovne reforme i reforme udžbenika. Drugim rečima, lakše je sprovesti reformu u uslovima ekonomskog blagostanja i političke stabilnosti – što su, inače, upravo oni faktori koji našem regionu nedostaju – nego obrnuto. U uslovima tranzicije, kretanja ljudi i krize, društva su obično introvertnija, sumnjičavija i zauzimaju odbrambeni stav, pa istorija u velikoj meri pokušava sve to da nadoknadi. Takvi periodi takođe vode revizionističkoj politici proizvoljnog pamćenja i bujanju teorija zavere, koje nude pojednostavljena kritička tumačenja koja idu u krajnost i za složene pojave pronalaze lake odgovore, gotovo poput izvlačenja zeca iz šešira.

Konkretan problem za naš region (vezan za društvene parametre obrazovanja, ali i pitanja istorijske i političke kulture) predstavlja činjenica da je obrazovanje u oblasti istorije u velikoj meri javno i političko pitanje. Za razliku od drugih društava gde se obrazovanje smatra u većoj meri tehno-kratskim i profesionalnim pitanjem, u našem delu sveta podučavanje istorije i udžbenici istorije u velikoj meri predstavljaju instrumente politike i postaju mete koje obezbeđuju lako pokretanje društva. Uobičajeni rezultat su dobro poznata istorija i ratovi vezani za udžbenike, koji se retko vode

134 Pitanje prostora, izgradnje teritorije i granica je već obuhvaćeno kritičkim istraživanjem udžbenika, pogledati *Istorija u nauci i nastavi* [izdanje: Međunarodno istraživanje o školskim knjigama], 1/2 2013, a posebno: Lesih, Zimone, “Prostori i granice. Spoljne perspektive i unutrašnja mišljenja iz ugla školske knjige,” str. 6-12; Lukas Frederk Garske, “Istorija kao [prostor] kao istorija. Dekonstrukcije simboličkog povlačenja granica kao metoda učenja istorije na primeru poljskih i nemačkih knjiga iz istorije,” str. 13-29, Markin Vjatr, “Ponovo premeriti granične prostore. Multietničke perspektive prostora u poljskim školskim knjigama,” str. 46-60.

135 O tehnologijama obrazovne reforme i studijama konkretnog slučaja pogledajte Augusta Dimou (ur.), “*Tranzicija i politika obrazovanja u oblasti istorije u Jugoistočnoj Evropi*.” (Ekert. Serija spisa, tom 124), Getingen: Vandenhoeck und Ruprecht Unipress, 2009; po pitanju drugih regiona, pogledajte Samira Alayan, Achim Rohde, Sarhan Dhoud, *Politika obrazovne reforme na Bliskom Istoku*, Njujork: Berghahn, 2012; uz Džozef Zajda i Maklins A. Geo-Jaja (Joseph Zajda i Macleans A. Geo-Jaja), *Politika obrazovnih reformi*, Dordrecht: Springer, 2009.

na kognitivnom ili stručnom nivou, već pre na emotivnom i populističkom.¹³⁶ Reforme se suočavaju sa otporom iza svakog ugla, političarima, političkim grupama ili partijama i drugim institucijama, koji koriste istoriju kao sredstvo mobilizacije, boreći se protiv falsifikovanja istorije i straha od umanjivanja suštine nacionalnog identiteta, istovremeno optužujući autore da pišu alternativne priče, za pristranost/neznanje i manjak patriotizma. Veoma karakteristična i prilično porazna za naš obrazovni sistem je i činjenica da se često ozbiljni i teškom mukom sprovedeni reformistički napori u obrazovanju mogu preko noći poništiti ako se date političke okolnosti promene. Takva okolnost često vodi ogromnoj konfuziji, da ne kažem regresiji u obrazovnim pitanjima; lišava nas mogućnosti da učvrstimo, produbimo i prilagodimo projekte reformi i objašnjava nestabilnost koja često karakteriše naše obrazovne sisteme.

Ništa manji problem za podučavanje istorije u celom regionu ne predstavlja ni osmišljavanje nastavnog plana koji je orijentisan ka naciji, a samim tim takve su onda i priče u udžbenicima. To nije vezano samo za razumevanje toga od čega treba da se sastoji nacionalni istorijski kanon, već se tiče i praktičnijih pitanja kao što su detaljan nadzor nastavnog plana od strane države. Uobičajeni model u većini zemalja Jugoistočne Evrope jeste nastavni plan koji se planira i sastavlja na centralnom nivou, a koji manje-više ukratko predstavlja genealogiju nacije.

Svi gorenavedeni faktori imaju kontraefekat na ono što bi trebalo da je željeni rezultat obrazovanja u oblasti istorije, a to je da je ono sredstvo istorijske pismenosti i istorijske kulture tako što uvodi metodološke norme u podučavanje i učenje istorije. Ta orijentisanost na naciju je dodatno u

sukobu sa osnovnom društvenom funkcijom istorije, a to je oblikovanje kritičkog razmišljanja pojedinaca koji razumeju sadašnjost i poseduju samoopredeljenost u složenoj i često kontradiktornoj stvarnosti. Takođe, to vodi razvoju problematičnog nacionalnog identiteta koji jednodimenzionalno definiše ljude, sprečavajući ih da sebe sagledaju kao deo drugih društvenih nenacionalnih struktura. I na kraju, ali ne i najmanje važno, to vodi problematičnim odnosima sa susednim državama.

Tokom devedesetih godina 20. veka istoričari, ali i didaktički i pedagoški stručnjaci, u velikoj meri su se nadali i verovali u sredstvo multiperspektivnosti. Pod užasnim uticajem i političkim i društvenim posledicama ratova za jugoslovensko nasleđe, nekoliko inovativnih i vrednih projekata je započeto u regionu, kao što je *Projekat zajedničke istorije* koji sponzorise Centar za demokratiju i pomirenje u Jugoistočnoj Evropi (CDRSEE), čiji je cilj ojačanje regionalne perspektive u podučavanju istorije i upoznavanje učenika sa perspektivama i istorijama suseda.¹³⁷ Multiperspektivnost predstavlja napredan didaktički alat i, štaviše, ima nekoliko prednosti: upoznaje učenike sa mnoštvom izvora, predstavlja događaje iz različitih, često sukobljenih, perspektiva i otvara put ka razumevanju višestrukog tumačenja istorije. Ne želeći da osporavam vrednost ili korisnost multiperspektivnosti, a ni najmanje da predložim njeno odbacivanje, jer je ipak efikasan i funkcionalan alat, u ovom članku se zalažem za potrebu da učenicima obezbedimo savremene, analitičke, kritičke narative koji prate težnje evropskih i međunarodnih historiografskih dešavanja i za način na koji takvi narativi iznova uspostavljaju koncepte osnovnih osa istorijskog narativa, kao što su vreme i prostor. Iako multiperspektivnost garantuje mnoštvo perspektiva

136 Prirodno, ratovi vezani za udžbenike nisu ni osobenost Balkana, niti su svojstveni bilo kojoj istorijskoj kulturi, već predstavljaju svetski fenomen. Pogledati: Gari B. Neš (Gary B. Nash), Šarlot Krebtri (Charlotte Crabtree) i Ros E. Dan (Ross E. Dunn) (ur.), *Suđenje istoriji: ratovi kulture i podučavanje prošlosti*, Njujork: Vintage Books, 2000; Stjuart Makintajer, En Klark (Stuart Macintyre, Anne Clark), *Ratovi istorije*, Carlton Victoria: MUP, 2003; Edvard T. Linental i Tom Engelhart (Edward T. Linenthal i Tom Engelhardt) (ur.), *Ratovi istorije: Enola Gej i druge bitke za američku prošlost*, Njujork: Holt, 1996; Vezano za naš deo sveta, pogledati Antonis Liakos, "Ratovi istorije: ispitivanje tolerancije" u: Gudmuntur Hálfðanarson (ur.), *Diskriminacija i tolerancija u istorijskoj perspektivi*, Pisa: Editioni Plus, 2008, str. 77-92; Aleksander Vezenkov, „Projekat i skandal 'Batak'” *Jugoistočna Evropa. Žurnal za politiku i društvo* 58 (2010) 2, str. 250-272.

137 Pogledati www.cdrsee.org/jhp. Četiri vredne radne sveske su nastale iz ovog projekta. (1. Otomansko carstvo, 2. Nacije i države u Jugoistočnoj Evropi, 3. Balkanski ratovi, 4. Drugi svetski rat). Akademaska analiza zajedničkih projekata proučavanja udžbenika sa osvrtom na međunarodno savremeno stanje može se naći u Lässig, Simone i Karina V. Korostelina (ur.), *Obrazovanje u oblasti istorije i pomirenje nakon sukoba. Ponovno razmatranje zajedničkih projekata proučavanja udžbenika*. Oxon/ Njujork: Routledge, 2012.

i potencijalno može izazvati empatiju, ne može garantovati dubinsko razumevanje istorijskih procesa, niti složenih uzročnih veza. Upoznavanje sa perspektivom drugog ne mora označavati i nameru da se ona prihvati ili shvati u istorijskim okvirima; iako se multiperspektivnost oslanja na različite perspektive, prihvatanje te raznolikosti se može smatrati spoljnim, a ne unutrašnjim aspektom „sebe” (što na izvestan način potire pravo prihvatanje raznolikosti); najzad, priznavanje stanovišta drugih ne mora podrazumevati promenu sopstvenog stanovišta. Iz tog ugla se multiperspektivnost može ispostaviti kao više statična nego aktivna u svojoj primeni. U tom smislu, tvrdim da treba da se opet osvrnemo na pitanje onoga što čini kvalitetan, savremen, poučan, hermeneutički bogat, analitički narativ pristupačan deci, gde se multiperspektivnost zaista treba uključiti kao važno dopunsko didaktičko sredstvo.

Kuda sada? Najnoviji trendovi u evropskoj i globalnoj istoriografiji

Iako se trenutno stanje stvari (i kriza) u svetu čini nepovoljnim za proučavanje najnovijih istoriografskih trendova i na neki način nebitnim i nedostižnim u odnosu na banalnija pitanja iz istorijskih udžbenika, vredi nakratko porazmisliti o savremenim evropskim i međunarodnim razvojjima događaja jer oni višestruko uobličavaju naše sveobuhvatnije reference i kontekst odvijanja aktivnosti.

Karakter Evrope koji se menja još od devedesetih godina 20. veka uticao je i na historiografiju. Kraj Hladnog rata i proširenje Evrope doneli su promenu granica Evropske unije i, zajedno s tim, traganje za novim definisanjem Evrope. Posledica gorenavedenog je da nova istorija Evrope koja upravo nastaje, uglavnom u vidu holističkih priča, na različite načine pokušava da prevaziđe tradicionalnu podelu između

Istoka i Zapada na kojoj je utvrđena evropska istorija u eri Hladnog rata.¹³⁸ U pokušaju da se spoje obe celine u jednu objedinjenu priču, ispituju se tradicionalne pripovedačke strukture, kao što su strukture o tradicionalnom oslikavanju Istoka kao nazadnog ili strukture koje usredsređuju pripovedanje o evropskoj istoriji uglavnom na istorijsko jezgro ili matricu Zapadne Evrope. Štaviše, istoričari pišu istoriju i o načinu na koji su stvoreni opšti geografski koncepti kao što su Istok-Zapad ili Sever-Jug i o tome kako su se ovi koncepti o prostoru vremenom semantički menjali.¹³⁹ Opšte je prihvaćeno da pitanje evropskih granica nije ni rešeno niti bezazleno.¹⁴⁰

U isto vreme, Evropa ponovo prilagođava svoj globalni položaj i ponovo formuliše svoju ulogu globalnog igrača (po opštem priznanju, uz mnogo oklevanja, nedovoljno koordinacije i često u internim neslaganjima). Sve ove političke promene donele su nejasnoće i na polju istorije. Pošto se geografski koncepti detaljno preispituju ili se o njima ponovo pregovara, menja se i starija tradicionalna institucionalizacija u skladu sa zahtevima sektora i studijama o oblastima. Nove raznovrsne institucije nastaju u skladu sa studijama kao što su transregionalne studije, evropske i globalne studije, globalne studije i studije o oblastima, itd. koje kombinuju interdisciplinarnost u istraživanju i učenju, a koje karakterišu i metodološki eklektizam i eksperimentisanje i u kojima se, najzad, pregovara o akademskim granicama u skladu sa novim skalama kao što su skale koje su navedene u globalnim studijama i svetskoj istoriji.¹⁴¹ Uzmimo, na primer, popularnost novine pod nazivom „evropske studije” (koja obuhvata veoma različite discipline kao što su političke nauke, sociologija, antropologija, ekonomija i društvene nauke). Geografija se menja i, zajedno s njom, koncepti i skale koje primenjujemo da bismo pričali o prošlosti i razumeli je. Trenutno, najveći izazovi u ovoj oblasti potiču upravo iz oblasti globalne, svetske i nove međunarodne is-

138 Videti: Hartmut Kelble, „Evropska istorija sa zapadnoevropskog stanovišta?” u: Gunila Bude, Sebastijan Konrad, Oliver Janc, *Transnacionalna istorija. Teme, tendencije i teorije*. Getingen: Vanderhoeck und Ruprecht 2010, str. 105-116.

139 Videti: Lari Vulf, *Izmišljanje Istočne Evrope. Karta civilizacije u duhu prosvetiteljstva*. Stanford: SUP, 1994.

140 Videti: Štefi Marung, *Lutajuća granica: EU, Poljska i promena političkih prostora 1990-2010*, Getingen: Vanderhoeck und Ruprecht, 2013.

141 Videti: Birgit Šebler (izd.), *Studije regiona i svet. Svetski regioni i nova globalna istorija* (Globalna istorija i razvojna politika, tom 5), Mandelbaum: Beč, 2007. Videti i: Wolf Schäfer, „Studije o ponovnom konfigurisanju oblasti za globalno doba”, *List o globalnim studijama*, broj 22, 31.12.2010.

torije, kao i istorije međunarodnih odnosa.¹⁴² Neki od ovih izazova su poprilično značajni jer su u suprotnosti sa starim utvrđenim činjenicama o razvoju sveta kao što su verovanje u ekonomsku prevlast Evrope već do ranog modernog perioda¹⁴³ i stoga utiču na umanjene značaja ideje o evropskoj nadmoći i na decentriranje Evrope na karti sveta. Konačno, sve ovo ima uticaja na uključivanje našeg dela sveta u veći regionalni koncept čiji je rezultat još uvek neizvestan. Iako će sveobuhvatna i opšta zamisao Jugoistočne Evrope bez sumnje biti sačuvana, mi ćemo u isto vreme započeti dijaloge sa onima koji zastupaju različite i delimično nove geografske i teritorijalne koncepte.¹⁴⁴ Stoga nije neverovatno da možemo potpasti pod oblast Centralne i Istočne Evrope (jer smo već obuhvaćeni anglo-američkim akademskim kontekstom), ili da Balkan može biti delimično obuhvaćen ili uključen u veću geografsku grupu i klasu kao što je opisano u kavkasim i crnomorskim studijama, mediteranskim studijama, a možda čak i u određeni širi koncept Bliskog istoka.¹⁴⁵ Zato se ekonomija, politika i učenost trenutno razvijaju na način

koji u velikoj meri podrazumeva dinamiku, sinergiju i(li) simbiotiku.

Najzad, sve gorenavedeno imalo je veoma značajan uticaj na metodologije i analitičke metode koje primenjujemo. Već dugo vremena postoje pokušaji da se tradicionalna nacionalna istorija ospori kroz paradigme kao što su transnacionalna i zajednička istorija¹⁴⁶, koje na različite načine utiču na decentriranje nacionalne države na monopolističkom pijedestalu kao centralnog dela analitičkog fokusa. Posledica toga je da nacionalna država postaje deo većeg sistema za protok proizvoda i ideja kroz prostor i vreme. U skladu sa tim, menja se i naš vokabular; on obuhvata diskusije o novim režimima teritorijalnosti, etno-prostora, transnacionalnih migracija, suprateritorijalnosti, podregiona, translokaliteta, itd. „Priznanje da društveni odnosi postaju sve više međusobno povezani na globalnoj skali nužno stvara probleme u vezi sa prostornim parametrima tih odnosa, i stoga u vezi sa geografskim kontekstom u kom nastaju. Pod ovim

142 Literatura o ovim oblastima se trenutno ne odobrava. Samo indikativno: Caroline Douki i Philippe Minard, „Globalna istorija, prateća istorija: pomeranje historiografske skale?“, Dominique Sachsenmaier, „Globalna istorija, globalne rasprave“, Akira Iriye, „Svet na planeti zemlji II: Istorija istorije od devedesetih godina dvadesetog veka“, *List o globalnim studijama*, izdanje 30, 28.8.2012; Patrick O'Brien, „Istorijske tradicije i moderni imperativi za obnavljanje globalne istorije“, *List o globalnoj istoriji*, 1 (2006) 1, strana 3-39; Akira Iriye, „Internacionalizacija istorije“, *Američki istorijski pregled* 94 (1989) 1, strana 1-10.

143 Videti: Kenneth Pomeranz, *Velika divergencija. Kina, Evropa i stvaranje modernog sveta*, Princeton UP, 2000; Kenneth Pomeranz, „Razmišljanje o dugoročnim ekonomskim promenama: Kina, Evropa i uporedna istorija“, Žan-Klod Doma (Jean Claude Daumas), *Ekonomska istorija u pokretu: između nasleđa i obnove*, Vilnev d'Ask: *Presses universitaires du Septentrion*, 2012, str. 293-310.

144 Ovde videti: Alex Warleigh-Lack, Nick Robinson i Ben Rosamund (ur.), *Novi regionalizam i Evropska unija. Dijalozi, poređenje i pravci istraživanja*, London/Njujork: Routledge/ECPS studije o evropskoj političkoj misli, 2011.

145 Idući već u ovom pravcu, videti: Karl Kazer, *Balkan i Bliski Istok. Uvod u zajedničku istoriju* (Prilog nauci o Jugoistočnoj Evropi, tom II/40), Beč: Böhlau, 2011.

146 Bibliografija o transnacionalnoj zajedničkoj istoriji je velika i konstantno se povećava. Ovde su dati neki indikativni primeri: Gunila Bude, Sebastijan Konrad, Oliver Jens (ur.), *Transnacionalna istorija. Teme, tendencije i teorije*, Getingen, 2006; Sebastijan Konrad, Jürgen Osterhamel (ur.), *Transnacionalno carstvo. Nemačka u svetu 1871-1914*, Getingen, 2004; Hartmut Kelble, Jürgen Šriver (izd.), *Poređenje i transfer. Komparativistika u sociologiji, istoriji i kulturologiji*, Frankfurt, 2003; Mišel Espanj (Michel Espagne), *Iza komparativizma, u: ibid, Francusko-nemački kulturni transferi*, Pariz, 1999; Johanes Paulman, *Međunarodno poređenje i interkulturalni transfer. Dva pristupa istraživanju evropske istorije od 18. do 20. veka*, *Istorijski žurnal*, 276, 1998, str. 649-685; Michael Werner, Bénédicte Zimmermann, „Van poređenja: *histoire croisée* i izazov refleksivnosti“, *Istorija i teorija*, 45 (2006) 1, strana 30-50; Klaus Kiran Patel, „Transnacionalna istorija“ u: EGO/evropska istorija onlajn, www.ieg-ego.eu/en/threads/theories-and-methods/transnational istorija; Christopher Bayly et al., AHR Razgovor: o transnacionalnoj istoriji, u: *Američkom istorijskom pregledu* 111 (2006), strana 1441-1464. Komparativna i transnacionalna istorija je takođe obogatila moderna akademska istraživanja o Balkanu, videti: Dimou, Augusta, *Zajednički putevi ka modernitetu, kontekstualizaciji socijalizma i nacionalizma na Balkanu*, Budimpešta: CEU Press, 2009; Roumen Daskalov et al. (ur.), *Zajednička istorija Balkana*, tom I-III, Leiden: Brill Publishers, 2013-2015.

uslovima, prostor više nije statička platforma društvenih odnosa, već jedna od njihovih suštinskih dimenzija koja nastaje istorijski i biva ponovo konfigurisana i transformisana.¹⁴⁷ Ja ne verujem da će globalizacija značiti krah nacionalne države, već sasvim suprotno, u nekim slučajevima izgleda da je uspostavlja, a ono što je sasvim sigurno jeste da menja njen karakter.

Zašto je sve ovo bitno i kakve veze u krajnjoj liniji ima sa udžbenicima? Smatram da su navedene tačke koje smo u kratkim crtama obrazložili važne pre svega iz tri razloga: kao prvo, mislim da ćemo biti svedoci ovome u bližoj ili daljoj budućnosti i da će se, štaviše, neke od ovih preokupacija odraziti na udžbenike iz istorije u evropskim zemljama; kao drugo, ako se način na koji predstavljamo i objašnjavamo evropsku istoriju menja, takva promena bi nas nužno pogodila direktno, pošto govorimo o većem istorijskom kanonu prema kojem se upravljamo i o kontekstu u kojem smo, ili želimo da budemo, integrisani; i kao treće, to što nam sve ove epistemološke, historiografske i geografske promene zaista nude mogućnost da primenimo neke od novih tehnika u pristupu istoriji našeg regiona. Doduše, sve ovo će možda zvučati utopijski veteranima „borbe za udžbenike“, koji su nailazili na otpor čak i kod skromnih pokušaja da uvedu savremene trendove naših nacionalnih historiografija u lokalne udžbenike. Do sada su, očigledno, vodili borbu protiv vetrenjača. Sklona sam da poverujem da su promene čiji smo trenutno svedoci dublje, strukturalne prirode: decentralizacija koncepta „Zapada“, migracije ljudi, promene u pogledu onoga što tražimo od istorije, neizbežna povezanost usled svetskog kapitalizma, elektronska revolucija, transnacionalna organizacija protestnih i interesnih grupa, ekološke dileme itd. Sve ovo bespovratno menja kontekste u kojima se značenje i legitimnost stvaraju globalno i lokalno i silom nas bacaju u 21. vek. Udžbenici neće dugo moći da ignorišu ove promene.

Prostor i nacionalna istorija

U ovom delu se vraćam na početnu preokupaciju o prostoru i raspravi o narativnom međusobnom uticaju nacije, države i teritorije. Ovde bih želela da skrenem pažnju na to da smo mi istoričari skloni da damo prednost određenim teritorijalnim kategorijama analize i tvrdimo da „razni nivoi istorije i teritorijalnosti koji se ukrštaju čine okvire u kojima se stvaraju značenja, emocije i stavovi“.¹⁴⁸ „Prostor“ u svemu ovome igra značajnu ulogu i ne bi ga trebalo shvatiti samo kao geografski pojam, već kao istorijsku i kulturološku konstrukciju.

Imajući sve ovo u vidu, zalažem se za neophodnost nalaženja odgovarajućeg narativnog modela kako bi se razmotrila veza *država-nacija-teritorija*, pri čemu se njihova isprepletanost ne javlja kao teleologija istorijske evolucije, niti kao sudbina određenih etničkih grupa, već kao istorijska kontingencija – kao rezultat često neizvesnih i suprotstavljenih koncepcija o teritoriji, naciji i državi kroz vreme. Iako se u svom istorijskom razvoju oni često prepliću i preklapaju, *država-nacija-teritorija* nisu ni podudarni ni kongruentni. Bez svake sumnje je stvaranje nacionalnih država na Balkanu u devetnaestom veku bio pokazatelj modernosti, tj. prenošenja zapadnog modela nacionalne države na naše prostore. U suprotnosti sa narativom u našim udžbenicima u kojima se nacionalna država predstavlja kao epitom postojanja, bilo bi od suštinske važnosti da se nacionalna država u istoriji predstavi kao određena društveno-politička forma organizovanja, koja se razvila kao poseban odgovor na izazove svetskih previranja u 19. veku i od tad postala globalni standard političkog organizovanja.

Stoga ću sada razmotriti određene narativne konstrukcije u udžbenicima, u pokušaju da demonstriram neke od navedenih tvrdnji i ukažem na mesta gde se istorija seče sa geografijom, kao i način na koji istorijski narativi formiraju pojedine koncepte i poglede u geografiji.

147 Neil Brenner, „Van državnog centralizma? Prostor, teritorijalnost i geografska skala u studijama o globalizaciji“, *Teorija i društvo*, 28 (1999), strana 40. Za klasičnu referencu u ovoj oblasti, videti: Henri Lefebvre, *Stvaranje prostora*, Malden/Oksford/Karlton: Blackwell, 2007.

148 Antonis Liakos, „Istorijski prostor i vreme u modernoj Grčkoj“ u Tadayuki Hayashi i Fukunda Hiroshi (ur.), *Regioni u srednjoj i istočnoj Evropi: prošlost i sadašnjost*, Sapporo: Slavic Eurasian Studies 15, 2007, str. 205-227.

Prostor je značajan akter u priči o nacionalnoj istoriji i predstavljen je kroz određenu korelaciju između nacije/države i teritorije. U narativima u udžbenicima srećemo direktno i potpuno podudaranje između nacije i teritorije. Nacionalna istorija se obično predstavlja u hronološki sukcesivnim sekvencama kao progresivno povećanje teritorije sa ciljem ili 1. okupljanja svih sunarodnika u sigurnu zonu nacionalne države ili 2. inkorporiranja u nacionalnu državu svih zemalja koje se usled stvaranja određene istorijske genealogije smatraju nacionalnim zemljama (neodređena kvalifikacija kao grčke, srpske, bugarske zemlje itd). Ova koncepcija nacije kroz odnos prostor/vreme je potkrepljena vremenskom koncepcijom koja nastoji da dokaže dokle u vremenu seže postojanje nacije i da je smesti u antički period što je ranije moguće. Grci su apsolutni pobednici što se tiče ove paradigme na Balkanu, a većina ostalih etničkih grupa zdušno kopira njihov princip. Mi, dakle, imamo posla sa veoma hermetičnom i robusnom konstrukcijom koja pokreće nacionalne narative. Teritorijalni i etnički suverenitet se smatraju potpuno podudarnim. Naravno, ovo nije ništa novo; to predstavlja suštinu nacionalizma još od 19. veka. Paradoks je, međutim, u tome što je to i dan-danas modus kroz koji govorimo o našoj nacionalnoj istoriji. Nacionalna istorija se nadograđuje svakim osvajanjem ili gubitkom teritorija, što se zatim ili slavi kao moralno i materijalno potvrđivanje ili se, pak, karakteriše kao nacionalna katastrofa i trauma. Zato ne bi trebalo da iznenađuje to da nacionalne istorije retko nastoje da prikažu teritorijalne jedinice u svetlu administrativne organizacije prethodne države poput Otomanskog carstva ili Habzbuške monarhije. Motivi su jasni: pre će biti da takvi teritorijalni formati komplikuju i smetaju nego da stvaraju homogenost, pa se stoga zaobilaze.¹⁴⁹

Kako se nacionalna istorija nadograđuje, čak se i u našim najprosvetljenijim i najnaprednijim udžbenicima razlika i heterogenost između teritorijalnog i etničkog suvereniteta smanjuju. Nacionalna država sa naglaskom na Teritoriju (velikim slovom) postaje osnova za razvoj priče. Uz ustanov-

ljeno jezgro teritorijalnosti, koliko god malo ono bilo, priča nacionalne istorije može da se razvija.

Ova forma naracije ima jasnu implikaciju u vezi sa tim šta je država. Država se retko shvata u sociološkim terminima kao organizacija i sazrevanje institucija upravljanja i zastupanja, kao određeni oblik organizacije i raspodele vlasti, kao poseban okvir za regulisanje i organizovanje društvenog, ekonomskog i kulturnog života, kao specifična administrativna struktura koja reguliše domaće i strane resurse, kao oblik upravljanja koji najbolje služi interesima elita u usponu, kao ključni institucionalni čvor za mobilizaciju i preraspodelu resursa, kao glavni akter nacionalizacije, već – pre svega drugog – kao ovaploćenje nacije. Država je na taj način svedena na ulogu slobodne zone za naciju. Smatram da je ovo veoma problematično i neistorijsko stanovište povodom toga šta je država i šta ona radi. Institucija države je uvek ispod nacije, što za efekat ima to da nacija i nacionalna država deluju kao kob, sudbina, okolnost koja potvrđuje kolektiv; nacionalna država se tako čini kao kolektivna sudbina i umanjuje vrednost pojedinca pod teretom istorije. Sa navedenim je povezano stvaranje specifične istorijske kulture koja je usko povezana sa predavanjem i učenjem istorije što, izostankom kritičke distance prema teškim i kontroverznom temama, stvara veoma pozitivnu sliku o sebi i usađuje đacima veliki ponos po pitanju nacionalne istorije. Kada ova pozitivna slika nije potkrepljena realnošću ili se dovodi u pitanje alternativnim narativima, primećujemo nemogućnost otklona od takvog stanovišta/identiteta i zauzimanja kritičkog stava prema sopstvenoj poziciji; u neku ruku postajemo zatočenici sopstvenih narativnih tvorevina.

Naravno, država i teritorija su stari znanci; država uvek postoji unutar granica. Međutim, granice srednjovekovnih i ranih modernih država/carstava su obeležavale domet vlasti njihovih dinastija i njihove univerzalističke pretenzije, a ne teritorijalni domet nacije. Štaviše, imperijalne granice mogle su se prekrajati i menjati. Važno je takođe zapamtiti

149 Sa druge strane, akademska istorija je već napravila ozbiljne korake ka tome da se prostor i geografija konceptualizuju i u njihovoj složenosti i promenljivosti. Videti: Drago Roksandić (urednik), *Mikroistorija Triplex Confinium-a*. Budimpešta: Centralni evropski univerzitet, 1998; Drago Roksandić i Nataša Štefanec (urednici), *Izgradnja pograničnih društava Triplex Confinium-a*. Budimpešta: Centralni evropski univerzitet, 2000; Drago Roksandić, Ivan Mimica, Nataša Štefanec, Vinka Glunčić-Bužančić (urednici), *Triplex Confinium (1500-1800): ekoistorija*, Split/Zagreab: kniževni krug, 2003; Drago Roksandić, *Triplex Confinium ili O granicama i regijama hrvatske povijesti: 1500-1800*, Zagreb: Barbat, 2003.

da svaka država nije nacionalna država, niti svaka nacija ili etnička grupa poseduje teritorijalno određenu nacionalnu državu. Navešću par primera zašto smatram da su sve ove sociološke kvalifikacije i distinkcije značajne. Ustvrdila bih da rane državne strukture na Balkanu, tj. državne strukture ranog 19. veka (1830-ih godina), i srpska i grčka, ne predstavljaju stvarno po sebi moderne državne strukture, već pre neku mešavinu, hibrid između predmoderne i moderne države; moglo bi se govoriti o potencijalnim modernim državama ili modernim državama u postanku.¹⁵⁰ Čak i ako bismo primenili osnovnu kvalifikaciju moderne države prema Maksu Veberu, gde stoji da je to oblik društva koje uspešno drži monopol nad legitimnom upotrebom fizičke sile unutar date teritorije, onda ni Kneževina Srbija ni Kraljevina Grčka ne bi u potpunosti mogle da se svrstaju u kategoriju moderne države. Ne samo da su se i grčka (1821-1832.) i srpska (1804-1835.) „revolucija“ na kraju svele na neku vrstu građanskog rata između konkurentskih frakcija, već su još dugo vremena nakon uspostavljanja države nastavljeni sukobi suprotstavljenih klanova u želji za prevlašću. Zapravo, vladavina Miloša Obrenovića pre podseća na vladavinu lokalnih osmanskih ajana¹⁵¹ poput Osmana Pazvanoglu u Vidinu i Ali-paše Tepelenskog u Janjini nego na pravu modernu državnu strukturu, tj. koncept vladavine je i dalje bio zasnovan na lokalnoj osmanskoj logici upravljanja i opštinske samouprave, a ne na podeli vlasti, narodnom predstavljanju itd. U Grčkoj su lokalne snage takođe i dalje bile jake i sprečile su stvaranje centralizovane moći. Na prvog grčkog guvernera, Joanisa Kapodistriasa, atentat su izvršili lokalni peloponeski klanovi koji su želeli da spreče njegove planove za centralizaciju, tako da je tokom većeg

dela 19. veka država Grčka bila pljačkana od strane lokalnih bandita, koji su se oružanom silom protivili centralizovanoj vlasti sve dok ih na kraju država nije pripitomila.¹⁵² Drugim rečima, ono što je nasleđeno iz doba carstva zadržano je i preneseno u nove državne formacije, te se može reći i da se politička vlast dugo oslanjala na lokalne tradicionalne načine vladavine. Postavlja se pitanje kakva je to vrsta građanskog modela u kojem seljaci dižu pobunu nakon što čuju glasine da vlada planira da im oduzme puške, kao što je bilo u slučaju Timočke bune?

Na kraju valjalo bi se podsetiti da su naknadna proširenja teritorije – nasuprot onome što piše u udžbenicima i kako bi nacionalne istorije želele da nas ubede – uglavnom predstavljala „šokove“ za već postojeće države sa izgrađenim jezgrom, koje su se suočile sa novim i ozbiljnim zadatkom upravljanja različitim i kompleksnim sadržajima u svim sferama društvenog, ekonomskog, političkog i kulturnog života, počevši od demografske kompleksnosti i promena u demografskim strukturama, preko različitih oblika i tradicija društvene i pravne organizacije, do integrisanja lokalnih ekonomskih struktura u veću, integrisanu nacionalnu ekonomiju. Prva Jugoslavija je verovatno najbolji primer ovakve kompleksnosti. Na ovaj primer ćemo se uskoro vratiti.

Slični problemi javljaju se kada raspravljamo o etničkim grupama ili nacijama isključivo u odnosu na njihovu teritoriju. Mislim da je slučaj bosanskih Muslimana ovde veoma indikativan.¹⁵³ Kao grupa, bosanski Muslimani su dugo vremena pokazivali ravnodušnost prema pojmu nacije. Sa vremenom, bošnjačka elita izabrala je strategiju priklanjanja i(li) lojalnosti superiornoj sili kako bi osigurala preživljavanje

150 Dobra diskusija na ovu temu se može naći u Kostas Kostis, “Stvaranje grčke države” u: Faruk Birtek i Talija Dragumis (urednici), *Državljanstvo i nacionalna država u Grčkoj i Turskoj*, Njujork: Routledge, 2005, str. 18-36; slične tvrdnje u vezi sa Srbijom se mogu naći kod Olge Popović-Obradović, *Kakva ili kolika država. Ogledi o političkoj i društvenoj istoriji Srbije XIX-XXI veka*, Helsinški odbor za ljudska prava u Srbiji: Beograd, 2008.

151 Ajani su bili lokalne ugledne ličnosti u Osmanskom carstvu. Do 18. veka su dobijali sve veći značaj u osmanskom sistemu i termin je počeo da se upotrebljava za pojedince koji su bili mnogo više od običnih uglednih ličnosti u nekom gradu ili okrugu, označavajući sada ljude koji su vršili politički uticaj i čiji status je bio zvanično priznat. Pogledati Robert Zens, “Pokrajinske sile. Uspon osmanskih lokalnih uglednih ličnosti,” *History Studies* 3 (2011) 3, str. 433-447.

152 Videti ovde: Džon S. Koliopulos, *Banditi s razlogom. Razbojništvo i iridentizam u savremenoj Grčkoj. 1821-1912*. Oxford: OUP, 1987.

153 O formiranju bosanskog muslimanskog identiteta od 19. do 21. veka videti: Gzavije Bugarel (Xavier Bougarel, *Preživeti carstva: Islam, nacionalni identitet i politička pripadnost u Bosni i Hercegovini*; Pariz: Karthala, 2015.

zajednice, a ta crta postala je gotovo dijahroni obrazac njihovog političkog ponašanja i štaviše pokazala se kao veoma uspešna strategija. Prvo su se priklonili Habzburškom carstvu, posle čega nisu mogli da pronađu za sebe mesto u prvoj Jugoslaviji, pa su nakon toga tražili zaštitu od nezavisne države Hrvatske, pod nacističkim režimom i na kraju pod komunistima. Čak i nakon što su 1968. godine stekli status „naroda“, njihov identitet nije podrazumevao jasnu identifikaciju sa teritorijom. Kako spojiti takve aspekte stvaranja identiteta koji nisu pratili tradicionalnu šemu nacija/država/teritorija? Naravno, nakon tragedije koja se odigrala 1990-ih, i bošnjački istoričari su se opredelili za model teritorijalne nacije i pripovedaju svoju istoriju u formi teritorijalne teleologije, ali ovo je vrlo skorašnji fenomen i ima puno veze sa zahtevima koji proizilaze iz sadašnjice.

Po meni, jedna od zamki načina na koji raspravljamo o stvaranju država i nacionalnih država na Balkanu javlja se u odnosu na način na koji svoje nacionalne istorije pripovedamo u odnosu na zapadnu civilizaciju (zapadnu civ.). Uobičajeni način koji se javlja u udžbenicima je sledeći: savremena istorija predstavlja se po poglavljima, gde se smenjuju poglavlja istorije zapadne civ. i nacionalne istorije. Ovde su takođe stvaranje države i nacionalne države dobri primeri. Hronološki, predstavljamo prvo ideje Prosvetiteljstva i revolucionarnog republikanizma Francuske revolucije, kao i način na koji su te ideje putovale do našeg kraja sveta gde su nadahnule domaće intelektualce koji su ih preradili u lokalne slobodarske ideologije. Iako su ideje romantizma i liberalizma svakako prenesene u procesu preplitanja regiona sa zapadnom i centralnom Evropom, stvaranje država na Balkanu nije se temeljilo na tim istim premisama. Stvaranje država u zapadnoj Evropi započeto je na početku savremenog perioda, a suverenost se kroz jedan dug proces prenosila sa božanske kraljeve ličnosti na aristokratiju, odatle na srednju klasu i naposljetku na „narod“. Ako razmotrimo istovremene važne društveno-ekonomske promene koje su se odigravale u ovim društvima, Jugoistočna, Centralna i Istočna Evropa pratile su drugačiju šemu. Ovde je ideja narodne vladavine prenesena na veoma egalitarističke, dominantno agrarne strukture, u multietničkim carstvima sa ogromnom demografskom kompleksnošću, slabim urbanim strukturama i nejakim kapitalističkim odnosima. Stoga, dok je preplitanje tokom prenosa ideja adekvatno prikazano u udžbenicima, ne razmatraju se način na koji je

ovaj model prenesen u lokalni/regionalni kontekst i problemi koji su se javili kao posledica takve kontekstualizacije. Ovako nastaje paradoksalna situacija: bez obzira na istorizaciju ideologije nacionalizma i isticanje novine odnosno savremenosti nacionalnog identiteta – kao što dosta autora najboljih udžbenika čini – dokle god naš model naracije na meta-nivou ostaje utemeljen u logici (teritorijalnog) sadržaja nacionalne države, nećemo biti sposobni za promenu na kognitivnom nivou, zato što jedna narativna struktura poništava drugu.

Upravo je uočavanje ovog problema u primeni modela homogenizovane teritorijalne nacionalne države nagnalo mnoge balkanske intelektualce da potraže različita rešenja za stvaranje države. U drugoj polovini 19. veka, kao najbolji primer za stvaranje države uzimali su se ne samo nemačko i italijansko ujedinjenje nego i modeli državnog saveza kao što su Sjedinjene Američke Države i Švajcarska, koji su bili popularni u regionu. Upravo je uvid u nestabilnost stvaranja nacionalne države na Balkanu doveo intelektualce kao što su bili Riga od Fere, Svetozar Marković i Ljuben Karavelov do vizije nove države kao multinacionalne demokratske republike. Štaviše, nije slučajno to što su se u 19. i 20. veku pojavili različiti planovi koji su nudili alternativna nad-nacionalna državna rešenja kao što su bili projekti Trializma, Heleno-Osmanizma, Ilirijanizma, Panslavizma, Jugoslavizma, projekti balkanske federacije itd. Takvi projekti javljaju se u velikom broju u regionu Jugoistočne Evrope, u svakom slučaju u daleko većoj meri nego što su se slični projekti javljali u zapadnoevropskoj političkoj misli. Ovo nije slučajnost. Bilo da su rođeni iz ideološkog ubeđenja ili iz političke potrebe, savezni projekti su sastavni deo regionalne istorije i odražavaju pretraživanje duše u potrazi za adekvatnim rešenjem demografskih, političkih, socijalnih, kulturoloških i teritorijalnih problema stvaranja nacionalne države na Balkanu.

Dozvolite mi da razmotrim poslednji primer i ukažem, sa jedne strane, na našu fiksaciju etničke/nacionalne komponente države, a sa druge strane na propuštene prilike za više naučne rasprave o građanskim i društveno-ekonomskim aspektima stvaranja države kao dela naše istorije. Moj omiljeni primer je prva Jugoslavija. Kao istoričari, trošimo dosta energije i vremena raspravljajući o krivcima za politički neuspeh prve jugoslovenske države. Ipak, skoro nikada se ne bavimo

pitanjima od ključnog značaja: Koja vrsta države je bila prva Jugoslavija? Da li je imala razvijenu i funkcionalnu infrastrukturu na nivou zemlje? Da li je raspolagala unutrašnjim tržištem? Da li je imala koordinisanu fiskalnu politiku i kapacitet za izvoz? Da li je imala integrisan finansijski sektor na nivou države? Da li je država imala kapacitet da nametne standarde i sudske odluke na celokupnoj svojoj teritoriji? Mislim da bi bliže posmatranje prve jugoslovenske države ukazalo na njenu regionalnu i teritorijalnu rasparčanost, a stoga i na slabost institucije države, koja je ličila više na skup regiona pun različitih nasleđa nego na konsolidovanu, integralnu državu. Da li pitanja koja postavljamo i način na koji ih postavljamo utiču na to kako pripovedamo i razumemo istoriju? Bez sumnje, imaju.

Na kraju, a ova poslednja opaska tiče se celog regiona, nemoguće je pripovedanje istorije nacija, stvaranja nacije, nacionalne države ili nacionalizma u Jugoistočnoj Evropi bez razmatranja njihovog preplitanja, to jest načina na koji su se naizmenično kretali i uslovljavali jedni druge. Ja sam to nazvala „efektom ogledala“ balkanskog nacionalizma: „To je neprestano stvaranje i reprodukcija sopstvenog odraza i tuđih odraza, kao u galeriji ogledala.“¹⁵⁴ Grčki nacionalizam podstakao je bugarski nacionalizam. Srpski i grčki nacionalizam podstakli su albanski nacionalizam. Grčki, bugarski i srpski nacionalizam podboli su makedonski nacionalizam, a svi navedeni probudili su turski nacionalizam, itd. Može se sastaviti dug niz ili pak gusto tkana mreža recipročne akcije i reakcije koje su pokretale i danas pokreću dinamiku intra-balkanskih odnosa.

Koliko god čvrsto izgledale teritorijalne konstrukcije u udžbenicima, nijedna od balkanskih nacija zapravo nije imala fiksnu ni stabilnu predstavu o teritorijalnom prostiranju nacije, a shodno tome ni nacionalne države, nego su

oscilirale i menjale se u skladu sa dinamikom regionalne i međunarodne politike. Često citirana grčka “megali idea”¹⁵⁵ odnosi se u suštini na psihičko jedinstvo Grka, ali ne sadrži apsolutno nikakve geografske naznake o tome dokle se teritorijalno proteže nacionalna država. Slična je bila situacija u Srbiji. Srpske iredentističke ideje nisu jasne po pitanju toga da li je prirodno proširenje srpske države na jugoistok ili jugozapad od Srbije i osciliraju između ta dva. Bugari su se poigrali različitim teritorijalnim idejama o tome gde se nalazi težište Bugarske, sve dok Sanstefanskim sporazumom nije za njih napravljen šematski plan teritorijalne nacije, koji je kasnije postao glavna referentna tačka svih iredentističkih napora. Hrvati su morali da pomere svoje težište kulturnog razvoja sa multikulturalne Dalmacije na samu Hrvatsku i degradiraju Dalmaciju na jednu pokrajinu hrvatske teritorijalne države.

U ovom radu, moj pokušaj je bio da skrenem pažnju na način na koji se nosimo sa vezom *država–nacija–teritorija* i sa modalitetima korišćenja „prostora“ u udžbenicima. Ove komponente istorijskog narativa sigurno trpe veliki uticaj promenljivog međunarodnog istoriografskog pejzaža i metodoloških izazova koje on donosi. Da izbegnem nesporedne, ne zalažem se za napuštanje nacionalne istorije niti koncepta nacionalne države. Zalažem se za porozniji i verovatniji narativ o stvaranju nacionalne države, narativ koji ne samo što prikazuje promene koje se odigravaju sa vremenom, nego i modalitete putem kojih se *država–nacija–teritorija* dovode u korelaciju jedna sa drugom. Predlažem da, kao put kojim se istorija kreće, umesto posmatranja stvaranja države kao teleološkog procesa sa prethodno definisanim ciljem i ishodom, posmatramo to kao proces teritorijalizacije, de- i re-teritorijalizacije koncepcija, želja, projekcija, političkih projekata, socijalnih namera i procesa sa mnoštvom mogućih ishoda i bez fiksne teleologije.

154 Dimu, Augusta, *Ispreplitani putevi ka savremenosti, kontekstualizacija socijalizma i nacionalizma na Balkanu*, Budimpešta: CEU Press, 2009, str. 315 i dalje.

155 U bukvalnom prevodu „velika ideja“ i odnosi se na grčke iredentističke težnje.

Udžbenici istorije u Srbiji¹⁵⁶

Dubravka Stojanović

Nedavno je u jednom svom govoru predsednik Srbije Tomislav Nikolić izjavio da Srbija nema more, ali zato ima istoriju. Time je on, ukratko, ovaj referat napisao umesto mene. Izrazio je, naime, suštinu. Srbija se, zaista, prema svojoj istoriji u mnogo čemu odnosi kao da je ona njeno more. Koristi je kao resurs, iskorišćava i raznim zloupotrebama ugrožava, u unutrašnjoj politici je nudi za potkupljivanje i u populističke svrhe, u spoljnoj koristi kao ucenu kad sebi treba da podigne cenu. Na tome zaista zasniva svoj identitet, celokupni *raison d'être*, sve sadašnje i buduće planove i računice.

Zbog toga nastava istorije ovde i nema obrazovnu funkciju. Upravo suprotno. Kao što je dugo pisalo u temeljnim aktima Ministarstva prosvete, ona ima zadatak da oblikuje nacionalni identitet, zbog čega ona nije običan nastavni predmet, već predmet s posebnom misijom. Ona ne treba da podstiče debatu, naprotiv. Ona ne treba da uči analitičkom i kritičkom mišljenju, naprotiv. Zbog toga je ja često u mojim radovima nazivam „predvojničkom obukom“, jer je njen glavni zadatak da na osnovu određenih, pervertiranih tumačenja prošlosti kreira sistem vrednosti današnjih učenika, ne bi li oni i budući razvoj srpskog društva potčinili paranoidnom modelu istorijskog sećanja, zasnovanom na samoviktimizaciji i heroizaciji prošlosti. Tako su udžbenici istorije, koji su uvek

pouzđano ogledalo za istraživanje društva i njegovih vrednosti, tokom poslednje dve decenije u Srbiji i u njoj susednim zemljama postali i aktivni učesnici u kreiranju novih društava i nove svesti - i po mnogo čemu čak i avangarda, što nikako ne bi smeli da budu, jer su kao istorijske istine plasirali ideje koje su do tada u nauci bile marginalne i koje nisu zasnovane na naučnim temeljima.

Najbolji argument za ovako oštru kritiku je činjenica da su udžbenici istorije u Srbiji temeljno promenjeni u dva navrata, i to u dve izuzetno zanimljive godine, 1993. i 2002. Drugim rečima, prvi put usred rata u Bosni, sankcija i hiperinflacije. Režim Slobodana Miloševića bavio se promenom prošlosti da bi sadašnjost izgledala kao njen jedini mogući logični kontinuitet. Đinđićeva vlada imala je već više prostora i razloga da pokrene tu reformu, ali je promena, nažalost, tada, 2002, izvršena u sasvim pogrešnom pravcu, koji svedoči o tome da je bilo potrebno ponovo na brzinu, ponovo verovatno samo u avgustu, izmeniti neke ključne komponente ideološkog tumačenja prošlosti i nametnuti sada svoj koncept. Ovde je potrebno da konstatujemo kako su oba režima u trenucima velikih kriza i potresa u društvu, i 1993. i 2002, među prvim merama koje su preduzeli, uvrstili baš promenu udžbenika istorije. To govori o tome da su oni

156 Transkript izlaganja na konferenciji Fonda za humanitarno pravo *Udžbenici istorije u post-konfliktnim društvima: Obrazovanje za pomenje?* održanoj 24.04.2015. godine u Beogradu.

upravo ideološki temelj društva, kako se ono nekad zvalo, „MPV“¹⁵⁷.

Miloševići udžbenici imali su zadatak da nekadašnji model jugoslovenstva, utemeljen u bratstvu i jedinstvu, zamene ksenofobičnom predstavom o prošlosti jugoslovenskih naroda. Bio je to mitski okvir za opravdavanje ratova koji su bili u toku, okvir koji je proizvodio kolektivno sećanje zasnovano na ideji o sopstvenoj veličini, samosažaljenju i neobičnoj kombinaciji nacionalne arogancije i samoviktimizacije. Tako postavljen cilj zahtevao je da se promene i tom modelu prilagode istorijske činjenice, tako što su neke od njih izbrisane iz istorije, nekima je umanjen značaj, a neke su ojačane da bi se dobio novi mitski narativ. Taj mitski narativ prenosio je ideje o srpskom narodu kao kolektivnom i glavnom nosiocu istorije, o njegovoj istorijskoj žrtvi koja opravdava sve buduće postupke, o njegovom herojstvu, martirstvu i žrtvovanju za druge, o njegovoj neshvaćenosti, propuštenim prilikama, nožu u leđa, „dobijenim ratovima i izgubljenim mirovima“, što bi rekao pisac. Taj istorijski netačan okvir primenjen je na sve periode istorije - to je ono o čemu je govorila Augusta Dimou, od srednjeg veka naovamo, čime je čitava prošlost te 1993. bila iz temelja promenjena.

Kada je pravljena revizija 2002. postupljeno je drugačije. Promenjen je, naime, samo jedan segment prošlosti – Drugi svetski rat. Bilo je to u skladu sa ideološkim opredeljenjima jednog dela složene koalicije DOS, koja je 2000. godine došla na vlast, a osnovna ideja bila je revizija Drugog svetskog rata i zamena mesta glavnih aktera, pre svega u Srbiji. Najvažnija promena dogodila se u tretmanu četnika i partizana, s tim što je izmenjena i ocena kolaboracionističkog režima Milana Nedića. General Milan Nedić, predsednik srpske vlade pod okupacijom, predstavljen je kao čovek, prema udžbeniku iz 2002, „velikog ugleda kod Srba, koji je spasavao biološku supstancu (već taj izraz!) srpskog naroda jer se, zbog strahovitih odmazda nad civilima, protivio svim nepromišljenim pokretima protiv okupatorske vojske“ – pokretima koje nazivaju „pokret otpora“.

Ipak, najveći napor uložen je da bi se promenio lik četničkog vođe, Draže Mihajlovića, i njegovih vojnih jedinica. Da bi četnici i partizani izmenili mesta *good* i *bad guys*, bilo je

potrebno učiniti duboke rezove na dva najvažnija pitanja – pitanju kolaboracije i pitanju zločina nad civilima. Suština tih promena bila je da se četnici prikažu kao istinski i jedini predstavnici srpskih nacionalnih interesa koji su, iako pokretači antifašističkog otpora, kako se u udžbeniku neprestano insistira, na kraju izdati od saveznika. Ta saveznička izdaja ostala je neobjašnjena, ali se pojavila kao jedino obrazloženje četničkog poraza. Četnici su prikazani kao jedini istinski pokret protiv okupatora, kao „jezgro srpskog građanskog otpora, koji su, i za razliku od komunista, koji su nameravali da podele srpski etnički prostor, pod srpskim zemljama pored Srbije podrazumevali Crnu Goru, celu Bosnu i Hercegovinu, deo Dalmacije, uključujući Dubrovnik i Zadar, ceo Srem, uključujući Vukovar, Vinkovce, Dalj, Vojvodinu, Kosovo i Metohiju i južnu Srbiju“ - čime su, po mom mišljenju, autori iscrtili i dalje željenu kartu srpskih etničkih granica.

Sledeće pitanje koje je autorima udžbenika predstavljalo problem u interpretaciji jeste pitanje kolaboracije. Da bi se sa četnika skinula odgovornost kolaboracije, bilo je potrebno primeniti čitav niz retoričkih sredstava i prikriti veliki broj istorijskih činjenica. U prvom udžbeniku, iz 2002, primeri četničke kolaboracije nisu ni bili navedeni, ali se posle kritika u javnosti, u drugom udžbeniku objavljenom 2006. pojavio čitav niz argumenata koji opravdavaju kolaboraciju. Među mnogim četničkim starešinama, piše u udžbeniku za osmi razred, prevladalo je mišljenje da je italijanska vojska znatno manje opasna od ustaša i da stoga treba obustaviti dalju borbu: „Italijanska okupacija bila je najbolje ratno rešenje za očuvanje golog života Srba, naročito na prostoru Like, severne Dalmacije i Hercegovine, a italijanski vojnici najmanje zlo od svih zala s kojima su imali da se nose.“

Kad je to tako, onda nailazite na mnoge probleme u konkretnim ratnim situacijama i sigurno je najpoznatiji primer bitka na Neretvi. Svi znamo situaciju u toj bici: dole su partizani-ranjenici, gore su četnici i Italijani, dolazi do njihovog napada, a u udžbeniku piše ovako: „Na levoj obali reke već su bile raspoređene četničke snage; tako je nastao najdramatičniji trenutak između dve vojske i moralna dilema kod četničkih komandanata zbog sudbine narodnog zbeга u slučaju da

157 MPV, moralno-političko vaspitanje, deo obuke u JNA.

dođe do odsudne bitke. Kod partizanskih komandanata takve dileme nije bilo.“ O bici i o kasnijem četničkom napadu na ranjenike nema ni reči. S druge strane, partizanska kolaboracija prikazana je kao daleko uspješnija i sasvim drugačije motivisana. Prikazano je kao da su partizani bili ti koji su kolaborirali čitav rat, i to da bi tu strategiju iskoristili kako bi nakon rata došli na vlast.

Ovi udžbenici bili su jedini u upotrebi sve do promene zakona iz 2009. godine, otkad je onda opet prošlo izvesno vreme, pa smo dobili nove udžbenike za osmi razred. Posle devet godina, dakle devet generacija, sad imamo alternativne udžbenike. To otvaranje tržišta donekle je ublažilo stavove novih autora i iznijansiralo odnose u oceni te dve vojske u građanskom ratu u Jugoslaviji, ali osnovna podela je ostala ista, a četnici su i dalje prikazani kao ravnopravni antifašistički pokret. Na tome i na čitavom tom konceptu odgajano je poslednjih trinaest generacija učenika u Srbiji, pa samim tim nikog više ne bi smeli da čude problemi koje Srbija danas svakog dana ima sa ideologijama iz Drugog svetskog rata i okretanjem ekstremnim ideologijama, posebno među mladima.

Mislim da bi sada, na ovom skupu, bilo zanimljivo da kažem i šta se nije promenilo u odnosu na Miloševićevo vreme. Nisu se promenili dubinska matrica i nacionalistički diskurs u kojem je srpski narod žrtva, narod koji nikada nije vodio osvajačke ratove, što odražava dubinski ideološki kontinuitet sa prethodnim režimom. Ali zanimljivo je reći da se ni najmanje nije promenio odnos prema ratovima 1990-ih u odnosu na način na koji su oni interpretirani u vreme kad su bili u toku, jer su oni već ušli u udžbenike iz 1993, dakle - dok se rat vodio, smatralo se da se o tome treba dati 'prava istina'. Tumačenje istorije socijalističke Jugoslavije ostalo je danas identično kao 1993, pa i današnji udžbenici početak raspada najčešće uglavnom vezuju za Brionski plenum i uklanjanje Aleksandra Rankovića, koji se i danas, kao i u Miloševićevo vreme, posmatra kao zaštitnik srpskih nacionalnih interesa.

I danas u mnogim udžbenicima piše da su jedini stubovi Jugoslavije bili JNA i SKJ, pa piše onda, sasvim logično, da je njihov kraj bio i kraj države, što je simplifikacija koja opravdava nacionalističke programe koji su srušili Jugoslaviju i doveli do rata. Sami ratovi se danas i dalje objašnjavaju isključivo kao posledica separatizma Slovenije i Hrvatske, koje su jedine optužene za rušenje zemlje, gotovo od reči do reči, na način na koji je to činio Slobodan Milošević. Možemo u više knjiga naći i odgovornost Nemačke i Vatikana, baš kao u poznatim teorijama zavere. Što se zločina u ratovima tiče, oni se sada mogu naći u školskim knjigama, ali tako što su nekako pobrojani svi zajedno, pa u zagradi. Navodim jedan primer gde piše ovako: „Pogromi civila, Srba, Hrvata i Muslimana, ostavili su za sobom masovne grobnice“ – i onda ide jedan niz – „Pakrac, Medački džep, Ovčara kod Vukovara, Gospić, Kazani kod Sarajeva, Kozarac, Foča, Šipovo, Bratunac, Srebrenica.“ Vidimo da na spisku pretežu zločini nad srpskim narodom, čime se ponovo podvlači njegova pozicija najveće žrtve, čak i u ratovima 1990-ih.

Uporedna istraživanja udžbenika u današnjim državama bivše Jugoslavije - uz vrlo retke izuzetke, kakav je udžbenik Snježane Koren – pokazala su da su u najvećem broju udžbenika u svim državama i danas u nastavi istorije ostali svi argumenti koji su korišćeni u ratnim ideologijama za izazivanje rata. Dakle, ne samo tokom rata, nego oni argumenti koji su napravili rat, ali pre svega osnovna ideja da je svako svačija žrtva i da se ta nepravda mora i treba ispraviti. Time se formira odnos današnjih i budućih generacija prema tim ratovima, a pozicije ostaju nepromenjive i nepomirljive, što konflikt drži i dalje otvorenim i daje argument onima koji govore da se rat u Jugoslaviji nije završio. Činjenica da su linije frontova u ratu sećanja povučene tačno po linijama šančeva iskopanih u ratovima 1990-ih, dokazuje da se u tumačenju prošlosti skladište rezerve iz kojih konflikt može ponovo da počne.

Udžbenici povijesti u Hrvatskoj¹⁵⁸

Snježana Koren

Ja bih odmah na početku i zahvalila organizatorima koji su me pozvali na ovaj skup. Naime, nastavljajući se na ovo što je rekla Dubravka, ja bih rekla da su unazad zadnjih dvadeset pet godina, od 1990. nadalje, bile dvije teme o kojima se u Hrvatskoj intenzivno debatiralo i još uvijek se debatira, vjerojatno čak i u ovom trenutku dok mi ovdje govorimo, s obzirom da je ovo razdoblje koje kod nas neki nazivaju „Majskim svečanostima“, a koje - dakle pod navodnicima - koje započinje otprilike sa probojem u Jasenovcu i završava negdje s Titovim rođendanom. Kad sve to skupa zbrojite s time da je predizborna godina, onda shvaćate zašto su nam povijesne teme sada u pojačanom fokusu, ali tako da možemo očekivati da se neke izjave daju u ovom trenutku dok se skup događa.

Dakle, dvije teme su bile ključne u tim debatama - jedna je bila Drugi svjetski rat, a druga, unazada zadnjih desetak godina, jesu ratovi u 1990-ima. I ove godine, dakle 2015, navršava se ravno deset godina od prve velike debate koju smo imali o poučanju ratovima u 1990-ima. Ja ću se, naime, fokusirati upravo na tu temu, jer *de facto* ova priča o Drugom svjetskom ratu bi zahtijevala posebno izlaganje, to je i dalje vruća tema, to možemo demonstrirati nizom primjera. I upravo ta debata iz 2005. godine otvorila je pitanje kako poučavati o ratovima 1990-ih. Međutim, jedna od njezinih

posljedica bila je i ono što ja zovem „intenzivna NOB-izacija“ diskursa o ratu koji se u Hrvatskoj naziva domovinski rat. Za naše, dakle, sudionike koji nisu sa područja bivše Jugoslavije, dakle, cela je ideja da se rat u 1990-ima poučava onako kako se Drugi svjetski rat, ili kao što se to tada zvalo, „narodnooslobodilačka borba“, poučavao u socijalističkoj Jugoslaviji. I zapravo ova priča koju ću vam ja danas ispričati jest, rekla bih, priča o tome što sve može poći po zlu, s *check list*-om kako to napraviti. Naravno, fokus je na ovoj temi koja je trenutačno najosjetljivija. To ne znači da nije bilo i promjena i poboljšanja i u samoj nastavi povijesti u hrvatskim udžbenicima, međutim, kao što je Augusta Dimou rekla u svojem izlaganju, to je tema koja će svakako, i sada je, a i bit će još godinama pod posebnim povećalom.

Vidjet ćete ovde da ima cjeli niz sličnosti ne samo između načina na koji se poučavao svojedobno NOB, nego i između hrvatskih i srpskih udžbenika. Pa tako i u Hrvatskoj, tema o ratu u 1990-ima se prvi puta našla u udžbenicima 1992. Dakle, dok je rat još trajao. I ono naravno neizgovoreno pitanje koje stoji iza toga jest - kako poučavati o ratu koji traje. Samo bih podsjetila: AVNOJ, njegov prosvjetni odijel je donio odluku da se NOB poučava krajem 1942. u programima, a krajem 1944. u Hrvatskoj je, na primjer, napisan prvi priručnik o NOB-u. Dakle, ti narativi koje su nudili udžbenici u 1990-

158 Transkript izlaganja na konferenciji Fonda za humanitarno pravo *Udžbenici istorije u post-konfliktnim društvima: Obrazovanje za pominjenje?* održanoj 24.04. 2015. godine u Beogradu.

ima bili su naravno usklađeni sa službenom, oficijelnom pripovijesti o ratu. Uglavnom se radilo o kronološkom prikazu događaja koji je bio jako fokusiran na političke prilike. Vidjet ćete, to će se mijenjati u ovih dvadeset pet godina. Koristio se jedan politizirani jezik, nabijen emocijama, kojemu je zapravo primarni cilj bio kako utjecati na osjećaje čitatelja. Međutim, tada, u 1990-ima, ti se narativi još nisu propitivali, niti su bili zapravo podvrgnuti javnoj debati, a u fokusu su tada bile debate o Drugom svjetskom ratu.

Stvari se postupno počinju mijenjati nakon 2000. godine, što je imalo veze naravno sa političkim prilikama - to je bilo vrijeme kada je Hrvatska demokratska zajednica ili HDZ prvi put izgubila vlast. Udžbenički pluralizam, dakle mogućnost da imate više udžbenika po razredu, tada je zapravo omogućio da se vide razlike u prikazima te teme. Drugo, ratu iz 1990-ih počelo se pridavati sve veće političko značenje, on se počeo od tada naročito intenzivno prikazivati kao utemeljujući događaj i ishodište današnje hrvatske države. I tu je ona sad često korištena sintagma koju ćete često čuti, ako malo pratite hrvatske medije: „Šta su vrijednosti domovinskog rata?“ Dakle, radilo se o tome da se smatra da je pobjeda u ratu omogućila stvaranje samostalne Hrvatske i gradi se slika o sebi u kojoj je Hrvatska istodobno i žrtva i pobjednik. Dakle, radi se naravno o ratu, možda samo da napomenem, koji je u Hrvatskoj odnio - procjene kažu, dakle ne postoji još neki individualizirani popis - oko 22,000 ljudi na obje strane. Međutim, ono što je doista rasplamsalo debate bila su zbivanja nakon 2000. godine, kada je Međunarodni kazneni sud za bivšu Jugoslaviju podignuo nekoliko optužnica protiv visokih hrvatskih vojnih zapovjednika za ratne zločine ili je na Hrvatsku izvršen pritisak da sama organizira suđenja. Suradnja tadašnjih vlasti sa Međunarodnim tribunalom iskorištena je u unutarnjim političkim borbama, što je svakako pridonosilo zaoštavanju situacije i otada do danas to je pitanje koje izaziva iznimno snažne podjele u društvu – između onih koji smatraju da takva pitanja treba dalje otvarati i onih koji tvrde da se time narušava, opet kao što glasi fraza, „dignitet domovinskog rata“. Zbog tih je podjela u društvu Hrvatski sabor objavio nekoliko deklaracija kojima se zapravo pokušava nuditi oficijelna verzija o ratu. Na primjer, 2000. je objavljena Deklaracija o domovinskom ratu, 2006. Deklaracija o operaciji *Oluja*, broj komemoracija raste iz godine u godinu, Hrvatski sabor je pokrenuo znanstvena istraživanja

rata, i tako dalje. I to je naravno sve i te kako utjecalo na poučavanje tog razdoblja.

Međutim, ono što se može primjetiti nakon 2000. su dva paralelna procesa. S jedne strane, pojedini su udžbenici počeli nuditi narative koji su pokušavali prikazati rat, njegove uzroke, tjeck i posljedice, na jedan kompleksniji i sofisticiraniji način. I počinju se spominjati zapravo i, dakle, i zločini za koje su bili odgovorni Hrvati. S druge strane, paralelno je tekao sve snažniji pritisak od strane nekih veteranskih udruga, određenih političara, da se pojača učenje o ratu. Dakle, detaljniji prikazi u udžbenicima, više sati u školi, i tako dalje. Međutim, onaj jedan prijelomni trenutak bio je 2003. kada se Ministarstvo znanosti i obrazovanja trebalo pozabaviti s prestankom moratorija na poučavanje najnovije hrvatske povijesti u Podunavlju. 1995. Podunavlje je bio jedini dio koji je ostao pod upravom lokalnih Srba - postignut je sporazum nakon kojeg je Podunavlje 1998. mirno reintegrirano u sastav Hrvatske. Dio tog sporazuma bio je dogovor o edukativnoj autonomiji Srba na području Hrvatske i moratorij na poučavanje najnovije povijesti u razredima koji se poučavaju na srpskom jeziku. Taj moratorij je trajao od 1997-98. do 2002. i 2003. I nakon što se zapravo približavao kraju, nakon isteka moratorija, Ministarstvo je zapravo pokrenulo jedan proces izrade dopunskih materijala koji bi nadomjestili postojeće udžbenike, jer tada nijedan od postojećih hrvatskih udžbenika nije bio prihvatljiv za srpsku zajednicu u Podunavlju. Nakon dva neuspjela pokušaja, krenuo je i treći pokušaj koji je dovršen u ljeto 2005. i koji je onda pokrenuo cjelu debatu. Ja moram ovdje odmah reći da ja nisam tu samo promatrač, nego izravni sudionik te debate kao jedan od autora tog priručnika, tako da uzmite u obzir da je ovo inače priča i iz osobne perspektive. Ta cjela debata se odvijala u ozračjima suđenja za ratne zločine i desetgodišnjice proslave *Oluje*. Izbila je u javnost tako što je Ministarstvo tražilo recenzije, onda su se negativne pojavile u tisku i potaknule debatu koja je naprosto bjesnila meseci. Ona je dobro dokumentirana za naše prilike, samo bih vam pokazala što je sve proizvela - jedno stotinjak članaka u novinama i čak dvije knjige. Ova koja se zove „Jedna povijest, više historija“ zapravo nudi perspektive autora teksta, dakle u njoj se nalazi sam tekst, izdaci iz tadašnjeg tiska i nekoliko eseja autora. Druga, koja nosi podjednako znakoviti naslov – „Multiperspektivnost ili relativiziranje“ – pokazuje perspektivu kritičara teksta, prije svega recenzenata

koji su napisali negativne recenzije, pa tako eto u kompletu daju prilično ljepi prikaz te debate, što je omogućilo da ona postane dio znanstvenih analiza raznih institucija: ja sam do sad zamjetila jedan doktorat na Harvardu i jednu knjigu na London School of Economics.

Dakle, uglavnom, što se sve zamjeralo tom priručniku? Prvo, kritičari su se protivili tome što se u knjizi raspravlja o različitim tumačenjima i gledištima nestanka jugoslavenske države. Drugo, knjiga je kritizirana jer nije koristila termin „domovinski rat“, to jest postojala je rečenica da se uvriježio naziv „domovinski rat“, što je bilo iznimno kritizirano. Treće, snažne kritike bile su usmjerene na to da se rat prikazuje kao građanski, a ne kao agresija na Hrvatsku, da se ne spominje izraz „agresija“, da se naziv „Republika Srpska Krajina“ ne stavlja u navodnike niti se koristi izraz „takozvana“. Dakle, spominjanje zločina nad Srbima nakon *Oluje* je protumačeno kao da su autori oslobođenje Hrvatske proglasili zločinom. Nadalje, pokrenuto je pitanje koje je meni bilo prilično zanimljivo – trebaju li se autori udžbenika držati saborskih deklaracija kao interpretativnih obrazaca? Ja bih vam tu sad pročitala citat iz jedne od poznatih kritika, naime jednog novinskog članka, koji nekako sumira što je sve problematično, a mislim da ćete vrlo lako, ako zamjenite ovdje ove prideve „hrvatski“ sa nekim drugima, shvatiti u čemu je problem. Dakle, kaže ovako: „Bilo bi normalno za očekivati da je udžbenik koji će se objaviti s odobrenjem hrvatskog Ministarstva obrazovanja napisan s hrvatske točke gledišta. Bilo bi normalno očekivati da ta knjiga prikazuje hrvatsku istinu. Što su autori uradili? Relativizirali su sve što se dogodilo u posljednjih petnaest godina i onda su tražili od učenika da stvore vlastitu istinu o tim događajima. To je posvje neprimereno. Dobro je i primereno poticati kritički duh među učenicima, ali u ovom slučaju precjenjuje se sposobnost učenika da razumiju istinu koju ni sami autori vjerojatno nisu razumjeli i zato je nisu prikazali u udžbeniku. Je li doista moguće da su učenici u osnovnoj ili srednjoj školi sposobni napisati svoju vlastitu priču o ratu koja je ispravna i istinita, ako sami autori to izbjegavaju činiti? Oni su relativizirali sve događaje citirajući različita mišljenja, a istovremeno nisu zastupali hrvatsko stanovište.“ Ja bih rekla da ovaj odlomak dobro ilustrira opći problem s nastavom povijesti u cijeloj regiji, jer udžbenici povijesti prije svega trebaju zastupati naša gledišta, naša stanovišta ili ono što se vrlo često naziva pravilnim tumačenjem povijesti.

E sad, koji je bio impakt te debate? Prvo, Ministarstvo je odustalo od objavljivanja priručnika i *de facto* ostavilo autore da se sami snalaze u tim cijelim debatama dalje. Međutim, cjeli slučaj je otvorio debate o tome kako poučavati o ratu, iako je upitno koliko su to bile debate u pravom smislu, a koliko zapravo nastojanja da se u startu uguše i srežu drugačija gledanja na rat. Imale su izravan utjecaj na oblikovanje novih programa 2006. u osnovnoj školi, koji su još uvijek na snazi, gdje je tema o ratu iz 1990-ih znatno proširena. Pročitacu vam neke stvari koje se u toj temi traže od učenika. Dakle, od njih se očekuje da u detalje opišu tjeke rata, da opišu važne vojne operacije hrvatske vojske, da imjenuju istaknute hrvatske branitelje, da točno definiraju tko je agresor, a tko žrtva, da opišu stradanja civila, ali se, evo suprotno od ovog srpskog udžbenika, poimenice apostrofiraju samo Dubrovnik, Vukovar i Srebrenica, dakle oni gdje su žrtve Hrvati i Bošnjaci. Istovremeno je konačna verzija programa očišćena od svih događaja koji bi mogli zatamniti sliku o veličanstvenoj vojnoj pobjedi, pa je na primjer rečenica koja je postojala u izvornoj verziji programa o egzodusu Srba nakon *Oluje* iz Hrvatske, izostavljena u konačnoj verziji. No, to ne znači zapravo da udžbenici ne spominju te događaje – zapravo autori ih uvrštavaju samoinicijativno, ali je pitanje kako. Dakle, ta debata imala je onda utjecaj na nove udžbenike koji su se trebali napisati po novom programu i ta tema je tada dobila značajno veći prostor nego prije. Radi se o udžbenicima iz 2007. koji su *de facto* bili na snazi do unazad nekoliko mjeseci. Sa značajnim razlikama u broju stranica, taj raspon se kretao od 15 do 30 stranica, ovisno o udžbeniku, s tim da je dio udžbenika stavlja naglasak na stradanja bez izbjegavanja, naravno, političkog konteksta, a dio je sada sve više počeo stavljati naglasak na vojne operacije, i tu se zapravo i mogu uočiti vrlo snažne sličnosti s načinom na koji se nekad poučavao NOB.

Dakle, šta se koristi? Snažan i emocionalni jezik, detaljni prikazi vojnih operacija, u tekstu i na kartama, naglasak na vlastitim stradanjima, portreti ratnih heroja koji se učenicima nude kao modeli za identifikaciju, dakle sve one strategije koje se više ne smatraju prikladnima za poučavanje Drugog svjetskog rata sada su našle svoje mjesto za poučavanje rata u 1990-ima. Istovremeno, proizvodnja ovih novih udžbenika iz 2007. proizvela je još jednu debatu, ne tako intenzivnu kao onu 2005. ali rezultat je bio drugačiji. Povoljniji politički kontekst pridonio je tome da je Ministarstvo prihvatilo sve

udžbenike uz neke manje izmjene, ali je istovremeno uvjelo godišnje seminare za nastavnike povijesti o ratu. I ja samo ovdje želim istaknuti tu praksu.

Stručno usavršavanje jedna je važna strategija koju Ministarstvo ima na raspolaganju da promiče oficijelnu verziju povijesti. To nisu samo udžbenici, tu smo već isticali u kojoj mjeri ima važnu ulogu obrazovanje i stručno usavršavanje nastavnika. Negdje u razdoblju od 2007. pa do 2014. zavladao je zapravo neko zatišje. Ali istovremeno postojao je jedan stalni uporni pritisak da se toj temi sve više prostora posveti u udžbenicima. I ta ideja je postala na neki način samorazumljiva, bez obzira na stanje znanstvenih istraživanja. Recimo, to je rezultiralo i time da je ove godine objavljen i posebni priručnik od 158 stranica. On nije trenutačno obavezan priručnik, ali je naprosto stavljen na raspolaganje nastavnicima. Negdje u tom razdoblju, od 2011., kada je u Hrvatskoj na vlast došla lijevo liberalna vlada, fokus je bio više na debatama o zdravstvenom i građanskom odgoju, preko kojih su se iskazivali sukobi konzervativnih i liberalnih snaga u hrvatskom društvu. Međutim, sadašnja opozicija, i to se naročito radi o desnim strankama, u ovom predizbornom razdoblju ponovo koristi povijest kao dio svoje predizborne strategije. A reference na rat u 1990-ima tu imaju iznimno važno mjesto.

Vodstvo najjače opozicijske stranke HDZ-a, zagovara povratak političkoj ostavštini Franje Tuđmana. Pri tom, naravno, ističe samo one njezine aspekte koji su iskoristivi u sadašnjosti, kao što je stvaranje hrvatske države i pobjedo-nosni rat, a ispušta sve one negativne, poput problematične privatizacije, autoritarne vladavine, ograničavanje ljudskih prava i slobode medija, problematičan odnos prema manjinama i tako dalje. Sadašnja vlada se često optužuje da omalovažava vrijednosti domovinskog rata i narušava njegov dignitet, a dio te priče su i optužbe na račun udžbenika povijesti. Sad kad to stavite u kontekst svih onih događaja koje ste, vjerujem, i ovdje pratili - radilo se o onim protestima protiv uvođenja ćirilice u Vukovaru, protestima ratnih veterana koji već šest mjeseci kampiraju u šatoru pred Ministarstvom branitelja, protivljenje zakonu kojim bi se regulirala prava civilnih žrtava rata bez obzira na nacionalnost, što se proglašava - velim opet, fraza koja se često koristi - „izjednačavanjem žrtve i agresora“. Dakle, naravno, u takvim okolnostima su se i udžbenici povijesti i nastava povijesti ponovno našli pod povećalom

HDZ-a i ostalih ovih desnih, oporbenih stranaka. Samo bih tu htjela pokazati nekoliko izjava kojima smo bili počašćeni u zadnjih deset mjeseci od strane šefa najjače opozicijske stranke i njegova odbora za obrazovanje - što je zanimljivo, i šef opozicijske stranke i predsjednik odbora su po struci povijesničari. Dakle, prvo je 3.5.2014. Tomislav Karamarko, šef opozicijske stranke, rekao sljedeće - ovo ću citirati u cjelosti jer je to dosta bura izazvalo u Hrvatskoj: „Svatko može misliti što želi, ali samo u svojoj vlastitoj sobi, dvorištu ili kući, sigurno ne u javnosti. Svi će morati poštovati vrijednosti koje su u samim temeljima hrvatske države. To je domovinski rat, naši branitelji, naši mrtvi, politička doktrina doktora Franje Tuđmana i veliko djelo Gojka Šuška. Svi vi koji želite zaboraviti, koji želite izjednačavati žrtvu i agresora, možete to činiti u svojoj vlastitoj kući, ali u javnosti, u udžbenicima, u novinama nemojte nas trovati s tim.“ Zanimljivo da je to rečeno, dakle, 3.5. na Svjetski dan slobode medija 2014. godine. Potom 23.8, a to je bio dan spomena na zločine totalitarnih režima, šef HDZ-a najavio je novu politiku povijesti u tri točke - lustracija, uklanjanje Titova imena s ulica i trgova i sređivanje udžbenika povijesti. Dio toga je bio i zahtjev da se više pozornosti posvjeti ratu iz1990-ih koji se, po mišljenju HDZ-ova odbora, ne obrađuje objektivno, što je riječ kojom se uglavnom služimo kada želimo reći da se neki prikaz prošlosti ne slaže s našim stavovima. Potom, dva mjeseca kasnije, u prosincu, na komemoraciji 15 godina Tuđmanove smrti Karamarko je najavio unifikaciju udžbeničkih narativa o Tuđmanu, prema kojima bi u budućnosti u udžbenicima mogla biti samo verificirana verzija, i unosenje pojma „tuđmanizam“ u ustav. Dva mjeseca kasnije, 2.2.2015. na obilježavanju dvadesetpetogodišnjice Prvog općeg sabora HDZ-a, najavio je izgradnju Tuđmanova spomenika u Zagrebu i rekao da nastavi o domovinskom ratu treba dati posebno mjesto, koja će biti dio patriotskog odgoja. I tom prilikom je povijesničar Karamarko rekao: „Mi smo jedna od rijetkih zemalja u kojima pobjednici nisu uspjeli napisati svoju povijest, već su je napisali oni koji su izgubili rat.“ Otprilike istovremeno, sudac županijskog suda u Zagrebu Ivan Turudić predložio je da se u kazneni zakon unese penalizacija određenih stavova o ratu, dakle, kazna od 3 do 5 godina zatvora za one koji poriču obrambeni oslobodilački karakter domovinskog rata ili ga opisuju kao građanski. To je izazvalo iznimno snažne reakcije, pozitivne i negativne. Zasad se ta priča smirila, ali treba reći da se dotični sudac

spominje kao jedan od ozbiljnih kandidata za ministra pravosuđa u eventualnoj budućoj HDZ-ovoj vladi.

Sadašnja vlast je na sve to uzvratila tako da je zapravo usvojila i zahtjeve i taktiku kritičara. Sadašnji ministar obrazovanja u više navrata je i sâm rekao da se nedovoljno poučava rat, ministarstvo uvodi obavezne dvodnevne posjete Vukovaru, pilot-projekt je već započeo, gdje će deca na licu mjesta učiti i o ratu i o bitki za Vukovar, na posljednjem seminaru o domovinskom ratu za nastavnike povijesti ministar je rekao da će u novom kurikulumu koji se sada radi rat dobiti počasno mjesto, izjavio je da ga treba poučavati tako da se iznosi, citiram, „manje činjenica, više zaključaka“, i kao kruna svega, kao najbolji model za poučavanje rata, dakle rata iz 1990-ih, ponudio je nastavu NOB-a iz doba socijalističke Jugoslavije, zapravo potvrdivši tako sve ono što se već govori u analizama od 2009. nadalje.

Evo, ja bih sad zaključila. Moram reći da sam prilično pesimistična u ovom trenutku i čini mi se da budućnost nije blistava. U proteklih dvadeset pet godina ne možemo govoriti o pravom naprijetku - bilo je poboljšanja, ali to ne znači da ne može doći do regresije. Mi imamo stalno situaciju gdje se povijest koristi u političkim borbama i gdje se potenciraju podjele u već ionako polarizovanom društvu - povijest služi za izmišljanje neprijatelja, u mobilizacijske svrhe birača ili recimo za konsolidaciju stranke prije izbora. I za nastavu povijesti mi se čini da je nastupilo vrijeme koje će biti lošije sljedećih godina nego u razdoblju od 2007. do 2014, a poučavanja o ratovima 1990-ih će još neko vrijeme ostati iz-

razito politizirana i ideologizirana tema. I kao što smo mogli vidjeti, rat prvenstveno služi u svrhu patriotskog odgoja i ono što mene brine jest da se tu iskazuje jedna nemogućnost da se rat primarno shvaća kao tragedija, a kamoli da mu se pristupa kritički. Čak i da se ova zaoštrena predizborna retorika ublaži poslije izbora, šteta je već počinjena, ili zapravo mogla bih reći da je šteta konstantna. Stvara se ozračje izvanrednog stanja u kojem se teško može očekivati uravnoteženo i poučavanje i pisanje u udžbenicima o ratu, a zapravo se paralelno uništavaju oni mali pomaci koji su učinjeni u smjeru jednog drugačijeg shvaćanja svrhe nastave povijesti, dakle na prvom mjestu predmeta koji prenosi neke zadane istine, kao predmeta koji bi se trebao kritički baviti prošlošću. I čini mi se da to u dobroj mjeri zapravo objašnjava zašto naša društva stalno stoje na mjestu po principu „jedan korak naprijed, dva nazad“.

Kao ključna svrha poučavanja povijesti, dalje se vidi formiranje onoga što se zovu pravilna mišljenja. I nastava povijesti je u tome zapravo istovremeno i sredstvo političke borbe, a istovremeno, ja bih rekla, i njezina kolateralna žrtva. Šteta koja se pritom nanosi društvu je dugoročno nemjerljiva, jer objašnjavanje prošlosti u sadašnjosti koja je kompleksna i komplicirana svodi se na pojednostavljene formule po onom ključu crno-bijelo, dobro-loše. I umjesto da učenike učimo kako učiti, mi zapravo imamo nastavu povijesti koja zaglupljuje. To ću reći posve nediplomatski. I ja bih rekla da zapravo sada u 2015. mi idemo punom parom nazad u 19. stoljeće.

Analiza udžbenika historije u Bosni i Hercegovini

(8. i 9. razred osnovne škole, 4. razred gimnazije i
1. i 2. razred stručnih škola)

Dr Vera Katz

Uvod

Kraj osamdesetih i prva polovina devedesetih godina dvadesetog stoljeća donijeli su Bosni i Hercegovini političke promjene, eksploziju nacionalizma, višestranačke izbore i pobjedu nacionalnih stranaka koje su unutar formirane koalicijske vlade ispoljavale različite političke programe i uvele zemlju u rat (1992-1995.) koji je, prema načinu ratovanja, počinjenim zločinima i broju žrtava, bio najsuroviji tijekom procesa raspada jugoslavenske države.

Daytonskim mirovnim sporazumom (1995.) zaustavljen je rat i prema državno-političkom ustrojstvu Bosne i Hercegovine organizirano je i obrazovanje preko trinaest ministarstava za obrazovanje i nauku (u Republici Srpskoj jedno, u Federaciji Bosne i Hercegovine jedno federalno i deset kantonalnih/županijskih, kao i jedno ministarstvo u Brčko Distriktu Bosne i Hercegovine), koja samostalno donose odluke u vezi s nastavnim planovima i programima, kao i prilikom odobravanja udžbenika. Uz maternji jezik (bosanski, hrvatski i srpski) i pripadajuću književnost, geografiju, muzičku i likovnu kulturu, historija se ubraja „u grupu tzv. nacionalnih

predmeta“. Prema približavanju nastavnih planova i programa krenulo se 2003. godine, kada je donesen Okvirni zakon o osnovnom i srednjem obrazovanju u Bosni i Hercegovini.¹⁵⁹ Ovim zakonom bilo je predviđeno „razvijanje svijesti o pripadnosti državi Bosni i Hercegovini, vlastitoj kulturnoj samosvijesti, jeziku i naslijeđu, na način sukladan civilizacijskim tekovinama, upoznavajući i uvažavajući druge i drugačije, poštujući različitosti i njegujući međusobno razumijevanje, trpeljivost i solidarnost među svim ljudima, narodima i zajednicama u Bosni i Hercegovini i svijetu“.¹⁶⁰ Između ostalog, Okvirni zakon je propisao: „U svim javnim i privatnim školama u Bosni i Hercegovini uspostaviti će se i primjenjivati zajedničko jezgro nastavnih planova i programa“¹⁶¹, koje se sastoji „od nastavnih planova i programa sa što je moguće širom zajedničkom osnovom za sve predmete osnovnog i srednjeg obrazovanja u Bosni i Hercegovini. Zajedničko jezgro nastavnih planova i programa izrađuje *ad hoc* privremeno tijelo. Članove ovog tijela imenuju ministri obrazovanja entiteta, ministri obrazovanja svih županija iz Federacije Bosne i Hercegovine, te predstavnik Brčko Distrikta Bosne i Hercegovine. Zajedničko jezgro nastavnih planova i programa će: a) osigurati da se kroz vaspitno-obrazovni proces

159 Temeljem članaka IV. 4.a) i II. 4.) Ustava Bosne i Hercegovine, Parlamentarna skupština Bosne i Hercegovine na sjednici Zastupničkog doma, održanoj 27.06.2003. godine i na sjednici Doma naroda, održanoj 30.06.2003. godine, usvojila je Okvirni zakon o osnovnom i srednjem obrazovanju u Bosni i Hercegovini.

160 Okvirni zakon, čl. 3.

161 Okvirni zakon, VIII. Standardi u obrazovanju, čl. 42.

razvija pozitivan odnos i osjećaj pripadnosti državi Bosni i Hercegovini...¹⁶² Za provođenje zakona, zadužena „[t]ijela za uspostavu standarda u obrazovanju u Bosni i Hercegovini su: Agencija za standarde i ocjenjivanje u obrazovanju, osnovana međuentitetskim sporazumom 2000. godine; Agencija za nastavne planove i programe, postojeće stručne službe, ustanove entiteta i županija, Brčko Distrikta Bosne i Hercegovine, kao i druga stalna i privremena stručna tijela“.¹⁶³ Posebnim člankom je propisano: „Agencija za nastavne planove i programe neovisno je stručno tijelo zaduženo za implementaciju zajedničkog jezgra nastavnih planova i programa na svim razinama obrazovanja koje tretira ovaj zakon. [...] [K]ako bi se postigla odgovarajuća kvaliteta obrazovanja i standarda znanja, te njihove uporedivosti na domaćem i međunarodnom planu, [...] mjerodavne vlasti su dužne osigurati da se do početka 2003/2004. godine nastava u svim školama u Bosni i Hercegovini realizira na temelju zajedničkih jezgara nastavnih planova i programa, kako je utvrđeno ovim zakonom“.¹⁶⁴ Međutim, Okvirni zakon s posebnim naglaskom na zajedničkim jezgrima primjenjivan je djelimično ili nikako u bosanskohercegovačkim školama jer su nastavni planovi i programi s pratećim udžbenicima za nastavu historije, kao izravni odraz različitih nacionalnih historiografija, i dalje slijedili obrasce naglašenih nacionalističkih stavova, a formirana „*ad hoc*“ privremena tijela“ u sadržaje nastavnih planova i programa za historiju uglavnom su uvrstila teme iz opće (svjetske) historije.

Duboka nacionalna podijeljenost u Bosni i Hercegovini preslikana je na obrazovanje, a „na grupu tzv. nacionalnih predmeta“ na najvidljiviji način. Tako se u kantonima Federacije BiH, u školama koje rade prema hrvatskom nastavnom planu i programu (Hercegovačko-neretvanska županija, Županija 10, Srednjobosanska županija, Posavska županija i Zapadnohercegovačka županija) i obuhvataju uglavnom djecu hrvatske nacionalnosti, prate programi iz Republike

Hrvatske, uz odobrenje resornih kantonalnih ministarstava. U kantonima Federacije BiH s većinskim bošnjačkim stanovništvom (Kanton Sarajevo, Kanton Tuzla, Bosansko-podrinjski kanton, Unsko-sanski kanton i Zeničko-dobojski kanton) udžbenici historije prate bosanske nastavne planove i programe koji uglavnom slijede obrasce udžbenika iz socijalističkog perioda, s naglaskom na povijesti bošnjačkog naroda tijekom prošlosti na koju se udžbenik periodizacijski odnosi. Ova dva nastavna plana i programa kombiniraju se u pojedinim kantonima/županijama, u ovisnosti od nacionalnog sastava učenika u školama. Za razliku od Federacije BiH, Republika Srpska ima jedno ministarstvo obrazovanja, i u ovom entitetu postoji ujednačenost nastavnih planova i programa i udžbeničke literature.

Početkom 2000. godine, donesena je uredba da se u Bosni i Hercegovini ne mogu koristiti udžbenici za „grupu tzv. nacionalnih predmeta“ iz inozemstva, odnosno iz Hrvatske i Srbije, pa su ti sadržajno isti ili donekle modificirani udžbenici, umjesto u Beogradu i Zagrebu, izdavani u Banjoj Luci, Istočnom Sarajevu, Grudama ili Mostaru.

Osim zakonske regulative u oblasti obrazovanja, u Bosni i Hercegovini su bile poduzimane mnoge inicijative za unapređenje nastave historije, kao npr. u organizaciji Vijeća Evrope, UNESCO-a, OESC-a, koji su financirali „edukatore za izradu smjernica za pisanje udžbenika iz historije i geografije“, zatim u organizaciji Fonda otvoreno društvo Bosne i Hercegovine pod nazivom „Obrazovanje u Bosni i Hercegovini: Čemu učimo djecu?“, u okviru kojeg je analizirano 145 udžbenika iz „grupe tzv. nacionalnih predmeta“; ali i mnogih drugih međunarodnih institucija. Međutim, svi ti naponi nisu donijeli rezultate adekvatne uloženom trudu i finansijskim sredstvima, što se može vidjeti iz analize udžbenika koji se koriste u nastavi historije.

162 Okvirni zakon, čl. 43.

163 Okvirni zakon, IX. Tijela za uspostavu standarda u obrazovanju, čl. 46.

164 *Isto*, čl. 48.

165 Pod pojmom „bosanski udžbenici“ u ovom tekstu podrazumijevaju se oni prema kojima se podučava historija u kantonima Federacije BiH s bošnjačkim većinskim stanovništvom.

Nastavne jedinice koje se odnose na raspad SFRJ i uzroke sukoba

Bosanski udžbenici¹⁶⁵ uglavnom početak raspada Jugoslavije vežu za period nakon Titove smrti, a jedan od takvih iz kojega učenik ne može shvatiti problematiku raspada Jugoslavije, nego samo tvrdnju o uspješnoj državi do Titove smrti, a da je za raspad zajedničke države kriva Srbija, zaslužuje navođenje većeg dijela teksta nastavne jedinice pod naslovom „Raspad SFR Jugoslavije“:

„Kada je u maju 1980. Josip Broz Tito sahranjen u Beogradu, na zadnji oproštaj su došli državnici svih značajnijih zemalja svijeta. To je bila najveličanstvenija sahrana od smrti francuskog predsjednika Charlesa de Gaullesa (Šarla de Gola). Tito, seljačko dijete, ratni heroj i tvorac mira, nošen je u grob kao kralj. Stotine hiljada ljudi ispratilo ga je na njegovom zadnjem putu. Činilo se da iza sebe ostavlja sigurno nasljeđe. Međutim, njegovo životno djelo, ujedinjena i između sebe pomirena Jugoslavija počela je ubrzo da se raspada. Titovom smrću završila je jedna epoha, jedina u historiji Jugoslavije koja je zaslužila da se označi mirnom. Tito se cijelog života borio čvrsto i nepopustljivo protiv nacionalizma jugoslavenskih naroda koji je zemlju već jednom doveo do samorazaranja. Postavio je pojedinačne jugoslavenske države u njihove historijske okvire i dao im potpunu autonomiju. I bosansko-hercegovački Muslimani su prvi put u svojoj historiji dobili ono što im je i pripadalo – status nacionalnosti.

Uprkos ekonomskim teškoćama i iskazanim političkim problemima situacija u zemlji je u vrijeme i poslije smrti Josipa Broza bila pojavno stabilna. Još jednom je Josip Broz uspio da ujedini i smiri strasti u zemlji. Uspomena na veliku ličnost isticanjem njegovih dobrih poteza pogodovali su propagandi koja je pozivanjem na Tita smirivala stanje. Glavna parola *‘Druže Tito mi ti se kunemo da sa tvoga puta ne skrenemo* okupljala je oko sebe komunističku vjeru u budućnost. Tito je, najzad, bio priznatom ličnošću i u svijetu. To je ipak bila privremena slika kojom su i komunisti bili opterećeni.

Otpočela je valorizacija lika i djela Josipa Broza i komunista. Masovni odgovori stanovništva (štrajkovi i demonstracije) pod pritiskom ekonomskog kolapsa rezultirali su prepoznavanjem korupcije državnih komunističkih organa, rukovodstava i pojedinaca. Običan čovjek više nije bio siguran. Više nije imao stabilnu državu i minimalnu egzistenciju.

[...]Dok su se Hrvati i Slovenci s pravom žalili na srpsku prevlast, Srbi su se sa svoje strane osjećali kao glavni nosioci patnje Titovog režima, kao žrtva *‘hrvatsko-slovenskog saveza’* koji je mogao Srbiji uskratiti prava koja je ona mogla tražiti. Ustvari, Titov federativni ustav, koji je republikama članicama dodijelio suverenitet, oduzeo je Srbiji njeno vodeće mjesto u zemlji. To više nije bila jedina vladajuća snaga u zemlji nego samo jedna od šest ravnopravnih republika, pa čak ni najbogatija. Srpski političari su smatrali da je Srbija bila jedina republika koja nije imala puni suverenitet nad svojom teritorijom, budući da su dvije pokrajine, Vojvodina na sjeveru i Kosovo na jugu, prema saveznom ustavu zadržale autonomiju, i praktično se otele kontroli beogradske vlade. Osim toga, žalili su se da je Srbija koja je u Drugom svjetskom ratu podnijela najviše žrtava bila svedena na nivo druge klase. Te optužbe su bile daleko od stvarnosti, ali su proizvele užasan učinak.

U to vrijeme nastupio je na političku pozornicu Slobodan Milošević, od 1987. vođa Komunističke partije Srbije. On je shvatio da je sa socijalizmom gotovo, a da nastupa nacionalizam i stavio se na čelo pokreta. U velikim manifestacijama na koje su dolazili seljaci iz svih dijelova zemlje, podgrijavao je atmosferu, koristeći kao povod kosovsko pitanje. To je bio povod da Srbija 1989. autonomiju Kosova sasvim ukine. To je bio početak kraja Jugoslavije. Težnje Srbije za dominacijom u Jugoslaviji doprinijele su da se i u drugim republikama počne razmišljati o sopstvenom putu u budućnost¹⁶⁶.

Uglavnom su svi bosanski udžbenici napisani na isti ili sličan način, a razlika među njima je samo u brojnosti upotrebe sljedećih riječi: velikosrpski, hegemonistički i srbočetnički.

166 Zijad Šehić, Indira Kučuk-Sorguč, *Historija-Istorija-Povijest, udžbenik za 4. razred gimnazije*, Sarajevo Publishing: Sarajevo, 2005, 162-163.

167 Pod nazivom „hrvatski udžbenici“ u ovom tekstu se podrazumijevaju oni koji se koriste u školama Federacije BiH koje rade prema hrvatskom nastavnom planu i programu i objavljeni su u Bosni i Hercegovini.

Za razliku od bosanskih, hrvatski udžbenici¹⁶⁷ korijene krize jugoslavenske države smještaju u vrijeme nakon 1945. godine, a nakon 1948. autor jednog udžbenika to naglašava u podnaslovu *Hrvatska pod terorom unitarizma i centralizma*, na sljedeći način:

„Među prvim žrtvama Informbiroa bio je hrvatski komunist Andrija Hebrang. Još prije rata dokazao se kao nacionalno svjestan Hrvat koji je stalno bio na meti velikosrpski orijentiranih članova u vrhu KPJ. Sredinom svibnja 1948. godine uhićen je pod lažnom optužbom o navodnoj suradnji s SSSR-om i još ranijoj suradnji s ustaškim pokretom. Dakle, osnovni je cilj velikosrpskih hegemonista bio maknuti Hebranga iz vodstva KPJ i tako velikosrpskim komunistima stvoriti veći prostor za djelovanje. Nakon uhićenja vođena je duga i iscrpljujuća istraga, ali je u lipnju 1948. godine objavljeno kako je Hebrang počinio samoubojstvo. Međutim, sve je upućivalo na to da je Hebrang ustvari ubijen.¹⁶⁸“

U historiografiji poznata Cazinska buna u ovom udžbeniku je prezentirana pod imenom „Đurđevdanski ustanak“, tako da aludira na pobunu Srba u Hrvatskoj s početka devedesetih godina dvadesetog stoljeća:

„U doba sve većih zaoštavanja odnosa sa SSSR-om, u Hrvatskoj je izbio *srpski đurđevdanski ustanak*. Prije toga, iz hrvatske je vlade istupio jedan dio ministara tvrdeći kako su Srbi u Hrvatskoj ugroženi, te kako su srpski krajevi zapostavljeni. Ministri su smijenjeni, a dvojica od njih upućeni su na Goli otok na izdržavanje zatvorske kazne. Tako je, na Đurđevdan, 6. svibnja 1950. godine u Banovini, [ovdje je vjerojatno trebalo biti: Banija, op. V. K.] na Kordunu, u Lici i Bosanskoj Krajini izbio ustanak srpskoga stanovništva s porukom ‘*za kralja i otadžbinu*’. Njima se pridružio i određeni broj Hrvata i muslimana koji su bili nezadovoljni komunističkim vlastima. Ustanak se u početku širio po selima, a kada je zahvatio veća središta angažirana je vojska koja je

u krvi ugušila ustanak, akcijom koja je trajala od 19. svibnja do 4. lipnja 1950. godine...“¹⁶⁹

U ovom hrvatskom udžbeniku na isti i sličan način predstavljen je cijeli socijalistički period jugoslavenske historije, s namjerom da učenika podučiti kako je osamostaljivanje Hrvatske početkom devedesetih godina dvadesetog stoljeća bio jedini način da se Hrvatska izvuče iz jugoslavenske države koja je „neprekidno bila u krizi i previranjima“ te onemogućavala njen razvoj zbog ugroženosti od Srbije.¹⁷⁰ Osim toga, u naslovima i podnaslovima, o Bosni i Hercegovini se govori zajedno s Hrvatskom, s nesrazmjerno većim brojem stranica o Hrvatskoj nego o BiH, kao da to nisu bile dvije odvojene republike u SFRJ, i kao da to nije udžbenik namijenjen za učenike u BiH. Autor ovog udžbenika raspad Jugoslavije smiješta u širi kontekst, od obilježja socijalističkih zemalja kojima je propast bila „neminovnost“, zatim unutar procesa raspada SSSR-a, sloma socijalizma u Istočnom bloku i na kraju socijalističke Jugoslavije koja je dovedena do konačnog nestanka poslije Titove smrti:

„**Socijalistička Jugoslavija – put u nestanak.** Dana 4. svibnja 1980. godine u Ljubljani je **umro Josip Broz-Tito**, vođa SKJ i predsjednik Jugoslavije. U vanjskopolitičkom i unutarnjem ustroju države imao je vodeću ulogu, te neograničenu vlast i moć. Značajan svjetski ugled i priznanje Titu su osigurali uspješna antifašistička borba i pobjeda 1945. godine, odlučan otpor Staljinu 1948. godine kao i zapažena uloga u stvaranju pokreta nesvrstanih zemalja, 1961. godine. Međutim, kao vođa i čovjek, Tito je imao i niz slabosti. Bio je sklon osobnoj vlasti, pa je svoju neograničenu vlast i moć dokazivao uklanjanjem iz partije i države svojih suradnika koji su pokušavali drukčije misliti. Podržavao je i nacionalni unitarizam, protivio se hrvatskoj državotvornoj ideji, sprečavao demokratizaciju i jačao kult vlastite ličnosti. Nakon Titove smrti, vlast je u Jugoslaviji povjerena **osmočlanom Predsjedništvu** sastavljenome od predstavnika šest repu-

168 Miljenko Miloš, *Povijest novoga doba, udžbenik povijesti za 8. razred osnovne škole*, ZNAM d.o.o.: Mostar, 2008, 177.

169 *Isto*.

170 Miloš, *Hrvatska i Bosna i Hercegovina u sastavu socijalističke Jugoslavije, 1948.-1965. (Sukob sa SSSR-om i nužnost političkog osamostaljivanja, Hrvatska pod terorom unitarizma i centralizma, Samoupravljanje); Hrvatska i BiH u razdoblju kriza i unutarnjih previranja, 1965.-1971. (Razvojni problemi i unutarnja politička previranja, Agresija na hrvatsku kulturu, Reforme Federacije – Hrvatsko proljeće, Iseljavanje Hrvata iz BiH i Hrvatske)*, 176-191.

blika i dvije pokrajine. Sve slabosti koje su se krajem 80-ih godina javljale u ostalim socijalističkim zemljama, do punog izražaja su došle i u Jugoslaviji. Razvojni problemi koji su bili izraženi tijekom Titova rukovođenja državom ostali su isti i nakon Titove smrti. Nastavljeno je iseljavanje ljudi, a naročito Hrvata. Uzimanjem stalnih stranih zajmova država se nekontrolirano zaduživala. Osim lošega gospodarskog stanja u zemlji, počele su i međunacionalne suprotnosti, pa su se zaoštravali odnosi između republika i središnjih državnih organa vlasti. Velikosrpska politika sve više dolazi do izražaja. Pokušaji srpskoga komunističkoga vodstva da još više ojača centralizam kako bi ostvarili potpunu prevlast izazvalo je nezadovoljstvo i otpore ostalih republika. Srpski komunisti predvođeni Slobodanom Miloševićem istupili su protiv Ustava 1974. godine ističući kako su njime dana prevelika autonomna prava Kosovu i Vojvodini, te kako ih treba potpuno potčiniti srpskoj vlasti u Beogradu. To je napokon i učinjeno novim Ustavom Srbije iz 1988. godine, što je narušilo dotadašnje ustrojstvo SFRJ. Međutim, Srbija time nije bila zadovoljna, nego je nastojala pod svaku cijenu ojačati centralizam u Jugoslaviji kako bi ostvarila svoje hegemonističke velikosrpske interese. Velikosrpska je politika svakim danom postajala sve agresivnija, što je stvaralo napetost u cijeloj zemlji. Rasplet se očekivao na 14. izvanrednom kongresu SKJ u siječnju 1990. godine u Beogradu, ali taj kongres nije završio s radom niti je izabrano novo partijsko rukovodstvo.

Zbog izrazite velikosrpske prevlasti i tendencija u radu kongresa, delegacije iz Slovenije, Hrvatske i Bosne i Hercegovine napustile su kongres, što je značilo **raspad Saveza komunista Jugoslavije** (SKJ), pa samim tim i nastavak urušavanja i **početak raspada SFRJ**. Uvođenje višestranačja i demokratskih procesa u zemlju više se nije moglo zaustaviti. Jugoslavija se više nije mogla spasiti nikakvim reformama. Nastavljeno je osnivanje i obnova ranije zabranjenih političkih stranaka koje su se počele pripremati za prve višestranačke izbore. Od travnja, pa do kraja 1990. godine u svim republikama Jugoslavije održani su prvi višestranački izbori. Samo su u Srbiji i Crnoj Gori na izborima pobijedili soci-

jalisti, dok su u Hrvatskoj, Sloveniji, Makedoniji i Bosni i Hercegovini na vlast došle nove nekomunističke stranke¹⁷¹.

U udžbeniku historije koji se koristi u Republici Srpskoj raspad socijalističke Jugoslavije datira se od 8. kongresa SKJ:

„Razbijanje jugoslovenske federacije počelo je od 8. kongresa Saveza komunista Jugoslavije (SKJ) kada se počeo primjenjivati nacionalni paritet u svim saveznim institucijama. Ustav iz 1974. godine samo je ubrzao ovaj proces. Savez komunista, kao jedina partija na vlasti, nije reagovao na sve izraženije tendencije nacionalizma i separatizma u mnogim krajevima Jugoslavije. Izmjenom nekih članova Ustava 1989. godine i uvođenjem višepartijskog sistema omogućilo je separatistima da ubrzaju raspad jugoslovenske federacije. U tome je prednjačilo slovensko rukovodstvo koje je tada nagovijestilo otcjepljenje Slovenije od Jugoslavije.

Jugoslovenski patrioti su, radi sprečavanja raspada države, tražili od rukovodstva SKJ vanredni kongres, koji je održan u Beogradu početkom 1990. godine. Razbijači su prvo udarili na SKJ i JNA, kao jedina dva faktora povezivanja jugoslovenskog zajedništva. Slovenska delegacija je, uz podršku rukovodstva Saveza komunista Hrvatske, napustila 14. kongres, koji nije završio rad. SKJ se kao politička partija ugasio¹⁷².

Iz ovih odlomaka se može uočiti da udžbenici različito govore o vremenu raspada Jugoslavije i njegovim uzrocima. Bosanski udžbenici uglavnom sve razloge vide u vremenu poslije Titove smrti, a hrvatski udžbenici povlače korijene raspada još od vremena nakon Drugog svjetskog rata. Dok se u srpskim udžbenicima¹⁷³ kao uzrok početka raspada Jugoslavije navodi jačanje republičkih institucija i popuštanje centralizma šezdesetih godina dvadesetog stoljeća, u hrvatskim se naglašava manjak samostalnosti i gušenje razvoja republika u korist saveznih institucija. U bosanskim i hrvatskim udžbenicima se kroz cijeli udžbenik za dvadeseto stoljeće govori o ugroženosti hrvatskog i muslimanskog naroda, a u srpskim – srpskog naroda. Zajedničko svim tim udžbenicima je *žrtva* koju su podnosila tijekom povijesti

171 Miloš, 189.

172 Ranko Pejić, *Istorija za 9. razred osnovne škole*, Zavod za udžbenike i nastavna sredstva, Istočno Sarajevo, 2005, 181.

173 Pod „srpskim udžbenicima“ podrazumijevaju se oni koji se koriste u Republici Srpskoj.

sva tri naroda, a za svaki od njih bio je kriv onaj drugi ili ostala dva naroda. Robujući tim stereotipima, autori svojim štivom nisu ni pokušali objasniti učenicima koji su to društveni procesi unutar same države, ali i procesi u kontekstu propasti komunizma širom Istočne Evrope, doprinijeli raspadu Jugoslavije. Naravno, problematika državnog urušavanja jugoslavenske zajednice je veoma kompleksno pitanje i nije ga moguće potpuno objasniti u školskim udžbenicima, ali prema pedagoškim standardima udžbenici ne bi trebali biti ni mjesto samo za optužbe protiv onih drugih. Ako bi se u nekom novom udžbeniku o raspadu Jugoslavije prezentirala različita viđenja ovog procesa, te dala kronologija događanja, možda bi učenici razmišljali na drugačiji način, a ne samo usvajali „istinu“ koja im se prezentira kao nacionalni program za budućnost.

Nastavne jedinice koje se odnose na rat u Sloveniji i Hrvatskoj

Za razliku od bosanskih udžbenika u kojima se ratovi u Sloveniji i Hrvatskoj ne spominju ili se spominju vrlo rijetko u jednoj rečenici, kao informacija da su nakon proglašenja nezavisnosti uslijedili ratni sukobi, u hrvatskim udžbenicima ova problematika se opširno objašnjava. Za ratove u Sloveniji i Hrvatskoj hrvatski udžbenik navodi sljedeće:

„Nakon formiranja nove vlasti, Srbi u Hrvatskoj nisu mogli prihvatiti činjenicu da se u Hrvatskoj više neće odlučivati u Beogradu. Zato su već u kolovozu 1990. počeli **pobunu** protiv hrvatske države i po napatku iz Beograda počeli obmanjvati svjetsku i domaću javnost kako su ugroženi od nove hrvatske vlasti. Srbi su na prometnicama u Hrvatskoj u naseljima gdje su činili većinu počeli postavljati prepreke (**balvan-revolucija**), zaustavljali vozila, maltretirali i terorizirali putnike. Glavno središte srbočetničke pobune postao je **Knin** odakle se usmjeravala i poticala pobuna u ostalim mjestima gdje su živjeli Srbi.

Uz **podršku JNA** koja se pretvorila u čisto srpsku vojsku, Srbi iz Hrvatske su najavljivali priključenje Velikoj Srbiji. Prilike na

prostorima bivše SFRJ postajale su sve složenije i napetije. Slobodan Milošević se nikako nije mogao pomiriti s nastalim promjenama već je odlučio aktivirati JNA kako bi uz pomoć sile promijenio nastalo stanje. Tako je planirano po svaku cijenu srušiti vlast u slobodnim republikama izabranu na demokratski način višestranačkim izborima. Nakon toga trebalo je ta područja vratiti u sastav tada već bivše jugoslavenske države.

Zato je Skupština SFRJ poništila odluku Hrvatske i Slovenije o osamostaljivanju, a savezna vlada odlučila je slovensku granicu koju su kontrolirale slovenske policijske snage, vratiti pod svoj nadzor. Međutim, slovenska teritorijalna obrana pružila je snažan otpor i to je bio povod krajem lipnja 1991. za početak rata u Sloveniji. **Agresija na Sloveniju** trajala je 10 dana nakon čega se velikosrpske snage povlače i koncentriraju na područje Hrvatske.

Prema nekim vanjskopoličkim analitičarima takav način razdruživanja sa Slovenijom već ranije bio je dogovoren. Nakon toga velike vojne snage JNA i Srbije krenule su u Hrvatsku kao navodna pomoć ‘ugroženim’ Srbima. Srbočetnička armada svom žestinom i svim raspoloživim naoružanjem napala je hrvatska sela i gradove...¹⁷⁴

Ovaj udžbenik, kao i drugi koji se koriste u školama s hrvatskim nastavnim planom i programom, opširno govore o ratu u Hrvatskoj, na oko šest do sedam stranica, mnogo šire nego o ratu u Bosni i Hercegovini. Rečenica poput gore citirane „...način razdruživanja sa Slovenijom već ranije bio je dogovoren...“ je neobjašnjena, pa kao takva i nepotrebna, a takvih primjera ima u svim udžbenicima.

Udžbenici koji se koriste u nastavi historije u Republici Srpskoj iz sasvim drugačijeg ugla prate ratne događaje u Sloveniji i Hrvatskoj.

„Slovenska teritorijalna odbrana počela je 1991. godine napadati pripadnike JNA. U napadima slovenske teritorijalne odbrane poginulo je dosta nelužnih mladića koji su služili redovni vojni rok i bez bojeve municije odupirali se napadima secesionista. Slovensko rukovodstvo provelo je plebiscit. Slovenija se nasilno otcijepila i ubrzo bila međunarodno pri-

174 Miloš, 198-199.

175 Pejić, 181.

znata. Kasnije su se otcijepile i odmah međunarodno priznate Hrvatska, Bosna i Hercegovina i Makedonija. Brzim priznavanjem otcijepljenih republika od strane zapadnih država bilo je jasno dasu one planirale i pomogle razbijanje Jugoslavije¹⁷⁵.

Interpretiranje događaja o ratu u Hrvatskoj u udžbenicima koji se koriste u Republici Srpskoj se čini na sljedeći način:

„**Secesija i rat u Hrvatskoj.** U Jugoslaviji je 1989. godine uveden višestranački politički sistem. U svim republikama počele su nicati političke stranke. U Hrvatskoj je osnovana Hrvatska demokratska zajednica koja je imala znake nacionalističke stranke.

Svoj politički program HDZ je temeljila na secesiji. Hrvatska demokratska zajednica (HDZ) je, poslije pobjede na izborima i preuzimanja vlasti, počela stvarati paravojne formacije. Hrvatski sabor je donio Ustav 1991. godine prema kojem su Srbima ukinuta prava konstitutivnog naroda. Srbi su pretvoreni u nacionalnu manjinu i odmah otpušteni iz svih javnih i državnih službi. Zato Srbi nisu mogli prihvatiti taj ustav, jer su njime postali građani drugog reda. Pod pritiskom hrvatskih vlasti srpski narod se iseljavao kao i za vrijeme NDH.

Našavši se ugroženim od novih hrvatskih vlasti i radi zaštite prava, srpski narod se morao i politički organizovati. Osnovana je **Srpska demokratska stranka** na čelu sa Dr Jovanom Raškovićem. Vidjevši da je Srbima ugrožen opstanak i nacionalni identitet, u Srbu je 15. avgusta 1990. godine održan Srpski sabor koji je proglasio autonomiju Srba u Hrvatskoj i donio odluku o plebiscitu cijelog srpskog naroda na prostoru avnojevske Hrvatske. Hrvatska policija je 17. avgusta pokušala da spriječi plebiscit, pa je došlo do sukoba. Ovaj sukob značio je početak oružane borbe u Hrvatskoj.

Stvaranje Republike Srpske Krajine. Na odluku Hrvatskog sabora od 21. februara 1991. da jugoslovenski savezni zakoni ne važe za Hrvatsku, Srpski sabor je na zasjedanju u Kninu usvojio Ustav i proglasio **Republiku Srpsku Krajinu**.

Republika Srpska Krajina se sastojala iz dva dijela: zapadnog i istočnog. U zapadni dio ulazili su: sjeverna Dalmacija, veći dio Like, Kordun, Banija i zapadna Slavonija, a u istočni: Ba-

ranja, zapadni Srem i istočna Slavonija. Glavni grad bio je Knin. Na liniji razgraničenja između Hrvatske i Republike Srpske Krajine postavljene su međunarodne mirovne snage.

Hrvatsko rukovodstvo je, uz blagoslov međunarodne zajednice, maja i avgusta 1995. godine pokrenulo oružane operacije 'Bljesak' i 'Oluju' na teritoriju Srpske Krajine. Prilikom ovog napada poginulo je osim vojnika, na hiljade srpskih žena, djece i staraca. Protjerano je sa vjekovnih ognjišta na stotine hiljada Srba. Kolone izbjeglica, koje su granatirali hrvatski avioni, preselilo se u Srbiju. NATO pakt nije osudio ove nasilničke operacije već ih je podržavao i pomagao. Zapadni dio Republike Srpske Krajine okupirala je hrvatska vojska 1995. godine.

Istočni dio RSK ostao je do 1998. godine pod zaštitom Ujedinjenih nacija, a zatim, protiv želje srpskog naroda uključen je u sastav Hrvatske. Međunarodna zajednica nije imala razumijevanja za srpski narod koji je stalno htio slobodu – očuvati nacionalna i politička prava. Život Srba u RSK je bio lijep, slobodan i demokratski, ali nažalost kratak¹⁷⁶.

U bosanskohercegovačkim školama se podučava historija sa potpuno suprotstavljenim interpretacijama istih događaja. Hrvatski udžbenici objašnjavaju domovinski rat i ukidanje paradžavnih institucija na svojoj teritoriji, a srpski udžbenici dokazuju svoje pravo na vlastite nacionalne institucije koje podižu na razinu državnih u već međunarodno priznatoj Hrvatskoj. Bosanski udžbenici o tome ne govore ništa, jer prema nastavnim planovima i programima ne obuhvataju ratove iz devedesetih godina dvadesetog stoljeća, pa čak ni u Bosni i Hercegovini, te učenicima ostaje mogućnost edukacije o tome preko medija ili u vlastitim kućama.

Nastavne jedinice koje govore o Bosni i Hercegovini kao samostalnoj i suverenoj državi

Proglašenje nezavisnosti Bosne i Hercegovine je posljednja nastavna jedinica u bosanskim udžbenicima. Autori jednog udžbenika započinju tekst riječima „[n]akon toga“, a da se nije objasnilo „nakon čega“. I u ovom slučaju bit će prenesen cijeli tekst lekcije:

176 Pejić, 182.

„Nakon toga, u Bosni i Hercegovini održani su parlamentarni izbori 18. XI 1990., na kojima su pobijedile tri nacionalne stranke: Stranka demokratske akcije (SDA), Srpska demokratska stranka (SDS) i Hrvatska demokratska zajednica (HDZ). Iste godine, u svim republikama održani su izbori.

U međuvremenu, međunarodna zajednica je obrazovala konferenciju o Jugoslaviji, sa zadatkom da pomogne rješavanje političkih odnosa među republikama u procesu disolucije Jugoslavije. Evropska zajednica i njene zemlje članice su na Savjetu ministara Evropske zajednice u Briselu (Bruxellu) 16. XII 1991. donijele Deklaraciju o Jugoslaviji i Deklaraciju o smjernicama o priznavanju država u Istočnoj Evropi i Sovjetskom Savezu. Odgovarajući na navedene Smjernice, Vlada Bosne i Hercegovine je 20. XII 1991. donijela Odluku o priznavanju državnosti, odnosno nezavisnosti Bosne i Hercegovine.

Slijedeći mišljenje Arbitražne komisije, Skupština SR BiH je donijela odluku o raspisivanju referenduma. Referendum je održan 29. II i 1. III 1992. Od ukupno 3.253.568 osoba sa pravom glasa na referendum je izašlo 2.073.568. Od ukupnog broja glasača na referendumu za utvrđivanje statusa Bosne i Hercegovine, za suverenu i nezavisnu Bosnu i Hercegovinu, državu ravnopravnih građana, naroda Bosne i Hercegovine – Muslimana, Srba, Hrvata i pripadnika drugih naroda koji u njoj žive izjasnilo se 2.061.932 glasača ili 99,44%.

Međunarodno priznanje Bosne i Hercegovine uslijedilo je na sjednici Savjeta ministara Evropske zajednice u Briselu 6. IV 1992., a stupio je na snagu 7. IV. Ovim priznanjem Bosna i Hercegovina je i formalno prestala biti u sastavu SFRJ. Političko-administrativne granice ranije republike, kao jedne od šest federalnih jedinica SFRJ, postale su međunarodne državne granice. Bosna i Hercegovina je 22. maja 1992., zajedno sa Slovenijom i Hrvatskom, primljena u članstvo UN¹⁷⁷.

Ovim datumima se završava gradivo u udžbeniku, bez ijedne rečenice da je nakon priznavanja Bosne i Hercegovine započeo četverogodišnji rat. Udžbenici koji prate hrvatske nastavne planove i programe, u nastavnoj jedinici „Izbori i

međunarodno priznanje Bosne i Hercegovine“, podučavanje historije izvode iz perspektive hrvatske historiografije:

„Prvi višestranački izbori u Bosni i Hercegovini održani su u studenome 1990. godine, a na njima su pobijedile nacionalne stranke: *Hrvatska demokratska zajednica (HDZ)*, *Srpska demokratska stranka (SDS)* i *Stranka demokratske akcije (SDA)*. Kako početkom 1991. godine nisu uspjeli razgovori o preustroju Jugoslavije, stvoreni su uvjeti da Bosna i Hercegovina postane neovisna država. Na referendumu koji je organiziran 29. veljače i 1. ožujka 1992. godine, od 64% birača koji su referendumu pristupili, 99% ih je glasalo za samostalnu državu Bosnu i Hercegovinu. Volju bosansko-hercegovačkog naroda uvažili su i međunarodni čimbenici, pa je tako 6. travnja 1992. godine Bosnu i Hercegovinu priznala Evropska zajednica, a od 22. svibnja iste godine, BiH je primljena u Ujedinjene narode. Isti postupak i rezultati dogodili su se u Hrvatskoj i Sloveniji, što je Slobodanu Miloševiću i generalštabu JNA u Beogradu bio dodatni razlog za oružanu intervenciju u tim, sada već bivšim, jugoslavenskim republikama. Vojna intervencija u lipnju 1991. godine na Sloveniju trajala je svega nekoliko dana, nakon čega je Sloveniji dopušteno napuštanje Jugoslavije, a srbočetnički se agresor mogao posvetiti Hrvatskoj i Bosni i Hercegovini. Velikosrpska je politika tad već bila prepoznatljiva i dobro se znalo što joj je konačni cilj. Hrvatski se narod u Bosni i Hercegovini počeo samoorganizirati, pa je tako 8. travnja 1992. godine formirana *Hrvatska zajednica Herceg Bosna (HZ HB)*, te *Hrvatsko vijeće obrane (HVO)* s ciljem zaštite svih naroda zajednice, od bilo kojih mogućih agresora. Tako u osnivačkim aktima HR Herceg Bosne nije bilo spomenuto nikakvo odvajanje ni separatizam. Dana 28. kolovoza 1992. godine na istim je načelima proglašena Hrvatska Republika Herceg Bosna¹⁷⁸.

U ovom hrvatskom udžbeniku naglašene su institucije i vojne jedinice hrvatskog naroda, uz zanemarivanje bosanskih i srpskih. U srpskim udžbenicima imamo suprotnu situaciju pod naslovom „Rat u Bosni i Hercegovini i nastanak Republike Srpske“:

177 Šehić, Kučuk-Sorguč, 163.

178 Miljenko Miloš, 204-205.

„Ubrzo po izmjeni Ustava i uvođenja višestranačkog sistema u Bosni i Hercegovini su osnovane brojne političke stranke. Prvo je osnovana muslimanska (bošnjačka) **Stranka demokratske akcije (SDA)**, zatim **Hrvatska demokratska zajednica (HDZ)** i **Srpska demokratska stranka (SDS)**. Na prvim višestranačkim izborima koji su održani 1990. godine, pobijedile su nacionalne stranke i preuzele vlast. SDA i HDZ su se udružile u razbijanju Jugoslavije. Bošnjački i hrvatski poslanici u Skupštini Bosne i Hercegovine ušli su u koaliciju i odluke donosili bez saglasnosti srpskih predstavnika.

Srpski poslanici su napustili Skupštinu Bosne i Hercegovine i proglasili Srpsku narodnu skupštinu. Novembra 1991. godine sproveden je plebiscit srpskog naroda, na kojem se više od 97 odsto Srba i nekih pripadnika bošnjačkog i hrvatskog naroda izjasnilo za ostanak u Jugoslaviji. Na osnovu rezultata glasanja naroda (plebiscita) Srpska narodna skupština je 9. januara 1992. godine proglasila **Srpsku Republiku Bosnu i Hercegovinu**, koja je kasnije promijenila naziv u **Republika Srpska**.

Početkom 1992. godine je muslimansko (bošnjačko) i hrvatsko vođstvo, bez pristanka i učešća srpskog naroda, provelo referendum na kojem se relativna većina hrvatskih i muslimanskih glasača izjasnila za izdvajanje Bosne i Hercegovine iz Jugoslavije u samostalnu državu. Već 12. aprila 1992. godine stiglo je, na iznenađenje srpskog naroda, njeno međunarodno priznanje i počeo je rat.¹⁷⁹

Osim različitih interpretacija i naglašavanja vlastitih nacionalnih institucija tijekom tranzicije, u udžbenicima Bosne i Hercegovine mogu se čak pročitati i različiti datumi međunarodnog priznanja BiH. Tako se u ovom posljednjem udžbeniku navodi datum priznavanja 12. april 1992. i završava rečenicom „i počeo je rat“, mada je opći artiljerijski napad na grad Sarajevo s okolnih brda i planina počeo 6. aprila, kada je i priznata nezavisnost. Improviziranje, namjerno ili slučajno, u svakom slučaju nije primjereno za udžbeničku literaturu.

Nastavne jedinice koje se odnose na rat u Bosni i Hercegovini

Za razliku od bosanskih, u udžbenicima koji prate hrvatske nastavne planove i programe postoji lekcija o ratu pod naslovom *Velikosrpska agresija na Bosnu i Hercegovinu*:

„Glavni cilj politike Srpske demokratske stranke (SDS) u BiH bio je pružanje podrške Slobodanu Miloševiću koji je planirao Bosnu i Hercegovinu uključiti u sastav velike Srbije. Kada je srbočetnička agresija u Hrvatskoj uzela maha, Hrvati i Muslimani su u listopadu 1991. godine u Skupštini Bosne i Hercegovine u Sarajevu izglasali Odluku o suverenosti Bosne i Hercegovine i o njezinoj *demilitarizaciji*. Srpski su zastupnici tada napustili skupštinu i u dijelu Bosne i Hercegovine sa srpskom većinom proglasili **Republiku Srpsku**. Takvi su procesi vodili raspadu BiH, čemu su se suprotstavile međunarodna zajednica i SAD, tražeći poštovanje cjelovitosti Bosne i Hercegovine.

Rat u BiH započeo je 5. rujna 1991. godine kada je srbočetnički agresor napao hrvatsko mjesto **Ravno**, smješteno u dubrovačkom zaleđu, i razorio ga.

Narednih su dana iz vrhova bosanskohercegovačke vlasti u Sarajevu stizale poruke *‘To nije naš rat’* kao da je **Ravno** na drugom kraju svijeta. Takve izjave nisu bile dobar znak za BiH, one su bile odraz tadašnjeg stanja i razmišljanja najviših predstavnika BiH, kao i samoga predsjednika Alije Izetbegovića. Dok su Srbi radili na izgradnji Republike Srpske, Hrvati su se samoorganizirali u HZ Herceg-Bosnu, a Muslimani nisu ništa poduzimali dok i sami nisu bili napadnuti.

Početak otvorene srbočetničke agresije početkom travnja 1992. godinena određeni je način homogenizirao Hrvate, Muslimane i znatan broj Srba u većim gradovima, u zajednički otpor agresoru. Moglo se reći kako je ranije izglasani *referendum* o BiH sada bio na provjeri.

Srpsko političko rukovodstvo nastojalo je što veći dio teritorija staviti pod svoju kontrolu, te ga priključiti Republici Srpskoj. Raspoložujući velikim vojnim snagama, jer se dota-

179 Pejić, 183.

dašnja JNA pretvorila u srpsku vojsku, u nastavku je rata čak 70% teritorija Bosne i Hercegovine priključeno Republici Srpskoj. Izvan njihove je kontrole ostala **Središnja Bosna i Zapadna Hercegovina**.

Rat je poprimio neslućene razmjere i po svojoj brutalnosti, a posebno prema civilnome stanovništvu, bio jedan od najkrvavijih i najbrutalnijih ratova u povijesti čovječanstva. Provodilo se međusobno uništavanje sukobljenih naroda i stvarana su etnički čista državno-politička područja. Uništavana su i razarana čitava sela i gradovi, prometnice, kulturni i vjerski objekti, spomenici i svi drugi tragovi prošlosti i nacionalnoga identiteta triju naroda. Takav način ratovanja prouzročio je i veliki broj prognanika i izbjeglica pa je, prema nekim statistikama, oko 60% stanovništva BiH tijekom rata napustilo svoje domove.

Zajedničkim akcijama Hrvata i Muslimana vraćena su neka okupirana područja, a posebno su značajne akcije provedene polovicom lipnja 1992. godine kojima je oslobođen Mostar. Međutim, narednih se mjeseci situacija komplicirala, a posebno krajem 1992. godine kada u Hercegovini i Središnjoj Bosni dolazi do nesporazuma između Hrvata i Muslimana koji su se do tada zajednički borili. Manji međusobni sukobi pretvaraju se, u proljeće 1993. godine u **žestoke oružane sukobe i novi rat**. To je dovelo do još većih razaranja i međusobnoga uništavanja, što je u tom trenutku odgovaralo Srbima kao prvom i pravom agresoru na BiH. Svaka od zaraćenih strana nastojala je zauzeti što veći dio teritorija i **'etnički očistiti'** od druga dva naroda. Broj prognanika i izbjeglica stalno se povećavao, a time je njihov položaj postajao sve težim. Veliki se broj do danas nije uspio vratiti u svoje domove, uglavnom nebrigom aktualnih domaćih struktura vlasti u BiH.

Predstavnici međunarodne zajednice, koji u početku sukoba nisu ništa poduzimali, posredovanjem SAD-a poduzeli su prve mjere kako bi zaustavili sukobe. Tako su u ožujku 1994. godine u **Washington** pozvani predstavnici sukobljenih strana, s ciljem da jedni i drugi, kao žrtve srpske agresije,

uvede svoje odnose na zajedničkoj osnovi. Rezultat razgovora bilo je potpisivanje **Washingtonskoga sporazuma**, 18. ožujka 1994. godine, kojim je predviđeno konfederalno uređenje između Republike Hrvatske i Federacije Bosne i Hercegovine. Na osnovi pregovora u **Daytonu** (16. - 19.11.), potpisan je u **Parizu** 21. studenoga 1995. godine, **Daytonski mirovni sporazum**, što je dovelo do smirivanja stanja u Bosni i Hercegovini. Sporazum je potpisan kao privremeno rješenje, ali je na snazi ostao do danas. On je po mnogima nepravedno rješenje jer je srpski agresor 'nagrađen' s 49% teritorija Bosne i Hercegovine, koji je ušao u sastav Republike Srpske, dok je Federaciji BiH, gdje većinu čine Bošnjaci i Hrvati, ostao 51% površine BiH.

Međunarodna je zajednica, preko institucije **visokog predstavnika** zadržala pravo posredovanja i nadziranja budućnosti Bosne i Hercegovine¹⁸⁰.

U Republici Srpskoj se mnogo više prostora (tri stranice) u udžbeniku pridaje političkoj situaciji u Srbiji u nastavnim lekcijama: *Nastanak Savezne Republike Jugoslavije, Separatizam na Kosovu, Intervencija NATO pakta, Otpor Jugoslavije*, nego ratu u Bosni i Hercegovini:

„U toku četiri godine rata u Bosni i Hercegovini su ratovale tri nacionalne vojske: muslimanska, srpska i hrvatska. Ujedinjene nacije su nastojale da zaustave rat u Bosni i Hercegovini. S tim ciljem su došle mirovne snage i stale na liniju razgraničenja između zaraćenih strana.

Novembra 1995. godine počeli su u **Dejtonu** (SAD) pregovori između tri zaraćene strane. Pregovorima je rukovodio i mirovni plan napravio predstavnik vlade SAD. Zaraćene strane potpisale su sporazum o prekidu rata. Mirovni ugovor potpisan je u Parizu decembra 1995. godine. Po **Dejtonskom sporazumu** bivša Republika Bosna i Hercegovina kao država sastoji se od dva **entiteta**: Republike Srpske i bošnjačko-hrvatske Federacije. Republika Srpska je međunarodno priznat državopravni entitet u državi Bosni i Hercegovini¹⁸¹.

180 Miljenko Miloš, 205-207.

181 Pejić, 184.

Ilustracije u udžbenicima

Izbor karata i fotografija koji prati tekstove zaslužuje posebnu pažnju. U analiziranom bosanskom udžbeniku za tretiranu problematiku postoje samo dvije karte (Jugoslavije i Bosne i Hercegovine); u hrvatskom preovladavaju fotografije i karte koje se odnose na Hrvatsku, odnosno od sedamnaest ilustracija samo se četiri odnose na BiH (i to zastava Hrvatske Republike Herceg-Bosne, razrušeni Mostar i Sarajevo i grbovi Bosne i Hercegovine i Federacije BiH). Na poseban način je ilustriran udžbenik iz Republike Srpske. Ilustracije nisu ukomponirane u tekstove na koje se odnose, već se nalaze na kraju u prilogu i odnose se na ličnosti i ratove u Hrvatskoj, Srbiji, na Kosovu, zatim su tu fotografije srpskih izbjeglica, NATO bombardiranja autobusa s putnicima i voza na mostu, srušene rafinerije u Novom Sadu –ukupno dvadeset četiri fotografije. Zanimljiva je jedna fotografija raketa PVO sistema S125 Neva, vlasništvo bivše JNA, s legendom „Protivodbrana RSK“, a da u nastavnoj lekciji autor uopće ne govori o naoružanju srpske vojske u Republici Srpskoj Krajini, već o nenaoružanom narodu. U ovom udžbeniku nema ni jedne ilustracije koja se odnosi na rat u Bosni i Hercegovini.

Nasuprot ovim udžbenicima gdje preovladavaju tekstovi, u Federaciji BiH postoje i udžbenici u kojima brojnost fotografija, karikatura, uokvireni komentari i šarenilo boja preovladava nad tekstom lekcije, ali ih nismo uzimali u analizu jer se manje koriste u školama, najvjerojatnije zbog toga što iziskuju veći angažman nastavnika. Na primjer: „Stihija nacionalizma nije provalila iz naroda. Pandorinu kutiju naroda otvorio je vladajući Corpus politicum (političko tijelo)¹⁸² – to je misao Andrije Krešića iz 1944. godine, što je preambiciozno za osnovnoškolski uzrast, te nastavnik vjerojatno mora objasniti šta je Pandorina kutija, šta je *corpus politicum*, ko je osoba čija se misao citira i u kojem kontekstu, a za sve to nema objašnjenja u udžbeniku.

Zaključak

Odabrani udžbenici u ovoj analizi su najčešće korišteni pri-

mjeri za sve tri nacionalne zajednice u Bosni i Hercegovini i suštinski se ne razlikuju od ostalih jer svi slijede vlastite nastavne planove i programe te nacionalne historiografije. Na osnovi analize njihovih sadržaja može se zaključiti da se u njima na više načina ogleda pristrasnost u pristupu temama vezanim za raspad Jugoslavije, oružane sukobe u Sloveniji, Hrvatskoj i Bosni i Hercegovini.

Prvo, proces raspada Jugoslavije se u udžbenicima ne objašnjava, već se odgovornost za nestanak zajedničke države traži u drugome ili u ostala dva naroda koja žive u Bosni i Hercegovini. Dok bosanski udžbenici raspad Jugoslavije vežu za događaje nakon Titove smrti, hrvatski i srpski se često vraćaju u prošlost, ovisno o temi koju obrađuju, i pri tome selektivno prikazuju događaje. Opća odlika svih udžbenika je što se u njima prešućuju neki važni događaji, a ističu oni koji idu u prilog uljepšavanju vlastite nacionalne historije.

Drugo, mada je vrlo bitno da se događaji u Bosni i Hercegovini povezuju s onim u susjednim državama, u analiziranim srpskim i hrvatskim udžbenicima više prostora je poklonjeno događanjima u Hrvatskoj i Srbiji nego u Bosni i Hercegovini, a kada i govore o Bosni i Hercegovini ističu razvoj vlastitih nacionalnih institucija vlasti i vojske.

Treće, terminologija koju autori koriste u udžbenicima ista je i za osnovnu i za srednju školu, odnosno nije primjeren uzrastu učenika. Osim toga, učenici ne mogu naučiti ni prave nazive institucija, ne razumiju značenje nekih riječi, kao npr. „savezne institucije“, „šef države“, „separatisti“, „komunistička državna partija“, „Titov federativni sustav“, „beogradska vlada“, „žrtve unitarizma i centralizma“, „državotvorne ideje“, „nacionalni paritet“, „prava konstitutivnog naroda“, „paravojne formacije“ itd. Kada se govori o žrtvama „svog“ naroda autori navode: „poginule na hiljade žena, djece i staraca“, „poginulo na stotine hiljada“, „najkrvaviji i najbrutalniji ratovi u povijesti čovječanstva“ i slično. Kako to sve shvataju učenici ostaje za neke daljnje analize koje bi se mogle napraviti jedino anketiranjem učenika.

„Autori većine postojećih udžbenika podstiču kod djece pozitivne predrasude o ‘svom’ narodu. Bošnjaci su tako

182 Leonard Valenta, *Historija – Povijest, za 8. razred osnovne škole*, Bosanska Riječ, Sarajevo: 2007, 186.

panbosanski orijentisani i stalno moraju da sebi i drugima dokazuju legitimnost vlastitog identiteta. Odlikuje ih uzvišena moralnost koja se u različitim historijskim periodima manifestovala pasivnom patnjom. Hrvati su oduvijek težili ka vlastitoj državi. Njihov identitet je najstariji i najduže prisutan na prostorima BiH, tako da su oni politički superiorni u odnosu na sve ostale. Srbi su mali narod koji postaje velik zbog heroizma, slobodoljubivosti i nepokorivosti. Oni su otjelovljenje Hristovog principa žrtve, a drugi ih, kao ni Hrista, često ne razumiju. Iako su vrlo progresivni, drugi im to ne priznaju¹⁸³ – tako su, između ostalog, sumirani rezultati jednoipogodišnjeg istraživanja *Obrazovanje u Bosni i Hercegovini: Čemu učimo djecu* autorice teksta Adise Čečo. Nažalost, od te 2007. godine nije se mnogo toga promijenilo.

Ono što posebno zabrinjava u nastavi historije u Bosni i Hercegovini jeste činjenica da postoje škole, pa čak i neke sarajevske gimnazije, u kojima nastavnici uopće ne koriste udžbenike već učenicima diktiraju lekcije, pa ostaje pitanje: ili su učenici izloženi politikantskim sadržajima ili su u 21. stoljeću primorani pisati lekcije umjesto da proširuju svoja znanja nekim od modernih metoda u nastavi.

S obzirom na sadržaje udžbenika i pitanje „čemu učimo djecu“, mala je mogućnost da buduće generacije u Bosni i Hercegovini krenu putem razumijevanja prošlosti i uspostavljanja povjerenja među susjedima u Bosni i Hercegovini i u regiji, jer osim u udžbenicima mlada generacija je svaki dan putem medija izložena govoru mržnje.

183 Udžbenici – tvornice mržnje, *Bosna, nezavisna informativna revija*, god. XIII, br. 575, Sarajevo, 22.11.2007, 18-21.

Od istorije do sudnice i nazad: Šta historiografija može dobiti od presuda za zločine u ratovima u bivšoj Jugoslaviji

Ivan Jovanović¹⁸⁴

Poznanstvo između historiografije i suđenja za zločine koje nazivamo međunarodnim – za ratne zločine, zločine protiv čovečnosti i genocid – počelo je relativno skoro u istoriji, a i od tada su njihovi susreti bili retki. Izuzev nekolicine sporadičnih, više anegdotskih i mahom neuspešnih primera u poslednjih nekoliko stotina godina, suđenja za takve zločine nije bilo sve do međunarodnih tribunala u Nirnbergu i Tokiju i do nekoliko hiljada suđenja pred nacionalnim sudovima nakon Drugog svetskog rata. Nakon njih, takva suđenja su ponovo retkost u svetu, sve do 1990-ih i prvih suđenja za zločine u ratovima na teritoriji bivše SFRJ. Iz tog razloga, historiografija nije imala prilike da stekne puno iskustva sa metodama i rezultatima suđenja za međunarodne zločine, osim onih vezanih za Drugi svetski rat, dok su u međuvremenu pravo i načini rada kako međunarodnih, tako i nacionalnih sudova, evoluirali.

Ovaj članak ima za cilj da, bez namere ulaženja u heurističke dubine istorije kao naučne discipline, približi suđenja za međunarodna krivična dela istoričarima, ukaže na to šta im može biti relevantno u presudama za takva dela i pomogne im da procene pouzdanost presude kao istorijskog izvora. Težište će biti na konstruktivističkom aspektu sudske postupke – dakle kako dolazimo do sudske istine, a ne na tome da li takva istina objektivno odgovara stvarnosti,

nit i šta je do sada utvrđeno kao sudska istina o sukobima i zločinima u bivšoj Jugoslaviji (osim u meri u kojoj ću na neke od tako utvrđenih činjenica ukazivati kao na primere radi objašnjenja sudske postupke). Ovo približavanje međunarodnog i krivičnog prava historiografiji biće izvedeno, pre svega, kroz objašnjenje rada, postupka i presuda Međunarodnog krivičnog tribunala za bivšu Jugoslaviju (u daljem tekstu Tribunal, MKTJ). Razlog za fokus na ovaj tribunal i na zločine u bivšoj Jugoslaviji nije samo taj što se oni tiču pre svega nas koji ovo pišemo i onih koji će ovo čitati, niti što nam MKTJ ostavlja u nasleđe ogroman, verovatno najveći rezervoar činjenica i saznanja o zločinima i drugim događajima tokom sukoba u regionu, već i taj što drugi novonastali međunarodni, mešoviti ili nacionalni sudovi za ratne zločine svoju praksu, izvore prava, pa i svoje postojanje duguju upravo Tribunalu, sa svim njegovim vrlinama i manama. Biće pomena i o suđenjima pred sudovima u postjugoslovenskim zemljama, naročito ako je potrebno ilustrovati neke jedinstvene obrasce pravnog postupka ili, sa druge strane, potcrtati određene razlike između njih i Tribunala. O ovim suđenjima će biti manje reči nego o Tribunalu, pre svega jer je njihovo nasleđe – utvrđene činjenice, arhiva dostupna istraživačima i drugo – ipak siromašnije u odnosu na ono iz Haga i time manje relevantno za istoričare. No i pored toga, i bez obzira što su domaća suđenja za

184 Autor je konsultant za međunarodno krivično pravo i tranzicionu pravdu i doktorand na Univerzitetu u Ženevi.

međunarodna krivična dela po pravilu pod sumnjom za nacionalnu pristrasnost i instrumentalizovanost¹⁸⁵, kao i što bi se o radu pravosuđa u regionu štošta kritički moglo reći, ova suđenja ipak ne samo da daju doprinos utvrđivanju činjenica i uvećavanju građe o zločinima u regionu, već su ona svojim brojem, kontinuitetom i samim tim što se bave svojim državljanima i događajima sa svojih teritorija, bez presedana u svetskoj istoriji.

Da bi se pravnik sa jedne, i istoričari ili drugi koji čitaju presude o kojima će biti reč sa druge strane, bolje razumeli, valja odmah naglasiti da premisa od koje ovaj članak polazi nije da sudovi treba da se bave istorijom i da je pišu. Naprotiv, polazište je da je to posao istoričara. Iako u nekim presudama Tribunala ima pomena o potrebi za stvaranjem tačnog istorijskog zapisa u okviru suđenja¹⁸⁶, tako nešto je daleko od preovladavajućeg razumevanja uloge suđenja za ratne i druge najteže zločine. Utvrđivanje istine o konfliktima ne spominje se nigde u rezolucijama Saveta bezbednosti Ujedinjenih nacija (UN) kojima su osnovani tribunalali za bivšu Jugoslaviju i za Ruandu. Tako nečeg, recimo, nema ni u Statutu, niti u Tužilačkoj strategiji (stalnog) Međunarodnog krivičnog suda.¹⁸⁷ Hana Arent je, kao hroničar jednog od najvažnijih i najpoznatijih suđenja u istoriji – onog Ad-

olfu Ajhmanu – verovala da uloga suda mora biti ograničena na deljenje pravde u konkretnom slučaju, dok svi viši ciljevi, uključujući i ostavljanje istorijskog zapisa, ometaju sud u svom poslu.¹⁸⁸ Mnogi autori smatraju da sudovi ipak mogu da daju doprinos pisanju istorije, ali ne i da je sami ispisuju¹⁸⁹, niti to sme biti svrha suđenja.¹⁹⁰ Sudska veća Tribunala isticala su da sud može doprineti utvrđivanju istine o događajima, ali da ne može biti finalni arbitar o istorijskim činjenicama, jerto mogu biti samo istoričari¹⁹¹, niti se može baviti pisanjem istorije ili objašnjavanjem uzroka konflikta¹⁹²; neke sudije su to isticale i u svojim radovima¹⁹³. Istorija i krivični sud, ipak, kada su se napokon ponovo spojili, ne mogu pobeći jedno od drugog. Činjenica je da, kada govorimo o ulozi suđenja u pisanju istorije, zapravo postoji dihotomija jer imamo, sa jedne strane, fokusiranost pojedinačnog sudskog postupka samo na konkretno delo, počinioca i relevantne norme, ali sa druge imamo ukupnost svih postupaka koji se bave događajima iz jednog istorijskog perioda, kakav su ratovi na postjugoslovenskom prostoru, i ona neminovno proizvodi i historiografski efekat, bio on namera suda ili ne. Polazeći od te dihotomije, svrha ovog priloga je da objasni – iz pravničke perspektive – kako i u kolikoj meri se istoriografija u vršenju svog posla može osloniti na ono što je pravo već obavilo kao svoj.

185 O takvim rezervama prema domaćim suđenjima generalno videti, na primer, Richard Ashby Wilson, „Judging History: The Historical Record of the International Criminal Tribunal for the Former Yugoslavia“ (2005) 27 *Human Rights Quarterly*, 919-922. Poznato je i uverenje Hane Arent daje Ajhmanu umesto pred sudom jevrejske države trebalo suditi pred međunarodnim sudom: Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, Penguin Books, 1994, 270-272.

186 ICTY, Momir Nikolić, Sentencing Judgment, 2 December 2003, para. 52. (Presude MKTJ biće navođene na njihovom engleskom originalu, samo sa prezimenom optuženog ili prvooptuženog, osim tamo gde ima više optuženih sa istim prezimenima.)

187 ICC, Office of the Prosecutor, *Prosecutorial Strategy 2009–2012*, 1 February 2010, para. 20.

188 Hannah Arendt, nav. delo, 253.

189 Fergal Gaynor, „Uneasy Partners: Evidence, Truth and History in International Trials“, 10 *Journal of International Criminal Justice* (JICJ) 2012, 1275, Dov Jacobs, Catherine Harwood, „International Criminal Law Outside the Courtroom: The Impact of Focusing on International Crimes for the Quality of Fact-Finding“, u: Morten Bergsmo (ur.), *Quality Control in Fact Finding*, 2013, Torkel Opsahl, 2013, 135.

190 Ralph Zacklin, „The Failings of Ad Hoc International Criminal Tribunals“, 2 *JICJ*(2004), 544. Zacklin je 1998-2005. bio glavni pravni savetnik UN.

191 Između ostalih., Dragan Nikolić, Sentencing Judgment, 18 December 2003, para. 122.

192 Karadžić, Decision on the Accused's Holbrooke Agreement Motion, Trial Chamber, 8 July 2009, para. 46., *Delalić et al.*, Judgment, 16 November 1998, para. 88, *Kupreškić et al.*, Judgment, 14 January 2000, paras. 755- 756.

193 O-Gon Kwon, „The Challenge of an International Criminal Trial as Seen from the Bench“, 5 *JICJ* (2007), 362 Patricia Wald, „The International Criminal Tribunal for the Former Yugoslavia Comes of Age: Some Observations on Day-to-Day Dilemmas of an International Court“ (2001) 5 *Washington University Journal of Law & Policy* 87, 116–117.

Na početku je neophodno raščlaniti na šta tačno mislimo kada kažemo „suđenja“. Može se u vezi sa tim terminom posebno govoriti o neposrednom toku postupka, u okviru kog se prikupljaju i izvode razni dokazi koji čine *sudske spise*, a posebno o *presudi* koja je deo postupka, ali se donosi na njegovom kraju i zasniva se na izvedenim i prihvaćenim dokazima. Dalje, pak, kada govorimo o samoj presudi možemo imati na umu različite njene delove koji mogu biti od interesovanja za istoričare. Među njima bih izdvojio dva dela presude: jedan je onaj koji se najčešće u presudama Tribunala označava kao *pozadina* (eng. *background*) ili *istorijski osvrt* i koji predstavlja, ponekad, deo obrazloženja presude ističući ono što je, po mišljenju suda, kao istorijski relevantno prethodilo delima koja su predmet postupka; drugi deo je onaj koji se odnosi na *utvrđivanje nečije krivice*, i koji zapravo čini veći i ključni deo svake krivične presude. U nastavku će biti objašnjeno zbog čega i u kojoj meri je svaki od ova dva pomenuta rezultata sudskog postupka – sudski spisi sa dokazima, sa jedne strane (kojima će biti posvećeno Poglavlje 1 ovog članka) i, sa druge strane, presuda koja je raščlanjena, u svrhu ove teme, na istorijski osvrt (obrađen u Poglavlju 2) i na utvrđivanje krivice (Poglavlje 3) – mogu da doprinesu utvrđivanju istorijskih činjenica. Delu presude koji se odnosi na utvrđivanje krivice, obrađenom u Poglavlju 3, biće posvećeno najviše pažnje s obzirom da je on taj koji predstavlja – iz razloga koji će biti objašnjeni – najbitniji i ujedno najautoritativniji doprinos samog suda i krivičnog postupka istraživanju istoričara. Na kraju, u Poglavlju 4 ću se osvrnuti na tri posebna pitanja – klasifikaciju oružanog sukoba, identifikovanje ratnog zločina i određivanje zločina kao genocida – u kojima pravna kvalifikacija posebno može, ali i ne mora, imati značajan uticaj na interpretaciju istorijskih događaja.

1. Sudski spisi kao izvor za istoričare

Sve ono što tužilaštvo i odbrana predlože kao dokaze, a sud prihvati, ili što sam sud zatraži i dobije, predstavlja sudske spise ili spise predmeta (eng. *court records* ili *trial records*). Postoje varijacije među nacionalnim pravosudnim sistemima, kao i neke razlike između Tribunala u Hagu i nacionalnih pravosuđa, u pogledu toga šta se tačno može smatrati sudskim spisima, ali one nisu toliko velike, te ih stoga ovom prilikom možemo ostaviti po strani. U sudske spise,

dakle, ulazi sve ono što bi bilo relevantno za dokazivanje postojanja nekog zločina i nečije krivice. Tako sudski spisi (MKTJ), kao i sudova u regionu, sadrže između ostalog dokumente različitih vrsta i porekla: od dokumentacije vojske i policije (poput naredbi, izveštaja, dnevnika, planova, mapa, dokumenata o komandnoj strukturi i drugog), preko dokumenata drugih državnih i javnih institucija (pravnih akata, zapisnika sa sastanaka, sistematizacija i organizacionih šema i dr), do onih koji potiču od nedržavnih tela, poput političkih stranaka ili nevladinih organizacija (npr. izveštaji o kršenjima ljudskih prava), ili koji su lične beleške pojedinaca, najčešće političara. Među spise spadaju kako dokumenti koji potiču iz država regiona, tako i dokumenti drugih država, pa i međunarodnih organizacija, s tim što je u praksi Tribunal manje tražio ili manje istraživao na dobijanju dokumenata od država van regiona bivše SFRJ. Kao dokazi su često podnošeni i javno dostupni izvori, poput medijskih izveštaja ili izjava zvaničnika i političara. U sudske spise, zatim, ulaze i brojni drugi materijalni dokazi poput onih dobijenih ekshumacijom, obdukcijom, uviđajima na licu mesta, prateći forenzički izveštaji, kao i fotografije, video i audio snimci, uključujući i razgovore koje su presretale prislušne službe zaraćenih strana. Posebno bitno mesto, kao i u svakom sudskom postupku, zauzimaju svedočenja (zabeležena audio-vizuelno i u transkriptima) svedoka koji su bili žrtve i očevici, svedoka -insajdera, sve do veštaka (ili svedoka-eksperata, kako se nazivaju pred Tribunalom i u pravnoj terminologiji na engleskom jeziku). Spisi predmeta, naravno, uključuju i podneske strana u postupku (tužilaštva i odbrane) kao što su optužnice, zahtevi, predlozi, odgovori suprotnoj strani, dopisi, iskazi strana tokom suđenja i odluke samog suda tokom postupka.

Još širi pojam od sudskih spisa je arhiva Tribunala. Osim sudskih spisa ona obuhvata i, recimo, dokumente Tužilaštva iz istrage koji nikad nisu predloženi na suđenju kao dokazi ili sudska veća nisu prihvatila da ih uvrste među dokaze, dokumentaciju koja se tiče zaštite svedoka, izvršenja kazni, saradnje država sa Tribunalom i mnogu drugu, uključujući i onu koja predstavlja tragove svakodnevnog administrativnog funkcionisanja te institucije. Arhiva Tribunala za bivšu Jugoslaviju, kao i onog za Ruandu, a takođe i sudski spisi kao njen deo, ostaje vlasništvo UN, čiji je organ – Savet bezbednosti – osnovao oba tribunala. Čuvanje arhive i upravljanje njom, što uključuje i davanje pristupa istraživačima, jedna

je od osnovnih funkcija Mehanizma UN za međunarodne tribunale (dalje Mehanizam), kolokvijalno znanog i kao „Rezidualni mehanizam“, kako je prvobitno bio nazvan. Ova novoosnovana međunarodna pravosudna institucija, do sad jedinstvena i pomalo komplikovana za razumevanje, u pogledu nekih funkcija već je nasledila tribunale za bivšu Jugoslaviju¹⁹⁴ i Ruandu i nastaviće da postoji umesto njih kada oni okončaju svoje postupke koji su u toku.

Nesumnjivo je da je arhiva Tribunala, pod upravom Mehanizma, sa onim što je dostupno već sada ili će postati u budućnosti, bogat rudnik za istoričare. S obzirom da je omogućavanje pristupa arhivi, uz neka ograničenja koja će biti pomenuta, jedna od osnovnih funkcija Mehanizma, biće lakše pristupiti sudskim spisima Tribunala nego spisima sudova u regionu kojima je pristup, što zbog nacionalnih propisa, što usled poslovične zatvorenosti i inertnosti domaćih sudova, nekad nemoguć a nekad veoma spor i mukotrpan. No, nije i neće sve u sudskim spisima i u arhivi biti dostupno istraživačima. Nemali je broj svedočenja koja su bila zatvorena za javnost ili dokumenata koja su države – iz regiona, ali i van njega – predale Tribunalu pod uslovom da ne budu dostupna javnosti, kao i drugih dokumenata koja nose oznaku tajnosti. Ona mogu postati dostupna istraživačima tek kad sudsko veće Mehanizma donese odluku o skidanju oznake tajnosti sa njih (deklasifikacija), bilo tako što će prethodno dobiti saglasnost svedoka čije su izjave pod zaštitom, ili zemalja porekla dokumenta, ili tako što će Mehanizam sâm uspostaviti kriterijume za deklasifikaciju dokumenata posle određenog vremena. Još je komplikovanija situacija sa materijalom koji je prikupilo Tužilaštvo, a koji nije uvršten kao dokaz u postupku, poput izjava svedoka kojima je Tužilaštvo davalo obećanje prilikom uzimanja iskaza da njihova izjava bez njihove saglasnosti neće biti ustupljena nikom osim sudskom veću Tribunala; nad tim materijalima sudska veća nemaju nadležnost za deklasifikaciju.

Sudski spisi, u meri u kojoj su dostupni, omogućavaju neposredan uvid istoričarima u originalna dokumenta nekadašnjih strana u sukobu u bivšoj Jugoslaviji i u svedočenja učesnika i žrtava tih događaja sabrana na jed-

nom mestu. Uloga suda je ovde bila u sakupljanju tih dokumenata ili dokaza u postupku, a ne - kao kada budemo govorili o presudi kao izvoru - u tumačenju i oceni tih dokaza. Na istoričarima je da ocene autentičnost, kredibilnost i relevantnost tih materijala, imajući pri tom u vidu i neka ograničenja krivičnog postupka, o kojima će više reći biti u Poglavlju 3.

2. Istorijski osvrt u presudi kao izvor

Prvostepene presude Tribunala sadrže deo, odnosno odeljak, koji se u prevodima tih presuda na jezike regiona naziva *Kontekst* (eng. *Background*). Taj deo predstavlja osvrt na događaje koji su prethodili zločinima koji su bili predmet suđenja i teži da objasni društveno-politički i istorijski kontekst u kome su ti zločini počinjeni. Takav osvrt je u ranoj praksi Tribunala bio ili istorijska retrospektiva koja je obuhvatala duži vremenski period ili, što je mnogo češće bio slučaj, osvrt na početak sukoba iz ranih 1990-ih u određenom delu bivše SFRJ i na događaje neposredno pre i nakon tog početka. Ova prva vrsta konteksta ili istorijskog osvrta – zalaženje u viševekovnu ili višedecenijsku prošlost pre sukoba – posebno je iritirala i davala povoda kritičarima Tribunala, najviše među Srbima, a često i među onima koji njegov rad podržavaju, da mu kao jednu od velikih mana pripisuju njegovo u najmanju ruku bespotrebno i nekompetentno bavljenje istorijom. Uz to je, naravno, isticano i da Tribunal sudi celom srpskom narodu i njegovoj istoriji.

Na suđenju Dušku Tadiću, prvom pred Tribunalom, tužilaštvo je dovelo svedoke-veštake, odbrana takođe, koji su predstavljeni kao poznavaoци istorije Balkana i koji su o njoj govorili. Presuda Tadiću, doneta 1997, sadrži istorijski osvrt na čak 14 strana, koji počinje otomanskim periodom, a od toga je četiri strane posvećeno odeljku pod naslovom „Velika Srbija“. Teza o suđenju srpskoj istoriji nije se začela zbog toga, ali je ovaj upliv istorije i historiografa kao svedoka na prvim suđenju toj tezi dao dodatnog povoda ili argumenata. Takvo uverenje se ne samo učvrstilo, već proširilo i došlo takoreći do svakog doma tokom medijskog spektakla

194 Ogranak Mehanizma koji nasleduje MKTJ otpočeo je sa radom 1. jula 2013. u istoj zgradi u Hagu gde je i Tribunal. Više o Mehanizmu videti na <http://www.unmict.org>.

od suđenja Slobodanu Miloševiću, na kome je tužilaštvo obilato zahvatalo u istoriju i pozivalo istoričare za veštake.

Međutim, doživljaj uloge koju je istorija igrala pred Tribunalom predimenzioniran je u odnosu na to koliko joj se zaista posvećivalo pažnje i kakvog je efekta imala u presudama. Široki istorijski osvrt činjenje u presudi Dušku Tadiću, prvoj međunarodnoj nakon Nirnberga i Tokija u kojoj se utvrđivala nečija krivica¹⁹⁵ u kontekstu utvrđivanja progona na nacionalnoj ili verskoj osnovi kao zločina protiv čovečnosti¹⁹⁶. Zbog toga se delimično može razumeti potreba tužilaštva, pa onda i suda, da zalaženjem u istoriju objasne otkud to da neko iz jedne nacionalne grupe cilja i progoni pripadnike druge grupe, inače svoje komšije sa kojima je živeo u istoj državi. Nakon slučaja *Tadić*, zahvatanja u istoriju skoro da nema ili, ako ih negde i ima, kao u presudi Dariju Kordiću i Mariju Čerkezu, bosanskim Hrvatima, ona sežu najdalje do nastanka socijalističke Jugoslavije. U presudama gde bi neko i mogao očekivati da se istorija nađe – kao što je bila prva presuda za genocid u Srebrenici, u slučaju *Krstić* (i što bi nalikovalo praksi Tribunala za Ruandu kada je sudio za ovu vrstu zločina) – „Kontekst“ kao deo te presude bavi se samo početkom i tokom rata u BiH; sudske veće je bilo eksplicitno u tome da „istoričarima i socijalnim psiholozima prepušta da izmere pravu dubinu te epizode balkanskog sukoba i da ispitaju duboko ukorenjene uzroke“.¹⁹⁷ Čak i tokom suđenja Miloševiću, gde se činilo da se na početku suđenja vodi bitka između tužioca Najsa i veštaka-istoričara koje je dovelo tužilaštvo sa jedne i Miloševića sa druge strane, sudije su ipak ograničavale ovo bavljenje istorijom.¹⁹⁸ Tužilaštvo nije prekinulo da poziva istoričare kao svedoke, posebno u predmetima u kojima su zločini za koje se sudilo obuhvatali veće područje, a optuženi bili na višim stepenicama hijerarhije.

Ipak, vremenom je tužilaštvo smanjilo svoja očekivanja od toga šta može dobiti analizom bliže ili dalje prošlosti nekog dela bivše SFRJ, pre svega jer sudije takva svedočenja nisu smatrale dovoljno relevantnim za presude o nečijoj krivičnoj odgovornosti. Neki autori prelazak tužilaštva sa bavljenja „monumentalnom istorijom“ na „mikroistoriju“¹⁹⁹ vezuju za prvostepenu presudu u slučaju *Brdjanin* iz 2004. godine (mada je on mogao biti uočen i pre toga), kada su sudije, definišući jedan od standarda za zaključivanje o nečijoj kriminalnoj nameri posrednim putem, ukazale tužilaštvu da kontekstualni dokazi poput pozivanja na istoriju ne mogu biti od velike pomoći.²⁰⁰ Međutim je zanimljivo da su, prema istraživanju koje je sproveo Ričard Vilson, i tužilaštvo i odbrana gotovo u podjednako meri smatrali da objašnjenja istorijskog konteksta na suđenjima imaju smisla.²⁰¹ Svaka je strana očigledno smatrala da može da izvuče iz istorije, i pomoću svojih veštaka, nešto što potkrepljuje njenu verziju događaja. Istorija je korišćena radi postizanja pravnih ciljeva, a ne radi objektivne evaluacije prošlosti.

Nakon dubljeg zalaženja u istoriju, i to dalju, u početnom periodu rada Tribunala, praksa ipak postaje da se zločini za koje se pojedincu sudi kontekstualizuju samo u svetlu događaja koji tim zločinima, odnosno sukobu u kojem su počinjeni, neposredno prethode. Tako se na suđenjima govorilo i svedočilo o raspadu SFRJ, organizovanju etnički zasnovanih partija, vojski ili gerilskih formacija, ili o radu i odlukama tela i zvaničnika nastajućih samostalnih država odnosno nepriznatih entiteta. Istoričari su i dalje nastupali kao veštaci na mnogim suđenjima, ali ne predstavljajući istoriju zemlje ili epohe, već tako što su hronološki ređali ove događaje i predočavali sudu političke, administrativne ili vojne odluke koje su neposredno prethodile nekom događaju,

195 Prethodno je već bila doneta presuda Draženu Erdemoviću, 30. novembra 1996, ali kako je Erdemović priznao krivicu nije bilo potrebe da se dokazuje postojanje zločina i njegova odgovornost.

196 Videti *Duško Tadić*, Judgment, 7 May 1997, para. 53.

197 *Krstić*, Judgment, 2 August 2001, para. 2.

198 Sudija Mej: „Količina istorijskih dokaza koje bismo želeli da čujemo je veoma ograničena.“ *Slobodan Milošević*, transkript (prev. aut), 9 January 2002, s. 243.

199 Ove termine dugujem Ričardu Vilsonu. Videti: Richard Ashby Wilson, *Writing History in International Criminal Trials*, Cambridge Books Online, 112-139 (dostupno na <http://ebooks.cambridge.org/>).

200 Wilson, nav. delo, 119-121., *Brdjanin*, Judgment, 1 September 2004, para. 970.

201 Wilson, nav. delo, 72.

ostavljajući sudu da izvuče zaključak o krivično-pravnoj relevantnosti te veze. Još bitnije, iskazi istoričara o događajima neposredno pre i tokom sukoba nisu bili jedina svedočenja na te teme, već su se kao svedoci pojavljivali i mnogi njihovi neposredni učesnici.

Neizbežno je pitanje zašto su baš određeni istoričar ili istoričarka bili pozivani da pred sudom predstavljaju svoj nazor o određenoj temi, odnosno pitanje je kolika je bila njihova kompetentnost. Ispostavljalo se da istoričari koje je tužilaštvo dovodilo kao veštace nisu bili naučnici koji su imali zapažene radove na temu balkanske istorije, što je odbrana često isticala osporavajući njihovu stručnost. Neki autori navode da je razlog tužilaštva za takav izbor svojih eksperata – i u Tribunalu za bivšu Jugoslaviju i u Tribunalu za Ruandu – bio taj što su takvi veštaci nosili manji rizik da budu „izbačeni iz takta“ kada odbrana krene da osporava njihov lični kredibilitet i njihovu stručnost, što je u krivičnom postupku očekivano koliko god da je svedok-veštak stručan, nego neka poznatija naučna imena koja bi, suočena sa takvim napadom (bila je bojazan tužilaštva), pre branila sebe i svoju naučnu reputaciju nego što bi iznosila kategorične zaključke koje strana u postupku uvek želi da čuje od svog svedoka.²⁰²

Praksa drugih međunarodnih sudova u pogledu pozivanja istoričara kao veštaka i uključivanja njihovih svedočenja u presude nije jedinstvena. Sudska veća Tribunalu za Ruandu uključivala su u svoje presude svedočenja eksperata o prošlosti Ruande i istoriji odnosa Tutsija i Hutua. Sa druge strane, (stalni) Međunarodni krivični sud se u svoje jedine dve osuđujuće presude do sada, u predmetima *Lubanga* i *Katanga*, na istoriju DR Kongoa osvrtao najdalje

do događaja krajem 1990-ih koji su neposredno prethodili konfliktima u ovoj državi.²⁰³ Sudije su isticala da je jedina svrha takvog osvrta povezivanje događaja koji se pominju u izjavama svedoka, a ne presek i objašnjenje istorije.²⁰⁴ U presudama za ratne zločine domaćih sudova iz regiona ima mnogo manje istorijskih osvrta nego pred Tribunalom, a posebno nema zalaženja u dalju prošlost kao u predmetu *Tadić*. Svedočenja istoričara na domaćim suđenjima nije bilo, ili barem nisu bila u svrhu objašnjenja geneze nekih događaja.²⁰⁵ Jedino se u presudama hrvatskih sudova kratko i usputno konstatuje da su zločini srpskih snaga počinjeni u kontekstu velikosrpske agresije na Hrvatsku u cilju stvaranja Velike Srbije, čime ove presude – za razliku od ostalih nacionalnih i od haških – zapravo sadrže eksplicitno određivanje suda prema uzroku i karakteru sukoba. Ovakve konstatacije u presudama u Hrvatskoj, međutim, nisu bile bazirane na svedočenjima istoričara ili kakvom drugom izvođenju dokaza, već izražavaju preovlađujuće, pa i zvanično tumačenje države i društva u Hrvatskoj o nedavnoj prošlosti koje onda sudovi tretiraju kao opštepoznatu istorijsku činjenicu. No, za pretpostaviti je da bi većina hrvatskih istoričara, da su kojim slučajem i svedočili kao veštaci, verovatno na isti takav način objasnila kontekst događaja; kao što bi većina ili barem dobar deo srpskih istoričara, da su svedočili pred sudom u Beogradu, događaje u Hrvatskoj stavila u kontekst odbrane zemlje od secesije i borbe Srba u Hrvatskoj za samoopredeljenje ili opstanak. Ako svedočenja istoričara van regiona i pred međunarodnim sudom, ma koliko bila podložna kritici, i mogu biti nepristrasna, svedočenja domaćih istoričara u suđenjima pred nacionalnim sudovima, a posebno njihov odabir, teško da bi mogla biti lišena težnje za potvrđivanjem dominantnog nacionalnog narativa o prošlosti.

202 Wilson, nav. delo, 126-127. Na temu istoričara kao veštaka pred Haškim tribunalom videti posebno Vladimir Petrović, „Weltgericht ohne Weltgeschichte: Historians as Expert Witnesses in the ICTY“, *Ab Imperio* 2/2007, 195-217 kao i, od istog autora, „Les historiens comme témoins experts au Tribunal Pénal International pour l'ex Yougoslavie“ in: Isabelle Delpla, Magali Bessone, *Peines de guerre*, Paris, 2010, 119-134.

203 ICC, *Thomas Lubanga Dyilo*, Judgment, 14 March 2012, s. 41-49, ICC, *Germain Katanga*, Judgment, 7 March 2014, s. 155-182.

204 *Katanga*, Judgment, para. 430.

205 U ponekoj presudi, kao na primer u slučaju *Škorpioni* pred beogradskim Većem za ratne zločine, daje se hronološki pregled nastanka i nestanka SFRJ, ali ne na temelju svedočenja istoričara, već na osnovu – kako sud kaže – opšte poznatih činjenica preuzetih iz raznih istorijskih dokumenata. Veće za ratne zločine Okružnog suda u Beogradu, *Slobodan Medić i dr. (Škorpioni)*, prvostepena presuda, 10.04.2007, s. 48-52.

Na kraju, kada se podvuče crta ispod nekad nepotrebnog, neizbežno površnog, ali vremenom opadajućeg korišćenja istorije u praksi Tribunala, najvažnije je istaći da ni u jednoj njegovoj presudi istorija nije figurirala kao objašnjenje zašto je utvrđena nečija krivica, već su to bila konkretna dela i učesće okrivljenog u njima. Čini se da je najviše što je do sada istorija u Tribunalu uticala na sudsku odluku bilo na suđenju Slobodanu Miloševiću, kada je sudsko veće na sredini postupka većinom glasova odbilo predlog odbrane da oslobodi Miloševića za, između ostalog, genocid, i uzelo da jedan od mogućih dokaza Miloševićeve namere da poćini ili podrži genocid u BiH može biti njegovo zalaganje za ideju Velike Srbije. Ova odluka, ipak – neophodno je naglasiti – nije predstavljala izjašnjavanje o Miloševićevoj krivici, jer ona u sudskom postupku može biti doneta samo nakon izvođenja svih dokaza, nego je značila samo to da je sud smatrao da dokazi koje je do tada iznela optužba imaju dovoljnu ubedljivost da postoji *moćnost* da bi se nakon celog dokaznog postupka na njima mogla bazirati osuđujuća presuda Miloševiću.²⁰⁶

Na samim istoričarima je, naravno, da li će se i koliko u svom istraživanju oslanjati na deo presude koji se odnosi na istorijsku pozadinu ili kontekst događaja, a koji je zasnovan na svedoćenju istoričara, ali se čini da taj deo ne treba da bude izvor istraživaćima. Razlog je, pre svega, metodološki. Bez obzira što se nalaze u presudi, ti delovi ne predstavljaju sudski utvrđene činjenice, već predstavljaju prihvatanje jedne interpretacije događaja. Za razliku od delova presude koji se bave utvrđivanjem postojanja zloćina i nećije krivićne odgovornosti i koji su zasnovani na metodama krivićnog prava – o ćemu će biti reći u narednom poglavlju – kontekst događaja u presudi je zasnovan na metodama istorićara koji su svedoćili. Zašto bi onda jedan istorićar uzeo kao izvor za svoje istraživanje mišljenje nekog drugog istorićara ugrađeno u presudu, umesto da direktno konsultuje rad tog istorićara koji je iskaz dao, ako takav rad postoji?

3. Presuda o krivici i njeno obrazloženje kao izvor za istorićare

Srž presude, i ujedno cilj krivićnog postupka, jeste onaj njen deo u kom se prvo utvrđuje postojanje krivićnog dela, a zatim i postojanje ili nepostojanje krivićne odgovornosti optuženog. On se obićno naziva operativni deo presude. Uz njega ide i obrazloženje presude, ćiji je najbitniji element objašnjenje izvedenih dokaza i utvrđenih činjenica na kojima se zasniva odluka suda o delu i krivici. Upravo su operativni deo presude i obrazloženje utvrđenih činjenica najvažniji i najvredniji za istorićara, ili bilo koga zainteresovanog da sazna o događajima iz bliske prošlosti.

Iz operativnog dela presude i obrazloženja utvrđenih činjenica može se saznati za postojanje zloćina i za njihovu kvalifikaciju: da li se dogodilo ubistvo, mućenje, silovanje, proterivanje civila, protivpravno zatvaranje ili drugo delo i da li ono spada u ratni zloćin, zloćin protiv ćovećnosti ili genocid (o kvalifikacijama dela biće nešto više reći u Poglavlju 4). Zatim saznajemo ko su ųrtve – nekad tako što su one pojedinaćno odrećene, a nekad je odrećeno samo kojoj strani pripadaju, kao i koja strana je poćinila zloćin (ćak i u slućajevima kad neko individualno bude osloboćen krivice). Presuda daje i opis zloćina, to jest naćin na koji je poćinjen. Razmere zloćina i broj ųrtava nekad se mogu utvrditi u potpunosti, a nekad samo do odrećene mere. Osuđujuća presuda naravno ustanovljava ko je konkrećno ućestvovao u zloćinu (nekada se osim osućenih pominju i druga lica) i kakva je bila uloga osućenog: da li je bio planer, naredbo-davac, izvršilac, odnosno ućesnik zajednićkog zloćinaćkog poduhvata (u Tribunalu i pred sudom BiH), pomagać ili neko ko je komandno odgovoran za nesprećavanje i/ili nekaųnjavanje poćinilaca. Posebno bitno za istorićare je to što usled nekih zahteva koje sobom nose odrećene pravne kvalifikacije i oblici odgovornosti, presuda ćesto mora da utvrdi da li su u pitanju jedan ili više izolovanih incidenata, ili su zloćini bili masovni i deo sistematskih ili rasprostranjenih

206 Ovaj tip odluke, na osnovu pravila 98bis Pravila o postupku i dokazima Tribunala, može biti donet nakon ųtotuųilaćstvo završi sa izvođenjem dokaza, a pre izvođenja dokaza odbrane. Bilo je slućajeva, kao što je *Brđanin*, u kojima je sud u toj fazi, isto kao i u *Slobodanu Miloševiću*, odbijao da oslobodi okrivljenog, da bi ga na kraju postupka ipak oslobodio za neka dela, ukljućujući genocid.

napada na civilno stanovništvo (što je, na primer, deo definicije zločina protiv čovečnosti), da li su zločini bili praćeni politikom progona na etničkoj osnovi, da li je bilo plana i naređenja od državnog, vojnog ili političkog vrha, i slično. Inače, što je šira tzv. baza zločina – dakle, što je više dela stavljeno na teret okrivljenom i što je on na višem hijerarhijskom položaju – to će, po pravilu, biti više utvrđenih činjenica koje se mogu dobiti presudom. Za potpuniju sliku o događajima i zločinima na nekom geografskom području treba uzeti u obzir ne samo jednu, već sve presude koje su u vezi sa tim područjem donete.

Koje zločine i počinioce su presude MKTJ identifikovale i koje činjenice o sukobima na teritoriji nekadašnje Jugoslavije utvrdile može se saznati samo pažljivim čitanjem njegovih presuda, tačnije nalaza o zločinima, krivici i objašnjenja utvrđenih činjenica. One su inače dostupne na sajtu Tribunala, i u celini i u skraćenim verzijama, na engleskom, francuskom i na jezicima regiona. Presude se mogu pretraživati prema imenima okrivljenih i, pomoću interaktivne mape, prema lokacijama zločina. Presude Tribunala treba dopunjavati presudama sudova u regionu. Problem je što se od njih samo presude Suda BiH i EULEX sudova na Kosovu mogu naći na internetu (na veb-sajtu Suda BiH i veb-sajtu EULEX-a) dok se do ostalih presuda nacionalnih sudova može doći jedino konkretnim upitom domaćem sudu.

No, to što presude sa utvrđenim činjenicama postoje i što su - u slučaju Tribunala i Suda BiH - lako dostupne i pretražive, nikako ne znači da će biti čitane i korišćene za istraživanja. Moglo bi se reći da će čitaoci verovati onome što stoji u presudama onoliko koliko veruju sudu koji ih je doneo. A da li mogu verovati Tribunalu „za koji je jasno“ da je anti-srpski, antihrvatski, antimakedonski, proalbanski, američki, zapadni, napravljen da „opere NATO“, nameran da Srbiju zaštiti od odgovornosti, bezosećajan za žrtve i tome slično, kako sve glase različita i, naravno, kontradiktorna ubeđenja o ovom sudu na potezu od Hrvatske do Makedonije? O tome kakva mišljenja mogu da postoje o nekom nacionalnom sudu, koji pripada nekada protivničkoj strani, da i ne

govorimo! Iako istoričari imaju potrebu za izvorima i time mnogo više razloga da presude Tribunala ili drugih sudova ne škartiraju zbog svog stava o toj instituciji, može se pretpostaviti da ova uslovljenost poverenja ipak važi, u većoj ili manjoj meri, i za istoričare.

U delu koji sledi pokušaću da ponudim argumente koji bi trebalo da ubede, posebno istoričare, da mogu da se pouzdaju u takozvanu sudsku istinu, to jest da ono što se nalazi u presudi može da se smatra pouzdano utvrđenim činjenicama. To neće biti argumenti u odbranu Tribunala kao institucije, njegove legalnosti, legitimnosti, sudske prakse i značaja za međunarodno pravo i region. Iako su i takva razjašnjenja neophodna da bi se tom sudu, time i njegovim presudama, verovalo, ona zahtevaju mnogo više prostora posvećenog posebno vrednostima i manama Tribunala, naročito imajući na umu količinu i rasprostranjenost dezinformacija i pogrešnih pravnih interpretacija o tom sudu dugogodišnje sedimente predrasuda o njemu.²⁰⁷ Argumenti koje ću izneti biće o vrednostima i prednostima *metoda* kojima svaki sud dolazi do krivične presude, a to su metodi krivičnog postupka, s tim što će naglasak biti na postupku pred Tribunalom. Sa druge strane, objasniću i neka od ključnih ograničenja krivičnog postupka, te zbog čega, usled njih, presuda uprkos svojoj pouzdanosti ne treba da bude smatrana za izvor koji daje kompletnu sliku o nekom događaju i svim njegovim akterima.

a) Šta presudu čini pouzdanom

Kompetentnost i ovlašćenje suda. Utvrditi da je neko ljudsko ponašanje – činjenje ili nečinjenje – krivično delo, odnosno zločin, znači utvrditi da li je prekršena neka norma krivičnog prava koja takvo ponašanje zabranjuje i za njega propisuje sankciju, kao i da li postoje pravom predviđeni uslovi da takvo ponašanje pripisemo konkretnom pojedincu i učinimo ga odgovornim za njega. Za to je neophodno poznavanje prava, a sudije su obrazovane i obučene upravo da poznaju i tumače pravne norme. Osim što poznaju pravne norme, pretpostavka je i da su sudije kroz svoje obrazovanje i praksu

207 O nekim osnovama o mandatu i radu Tribunala, u domaćoj literaturi videti: Vojin Dimitrijević, Vidan Hadži-Vidanović, Ivan Jovanović, Žarko Marković, Marko Milanović, *Haške nedoumice: poznato i nepoznato o Međunarodnom krivičnom tribunalu za bivšu Jugoslaviju*, Beogradski centar za ljudska prava, 2010.

stekle i znanje i sposobnost da sklope slagalicu zločina - da na osnovu dokaza koje tužilaštvo i odbrana predoče u sudskom postupku mogu da sa visokom izvesnošću rekonstruišu da li se i na koji način takvo krivično delo dogodilo i ko ga je počinio. Krivični sud zbog svega toga i postoji. Povrh toga, jedini je i ovlašćen da utvrdi postojanje zločina i da osudi pojedinca tako da ta odluka ima obavezujuće dejstvo ne samo na osuđenog, već i na državu i druge pojedince.

Obaveznost postupka. Istoričarima pristup arhivama može biti onemogućen ili sužen pre isteka određenog broja godina, a svedoci događaja mogu odbiti da razgovaraju sa njima. Sud ne poznaje takva ograničenja. Sa sudom su svi obavezni da saraduju, to jest da izvršavaju njegove naloge: mora mu se omogućiti pristup dokumentaciji čim to zatraži, a svedoci pod pretnjom sankcije moraju da se odazovu pozivu da svedoče. Domet ovakvog pravila, međutim, nije isti za nacionalne i za međunarodne sudove. Sud ili tužilaštvo jedne države nemaju pravnih mogućnosti da nateraju svedoke iz neke druge države da se pojave pred njima i daju izjavu, niti imaju mogućnosti da nateraju stranu državu da im omogući pristup dokumentaciji na njenoj teritoriji. Sve zavisi od dobrovoljne saradnje države od koje se nešto traži i od volje svedoka koji su njihovi državljani. To je vidljivo i upravo je to jedan od najvećih izazova u suđenjima pred domaćim sudovima na teritoriji bivše SFRJ. Sa druge strane, kako je Tribunal osnovao Savet bezbednosti UN, i to na osnovu Glave VII Povelje UN, to je automatski značilo da svaka država i pojedinac na svetu imaju obavezu da saraduju sa njim, to jest da im dostavljaju dokumentaciju ili svedoče. Naravno, u realnosti, ni Tribunal nije bio svemoćan u sprovođenju saradnje sa državama. Ponekad su i zemlje regiona uspevale da ne dostave svu traženu dokumentaciju tako što su istrajavale u tvrdnji da su neki dokumenti uništeni ili zagubljeni²⁰⁸, a ponekad je i od drugih zemalja sveta bilo teško dobiti odgovarajuću saradnju. No, već sama mogućnost Tribunala da pokrene tešku artiljeriju političkog uslovljavanja zemal-

ja regiona od strane EU i SAD bivala je dovoljna da obezbedi primenu pravila saradnje sa ovim sudom. To domaća pravosuđa nisu u mogućnosti sebi da priušte čak ni kada ih u njihovim sopstvenim zemljama i suprotno zakonu domaće institucije neretko opstruiraju u prikupljanju dokaza.

Sud ima i to ovlašćenje da privilegiju uvida u određene dokumente rezerviše samo za sebe, te otuda može naložiti da neki državni dokument koji je proglašen tajnim to i ostane za sve druge osim za sud i za strane u postupku. Takav je slučaj i sa domaćim sudovima. Otuda, kao što je već pomenuto, nemali broj dokumenata iz sudskih spisa na kojima su presude zasnovane neće biti dostupan - barem neko vreme - istraživačima, tako da njima ostaje da se oslone na presudu u koju je takav dokument utkan.

Obaveza svedočenja sa sobom povlači još jedan mehanizam koji se, u principu, primenjuje samo u krivičnim suđenjima - a to su mere zaštite svedoka, u koje, između ostalog, ulaze zaštita identiteta od javnosti na suđenju, izmena identiteta, relokacija, pa čak i izmena ličnog opisa. Ne treba, međutim, gubiti iz vida da ni obaveza odazivanja pozivu suda, niti sankcija za opstrukciju postupka ili za lažno svedočenje, pa ni mogućnost primene zaštite svedoka, ne mogu u krajnjem ishodu da nateraju na svedočenje osobu koja se plaši ili ne želi da svedoči protiv nekog, ili da garantuju da je ono što je rečeno pred sudom zaista i istinito.²⁰⁹ Ipak, obaveznost postupka, odnosno svedočenja, znatno povećavaju mogućnost da će svedoci doći pred sud i govoriti iskreno.

Detaljnost postupka. Ova osobina krivičnog postupka koja ga često čini veoma komplikovanim i dosadnim za praćenje, ujedno je i jedna od najvažnijih zbog kojih je pouzdan za utvrđivanje činjenica. Da bi sud rekonstruisao neki događaj i utvrdio da li su optuženi u zločinu učestvovali i na koji način, saslušava se veliki broj svedoka (žrtava, očevidaca, „insajdera“) koji mogu kazivati ne samo o jednom ili više zločina koji su predmet suđenja, već i o hijerarhiji, atmosferi

208 Tako je, na primer, poznato da Hrvatska u predmetu *Gotovina i drugi* nije dostavila Tribunalu artiljerijske dnevnik, ili SRJ, odnosno Srbija, pojedine delove vojne dokumentacije koji se odnose na Ratka Mladića.

209 Tako je, recimo, svedok na suđenju u slučaju *Haradinaj i drugi*, Šefčet Kabaši (Shefqet Kabashi) u dva navrata kao svedok odbijao da odgovara na pitanja sudskog veća. Zbog toga je za nepoštovanje suda kažnjen sa dva meseca zatvora, koje je odslužio u Ševeningenu i ostao pri svojoj nameri da ne svedoči.

i odnosima unutar strane u sukobu kojoj pripada okrivljeni, izdatim ili prenetim naređenjima, izjavama okrivljenog i njegovom odnosu prema strani kojoj su pripadale žrtve, vojnim operacijama i drugim relevantnim pitanjima. Tokom postupka prezentuje se i analizira veliki broj različitih dokumenata. Što je više pojedinačnih radnji okrivljenih nabrojano u optužnici i što su okrivljeni bili na višem položaju, to je postupak obično komplikovaniji, a time i duži. Samo pisanje presude je takođe dugotrajno i temeljno – barem je tako u praksi i haškog i većine domaćih sudova – jer u presudi mora da bude razmotren svaki pojedinačni dokaz, a zatim dokazi u vezi jedni sa drugima, kao i kakav zaključak iz toga proizilazi.

Suprotstavljanje različitih verzija događaja (kontradiktornost postupka). Tužilaštvo i odbrana sudu predstavljaju i dokazuju svoju verziju događaja i učešća okrivljenog u njima i osporavaju navode suprotstavljene strane. Na osnovu toga, sud na kraju postupka odlučuje šta je od predočenog prihvatio kao istinito i utvrđeno i sklapa svoju sliku događaja koju unosi u presudu. Ovo se naziva raspravnost ili kontradiktornost postupka i čini jedan od temeljnih principa svakog krivičnog postupka, ali i mnogih drugih vrsta pravnih postupaka.

U jednoj od dve velike familije nacionalnih pravnih sistema - adversarnom ili tzv. anglosaksonskom sistemu (*common law*), na tužilaštvu i odbrani je inicijativa i obaveza podnošenja dokaza i na njima je da sud ubede u svoju verziju događaja, dok je sud tokom postupka pasivan u pogledu predlaganja dokaza. Ovaj pravni sistem preteže, ali ne gospodari u potpunosti postupkom pred Tribunalom (posebno kad predmete vode sudije koje nisu iz tog sistema). U drugoj familiji pravnih sistema - inkvizitornom ili takozvanom

evropsko-kontinentalnom sistemu (*civil law*), sud je taj koji pored dve strane u postupku takođe aktivno traga za dokazima, a često u tome vodi i glavnu reč. Inkvizitorni sistem preteže u krivičnom postupku u Hrvatskoj i Crnoj Gori, dok su BiH od 2003. i Srbija, u predmetima ratnih zločina, od 2012. godine prešle na adversarni sistem. Ukorenjena pravna kultura i navika, međutim, čine da su u praksi, posebno u Srbiji, sudije još uvek aktivne u traženju dokaza. Polemika oko toga koji je od dva sistema, posebno u pogledu uloge suda, pravičniji i ispravniji već dugo se vodi.²¹⁰ No, iz perspektive relevantnosti presude za historiografiju, suština je da se u oba sistema presuda donosi nakon prezentovanja različitih međusobno osporavanih verzija događaja i dokaza za njih i da je presuda rezultat debate pred sudom, što daje na snazi njenoj kredibilnosti i uverljivosti.

Treba imati u vidu i da činjenice koje utvrdi presuda nisu uvek i apsolutno rezultat borbe dokazima između dve suprotstavljene strane. Ponekad, na primer, odbrana ne smatra potrebnim da osporava pojedine navode tužilaštva jer se, recimo, ne tiču konkretno njenog klijenta ili je odbrana fokusirana na neke druge, po njih opasnije, delove optužnice. Takođe, odbrana nekad i ne osporava da su se zločini dogodili onako kako su opisani u optužnici da je za njih odgovorna strana u sukobu kojoj pripada optuženi, nego samo spori da je njen branjenik imao veze sa tim zločinima. Sloglasnost između dve strane o postojanju zločina u takvim slučajevima sama je po sebi dodatni indikator pouzdanosti nalaza da se neki događaj zaista odigrao i da predstavlja zločin. Dalje, pretresna veća Tribunala su često preuzimala, to jest primala na znanje kao dokazane, one činjenice koje su prethodno pravnosnažno utvrđene u drugim presudama Tribunala (*adjudicated facts*).²¹¹ Ovu praksu sledi i Sud BiH.²¹² Mada tako preuzete činjenice nisu rezultat doka-

210 O takvoj polemici u Srbiji videti: Miodrag Majić, „Napuštanje inkvizitorskog modela krivičnog postupka kao nužan korak u stvaranju nepristrasnog krivičnog suda u Srbiji“, u: *Savremene tendencije krivičnog procesnog prava u Srbiji i regionalna krivičnoprocesna zakonodavstva*, Ivan Jovanović i Ana Petrović (ur), Misija OEBS-a u Srbiji, 2012, 192-20 i Milan Škulić, „Dokazi i dokazni postupak na glavnom pretresu“, u: *Glavni pretres i suđenje u razumnom roku: regionalna krivičnoprocesna zakonodavstva i iskustva u primeni*, Stanko Bejatović i Ivan Jovanović (ur), Beograd, 2015, 193-217 (dostupno na www.osce.org/sr/serbia/167806?download=true).

211 Pravilo 94(B) Pravidnika o postupku i dokazima Tribunala.

212 Član 4 zakona u BiH koji se skraćeno zove Zakon o transferu postupaka iz Haškog tribunala predviđa mogućnost prihvatanja prethodno pravosnažno utvrđenih činjenica iz presuda Tribunala. Na taj način je Sud BiH uzimao kao utvrđene činjenice postojanja oružanog sukoba u BiH ili u nekom njenom delu, ili postojanja rasprostranjenog ili sistematskog napada na civilno stanovništvo na određenom geografskom području.

zivanja u konkretnom predmetu, one ipak jesu proistekle iz dokaznog postupka u nekom prethodnom suđenju, a odbrana ili tužilaštvo ne gube pravo da ih osporavaju ako žele.

Prilikom priznanja krivice dolazi do saglasnosti između odbrane i tužilaštva o opisu zločina i o odgovornosti optuženog. Priznanje krivice trpi kritike da je takvo utvrđivanje činjenica koje je rezultat nagodbe nepouzdana i ograničenog dometa.²¹³ Njega, međutim, ne treba diskvalifikovati kao izvor za istoričare, posebno u pogledu onog dela sadržaja priznanja koji potvrđuje postojanje zločina i da ga je izvršila određena strana u sukobu. Može se reći i da deo nečijeg priznanja o razmerama zločina i o sopstvenom učešću u njemu predstavlja barem minimum onoga što se stvarno dogodilo. Istoričari bi, pak, trebalo da uzmu sa rezervom, ali ne nužno i da odbace, one delove priznanja koji se tiču učešća i odgovornosti drugih ljudi pored okrivljenog, jer se može dogoditi da onprebacuje deo svoje krivice na druge kako bi svoju umanjio, te tako dobio nižu kaznu i manju moralnu stigmju. Takve delove priznanja uvek treba preispitivati uz, ako je moguće, poređenje sa činjenicama utvrđenim u drugim presudama koje su se bavile istim događajima.

Raspolaganje značajnim resursima. Od istrage pa do donošenja pravnosnažne presude veliki broj ljudi, plaćenih za taj posao, učestvuje u prikupljanju dokaza, njihovom prezentovanju i obradi: od istražitelja tužilaštva (plus policija u nacionalnim sistemima), administrativnog i pomoćnog sudskog osoblja koje vodi računa o čuvanju i tehničkom prezentovanju dokaza, do savetnika i stručnih saradnika koji sudijama pomažu u analizi dokaza, donošenju i pisanju presude. Taj broj ljudi je svakako mnogi veći u MKTJ nego u domaćem pravosuđu, kao što su veći i resursi na raspolaganju Tribunalu. Sud, ili strane u postupku, angažuju veliki

broj stručnjaka raznih profila kao veštace, a Tribunal ima realne mogućnosti da za takve potrebe angažuje eksperte iz celog sveta. Zahvaljujući resursima suda mogu se vršiti iskopavanja tla, ekshumacije grobnica i koristiti najnovija tehnološka, a posebno forenzička dostignuća za dokazivanje (od satelitskih snimaka i analiza tla, preko balistike i DNK analize, do demografije). Tribunal je takođe u mogućnosti da obezbedi i značajan novac za finansiranje odbrane, znatno veći nego što odbrana može dobiti u nacionalnim sistemima u regionu, pa se time pomaže i aktivnije i bolje utemeljeno predstavljanje njenih argumenata i dokaza.

Strogi kriterijumi za prihvatanje dokaza. Da bi bio prihvaćen na suđenju, dokaz mora da ispuni stroge procesno-pravne kriterijume u pogledu svog porekla, načina prikupljanja i prezentovanja. Tako sud ne sme da prihvata dokaze koji su dobijeni na nedozvoljeni način, na primer torturom, ili bez odgovarajuće procedure, ili u nacionalnom sistemu, prekoračenjem ovlašćenja državnog organa; ne sme prihvatiti iskaz okrivljenog uzet bez prisustva advokata (osim ako se okrivljeni sâm nije odrekao tog prava) ili bez upozorenja da ima pravo da čuti; takođe su neprihvatljivi dokazi predloženi mimo procedure, ili suviše kasno, ili koji nisu na vreme obelodanjeni suprotnoj strani kako bi ona mogla da na njih pravovremeno reaguje, ili dokazi čija autentičnost ne može da se verifikuje. Ukoliko ne zadovoljava neki od ovih kriterijuma, dokaz ne može biti prihvaćen, bez obzira što bi mogao da bude vrlo ubedljiv i značajan u postupku²¹⁴, ili bi čak predstavljao krunski ili jedini dokaz protiv okrivljenog. Sudije takođe smatraju vrednijim one dokaze koji su izvedeni neposredno na suđenju, pred njima, dok informacijama sadržanim u izveštajima i zaključcima tela koja nisu sudovi, čak i kad su ocenjena kredibilnim, pridaju ograničeni značaj.²¹⁵ Sva ova pravila nisu odraz pravnog larpurlartiz-

213 Na primer, Mirjan Damaška, "Negotiated Justice in International Criminal Courts", 2 *JICJ* (2004), 1031.

214 Jedan od takvih primera je odluka pretresnog veća na suđenju generalu Krstiću da ne uvrsti među dokaze jedan presretnuti razgovor jer nije na vreme bio dostavljen odbrani. Radilo se o audio-snimku razgovora zabeleženom, prema tvrdnjama tužilaštva, 2. avgusta 1995, što je nakon glavnine streljanja u Srebrenici za koja je Krstić optužen, ali je opet bilo dovoljno blisko tim događajima da može posvedočiti o Krstićevim namerama. Na snimku, jedan od njegovih podređenih obavestava Krstića o dodatnom broju zarobljenih muslimanskih boraca. Krstić mu na to kaže: „Ubijajte to sve redom! Ni jednog živog nemojte da ostavite!” (*Krstić*, Trial Chamber, Decision on the defence motions to exclude exhibits in rebuttal and motion for continuance, 4 May 2001, paras. 14-26)

215 Primera radi, izveštaji komisija ili misija UN koje su utvrđivale činjenice o zločinima tokom sukoba u bivšoj SFRJ uživali su veliki kredibilitet, bili od ključnog značaja za uspostavljanje Tribunalu i jedni od glavnih izvora tužiocima u vođenju istraga, ali su izuzetno retko sudska veća prihvatala činjenične navode iz izveštaja kao dokaze. David Re, "Fact-Finding in the Former Yugoslavia: What the Courts Did", u: Morten Bergsmo (ur), nav. delo, 279.

ma, nego se njima štite prava okrivljenog, a time i legitimnost postupka i presude, i ona čine izvesnijim da činjenice utvrđene u presudi nisu proizvod manipulacije.

Visok standard za dokazanost. Sud izvodi svoj zaključak o nekoj činjenici koja ide na štetu okrivljenog onda kada se van razumne sumnje uverio u njeno postojanje i to na osnovu dokaza koji su – kako je prethodno objašnjeno – prihvaćeni u postupku. Samo, dakle, ako je van razumne sumnje utvrdio da je zločin počinjen, kao i da je okrivljeni odgovoran za njega u okviru nekog od oblika odgovornosti, sud može doneti osuđujuću presudu. U suprotnom, donosi oslobađajuću.

Standard „van razumne sumnje“ znači da nijedno drugo logično ili razumno objašnjenje ne može biti izvučeno iz dokaza, odnosno utvrđenih činjenica, osim da je optuženi počinio krivično delo.²¹⁶ U pravu je ovo najviši standard dokaza, odnosno uverenosti u nešto, i postavljen je tako visoko jer krivični postupak rezultira teškom posledicom po okrivljenog – zatvorskom kaznom (ili čak smrtnom kaznom tamo gde je bilo ili je još uvek ima). Naziv „van razumne sumnje“, koji ujedno objašnjava standard, potiče iz terminologije anglosaksonskog prava (*beyond reasonable doubt*), ali predstavlja i standard međunarodnih sudova. To je standard koji, bez obzira kako je definisan, važi u najvećem broju pravnih sistema, uključujući i one u regionu.²¹⁷

Posebno je važno naglasiti da oslobađajuća presuda ne znači nužno da je sud smatrao da nije bilo zločina. Može se dogoditi da sud van razumne sumnje ustanovi i da je zločina bilo, na koji način su počinjeni i kojoj strani počinio pripadaju, ali da sa istim stepenom uverenja, a na osnovu podnetih dokaza, ne može da zaključi i o krivici konkretne osobe. Zbog toga i oslobađajuća presuda može utvrditi postojanje zločina i niz drugih činjenica kao što je, recimo, oslobađajuća pre-

suda Gotovini i drugima ipak potvrdila postojanje velikog broja zločina u „Oluji“ i nakon nje.

Višestepenost postupka. Nakon što sud donese presudu rukovodeći se pomenutim standardom isključenja razumne sumnje, nezadovoljna strana ima pravo da se žali višoj sudskoj instanci. Neposredno viši sud će analizirati presudu i sudske spise i ako nađe nepravilnosti u postupku i presudi, ili nedoslednosti, protivrečnosti ili nelogične i neutemeljene zaključke u njoj, vratiće slučaj na ponovno suđenje (što rade sudovi u Srbiji, Hrvatskoj, Crnoj Gori, na Kosovu, kao i entitetski sudovi u BiH), ili će sam održati suđenje (Apelaciono veće Suda BiH i, izuzetno, drugostepeni sudovi zemalja u regionu), ili će preinačiti presudu po nekim ili svim tačkama optužnice (Žalbeno veće Tribunala). Neko ko je bio oslobođen pred prvostepenim sudom po svim ili nekim tačkama optužnice, a zatim osuđen pred žalbenim sudom, ima pravo na žalbu trećestepenoj sudskoj instanci (izuzetak je Tribunal).²¹⁸ Odlučujući o žalbi, viša sudska instanca ne menja presudu ukoliko ima nešto drugačiji pogled na dokaze od prvostepenog suda, već presudu ukida samo ukoliko je zaključak prvostepenog suda bio – prema standardu Tribunala – „takav da ga nijedan razuman sud ne bi mogao izvesti“ ili ukoliko je prvostepeni sud primenio pogrešan pravni standard.

Usled višestepenosti krivičnog postupka, činjenice utvrđene u presudi su do trenutka kada ona postane pravosnažna prošle najmanje dva sudska filtera i time dobile na pouzdanosti. Višestepenost suđenja je ujedno i razlog da se, tek kada je presuda prošla celokupan tok žalbenog postupka i time postala pravosnažna, ima smatrati da je ono što se nalazi u njoj utvrđena činjenica. No, bez obzira na to, opis i analizu događaja i utvrđene činjenice tražićemo u prvostepenoj presudi, jer se ona bavi detaljima zločina i odgovornosti, dok je ono što stoji u drugostepenoj presudi, iako je ona konačna,

216 *West's Encyclopedia of American Law, edition 2.* (2008), dostupno na <http://legaldictionary.thefreedictionary.com/Beyond+a+Reasonable+Doubt> (pristupljeno 25. jula 2015).

217 Zakonik o krivičnom postupku Srbije kaže da presudu „sud može zasnovati samo na činjenicama u čiju je izvesnost uveren“ (član 16(4)), što je zapravo standard utvrđivanja van razumne sumnje. Goran P. Ilić, Miodrag Majić, Slobodan Beljanski, Aleksandar Trešnjević, *Komentar Zakonika o krivičnom postupku*, IV izdanje, Beograd 2013, 56-57 i 115-116.

218 Pred MKTJ nema mogućnosti trećestepene žalbe ukoliko je neko bio prvo oslobođen, a zatim osuđen u žalbenom postupku. Iako mogućnost žalbe na osuđujuću odluku drugostepenog suda nije obavezna po međunarodnim standardima ljudskih prava, bilo bi svakako bolje da ta mogućnost pred Tribunalom postoji.

zapravo po pravilua naliza prvostepene presude, a ne samog događaja. Ipak, kako nekad i potvrđujuća drugostepena presuda može ukinuti ili preinačiti delove prvostepene, treba uz prvostepenu presudu koja je potvrđena iščitati i žalbenu presudu za slučaj da i u njoj ima nešto od relevantnih činjenica.

b) Ograničenja sudskog postupka

U prethodnom delu izneti su neki od ključnih argumenata zbog čega činjenice u krivičnoj presudi treba smatrati pouzdano utvrđenim. *Pouzdanost*, međutim, ne treba izjednačavati sa *potpunošću* takvog načina utvrđivanja činjenica. Sudski postupak i presuda kao njegov rezultat ne tragaju za celokupnom slikom o nekom događaju. Norme i logika prava i pravne struke ograničavaju broj i širinu pitanja na koja se kroz sudski postupak traži odgovor i, posledično, to šta će se u presudi naći. U predstojećem delu skrenuću pažnju na neke od limita krivičnog postupka i krivičnog prava koje bi svako ko nastoji da rekonstruiše i razume prošlost uz pomoć sudskih presuda trebalo da ima na umu i time koriguje i usmeri kako svoja očekivanja od presude, tako i domete njenog uticaja na ispisivanje prošlosti.

Sudski postupak ima za cilj da ustanovi individualnu krivičnu odgovornost optuženog za dela koja su mu stavljena na teret optužnicom, a ne da utvrdi sve činjenice o nekom događaju u okviru kojeg je zločin izvršen. Zbog toga je sud fokusiran na konkretan događaj i počinioca, a najčešće i na konkretne žrtve. Tužilaštvo najpre pravi izbor o tome kojim događajima i zločinima će se baviti. Prvi ograničavajući faktor u tom izboru može biti mandat, odnosno nadležnost tužilaštva ili suda, zatim pravna definicija krivičnog dela iz njihove nadležnosti, kao i pravna shvatanja suda ili tužilaštva. Takvo ograničenje se dá videti na primeru zločina nad Srbima i drugim nealbancima na Kosovu nakon okončanja oružanog sukoba povlačenjem srpske vojske i policije krajem juna 1999. godine. Ni Tribunal ni domaći sud ne mogu za te zločine suditi kao za ratne zločine, jer definicija ratnih zločina zahteva da oružani sukob još uvek traje (barem kada

su zločini protiv civila u pitanju). Mogli bi biti procesuirani kao zločini protiv čovečnosti, ali do sada nisu – ni pred Tribunalom, usled ograničenja u definiciji ovog dela u Statutu Tribunala, ni u Srbiji, zbog stava tužilaštva da domaće pravo onemogućava gonjenje za zločine protiv čovečnosti iz prošlosti.²¹⁹ Stoga se dešava, kao u ovom primeru, da samo oni zločini počinjeni nakon datuma početka sukoba i do datuma kad je sukob završen budu predmet sudskih postupaka pred Tribunalom ili Odeljenjem za ratne zločine u Beogradu.

Sledeći faktor je objektivna nemogućnost da, nakon sukoba u kojima je bilo čistih i masovnih zločina, ruka pravde – barem one krivične – dosegne svakog zločinca. Zbog toga su tužilaštva prinuđena da prave izbor za koja će konkretna dela voditi istragu, odnosno podići optužnicu, i protiv kojih pojedinaca. U tome se ona obično rukovode kriterijumima kao što su brojnost i težina dela (koju čini i broj žrtava) o kojima postoje informacije, dostupnost dokaza kao i njihova relevantnost, snaga i ubedljivost i, u krajnjem ishodu, izvesnost uspešnog dobijanja osuđujuće presude na kraju postupka. Na osnovu toga se prave prioriteti među predmetima. Na sve ovo se nadovezuje i potreba za efikasnim postupkom koji neće predugo trajati. Ona je utemeljena na ljudskom pravu na pravičan, pa time i razumno dug postupak, ali ta potreba može biti i političko-ekonomska (recimo, zbog novca koji se izdvaja za međunarodne tribunale). U tom cilju, tužilaštva ponekad izbacuju neke od tačaka optužnice za koje su takođe imala dokaze, te tako neki zločini ne mogu biti rasvetljeni pred sudom, niti njihove žrtve pomenute. To je posebno izraženo poslednjih godina rada Tribunala, kada je tužilaštvo u izmenjenim optužnicama protiv Karadžića, Mladića ili Momčila Perišića bilo primorano da odustane od gonjenja za neke zločine u nekim područjima BiH.²²⁰

Broj žrtava zločina može biti utvrđen u krivičnom postupku, ili postupak tome može doprineti, ali njegov cilj nije da utvrdi tačan broj žrtava nekog zločina. To je dobrim delom zbog toga što kako se povećava broj žrtava – naročito ako se broji stotinama ili hiljadama – tako opada relevantnost njihovog

219 Moguće je da će nakon odluke Vrhovnog kasacionog suda (VKS) Srbije iz 2014, koja je proširila trajanje oružanog sukoba na Kosovu sve do jeseni 1999. godine, i zločini nakon juna 1999. biti gonjeni kao ratni zločini, iako je takvo tumačenje i objašnjenje VKS suprotno međunarodnom humanitarnom pravu.

220 Pravilo o postupku i dokazima Tribunala 73bis(D) dozvoljava i sudskim većima da traže od tužilaštva da smanji broj tačaka optužnice, kao i da sama redukuju broj zločina o kojima će se raspravljati.

tačnog broja za kvalifikaciju dela ili visinu kazne osuđenom. Često nije ni moguće utvrditi tačan broj žrtava, barem ne tokom trajanja postupka, posebno kada su u pitanju masovni zločini. U takvim slučajevima, presuda najčešće govori o minimumu broja pouzdano utvrđenih žrtava.²²¹

Kada postupak počne, dokazi koji se izvode odnose se samo na zločine navedene u optužnici i na osobe koje su optužene, a pravni efekat presuđene stvari može se odnositi samo na one kojima je suđeno. Dokazi, uključujući svedoke, međutim, takođe mogu ukazivati na neke druge pojedince i/ili institucije kao one koji su zločine naredili, planirali ili izvršavali. Tako se u presudama Tribunala, recimo, kao učesnici zajedničkog zločinačkog poduhvata u BiH pored osuđenih tim presudama pominju i drugi pripadnici vojnog i političkog vrha Srbije, to jest SRJ, ili Hrvatske. Kako njihova krivica nije bila predmet tog sudskog postupka, oni su i dalje pravno gledano nevin i presuda, iako ih pominje, ne može da ih oglasi krivima. To, naravno, ne znači da istoriografija ne može da uzme u obzir to što su u presudi pomenuti.

Što se tiče limita postupka koji proističu iz pravila dokazivanja, već je bilo reči da dokaze koji bi mogli da budu direktno relevantni za konkretan događaj sa stanovišta i prava i istorije sudovi neretko odbijaju kao neprihvatljive iz niza procesnih razloga, što je ujedno i kvalitet, ali i ograničenje krivičnog postupka. Takođe je pomenuto da se ne može uvek doći do svih dokaza, a neki mogu biti i neistiniti, uključujući i izjave svedoka. Osim toga, svedoci često ne mogu dovoljno pouzdano i tačno da reprodukuju događaj usled protoka vremena i(li) traume koju su preživeli. Uz to, izjave žrtava ili drugih neposrednih svedoka mogu biti nedovoljno detaljne u opisu događaja. Odgovori svedoka u

velikoj meri zavise i od toga kako im je postavljeno pitanje i koliko je ono konkretno, odnosno od toga šta tužilaštvo ili odbrana žele da dokažu. To je naročito izraženo u adversarnom sistemu, pa tako svedoci, posebno pred Tribunalom, retko dobijaju priliku da kažu sve što znaju i što žele o nekom događaju. Takođe, valja ponovo napomenuti, i priznanja krivice, pored svoje vrednosti, nose neizbežnu subjektivnost i selektivnost o sopstvenoj krivici onoga koji priznaje (kako je već prethodno ukazano), i neminovno su limitirana u pogledu rasvetljavanja događaja jer se svode na saglasnost o minimumu činjenica, manjem od onog koji bi se dobio izvođenjem dokaza.²²² Na kraju, konačan zaključak suda izveden prema standardu „van razumne sumnje“ ipak predstavlja istinu u subjektivističkom, a ne u realističkom smislu, te taj zaključak, iako teži da je dosegne, ne mora predstavljati objektivnu ili apsolutnu istinu.

Jedan od najzastupljenijih i najvažnijih vansudskih mehanizama tranzicione pravde u svetu – komisije za istinu (i pomirenje) – u većini slučajeva bile su formirane da bi se krivični postupci izbegli. Za razliku od toga, na prostoru bivše Jugoslavije inicijativa za osnivanje ovakve jedne komisije (REKOM)²²³, koja bi bila regionalna, potekla je ne kao alternativa suđenjima, već kao mehanizam komplementaran njima, i to upravo zbog pomenutih ograničenja sudskog postupka. Ukoliko bi REKOM, koji je u fazi usaglašavanja između predstavnika država i na pragu svoje institucionalizacije kao međudržavna komisija, prešao taj prag, njegov doprinos utvrđivanju istorijskih činjenica o sukobima iz 1990-ih mogao bi biti izuzetan, a u mnogim aspektima, posebno u pogledu utvrđivanja broja žrtava, mogao bi i nadići važnost suđenja.

221 U presudi Momčilu Krajišniku, recimo, pretresno veće je istaklo da je broj od 3.000 bošnjačkih i hrvatskih žrtava u opštinama gde su izvršeni zločini za koje je Krajišnik osuđen ustanovljen na osnovu podnetih dokaza i da nije konačan, te da taj broj „nije istorijski, već pravni nalaz“. *Krajišnik*, Judgment, 27 September 2006, para. 71.

222 I sudska veća Tribunala koja su potvrđivala sporazume o priznanju krivice isticala su da su svesna takvih ograničenja. *Momir Nikolić*, para. 61, *Dragan Nikolić*, para. 122.

223 REKOM bi bila Regionalna komisija za utvrđivanje činjenica o ratnim zločinima i drugim teškim povredama ljudskih prava počinjenim na teritoriji nekadašnje SFRJ od 1. januara 1991. do 31. decembra 2001. godine, čije osnivanje je inicirala mreža organizacija civilnog društva iz postjugoslovenskih zemalja. Videti na www.rekom.link

4. Vezanost za neke pravne kvalifikacije

Nekoliko pitanja koja se tiču pravnih kvalifikacija treba posebno izdvojiti. Jedno je kvalifikacija sukoba u Bosni i Hercegovini ili Hrvatskoj kao međunarodnog sukoba ili građanskog rata, drugo je pitanje kako kvalifikujemo, odnosno identifikujemo, šta je ratni zločin, i treće je kvalifikacija nekog zločina kao genocida. Ova pitanja izazivaju kontroverze, nedoumice, osporavanja, a često i srljanja u neutemeljene zaključke, i sve to mahom pod uticajem naših emocija, verovanja, etničkih ili drugih vrsta opredeljenja. Pogrešno se percipiraju i shvataju ne samo u javnosti koja nije pravnička, već veoma često i među pravnicima koji ne poznaju dobro međunarodno humanitarno i međunarodno krivično pravo. Biće ponuđeno razjašnjenje kakav je pravni značaj i domet kada neki sud dà jednu od pomenute tri kvalifikacije i koliko nas ona i u kom smislu vezuje.

a) Kvalifikacija sukoba na teritoriji bivše Jugoslavije

Tribunal u presudama Dušku Tadiću i drugim nije utvrđivao karakter nekog od sukoba u bivšoj Jugoslaviji kao međunarodnog da bi neku od strana označio kao agresora, definisao rat kao odbrambeni ili osvajački, ili opisao suštinu tog sukoba, odnosno to sasvim sigurno nisu bili prevashodni razlozi. Nisu bili jer jedan od temeljnih principa međunarodnog humanitarnog prava (MHP) ili, kako se još naziva, prava oružanih sukoba, jeste da se ono bavi isključivo regulisanjem ponašanja strana u sukobu i pojedina jednom kada sukob počne, a ne time ko je prvi i zašto počeo, niti ko je žrtva, a ko agresor. Najvažnije, pravila ove grane prava podjednako važe i za žrtvu i za agresora (pod uslovom da u nekom sukobu takva podela i može da postoji). Razlog zbog kog se Tribunal upuštao u utvrđivanje da li je sukob, prve svega u BiH, bio međunarodni ili unutrašnji, jeste taj što je MHP tradicionalno sadržalo obiman i detaljan korpus pravnih normi koje se primenjuju u međunarodnim sukobima: sve četiri Ženevske konvencije iz 1949. i njihov Prvi dodatni protokol iz 1977. godine, kao i veliki broj normi međunarodnog običajnog prava. Za unutrašnje sukobe, ili

građanske ratove (koji se inače rečnikom MHP nazivaju nemeđunarodni sukobi) bio je određen mnogo uži i manje detaljan korpus normi: član 3 u svakoj od četiri Ženevske konvencije (poznat kao „zajednički član 3“) i Drugi dodatni protokol uz Ženevske konvencije iz 1977, plus nešto međunarodnog običajnog prava. Štaviše, ranije je pojam ratnog zločina bio vezan samo za međunarodni sukob. Tako je bilo tokom većeg dela postojanja MHP i to je bilo preovladavajuće shvatanje sredinom 1990-ih kada Tribunal donosi presude u predmetu *Tadić* i još nekim od prvih svojih slučajeva.

U skladu sa pomenutim, veći i izdašniji korpus pravila međunarodnog humanitarnog prava, koji je žrtvama pružao više zaštite i postavljao strože zabrane nego pravila primenjena u nemeđunarodnom sukobu, primenjivao bi se onda kada se utvrdi da neki sukob koji se odvija unutar jedne države može biti smatran međunarodnim bilo zbog intervencije trupadruga zemlje na teritoriji te države bez njene saglasnosti, bilo zato što je jedna stranu sukobu pod opštom kontrolom neke strane države (koja se može svoditi na koordinaciju, planiranje, finansiranje, obuku i opremanje snaga te strane, a ne nužno ina komandovanje njima).²²⁴ Moguća su i oba razloga istovremeno. Ovi kriterijumi se danas u međunarodnom pravu nazivaju „*Tadić* test“. Dešava se i da sukob ima mešoviti karakter, ali ako se zločini za koje se sudi mogu dovesti u vezu sa onim delom sukoba koji bi se prema *Tadić* testu mogao okarakterisati kao međunarodni, onda se pravila koja važe za taj tip sukoba primenjuju. Ovakvo, tada dominirajuće, shvatanje o razlici u normiranosti između dve vrste sukoba bilo je jedan od razloga koji su isprva opredelili tužilaštvo Tribunala da dokazuje međunarodni karakter sukoba u BiH i time omogući veću zaštitu žrtvama, odnosno veću mogućnost gonjenja ratnih zločinaca.²²⁵

Tribunal je, primenjujući pomenute kriterijume u nekoliko svojih predmeta, našao da je sukob između bosanskih Srba i bosanskih Muslimana (ovaj naziv koristi Tribunal), to jest Bošnjaka, bio međunarodni jer je Savezna Republika Jugoslavija (SRJ), posebno tokom 1992. godine – periodu rele-

224 *Duško Tadić*, Appeals Judgment, 15 July 1999, paras. 84, 120, 131 i 137.

225 Videti i komentar Žalbenog veća u tom pogledu u *Aleksovski*, Appeals Judgment, 24 March 2000. para. 146.

vantnom za slučaj *Tadić* –imala opštu kontrolu nad vojnim snagama bosanskih Srba, koja je nadilazila koordinaciju i saradnju između saveznika. Tribunal je to utvrdio na osnovu niza indirektnih dokaza kao što su: formulisanje političkih i vojnih ciljeva bosanskih Srba u Beogradu i podrška SRJ njihovom sprovođenju, a tokom 1992. i direktna borbena podrška u nekim situacijama; skoro potpuna zavisnost ofanzivnih kapaciteta Vojske Republike Srpske (VRS) od snabdevanja iz Vojske Jugoslavije; transfer bivših oficira JNA u VRS; isplata plata oficirima VRS; vojna komunikacija VRS koja se odvijala preko veza u Beogradu; redovna komunikacija i veze između Glavnog Štaba VRS i Beograda; činjenica da je SRJ pregovarala i potpisala Dejtonski sporazum u ime Republike Srpske.²²⁶ Takođe je u nizu predmeta Tribunal utvrdio da je i sukob između Hrvata i Muslimana (Bošnjaka) u BiH bio međunarodni zbog toga što su se trupe iz Hrvatske direktno borile u tom sukobu zajedno sa snagama lokalnog Hrvatskog vijeća obrane (HVO)²²⁷, kao i zbog toga što su snage bosanskih Hrvata delovale pod opštom kontrolom Hrvatske, a na osnovu dokaza koji su pokazivali da je Hrvatska, između ostalog: snabdevala HVO oružjem, uniformama i drugom opremom i obučavala ih; imenovala njihove oficire i plaćala im plate, dok su oficiri HVO prelazili u vojsku Hrvatske i obrnuto; vršila politički uticaj na HVO; izdavala naređenja za akcije HVO i primala od njih izveštaje.²²⁸ Što se tiče sukoba u Hrvatskoj, jedino je u predmetu *Gotovina i dr.* sud, iako konstatujući da kvalifikacija konflikta nema pravnog značaja u tom slučaju, našao da je sukob u Hrvatskoj od 1991. (bez određivanja bližeg datuma) postao međunarodni zbog kontrole SRJ, odnosno Srbije, nad Srpskom Vojskom Krajine.²²⁹ Treba pri tom napomenuti da je sud u *Tadiću* naglasio da su sukobi u bivšoj Jugoslaviji

imali karakteristike i unutrašnjih i međunarodnih sukoba²³⁰, imajući takođe u vidu i da su same zaraćene strane u nekim međusobnim sporazumima o primeni pravila MHP implicirale da smatraju da se radi o unutrašnjim sukobima.

Vremenom, međutim, intenzivnom primenom međunarodnog humanitarnog prava, koje od Nirnberga i Tokija pa sve do tada nije znalo za sudsku praksu na međunarodnom nivou, veća MKTJ dolaze do zaključka da je međunarodno običajno pravo (kojeg formira praksa država praćena njihovom svešću o obaveznosti takve prakse) dostiglo takav nivo razvoja da najveći deo normi MHP - posebno onih koje se tiču toga šta je ratni zločin - identičan i gotovo jednako primenjiv u obe vrste sukoba.²³¹ Usled tog trenda, prestaje potreba da se sukobi u bivšoj Jugoslaviji odrede kao međunarodni ili unutrašnji: oni se nadalje samo nazivaju „oružanim sukobom“, s obzirom da su zločini za koje su optuženi odgovarali bili podjednako kažnjivi i u jednom i u drugom. Ovakvom prelazu u praksi Tribunala pogodovalo je i to što je sama SFRJ, u svom nekadašnjem (saveznom) Krivičnom zakonu (KZ), još davno pre 1990-ih, potpuno izjednačila ratne zločine u međunarodnom i unutrašnjem sukobu i time tada bila među samo deset zemalja sveta koje su to učinile čak i pre nego što je Tribunal napravio pomenuti iskorak. Novom praksom je tužilaštvo MKTJ takođe štedelo vreme i resurse – svoje, ali i sudskih veća, jer nije moralo dokazivati opštu kontrolu ili učesće vojske susednih država u svakom od predmeta. Iz ovog se jasno vidi da je utvrđivanje karaktera sukoba pred Tribunalom predstavljalo prvenstveno pravni instrument u svrhu selekcije primjenjivih normi, sa kojim se prestalo kad je nestalo pravne potrebe za njim.

226 *Tadić*, Appeals Judgment; paras. 150-159. Sud je slično zaključio i u presudi *Delalić i dr.* iz 1998. godine.

227 *Rajić*, Review of the Indictment pursuant to Rule 61, Trial Chamber, 13 September 1996, para. 21, *Blaškić*, Judgment, 3 March 2000, para. 94, *Naletilić and Martinović*, Judgment, 31 March 2003, paras. 191-196, *Prlić et al.*, Vol 3, 29 May 2013, paras. 528-544.

228 *Rajić*, paras. 26-32, *Blaškić*, paras. 108-120, *Kordić and Čerkez*, Appeals Judgment, 17 December 2004, paras. 361-366, *Naletilić et al.*, paras. 199-200, *Prlić et al.*, paras. 545-567.

229 *Gotovina et al.*, Judgment, 15 April 2011, paras. 1680, 1687-1693.

230 *Duško Tadić*, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, para. 77.

231 Sveobuhvatna studija Međunarodnog komiteta Crvenog krsta pokazuje da su danas zaista skoro sve običajno-pravne norme MHP skoro u potpunosti primenljive u obe vrste sukoba. ICRC, *Customary International Humanitarian Law Study*, dostupna na www.icrc.org/customary-ihl/eng/docs/v1_rul.

Kod domaćih sudova u regionu, barem većine njih, stvari stoje nešto drugačije. Oni su na karakterizaciju sukoba gledali više sa one strane sa koje gleda i javnost u njihovim zemljama - kao na nacionalni narativ, a ne na pravnu kategoriju. U Srbiji, tužilaštvo i sud sve sukobe u bivšoj Jugoslaviji, osim sukoba SRJ sa NATO, karakterišu kao unutrašnje sukobe naroda koji su živeli u bivšim republikama²³² ili, u slučaju sukoba 1991. u Hrvatskoj, kao unutrašnji sukob između vladinih snaga (JNA) i jedinica još nepriznate države Hrvatske. Nasuprot tome, presude u Hrvatskoj uvek govore o agresiji, čak i tamo gde je u njima sukob određen kao unutrašnji. Vremenom se u hrvatskoj sudskoj praksi uspostavila vododelnica da je sukob postao međunarodni nakon 8. oktobra 1991. godine (kada je hrvatska deklaracija o nezavisnosti stupila na snagu). Za razliku od Tribunala, međutim, hrvatski sudovi uopšte ne izvode dokaze o kontroli SRJ nad snagama Republike Srpske Krajine. Zanimljivo je da tamo gde se hrvatski sud bavio ratom između trećih – između Srba i Bošnjaka u BiH, kao što je suđenje jednom pripadniku poznate srpske formacije *Škorpioni*²³³ – taj je sukob okvalifikovan kao unutrašnji. Ni u Srbiji, ni još više u Hrvatskoj, izjašnjavanje suda o vrsti sukoba često ne prati odgovarajući izbor pravnih normi primenljivih na takvu kvalifikaciju, pa su tako sudovi na sukobe koje su označili kao unutrašnje (to jest, prihvatili takvu kvalifikaciju tužilaštava) primenjivali pravila Ženevskih konvencija koja važe u međunarodnim, a negde obrnuto – za sukobe koje bi prethodno kvalifikovali kao međunarodne pozivali bi se na norme konvencija predviđene za unutrašnje sukobe.²³⁴ U Crnoj Gori je na jednom od suđenja, u slučaju znanom kao *Deportacija*, Viši sud u Podgorici sukob u BiH prvo proglasio unutrašnjim²³⁵ a zatim, malo dalje u istoj presudi, pozivajući se na slučaj

Tadić, međunarodnim²³⁶, da bi se nakon ukidanja presude, u ponovljenom suđenju, Viši sud ipak odlučio za unutrašnji sukob. Konačno, Sud BiH primenjuje pravilan pristup – kao i Tribunal u kasnijoj svojoj fazi – a to je da ne određuje sukob ni kao međunarodni, ni kao unutrašnji već samo, i sasvim dovoljno, kao oružani sukob. Teško je, međutim, oteti se utisku da takav pristup Suda BiH nije jedino odraz pravilnog pravnog rasuđivanja već i činjenice da među sudijama i tužiocima ima pripadnika sva tri naroda iz BiH koji teško da bi se složili o karakteru sukoba.

Koliko je iz prakse Tribunala jasno da je kvalifikacija sukoba kao međunarodnih ili unutrašnjih imala svoje prevashodno pravne razloge u cilju odabira sistema normi, a ne radi objašnjavanja njihovog istorijskog ili političkog uzroka i karaktera, toliko primer sa kakofonijom u regionu pokazuje da može biti onoliko kvalifikacija sukoba u bivšoj SFRJ koliko ima nacionalnih pogleda na karaktere tih ratova. Jasno je, dakle, da neka kvalifikacija sukoba koja se može naći bilo u presudama MKTJ, bilo domaćih sudova, nije i jedina moguća. Ako se Tribunal u nekim svojim presudama odredio prema sukobu u BiH kao međunarodnom, zbog uloge Srbije odnosno Hrvatske, to ne znači da taj sukob nije istovremeno imao i karakter unutrašnjeg, to jest klasičnog građanskog rata, u kome se građani različite etničke pripadnosti unutar jedne raspadajuće, a zatim unutar novonastalih država, međusobno bore i pri čemu su – ne metaforično, već doslovno – komšije često išle jedne protiv drugih. Isto važi i za rat u Hrvatskoj. Ispravno je, na osnovu do sada utvrđenih činjenica, govoriti o agresiji Hrvatske i Srbije/SRJ na BiH, odnosno Srbije/SRJ na Hrvatsku, ali se time ne isključuje, niti se može poništiti, istovremeni karakter tih

232 Izuzetak je slučaj tzv. Tuzlanske kolone – napada na kolonu JNA u povlačenju iz Tuzle, 15. maja 1992. godine. Tužilaštvo za ratne zločine pravilno je kvalifikovalo, a sud prihvatio, sukob kao međunarodni jer je jedna od strana, JNA, bila u povlačenju sa teritorije tada već zvanično priznate druge države – Bosne i Hercegovine.

233 Jednom od pripadnika *Škorpiona* koji je na zloglasnom snimku streljanja Bošnjaka u okolini Trnova, Slobodanu Davidoviću, Srbinu iz Hrvatske, suđeno je 2005. pred Županijskim sudom u Zagrebu.

234 Jedino bi međunarodno običajno pravo bilo primenjivo u obe vrste sukoba, ali se na njega sudovi ne pozivaju. Možda će, barem u Hrvatskoj, zbrka primene normi prestati nakon toliko napadane odluke Ustavnog suda Hrvatske u slučaju Branimira Glavaša. U onom delu u kom je osporila pravosnažnu presudu Glavašu zbog pogrešnog odabira normi MHP koje je krivični sud primenio, ta odluka Ustavnog suda je potpuno pravilna.

235 Viši sud u Podgorici, *Bojović Boško i drugi*, Ks. br.3/09 („Deportacija“), 29 mart 2011, s. 161-162.

236 Isto, s. 204.

sukoba kao građanskih ratova. Naravno, legitimno je i suprotno mišljenje, tj. da sukob u BiH ili Hrvatskoj nije bio građanski rat, već isključivo agresija, odnosno međunarodni sukob, ali se takav stav onda mora braniti nekim istorijskim, političkim, etničkim ili kakvim drugim argumentima, a ne – iz gore objašnjenih razloga – pravnim argumentom presuđene stvari. Iz tog razloga, ono što se čini za istoričare najbitnijim nije sama kvalifikacija sukoba u presudama, već su to dokazi (o opštoj kontroli i učešću stranih trupa) na osnovu kojih je Tribunal negde zaključio i objasnio da se radi o međunarodnom sukobu. Oni čine izvor za istraživača da sam sagleda prirode tih sukoba.

b) Kvalifikacija događaja kao ratnog zločina

Šta je od obilja smrti, patnje i razaranja u nekom sukobu ratni zločin, a šta ne, nije lako određivo, iako nam se tako može činiti na prvi pogled. U odgovoru na pitanje šta je i pod kojim uslovima zabranjeno tokom oružanog sukoba, moramo razlikovati dve vrste situacija, na svaku od kojih se primenjuje različiti skup pravila međunarodnog humanitarnog prava.

Prva situacija je ona u kojoj se osobe koje potpadaju pod neku od grupa koje MHP definiše kao zaštićena lica – dakle civili, ranjenici, bolesnici i brodolomnici, i ratni zarobljenici, ili uopšte osobe koje ne učestvuju ili su prestale da učestvuju u neprijateljstvima – nađu u *vlasti protivničke strane* (predajom, zarobljavanjem ili lišavanjem slobode na drugi način, ili okupacijom teritorije). Ženevske konvencije sa svojim dodatnim protokolima, kao i međunarodno običajno pravo zabranjuju, između ostalog, ubijanje ovih osoba, njihovo mučenje, nanošenje teških povreda i psihičkih i fizičkih patnji, kao i nečovečno postupanje prema njima. Ukoliko se nekom od zaštićenih lica koje se našlo u rukama protivnika nešto od ovoga dogodi, vrlo lako i sa sigurnošću bismo mogli da izvedemo zaključak da se radi o ratnom zločinu, čak i ako o tome ne postoji sudska presuda, jer su takvi akti prema njima zabranjeni bez izuzetka. Sa nešto manje izvesnosti bi se bez sudske presude moglo zaključiti da su neki drugi

akti prema zaštićenim licima - kao što su zatvaranje civila, njihovo proterivanje, oduzimanje ili uništavanje imovine i još neki - zaista ratni zločini. Ovo otud što MHP dozvoljava da u nekim situacijama civili budu privremeno zatvoreni ili pomereni iz zone ratnih dejstava, bilo radi njihove sopstvene bezbednosti, bilo zbog vojne potrebe ratujuće strane, dok bi oduzimanje imovine bilo kažnjivo jedino ako je prekomerno, protivpravno, neopravdano vojnom potrebom i bezobzirno izvedeno. Ipak je i u takvim situacijama moguće i bez postojanja sudske presude doneti utemeljen i tačan zaključak da se radi o ratnom zločinu ukoliko se istraživanjem utvrdi nešto od onoga što inače postoji kao veliki broj zabeleženih, a još uvek neprocesuiranih slučajeva iz sukoba u bivšoj SFRJ: da su zatvoreni civili držani u neljudskim uslovima i mučeni; ili da su svoje kuće bili prinuđeni da napuste samo pripadnici određene nacionalnosti, i to masovno, uz pretnju oružjem, praćeno nasiljem, uz izričitu ili implicitnu zabranu povratka; ili da je veliki broj kuća u nekom mestu ili području uništen tako što ih je pojedinačno palila vojska koja je ta mesta kontrolisala.

Druga vrsta situacije je ona koja obuhvata samu borbu, odnosno izvođenje borbenih dejstava, to jest neprijateljstava (eng. *conduct of hostilities*). To su situacije u kojima ljudi ili imovina stradaju ne tako što su, kao u prethodno opisanim situacijama, potpali pod vlast jedne od strana u sukobu, već stradaju „na daljinu“ – od ispaljenog metka strane koja napada ili se brani, od eksplozije i njenih posledica, ili kakvog drugog razaranja. Međunarodno humanitarno pravo načelno i strogo zabranjuje usmeravanje napada na civile ili civilne objekte, kao i korišćenje oružja ili metoda borbe koji ne prave razliku između civila i boraca. Međutim, civil koji direktno učestvuje u neprijateljstvima (na primer, civil koji izviđa za vojsku ili koji vozi vojnike do linije fronta) legitimni je vojni cilj. Legitiman je cilj i pripadnik oružanih snaga koji je trenutno u civilnoj odeći, čak i kada je kod svoje kuće, jer on time nije postao civil već je ostao u statusu borca.²³⁷ Takav cilj postaju i objekti koji su inače civilni po svojoj nameni, ali

237 Iz ovog razloga, deo poginulih u srpskim selima u okolini Srebrenice koja su napadale snage pod komandom Nasera Orića nije moguće smatrati žrtvama ratnog zločina jer se, kako je Tribunal utvrdio u istrazi ili na suđenju, radilo o pripadnicima Vojske Republike Srpske. Oni su, samim svojim pripadanjem VRS, sve do demobilizacije, bili borci i mogli su da budu objekt napada i dok su boravili u svojim selima bez uniforme. Videti *Orić*, Judgment, 30 June 2006, paras. 625, 631, 664-665. Sa druge strane, oni među njima koji su bili zarobljeni, pa ubijeni ili mučeni, jesu žrtve ratnog zločina.

se koriste u vojne svrhe, bilo u celini (npr. most u nekom gradu, škola u kojoj je stacionirana vojska, električna centrala koja pored civila snabdeva i vojsku), bilo jednim svojim delom (npr. krilo bolnice iz koga se dejstvuje po neprijatelju može postati legitimni vojni cilj, ali ne i cela bolnica). Štaviše, dozvoljeno je da prilikom napada na vojni cilj stradaju i civili i civilni objekti ukoliko je zadovoljen princip proporcionalnosti kako ga predviđa MHP – dakle ukoliko njihovo stradanje odnosno razaranje nije prekomerno u odnosu na direktnu i konkretnu vojnu prednost za koju se očekuje da će biti ostvarena tim napadom.²³⁸ Ukoliko nije prekomerno, ti civili i civilni objekti onda spadaju u ozloglašenu kolateralnu štetu ili kolateralne žrtve. Povrh svega, čak i ukoliko bi žrtve ili šteta bili prekomerni, i tada bi napadač ostao u zoni van ratnog zločina ukoliko je pre napada preduzeo tzv. mere predostrožnosti, u koje bi spadali prethodno prikupljanje informacija i procena moguće kolateralne štete, upozorenje protivniku da skloni civile, izbor manje razornog oružja ili oruđa, obustava ili modifikacija napada i slično. Naposljetku, kakav god da je ishod nekog napada - makar se ispostavilo da je on izveden na isključivo civilni objekat ili civile, ili uz prekomerne kolateralne žrtve - da bi se utvrdilo postojanje ratnog zločina ne gleda se samo na ishod i posledicu nego, pre svega, na umišljaj napadača, odnosno šta je bilo „u glavi“ napadača u trenutku izvođenja napada: da li je on takve posledice želeo ili ih je mogao razumno očekivati pa je na njih pristao, ili su u pitanju pogrešni obaveštajni podaci o cilju, nenamerna greška u izvođenju napada i rukovanju oruđem (npr. nenamerno neprecizna vatra), ili se možda radilo o namernom žrtvovanju civila koje je preduzela ona strana koja je bila napadnuta.

Usled ovolikog broja mogućih izuzetaka i njihove složenosti u realnim ratnim situacijama, ne treba olako donositi sud da li je neki napad koji je rezultirao pogibijom civila uvek i ratni zločin. Za takvu ocenu potrebno je, prvo, precizno i pouzdano utvrditi niz činjenica o samom napadu i njegovim posledicama, kao i o svesti napadača, a zatim na to primeniti splet normi MHP o pomenutim zabranama i izuzecima od

njih. U prethodnom poglavlju je bilo objašnjeno zašto sud, odnosno sudski postupak, ima najbolje predispozicije da pruži najkompetentniji odgovor na takvo pitanje. Pri tom, moguće je da bi i za sud to bio teško savladiv izazov, bilo ako se ne daju utvrditi sve relevantne činjenice, bilo, recimo, zato što na neka pravna pitanja – poput onoga kako odrediti koliko to žrtava je proporcionalno – različite sudije, i pravnici uopšte, mogu dati različite odgovore. Zbog toga se i pred međunarodnim i domaćim sudovima optužnice daleko češće podižu za ratne zločine iz prve gore opisane vrste situacija – kada su počinjeni protiv lica u vlasti neprijatelja – nego za stradanja civilnog stanovništva tokom borbi ili bombardovanja.

Treba, dakle, uvek imati na umu da kada postoje podaci da su, tokom oružanog sukoba i u vezi sa njim, civili ili ratni zarobljenici bili streljani²³⁹, silovani ili na drugi način seksualno zlostavljani, mučeni ili se ozbiljno nasrtalo na njihovo dostojanstvo, odnosno su zatvarani u nehumanim uslovima, pljačkani, ili uz pretnju i paljevinu kuća primoravani da ih napuste - to je uvek ratni zločin i skoro uvek lako prepoznatljiv i bez suda. Međutim, ako civil strada tokom borbe, to u velikom broju slučajeva ne mora biti ratni zločin. Tako nije nužno žrtva ratnog zločina svaki civil stradao tokom borbi u Vukovaru, opsade Sarajeva, granatiranja gradova početkom „Oluje“ ili u NATO bombardovanju. Da bismo sa velikom dozom pouzdanosti, mada ne i apsolutnom, rekli da takvo stradanje civila jeste ratni zločin, tako nešto bi trebalo da utvrdi sud, u pravičnom krivičnom postupku, ili barem neka komisija ili kakvo drugo telo za prikupljanje činjenica u kome su i stručnjaci za međunarodno humanitarno pravo. Kada je Tribunal, ili domaći sud, utvrdio da nešto jeste ili nije ratni zločin - bez obzira da li je optuženi osuđen ili oslobođen - to treba uzeti kao pouzdan nalaz. Postoji, naravno, i mogućnost greške suda, bilo zbog pogrešno utvrđenih činjenica, bilo zato što ni sam sud, posebno domaći, nije pravilno primenio kompleksne norme međunarodnog humanitarnog prava.

238 Član 51(5(b)) Prvog dodatnog protokola uz Ženevske konvencije.

239 Osim ako bi se radilo o izvršenju smrtno kazne izrečene u zakonitom i pravičnom postupku, što MHP takođe reguliše.

c) *Kvalifikacija zločina kao genocida*

Teško da ijedna druga reč vezana za sukobe u bivšoj Jugoslaviji izaziva toliko političkih i emotivnih reakcija kao reč „genocid“. Srbija bi, tako, prihvatila sve osim da je Srebrenica baš genocid, jer je vršenje genocida, tobože, osobeno drugim narodima, dok Srbi mogu biti samo žrtve, a ne „genocidan narod“ – kako glasi samonametnut, a besmislen epitet, retko gde toliko rabljen kao na ovim prostorima. Sličnog raspoloženja, Hrvatska je sa Srbijom do skora vodila poznati međunarodni spor oko genocida koji su, barem što se tiče genocida, obe izgubile. Kosovski Albanci smatraju da su žrtve srpskog genocida, ali nipošto nisu dozvolili da u nadležnosti novoosnovanog specijalnog suda na Kosovu bude i genocid, kako bi se u začetku eliminisala svaka pomisao da bi OVK mogla da poćini tako nešto. Za Bošnjake, ne reći da je Srebrenica genocid predstavlja poricanje zloćina, nipođaštavanje ųrtava i uvredu. Insistiranje na tome da se sopstveno stradanje jedino adekvatno moųe opisati kao genocid, ili poricanje svojih zloćina kao genocida, ipak nije rezervisano samo za bivšu Jugoslaviju.²⁴⁰ To je, između ostalog, rezultat ljudske reakcije da svoje stradanje vidimo većim nego što jeste, a svoje nedelo umanjimo, posebno ako ime tog nedela prati posebna stigma, kao kad je reć o genocidu.

Genocid je, pre svega, pravni pojam jer iz prava i potiće. Do 1944. godine, dok je nije iskovao poljski pravnik Rafael Lemkin, reć „genocid“ nije ni bila u upotrebi. Pojam genocida je definisan tek 1948. godine Konvencijom o sprećavanju i kaųnjavanju zloćina genocida, i to veoma usko, i ta definicija u međunarodnom pravu nije do danas promenjena (dok je pojam ratnog zloćina i zloćina protiv ćovećnosti vremenom proširivan). Prema toj definiciji, genocid postoji samo ako se utvrdi da su ųrtve pripadale odrećenoj rasnoj, verskoj, nacionalnoj ili etnićkoj grupi, i da su prema njima vršeni neki od pet mogućih akata – ubistva, ili nanošnja teških

telesnih povreda ili psihićkih patnji, ili stavljanje grupe u uslove sračunate da dovedu do njenog fizićkog uništenja, ili sprećavanje radanja unutar grupe, ili nasilno prevoćenje dece iz jedne u drugu grupu, kao i da je to ćinjeno u nameri da se ta grupa, kao takva, u celini ili delimićno uništi.²⁴¹ Ako zloćinu nedostaje neki od ovih elemenata – primera radi, ako ųrtve nisu identifikovane na osnovu pripadnišтва nekoj od ovih grupa, ili su razlozi napada na grupu bili uništenje politićkih protivnika među njima, a ne grupe kao takve, ili se radilo o nekom drugom aktu nasilja, a ne jednom od pet pobrojanih, to onda nije genocid, ma kako zloćin bio teųak. Ukoliko je, recimo, u odsustvu drugih dokaza o nameri poćinilaca broj ųrtava nedovoljno veliki da bi se o toj nameri posredno izveo zakljućak, u većini slućajeva opet ne bismo mogli da govorimo o genocidu.

U pravnoj teoriji se smatra da genocidom moųemo nazvati i ubistvo nekolicine pripadnika jednog naroda, pa ćak i samo jednog ćoveka, ukoliko su ta ubistva praćena dokazima o nameri uništenja grupe kao takve, dok ubistva miliona ljudi koji nisu bili meta zbog svoje rasne, etnićke, verske ili nacionalne pripadnosti nego zbog politićkog oprećeljenja, ideologije, klasnog porekla ili drugih razloga - nisu genocid. Da li su onda zloćini Crvenih Kmera nad skoro 2 miliona, a moųda i više, drugih Kambodųanaca istog etnićkog porekla, ili masovna stradanja u Staljinovim ćistkama, ili pod desnićarskim diktaturama širom sveta, manje strašni samo zato što su zloćini protiv ćovećnosti i ne ispunjavaju definiciju genocida?

Tribunal u Hagu je u nizu pravosnaųnih presuda, poćevši od presude generalu Radisavu Krstiću 2004. godine, utvrdio da su u Srebrenici, jula 1995. godine, vojska i policija Republike Srpske poćinile genocid nad bošnjaćkim stanovništvom Istoćne Bosne.²⁴² O optuųbama da je i u drugim delovima BiH osim Srebrenice poćinjen genocid nad Bošnjacima i

240 Na primer, iako tortura, zatvaranja i ubistva politićkih oponenta tokom vojne diktature u Argentini 1976-1982. godine nisu genocid već tipićan primer zloćina protiv ćovećnosti, za šta su mnogi i osućeni, ųrtve su negodovala jer su smatrale da je za ta dela trebalo suditi kao za genocid. William Schabas, *Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals*, Oxford University Press, 2014, 122-123. Sa druge strane, već je ćuveno uporno protivljenje Turske da se njeni zloćini nad Jermenima nazovu genocidom.

241 Ćlan 2 Konvencije o sprećavanju i kaųnjavanju zloćina genocida.

242 Osim Krstića, za genocid su do sada još osućeni i drugi, uglavnom visokorangirani, oficiri Vojske Republike Srpske – Vujadin Popović, Ljubiša Beara, Drago Nikolić i Zdravko Tolimir.

Hrvatima pretresna veća Tribunala će se izjašnjavati u presudama Karadžiću i Mladiću (koje se očekuju u decembru 2015. odnosno novembru 2017. godine). Sud BiH je takođe osudio niz srednje i niže rangiranih počinitelja za genocid u Srebrenici.²⁴³ I Tribunal i Sud BiH su neke od učesnika proterivanja i masakra Bošnjaka u Srebrenici osudili za zločin protiv čovečnosti i ratni zločin, a ne za genocid, jer nisu mogli da utvrde da li su konkretni optuženici postupali sa genocidnom namerom, ali je i u tim presudama potvrđivano da su događaji u Srebrenici predstavljali genocid.²⁴⁴ Međunarodni sud pravde (MSP) je takođe ustanovio da je u Srebrenici počinjen genocid. Ovaj sud je zapravo prihvatio prethodni nalaz Tribunala o postojanju genocida, i time ga dodatno validirao, jer sâm nije imao kapacitete da se upušta u kompleksno utvrđivanje svih elemenata genocida kakve ima Tribunal kao krivični sud. Iz tog razloga, pravilno bi bilo, kada se govori o sudski utvrđenom postojanju genocida u Srebrenici, pozivati se na presude Tribunala kao na primaran međunarodni izvor i autoritet, a tek iza njih na Međunarodni sud pravde. Čuveni britanski predlog rezolucije Saveta bezbednosti UN povodom dvadesetogodišnjice genocida u Srebrenici, inače prilično neutralno formulisano,²⁴⁵ sve i da je bio usvojen, ne bi ustanovio ništa novo u odnosu na presude Tribunala i MSP.

Da li možemo okarakterisati neki zločin kao genocid bez suda i suđenja? Odgovor na ovo pitanje je pozitivan. Nespornim se danas smatra da je Turska nad Jermenima izvršila genocid (i pored njenog upornog i institucionalizovanog poricanja), a nacistička Nemačka nad Jevrejima, iako tada ni reč, ni definicija genocida, nisu postojali, niti je pred krivičnim sudom neko ikad oglašen krivim za genocid

u ovim slučajevima. Slično bi se moglo reći i za genocid nad Srbima u Nezavisnoj Državi Hrvatskoj. Ukoliko, dakle, istorijska nauka ili druga istraživanja otkriju nameru počinitelja (kroz njihove izjave, programe i slično) i ukoliko su razmere i drugi elementi zločina takvi da bi odgovarali definiciji genocida - zaključak o postojanju genocida može se izvesti i bez suda.

Da li je onda jednom, kada neki sud, a posebno međunarodni, utvrdi da se radi o genocidu, legitimno ne slagati se sa presudom suda, uključujući i one o srebreničkom genocidu? Da li je takvo neslaganje poricanje zločina? Odgovor na prvo pitanje bio bi – uslovno da. Oспорavanje kvalifikacije genocida, kao i bilo koje druge pravne kvalifikacije suda, bilo bi prihvatljivo i legitimno ukoliko je zasnovano na novim izvorima ili činjenicama, ili na razumno mogućem drugačijem tumačenju prethodno poznatih, a ne na njihovom selektivnom i manipulativnom odabiru, ili ignorisanju i prilagođavanju unapred zadatom cilju da se postojanje konkretnog genocida po svaku cenu opovrgne, prikaže kao manipulacija „neprijateljski nastojenih sila“, ili dokaže „ne-genocidnost“ neke nacije. Takođe, i ukoliko je rezultat svestranog razmatranja suprotstavljenih argumenata i, posebno, ukoliko je bazirano na neophodnom poznavanju međunarodnog prava, istorijata Konvencije o genocidu, njenog tumačenja i sudske prakse. Oспорavanje u ovom smislu onda znači kritičko, znalacko i dokumentovano preispitivanje zaključaka suda i njegovih tumačenja krivičnog dela genocida, a ne njihovo puko negiranje. Uz pomenute uslove, dakle, legitimno je tvrditi da u Srebrenici nije počinjen genocid, već zločin protiv čovečnosti, ili ratni zločin (bez onog čestog „samo“, umetnutog ispred, kao da su

243 Takve presude su donete, između ostalih, u predmetima protiv Duška Jevića i Mendeljeva Đurića, Željka Ivanovića, Miloša Stupara i drugih, Petra Mitrovića, Milorada Trbića (predmet koji je Tribunal ustupio).

244 Tribunal je za zločine protiv čovečnosti i ratne zločine u Srebrenici osudio Dražena Erdemovića, Vidoja Blagojevića i Dragana Jokića, Dragana Obrenovića, Momira Nikolića i, u predmetu *Popović i drugi*, Radivoja Miletića, Ljubomira Borovčanina, Vinka Pandurevića i Milana Gvera.

245 Koliko su neutemeljeni bili napadi na predlog rezolucije koja je u Srbiji predstavljena kao ozbiljan primer antisrpsstva i pokušaj proglašavanja Srba „genocidnim narodom“ vidi se iz samog teksta predloga rezolucije (čije usvajanje je na kraju sprečila Rusija). Od 27 puta koliko se reč „genocid“ u njoj javljala ravno dve trećine njenih upotreba nije se uopšte odnosilo na Srebrenicu; srebreničke žrtve se pominju svega dva puta u tekstu predloga (koliko puta se pominju i žrtve zločina u okolini Srebrenice) dok se *sve* žrtve u BiH (dakle - i srpske) pominju sedam puta; Srbija i Republika Srpska ne pominju se ni jednom, ali se zato u tekstu Savet bezbednosti UN osam puta obraća *svim* stranama u BiH. Videti *UN Security Council, S/2015/508*, 8 July 2015 (*Draft Resolution*), dostupno na www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/508 (pristupljeno 14. avgusta 2015.).

takvi zločini mali). Kao što je na istim osnovama legitimno utvrditi broj ubijenih drugačiji od onih koje su i sama veća Tribunalala različito ustanovila u svojim presudama i koji je objektivno teško utvrditi, velikim delom i zbog naknadnog sakrivanja tela i prikrivanja zločina. Valja napomenuti da, za razliku od Tribunalala za Ruandu, koji je genocid nad Tutsima iz 1994. vremenom počeo da uzima kao opštepoznatu istorijsku činjenicu koja se ne mora više dokazivati²⁴⁶, genocid u Srebrenici se i dalje iznova dokazuje u postupcima pred Tribunalom za bivšu Jugoslaviju.

Prethodno rečeno vodi i odgovoru na drugo pitanje- da li je osporavanje kvalifikacije zločina isto što i njegovo poricanje? Ukoliko se bazira na prethodno opisanim temeljima, neslaganje sa kvalifikacijom zločina kao genocida ne treba shvatiti kao da je isto što i poricanje zločinačkog karaktera samog događaja, niti njegovih razmera. I među vodećim pravnim stručnjacima za genocid ima onih, poput profesora Vilijema Šabasa (William Schabas), koji masakru u Srebrenici odriču karakter genocida, smatrajući da su broj ubijenih i/ili izdavanje isključivo muškaraca za ubijanje ispod praga potrebnog za definiciju genocida, ali koji ne poriču zločinački karakter, niti razmere ubijanja.²⁴⁷ Indikativno je da se na takve pravne stručnjake veoma retko pozivaju mnogi domaći i međunarodni poricatelji genocida u Srebrenici, možda zbog toga što eksperti poput Šabasa osporavaju kvalifikaciju, ali ne i zločin, što njima ne odgovara jer bi oni ne samo da menjaju kvalifikaciju, već i da umanje i relativizuju zločin.

Suština Srebrenice nije u pravnoj kvalifikaciji. Nije ni u broju žrtava, koji i za Tribunal ostaje otvoreno pitanje. Suština je da su ubijeni svi koje su snage bosanskih Srba zarobile, da su ubijeni zato što su Bošnjaci, da su žene i deca proterani sa namerom da se nikad ne vrate, i da taj zločin po obimu, intenzitetu, rešenosti i istrajnosti počinilaca nema pandana u ratovima u bivšoj SFRJ, niti u Evropi nakon sloma nacizma.

Govoriti o Srebrenici ne znači samo birati između toga da taj zločin nazovete genocidom ili da ga negirate. O Srebrenici

ci se može misliti i govoriti imajući na umu da taj zločin, i pojam genocida uopšte, imaju svoju pravnu dimenziju, ali i simboličku, moralnu, političku. Zato je moguće – i, prema ubeđenju ovog autora, na istoj je strani i moralne i naučne ravni – kritički preispitivati samu kvalifikaciju zločina u Srebrenici kao genocida u pravnim ili istoriografskim raspravama, a istovremeno taj zločin, naročito u javnosti, i dalje nazivati genocidom. Dok nam je ovo prvo dug nauici i njenoj otvorenosti, drugo je dug vladavini prava, to jest poštovanju međunarodnih pravnih institucija i presuda kao jednom od njenih temelja (o čemu bi posebno država morala da vodi računa kad izbegava da reč genocid izusti). Takođe je i dug – i to najveći – pijeteta prema stradalim srebreničkim žrtvama, kao i poštovanja i saosećanja sa onima koji su izgubili bližnje i sa njihovom zajednicom, a kojima reč „genocid“ znači priznanje njihovih patnji.

5. Zaključak

Onda kada ih ima i kada su vođeni u skladu sa međunarodnim standardima, sudski postupci i presude za ratne i druge najteže zločine moraju biti neizbežan i visoko vredan izvor za istoričare. To važi generalno za sva takva suđenja, posebno za ona za zločine u bivšoj Jugoslaviji, i to naročito za ona koja su bila vođena pred tribunalom u Hagu. Ta suđenja ne samo što su najrelevantnija za proučavanje bliske prošlosti postjugoslovenskog prostora, već su bila i najdetaljnija i pravno najkompleksnija u istoriji bavljenja ovom vrstom zločina; kroz njih su međunarodno pravo i pravda doživeli skokovit razvoj (mada svakako još nedovoljan za ono koliko je svetu potrebno). Nakon početka rada Tribunalala, pokrenut je talas suđenja na raznim meridianima koji i dalje obilazi svet. Na tom talasu će se istoriografija i krivično pravo, međunarodno i nacionalno, ubuduće susretati mnogo više nego ranije.

Pisanje i objašnjavanje istorije nije i ne treba da bude

246 ICTR, *Edouard Karemera et al*, Decision on Prosecutor's Interlocutory Appeal of Decision on Judicial Notice, 16 June 2006.

247 Šabas, koji važi možda i za vodećeg pravnog stručnjaka za genocid i koji je autor niza knjiga i članaka na tu temu, smatra da se genocidom do sada jedino mogu nazvati masovni zločini nad Jermenima u otomanskoj Turskoj 1915, nad Jevrejima i Romima tokom Drugog svetskog rata i nad Tutsima u Ruandi 1994. godine.

posao suda u pojedinačnom suđenju, bez obzira što je istorija ponekad bila uvedena u sudnicu MKTJ stvarajući preuveličan utisak o njenom uticaju na presude. Prikupljanja dokaza i pisanja presuda o događajima iz jednog perioda uzeta zajedno, međutim, jesu neizbežno i doprinos utvrđivanju istorijskih činjenica. Od toga sud ne samo da ne može pobeći, već mu zbog toga dugujemo i zahvalnost.

Prva velika vrednost i doprinos sudskih postupaka jeste njihova moć da na jednom mestu prikupe enorman broj dokumenata, svedočanstava i druge građe o događajima iz ratova 1990-ih koja mogu biti dostupna i istoričarima. Druga velika vrednost i ono što sudski postupak izdvaja jesu presude koje zbog osobenih metoda i pravila krivičnog prava i postupka, i zahvaljujući autoritetu prava kojim je postupak zaogrnut, treba uzeti kao verodostojnu rekonstrukciju jednog dela događaja iz neposredne prošlosti. Rekonstrukciju koja daje odgovore na to da li je neko, kada i kako počinio zločin, ko su žrtve, a ko počinio, da li je postojao i kakav je bio plan zločina, kao i na druga pitanja. Istovremeno, neke od vrednosti i principa sudskog postupka mogu ujedno biti i njegova ograničenja jer dovode do toga da nisu svi dokazi koji bi bili vredni za istoriografiju ujedno prihvatljivi i za sud, ili čine da je slika događaja data u presudi, iako pouzdana, ipak vrlo ograničena. Na istoričarima je da ocene relevantnost onoga što je u presudi, i da upotpune sliku koju je presuda samo delom formirala. Presuda će, kao i svaki drugi izvor, biti podložna istoričarskom kritičkom preispitivanju - nema razloga da tako ne bude, ali ono mora uvek uzeti u obzir osobine postupka i suda koji je presudu doneo.

Krivični sud je glavni arbitar o tome šta se može smatrati ratnim zločinom, zločinom protiv čovečnosti i genocidom. To ne isključuje mogućnost istoričara ili drugih da o posto-

janju takvog zločina zakluče i kad nema sudske presude, ili da nalaze suda, kad ih ima, izlože ponovnom preispitivanju. Prilikom takvog zaključivanja ili preispitivanja mora se, osim brojnih činjenica koje je neophodno utvrditi, voditi računa i o tome da se radi o pravnim kategorijama i da se činjenice moraju podvesti pod kompleksan splet pravnih normi.

Upotrebna vrednost presude i sudske istine, jednom kad je utvrđena, napušta svet prava i u velikoj meri ostaje u rukama istoričara. Suđenja imaju i, kako to neki nazivaju, didaktičku funkciju prema građanima.²⁴⁸ Ostvarenje te funkcije zavisi od toga koliko saznamo o presudi i iz presuda. Ispisati deo mozaika istorije uz pomoć presuda je jedno, a drugo je šta ćemo sa tom istorijom raditi i kakvog će ona efekta imati u društvu. Neka iskustva pokazuju da je utvrđivanje od strane Tribunala za Ruandu relativno jednostavnih istorijskih činjenica o genocidu u Ruandi ostavilo mali uticaj na dvoetničko društvo u ovoj državi.²⁴⁹ Mogućnosti ljudi na postjugoslovenskom prostoru da dođu do informacija o suđenjima su velike, ali je velika i kompleksnost slike koju su presude Tribunala i drugih sudova stvorile. Razumevanje suđenja za ratne zločine na ovom etnički raznolikom prostoru sporo je, veoma selektivno i često zavaravajuće.²⁵⁰ Percepcija istine, pa i sudske, nikad nije jedna i nedeljiva, a to je naročito slučaj u svetu tranzicione pravde²⁵¹ u kome biramo da verujemo u ono u šta želimo da verujemo. Kada će, kako i koliko činjenice utvrđene u presudama dopreti do ljudi u regionu zavisi i od istoričara, i to u dobroj meri.

Istoričari mogu pomoći krivičnom pravu da ostvari jednu od svojih osnovnih svrha, a to je ono što se zove „generalna prevencija“: počinocima zločina se sudi, između ostalog, kako bi se poslala poruka da će takva nedela biti sankcionisana i time se pokušavaju preduprediti budući slični

248 Mark Osiel, *Mass Atrocity, Collective Memory and the Law*, Transaction Publishers, 1997, 36-56.

249 Nicola Palmer, *Courts in Conflict: Interpreting the Layers of Justice in Post-Genocide Rwanda*, OUP, 2015, 67.

250 Istraživanja javnog mnjenja ukazuju na veliku diskrepanciju između onog šta građani Srbije znaju o Tribunalu ili domaćim suđenjima i onoga šta misle da znaju. *Attitudes towards war crimes issues, ICTY and the national judiciary*, OSCE Mission to Serba, Belgrade Center for Human Rights, Ipsos Strategic Marketing, October 2011 (dostupno samo na engleskom na <http://www.osce.org/serbia/90422>).

251 Južnoafrička Komisija za istinu i pomirenje govori o četiri kategorije istine: objektivnoj ili činjeničnoj, odnosno forenzičkoj istini, ličnoj ili narativnoj, društvenoj ili dijaloškoj (*dialogical*) i, na kraju, onoj koju bismo mogli nazvati ozdravljujućom (*healing*) ili restorativnom istinom. (Southafrican) Truth and Reconciliation Commission, Final Report, Vol I, s. 111-114.

zločini. Da bi ta svrha bila ispunjena, ono što je utvrđeno na suđenju, činjenica da je neko kažnjen i, još važnije, zbog čega je kažnjen, ne sme da ostane samo među četiri zida sudnice i na papiru (ili veb-sajtu) presude. Neko to mora da „razglasi narodu“, a istoričari ne samo da to mogu, već imaju

i autoritet onih kojima se u velikoj meri veruje kad govore o prošlosti. Osim ako ignorišući suđenja i presude ili čekajući na „istorijsku distancu“ ne želimo da uverenje kako su „oni“ uvek ubijali „nas“, kao i kako je nekažnjivost večno pravilo, ponovo bude gorivo za neke nove sukobe i zločine.

**History textbooks
in post-conflict societies:
Education for reconciliation?**

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Introduction

In spite of significant progress achieved since 2000 in the process of dealing with the past and transitional justice in Serbia and the region, reconciliation across post-Yugoslav societies ethnic, remains a distant aim. Various ethnic groups in the region continue to hold opposing, conflicting views of their joint recent past, while denial and justification of the crimes committed are still widespread. The region has become a battlefield for ‘memory wars,’ regardless of the wealth of judicially established facts before the International Criminal Tribunal for the former Yugoslavia (ICTY) and available evidences gathered about the atrocities in the former Yugoslavia, and various initiatives aimed at dealing with the past and transitional justice efforts.

This carries serious and potentially very dangerous consequences for society in general, and for youth in particular. Young generations, raised and educated on self-victimhood narratives about their communities, risk losing the opportunity to become vigorous actors of dealing with the past and, instead, transform themselves into hostile opponents of the process of reconciliation.

Additional problem is created by history textbooks in Serbia and the region, which offer biased, brief and often selective information about the events which occurred during the 1990s’ wars. It is clear that the presentation of the traumatic recent past in history textbooks in a biased and selective manner serves as a tool to mobilize the youth against dealing with the past and reconciliation processes.

At the end of April 2015, HLC organized international conference *History textbooks in post-conflict societies: Education for reconciliation?* on history textbooks and their role in the processes of dealing with the past. International and regional experts working on analysis of content of history textbooks were invited to participate at the conference and present their papers and presentations which are published in this publication. HLC also presented the *Analysis of the content of history textbooks in Serbia relating to the wars in the former Yugoslavia in the light of the facts established before the ICTY*, in order to show in what way the facts about war crimes committed during the wars in the former Yugoslavia are dealt with in the history textbooks in Serbia, as well as to compare these statements with the facts about these events as established by the ICTY.

With this special edition of Forum for Transitional Justice, HLC intends to contribute to the existing debate in our society about how history textbooks present topics from the recent past, but also to invite historians, textbooks authors, and relevant decision makers, such as representatives of educational institutions to take concrete steps in order to change history textbooks’ content about wars in 1990s in accordance with the judicially established facts. The support of the Swiss Federal Department of Foreign Affairs for this publication and the project Empowering New Generations in Dealing with the Past is gratefully acknowledged.

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**An Analysis of The Contents of History
Textbooks in Serbia Regarding the Wars
in the Former Yugoslavia in the Light of
the Facts Established Before the ICTY**

Introduction

A turning point for the majority of Eastern European countries was the last decade of the twentieth century, which brought destructive political courses and the awakening of nationalism to the republics of the former Yugoslavia after the fall of the Berlin Wall and the communist regimes. The new politics resulted in the breakup of Yugoslavia in the wars from 1991 to 2001. Parallel with the shift of the entire public discourse into a retrograde nationalist course, there appeared a historical revisionism combined with a traditionalist approach to history, which considered the nation and the state as the focal point of research. The nationalist ideology in all of the Yugoslav republics in the late 1980s and early 1990s greatly influenced not only the selection of topics to be covered, but made the historiography itself, which had already been reluctant to adapt to modern scientific trends, more rigid and conservative.¹ The historical science and the teaching of history in schools openly served as an instrument of political control and domination, bearing all the hallmarks of a hybrid national-romanticist ideology. In this way, the educational institutions were offered a seemingly new and fresh perspective in opposition to the obsolete, ideologically based historiography of the socialist period of Yugoslavia, thus paving the way for the general shift towards a nationalist public discourse.

Summary

Just one year after the beginning of the wars on the territory

of the former Yugoslavia, new history textbooks were introduced in the then Federal Republic of Yugoslavia in 1992, textbooks which were used until the fall of the Slobodan Milošević regime in 2000. These textbooks did not cover the subject of the dissolution of the Socialist Federal Republic of Yugoslavia and the wars on the territory of the former Yugoslavia. The textbooks covered the period until 1970, the reform of the federation and the adoption of the 1974 Constitution. However, in 2000, the period encompassing the events up to the NATO intervention in 1999 was included in the edition of the textbook for the eighth grade of primary school, written by author Nikola Gaćeša.

Since 2000, teaching units discussing the topics of the dissolution of Yugoslavia, the wars conducted on the territories of the former Yugoslav republics and the consequences of these wars, have been included in the curricula and textbooks. Although these topics have been included in the textbooks for the past 15 years, the ways in which the wars of the 1990s were conducted and the war crimes committed during the wars in Croatia, Bosnia and Herzegovina and in Kosovo before and during the NATO intervention, have not even once been the subject of a particular analysis.

This analysis covers the history textbooks for primary schools and grammar schools that have been used in history classes in Serbia from 2000 up until the present time.² The intention of this analysis is to show in what way the facts about war crimes committed during the wars in the former Yugoslavia are dealt with in the history textbooks in Serbia,

1 During this period, the largest number of topics covered by Serbian historians display a markedly nationalistic discourse, particularly noticeable in the works and public performances of the members of the Serbian Academy of Arts and Sciences Vasilije Krestić, Milorad Ekmečić, et al.

2 Dr Nikola Gaćeša, Ljiljana Mladenović-Maksimović and Dr Dušan Živković, *History for the eighth grade of primary school*, Zavod za udžbenike i nastavna sredstva: Belgrade, 2000; Radoš Ljušić and Ljubodrag Dimić, *History for the eighth grade of primary school with reading book and workbook*, Freska: Belgrade, 2010; Predrag M. Vajagić and Nenad Stošić, *History for the eighth grade of primary school*, Klett, Belgrade, 2011; Đorđe Đurić and Momčilo Pavlović, *History for the eighth grade*, Zavod za udžbenike, Belgrade, 2010; Zoran Pavlović and Jovo Bosnić, *The Mosaic of the Past: History textbook for the eighth grade of primary school*, BIGZ: Belgrade, 2011; Dunja Svilar Dujković and Goran Dujković, *History 8: Textbook for the eighth grade of primary school*, EDUKA: Belgrade, 2013; Mira Radojević, *History: Textbook for the third grade of science and mathematics grammar school, the fourth grade of socio-linguistic grammar school and general grammar school, and the fourth grade of vocational school for legal technicians and bureau technicians*, Klett: Belgrade, 2014; Kosta Nikolić, Nikola Žutić, Momčilo Pavlović, Zorica Špadijer, *History ¾ for the third grade of science-mathematics grammar school and the fourth grade of socio-linguistic and general grammar school*, Zavod za udžbenike i nastavna sredstva: Belgrade, 2009.

as well as to compare these statements with the facts about these events as established by the International Criminal Tribunal for the Former Yugoslavia (ICTY).³

Within its mandate, the ICTY indicted 161 persons for crimes committed during the wars in the former Yugoslavia. Out of this number, 79 persons were convicted with binding judgments, 18 were acquitted, 36 indictments were withdrawn, 13 persons were referred for prosecution before national courts and 15 proceedings are still ongoing. The persons indicted include the former President of Serbia and the FRY Slobodan Milošević, the Vice-President of the FRY Nikola Šainović, the Chiefs of the General Staff of the Army of Yugoslavia Momčilo Perišić, Dragoljub Ojdanić and Nebojša Pavković, two former Presidents of the Republic of Srpska Krajina Milan Babić and Milan Martić, the former President of the Republic of Srpska Radovan Karadžić, the Commander of the General Staff of the Army of the Republic of Srpska Ratko Mladić, the former Prime Minister of Kosovo Ramush Haradinaj, the Commander of the General Staff of the Army of Bosnia and Herzegovina Rasim Delić, the Generals of the Croatian Army and Police Ante Gotovina, Mladen Markač and Ivan Čermak, the former Minister of the Interior of Macedonia Ljube Bošković, as well as a number of senior and middle-ranking members of the Army of the Republic of Srpska, the Croatian Defence Council, the Army of Bosnia and Herzegovina, the Serbian Ministry of the Interior, the Army of Yugoslavia, the Kosovo Liberation Army, the Macedonian Ministry of the Interior, the Croatian Army etc.

Since its inception, the ICTY has examined about 4,500 witnesses, held approximately 7,500 trial days and created and collected about 1.6 million pages of transcripts and exhibits. A few years ago, the ICTY made available its database of court documents with all public filings from 1994 up until today. The database contains more than 190,000 files, starting with arrest warrants, motions, exhibits to the final appeals judgments for each of the cases on trial. With its wealth of collected documents, the ICTY is the largest and most significant archive for the wars in the former Yugosla-

via from 1991 to 2001. Nevertheless, the facts established by the ICTY have not yet found their place in the history textbooks.

The analysis leads to the conclusion that there are several tendencies when it comes to addressing the subject of the dissolution of Yugoslavia and the armed conflicts taking place from 1991 to 1999. What is evident in almost all the textbooks is the dispassionate and distant manner of dealing with the facts and the rarity of descriptions of events during the wars in the former Yugoslavia. This scarcity of data is particularly noticeable when compared with the manner in which other thematic units are covered. While the period of political crisis that preceded the breakup of Yugoslavia is elaborated in detail, in some textbooks the subject of the wars and the crimes committed in those wars, as well as the consequences of those wars, are addressed with only a few sentences, or half a page. Another trend which is evident is the lack of objectivity in presenting the events related to the wars in the former Yugoslavia, particularly in the presentation of the war crimes that were committed and of the victims who suffered those crimes. The partiality and bias are primarily reflected in the selective choice of data, and the obvious omission or neglect of the facts and events in which the role of the Serbian people and Serbia as a state could be shown in a negative context - including, first and foremost, the facts about the sufferings of the members of other ethnic groups, and an evident effort to portray the Serbs as the only/the greatest victims among the peoples of the former Yugoslavia during the 1990s wars.

The dissolution of the state and the causes of conflict

Most of the textbooks used in primary schools in Serbia entitle the last period of the common past in the Yugoslav state as 'Social crisis and the Defeat of Yugoslavia', using different interpretations of the events that led to the breakup of the former Yugoslavia.

3 The International Criminal Tribunal for the Former Yugoslavia was established in May 1993 by the United Nations with the aim of prosecuting and punishing those responsible for war crimes committed in armed conflicts in the former Yugoslavia from 1991 to 2001.

The death of Josip Broz Tito is marked as the turning-point for the beginning of the process of the dissolution of Yugoslavia in most textbooks.⁴ After the death of Josip Broz, the dissolution of the common state begins, although the causes are interpreted differently. In most textbooks, it is stated that the death of Tito, who is considered to be the authority on whom “one of the most important foundations on which the common Yugoslav state rested”, started the period of crisis that gradually led to the breakup of the state,⁵ and that his death meant “the disappearance of the authority that marked the unity of the state”⁶. Some authors state that the “cult of Josip Broz” was the crucial element that held together the peoples of the former Yugoslavia and maintained the Yugoslav idea in the socialist Yugoslavia, with the strength of the one-party dictatorship.⁷ The Communist Party took over the governing of the state after the death of Josip Broz. However, the authors of textbooks in Serbia do not agree on what ways the party contributed to or led to the dissolution of the state. Some authors state that the League of Communists of Yugoslavia was divided when it came to the national issue, emphasizing that “the Slovenian communists began to advocate the independence of the republic”⁸ without going into the details of the crisis that hit the former Yugoslavia in the period following 1980; while some textbooks claim that immediately after Tito’s death the national issues surfaced, which, together with the political crisis, economic slowdown and high foreign debts,⁹ were the elements that worsened the crisis in Yugoslavia.

Some of the authors take as one of the causes of crisis the changes in the Serbian political scene, particularly in connection to the “opening of the Serbian issue”¹⁰. The “opening of the Serbian issue” in Yugoslavia and its consequences for the disintegration of Yugoslavia are observed either through a nationalist discourse present since the late 1980s, or through a selective presentation of events. The revision of the constitutional and legal position of Serbia in Yugoslavia was initiated immediately after the demonstrations in Kosovo in 1981.¹¹ “The opening of the Serbian issue” is primarily associated with the assessment that, within Yugoslavia, there are “disintegrating processes that threaten the breakup of Serbia”, and that they must be stopped, but that “the request that Serbia achieve a minimum of internal unity was not met with understanding in Zagreb and Ljubljana”, by whom Serbia “was thus denied the right to be equal with the other Yugoslav republics”, primarily attributing the responsibility to Croatia and Slovenia for one of the reasons for the breakup of Yugoslavia.¹²

The accession of Slobodan Milošević to power in Serbia, and his role in the light of the crisis of the 1980s, is covered in some detail in three textbooks for primary school¹³ and two textbooks for secondary schools and grammar schools¹⁴. Other textbooks also address the subject of Slobodan Milošević becoming the Head of the Serbian Communists. One of the textbooks that does not cover in more detail his role in the breakup of Yugoslavia, assesses him

4 Ljušić and Dimić, 237; Dujković and Dujković, 186; Vajagić and Stošić, 193, Pavlović and Bosnić, 144.

5 Vajagić and Stošić, 193.

6 Dujković and Dujković, 186.

7 Pavlović and Bosnić, 144.

8 Pavlović and Bosnić, 144.

9 Dujković and Dujković, 186.

10 Pavlović and Bosnić, 144.

11 Ljušić and Dimić, 237.

12 Ibid.

13 Radoš Ljušić and Ljubodrag Dimić, *History for the eighth grade of primary school with reading book and workbook*, Freska: Belgrade, 2010, Predrag M.Vajagić and Nenad Stošić, *History for the eighth grade of primary school*, Klett: Belgrade, 2011, Đorđe Đurić and Momčilo Pavlović, *History for the eighth grade*, Zavod za udžbenike: Belgrade, 2010.

14 Mira Radojević, *History: Textbook for the third grade of science and mathematics grammar school, the fourth grade of socio-linguistic grammar school and general grammar school, and the fourth grade of vocational school for legal technicians and bureau technicians*, Klett: Beograd, 2014. Kosta Nikolić, Nikola Žutić, Momčilo Pavlović, Zorica Špadijer, *History ¾ for the third grade of science-mathematics grammar school and the fourth grade of socio-linguistic and general grammar school*, Zavod za udžbenike: Belgrade, 2009.

as a man who “spoke after decades of silence of the forced expulsions of Serbs from Kosovo and Metohija under the pressure of Albanians”¹⁵, and that is the only piece of information connected with his accession to power. In textbooks which cover in more detail the role of Slobodan Milošević in the 1980s crisis, the focus is on his role in resolving the crisis in Kosovo. The Kosovo crisis after Tito’s death is assessed as “an outburst of Albanian nationalism and separatism”, in which the “sovereign Albanian political elite governed Kosovo”, and under which the “pressures on the Serbs” continued, with “the atmosphere of uncertainty and fear, rape, destruction of property and even murders caused by ethnic hatred” ruling all the while.¹⁶ “This atmosphere contributed to reinforcing the emigration of Serbs, which had continued from 1945”, and “led to the decrease of the proportion of Serbs in the population from 23,62% in 1948 to 13,2% in 1981”, while at the same time “the percentage of Albanians increased from 68,45% to 77,5% in 1981.”¹⁷ The emigration of Serbs from Kosovo and the pressures exerted on them as well as the attribution of the change of ethnic structure in Kosovo to Albanian wrongdoings - are mentioned in other textbooks also, but not in too much detail.¹⁸ The role of Slobodan Milošević in this crisis is dealt with in a fairly neutral tone. Or sometimes, it is even discreetly indicated that the opposition among the Serbian communists led by Ivan Stambolić before the 8th session of the Central Committee of the League of Communists of Serbia, resisted nationalism, with an attempt to remain loyal to the principles of brotherhood and unity, while Stambolić himself “considered that the solution to the problem should be sought in collaboration with the leaderships of other republics and provinces”.¹⁹ Furthermore, in one of the textbooks, it is stated that the politics of Slobodan Milošević, conducted in

the period of the late 1980s after the opening of the “Kosovo question” shook the country “to its foundations”, “led to changes in party leaderships in Vojvodina, Kosovo and Montenegro, and brought relations with other republics to open hostility”, pushing Serbia into a “long period of isolation, war and decay, which brought the Serbian people to the brink of survival”²⁰. In addition, in several textbooks it is pointed out that the Serbian state leadership “resisted the democratization of society the longest, and that problem was not overcome even in the following decade”²¹ This portrayal of the crisis that Yugoslavia was experiencing after Tito’s death is in stark contrast with the interpretations that could be found in the history textbook that was used from 1993 and immediately after the October changes in Serbia in 2000. During the 1990s and immediately after the fall of Slobodan Milošević, the history textbook for the eighth grade of primary school contains parts in which the changes that occurred in the provinces of Vojvodina and Kosovo after the constitutional changes in 1974 are discussed in a very harsh manner. It is stated that one of the main causes of the Yugoslav crisis was Albanian separatism, motivated by the desire to realise the idea of a ‘Kosovo republic’ and the annexation of this province to Albania; that “for a long time Shiptar children from Kosovo and Metohija were brought up and educated with Albanian textbooks, and that they consider their homeland to be not Yugoslavia but Albania”, and that it should not come as a surprise that “a large part of the Shiptar masses, following the adoption of the Constitution of Serbia in 1990 which restricted their rights, has a hostile attitude towards Serbia”²² The political forces under the leadership of Slobodan Milošević that took over political control in Serbia in 1987 were assessed as a force that “advocated the democratization of society, the revision of the

15 Pavlović and Bosnić, 144.

16 Nikolić et al., 227.

17 Ibid.

18 Đurić and Pavlović, 184.

19 Mira Radojević, 374; Vajagić and Stošić, 198;

20 Nikolić et al., 227.

21 Nikolić et al., 228.

22 Gaćeša, Mladenović-Maksimović and Živković, 155.

existing Constitution, the protection of Serbs and Montenegrins in Kosovo and Metohija and sought the establishment of a unified Serbia on the whole of its territory.”²³

Most textbooks do not address external factors and their role in the Yugoslav crisis, nor do they place Yugoslavia in the context of the collapse of Communism across Eastern Europe. Only some brief description in the introduction to the lesson lists some of these elements as a factor contributing to the crisis in Yugoslavia, but without delving into the analysis: “The end of the Cold War and the collapse of socialism in Eastern Europe fundamentally changed the position of Yugoslavia. The events that happened were worldwide and required urgent adaptation. The Yugoslav state leadership was not able to find a solution for the deep state crisis.”²⁴ Only the textbook for secondary schools and grammar schools devotes more attention to this: “The end of the West-East Bloc division and the tearing down of the Berlin Wall in 1989 marked the beginning of the democratization of Eastern Europe countries. The countries of Western Europe and the US demanded from the Yugoslav authorities a change of the political system.”²⁵

Another factor listed by the authors of textbooks and marked as of primary significance in the presentation of the Yugoslav crisis and the dissolution of Yugoslavia in the late 1980s and in 1990 is the nationalism that began to appear in the Yugoslav republics during the 1980s. Most authors mention “Slovenian and Croatian separatism” and a desire for secession from the state and resistance to changes in Serbia. In the circumstances of the fall of the Berlin Wall, and the social crisis in the country, parts of the “republics’ leaderships decided to secede from Yugoslavia, with Slovenia and

Croatia at the forefront.”²⁶ The crisis of the League of Communists of Yugoslavia and the dilemma regarding the internal organization of the Communist Party are mentioned in only two textbooks, which address this event in a similar way: “The Slovenian and Croatian delegations argued for the creation of a confederation of Yugoslav republics and the introduction of a multi-party system, while the Serbian delegation sought to preserve the federation in its current form.”²⁷

In addition, it is emphasized that the first multi-party elections in the Yugoslav republics (except Serbia and Montenegro) “had the form of national affiliation for state (national) independence,”²⁸ but that “at the same time, the right to self-determination was denied (...) to every other minority community”²⁹.

The outbreak of the wars and the formal dissolution of the SFRY

Almost all the textbooks agree that the formal dissolution of the SFRY (Socialist Federal Republic of Yugoslavia) began on June 25th, 1991, when the Slovenian Parliament, “citing the results of a referendum, declared its independence from the Republic” of Yugoslavia.³⁰ Concerning the short war in Slovenia, which some argue lasted ten days³¹, and others six days³², there are almost no data, especially no data on the number of casualties. A direct cause for the war in Slovenia, i.e. “the intervention of the JNA (Yugoslav Peoples’ Army)”, was the “decision of the Slovenian authorities to take over the control of the border crossings into Austria and Ita-

23 Ibid, 156.

24 Ljušić and Dimić, 238.

25 Radojević, 375.

26 Ljušić and Dimić, 238.

27 Vajagić and Stošić, 193.

28 Vajagić and Stošić, 193.

29 Radojević, 375.

30 Radojević, 375; Vajagić and Stošić, 193; Ljušić and Dimić, 238; Nikolić, 228; Đurić and Pavlović, 184.

31 Radojević, 376; Vajagić and Stošić, 194

ly”; this act signified “the denial of the existence of Yugoslav state sovereignty.”³³ The course of the war in Slovenia in textbooks is explained superficially; it is stated that the JNA had regained control of the national borders, “but the SFRY Presidency, in mid-July, decided that its units would withdraw from the territory of Slovenia”, without giving any explanation for such a decision.³⁴ However, one of the textbooks mentions that the “Yugoslav Peoples’ Army tried to oppose the secession, but it did not have support, because the federal government collapsed.”³⁵

However, it is not mentioned anywhere in the textbooks that, on July 8th, 1991, “an international agreement according to which Croatia and Slovenia would suspend the proclamation of their independence until October 8th, 1991” was reached.³⁶

The armed conflict in Croatia

The armed conflict in Croatia began in 1991 and ended in 1995, after ‘Operation Storm’, which was launched by the military and police forces of the Republic of Croatia in August 1995. During the conflict between the forces of the Republic of Croatia and the forces of the Croatian Serbs, numerous crimes against the Croatian and Serbian populations were committed. Textbooks in Serbia pay far more attention to the war in Croatia, than the conflicts in Slovenia, or even Bosnia and Herzegovina.

The causes and the outbreak of the war

All the textbooks in Serbia deal with the causes of the war in Croatia, citing among them constitutional changes in Croatia in 1990, and the fear of the local Serbian population of the growing Croatian nationalism. With the passing of the new Croatian Constitution, “the status of Serbs in Croatia was changed. From being one of the constituent peoples, Serbs became a national minority, without the right to self-governance”³⁷. One of the textbooks states that, “in accordance with the new Constitution, Croatia presented itself as a state of the Croatian people, without any mention of the Serbian nationality, although it numbered a little more than 12% of the entire population.”³⁸ In addition, the rise to power of the Croatian Democratic Union in Croatia in 1990 caused fear among the local Serbs: “The re-emergence of Ustasha symbols awakened the fear of a recurrence of the genocide committed at the time of the establishment of the NDH³⁹ (Independent State of Croatia); the possible re-establishment of a state in which their physical survival would be endangered, provoked the resistance of the Serbian people”⁴⁰. After the proclamation of independence in the Croatian Parliament, on June 26th, 1991, armed conflict broke out in Croatia, and the Serbian people, “feeling vulnerable”⁴¹, responded to this by forming the Republic of Srpska Krajina “by its secession from Croatia”⁴². In addition, two textbooks state that “the Serbian people believed they had the right to choose to remain in Yugoslavia”⁴³, and that this was one of the reasons for the outbreak of the rebellion of Serbs in Croatia.

32 Ljušić and Dimić, 238.

33 Ljušić and Dimić, 238.

34 Radojević, 376; Vajagić and Stošić, 194.

35 Pavlović and Bosnić, 145.

36 *Prosecutor vs. Milan Martić*, Judgment IT-95-11-T, paragraph 136

37 Radojević, 376; Vajagić and Stošić, 194; Ljušić and Dimić, 238.

38 Svilar-Dujković and Dujković, 187.

39 Radojević, 376.

40 Ljušić and Dimić, 194.

41 Bosnić and Pavlović, 145

42 Svilar-Dujković and Dujković, 187.

43 Vajagić and Stošić, 194; Radojević, 376.

On the other hand, none of the textbooks mention that the Serbian minority in Croatia had taken steps to secede from Croatia already in July 1990, when, in Srb, a town located north of Knin, they established the Serb Assembly, which aimed at political representation of the Serbian people in Croatia, and “declared sovereignty and autonomy for the Serb people in Croatia”, as was described in the judgment rendered by the International Criminal Tribunal for the Former Yugoslavia in the case of Milan Martić, one of the Croatian Serb war leaders.⁴⁴ Also, it is not stated in any of the textbooks that the Serbian National Council, which was established as the executive organ of the Serbian Assembly, decided that from August 19th to September 2nd, 1990, a referendum on the autonomy of Serbs in Croatia was to be held, which the Croatian government declared illegal, and in which 97.7% of voters voted for autonomy⁴⁵ a few months before the constitutional changes in Croatia were introduced. In addition, textbooks in Serbia do not give clear reasons for the formation of the Republic of Srpska Krajina; it is stated that it was created following the outbreak of the armed conflict.⁴⁶ There is no information in the textbooks stating that the creation of the Republic of Srpska Krajina was initiated back in December 1990, when several municipalities in the region of Northern Dalmatia and Lika in south-western Croatia declared the Serbian Autonomous District of Krajina (SAO Krajina) on December 21st, 1990, one day before the adoption of the new Constitution of Croatia.⁴⁷ Textbooks make no mention of the armed conflict between the special police forces of the Ministry of the Interior of Croatia and the police of the SAO Krajina in March 1991, in Pakrac in Eastern Slavonia, and in Plitvice, between Titova Korenica and Saborsko.⁴⁸ There is no mention of any referendum organized on the territory of the SAO Krajina

on May 12th, 1991, in which 99.8% of voters voted for “Krajina to remain in Yugoslavia together with Serbia, Montenegro and others who wished to preserve Yugoslavia”; and that the Assembly of the SAO Krajina confirmed the result of the referendum and said that “the territory of the SAO Krajina is a constituent part of the united state territory of the Republic of Serbia”,⁴⁹ whereby the Serb-controlled territory in Croatia practically withdrew from Croatia more than a month before Croatia declared independence from Yugoslavia.⁵⁰

The course of the war and war crimes

History books available in Serbia contain very little information about the war in Croatia. There are no details offered on the major military operations, except for Operations ‘Flash’ and ‘Storm’ in 1995. In the textbook *Eighth grade history*, by Radoš Ljušić and Ljubodrag Dimić, it is stated that the first phase of the war in Croatia was characterized by “mass attacks launched by Croatian paramilitary units on JNA, the siege of military barracks, and calls to Croatian officers and soldiers to put themselves at the disposal of Croatia.”⁵¹ It is also stated that violent confrontations occurred in Vukovar during this phase.⁵² The textbooks devote great attention to the military and police Operations ‘Flash’ and ‘Storm’ launched by Croatian forces, which resulted in the destruction of the Republic of Srpska Krajina, and during which the Croatian Army carried out operations of “the planned ethnic cleansing of the Serbian population in the region of western Slavonia” and the cleansing of “the Serbian population from the region of Lika, Kordun and Dalmatia”⁵³.

44 *Prosecutor vs. Milan Martić*, Judgment IT-95-11-T, paragraph 128

45 *Ibid.*

46 Radojević, 376, Vajagić and Stošić, 194.

47 *Prosecutor vs. Milan Martić*, Judgment IT-95-11-T, paragraph 129.

48 *Ibid.*, 131-132.

49 *Ibid.*, 134.

50 *Prosecutor vs. Mile Mrkšić, Veselin Šljivančanin and Miroslav Radić*, Judgment, IT-95-13/1-T, paragraph 20.

51 Ljušić and Dimić, 239.

52 *Ibid.*

53 Ljušić and Dimić, 239.

Although the armed conflict in Croatia between the Croatian armed forces and formations and the forces of the SAO Krajina, including the conflicts in Kiev, Drniš, Hrvatska Dubica, Saborsko and Škabrnja, lasted until the spring of 1991, the textbooks do not mention these armed operations at all, nor do they mention that some of these operations involved members of the Serbian militia of the SAO Krajina and the JNA⁵⁴, or that Croatian civilians were occasionally killed, or that massive looting of property of Croatian citizens occurred.⁵⁵ In addition, the textbooks do not specify that the military operation of the siege of Vukovar launched by the JNA and the Serb forces resulted in the almost complete destruction of the city, and that it ended with the first gross mass crime in the former Yugoslavia, i.e. the execution of about 200 Croat civilians and prisoners of war at the Ovčara Farm near Vukovar.⁵⁶ As stated in the judgment of the ICTY in the case of *Mrkšić et al.*, after sporadic shelling of Vukovar in the period from June to August 1991, during early autumn the JNA began operations with the goal of occupying Osijek, Vukovar and Vinkovci - the city of Vukovar had been under siege from August 25th, 1991.⁵⁷ The city was finally occupied in November 1991, after which the Croatian population of Vukovar was relocated and approximately 200 prisoners were executed at the Ovčara Farm near Vukovar.⁵⁸

The victims in relation to the war in Croatia are mentioned sporadically and superficially in history books in Serbia. There is no consensus on the number of victims, and their ethnicity is not specified in cases in which war crimes committed by Serbian forces are mentioned; the Serbian popu-

lation is referred to as the sole victim. However, no exaggeration is to be found in reference to the number of Serbs who fled Croatia during 'Operation Storm.' The information provided reduces the number to approximately 200,000⁵⁹, and this corresponds to the factual count ranging between 180,000 and 200,000, as established by the ICTY.⁶⁰

A few textbooks make mention of the casualties in Croatia, while one specifically states the fact that the United Nations in Croatia killed 17,469 people, without specifying their ethnicity or status.⁶¹

The armed conflict in Bosnia and Herzegovina

The armed conflict in Bosnia and Herzegovina was the longest and most destructive armed conflict in the former Yugoslavia. It lasted from April 1992 to the end of 1995, and claimed the lives of nearly 100,000 people. The prominent feature of this conflict is the clash of Bosniaks, Croats and Serbs along ethnic lines, which led to an enormous number of atrocities and led to the involvement of neighbouring countries, Serbia and Croatia, which aided and abated Serbs and Croats in Bosnia and Herzegovina. A point of particular interest is the fact that far less attention is devoted to this conflict when compared to the conflicts in Croatia and Kosovo. Even though, according to the unofficial data, the Serbian population suffered many more casualties in this conflict than in others - approximately 25,000.⁶²

54 *Prosecutor vs. Milan Martić*, Judgment, IT-95-11-T, paragraph 138.

55 *Ibid.*, 161-273.

56 Case of Mile Mrkšić, Veselin Šljivančanin and Miroslav Radić. The proceedings against Slavko Dokmanović were aborted following his death in the ICTY Detention Unit. The trial of Goran Hadžić is pending for the crimes, including the crimes committed in Vukovar. 15 persons have been convicted by final and binding judgments rendered before the courts in Serbia for the crimes committed in Vukovar.

57 *Prosecutor vs. Mile Mrkšić, Veselin Šljivančanin and Miroslav Radić*, Judgment, IT-95-13/1-T, paragraph 33-37.

58 *Prosecutor vs. Mile Mrkšić, Veselin Šljivančanin and Miroslav Radić*, Judgment, IT-95-13/1-T. Enclosure: List of persons killed at Ovčara in the evening of November 20th/21st, 1991.

59 Pavlović and Bosnić, 145; Svilar-Dujković and Dujković, 187.

60 *Prosecutor vs. Ante Gotovina et al.*, Judgment, IT-06-90-T, paragraph 1712.

61 Vajagić and Stošić, 197.

62 Mirsad Tokača, *The Bosnian Book of the Dead*, Sarajevo, 2012, 116.

The causes and the outbreak of the war

Elementary and high school history textbooks dealing with the beginning of the armed conflict in Bosnia and Herzegovina (BiH) teach the students that the main reason for the outbreak of war was the declaration of independence of Bosnia and Herzegovina, i.e. the fact that it was formally recognized by the European Community on April 6, 1992.⁶³ One history book offers an in-depth account of the situation in Bosnia and Herzegovina on the eve of the war, explaining that the Parliament of Bosnia and Herzegovina was dominated by the Party of Democratic Action (SDA), the Serbian Democratic Party (SDS), and the Croatian Democratic Union (HDZ), which shared the same anti-communist platform and a desire to do away with the socialist regime in the country.⁶⁴ Without analyzing the particulars, it goes on to explain that “the war events and the break-up of the former Yugoslavia were the reason why, in October of 1991, the Parliament of Bosnia and Herzegovina, acting on a proposal of the President of the Presidency of Bosnia and Herzegovina, Alija Izetbegović, adopted the Declaration of the Sovereignty of BiH. In their response to that document, the Croats in BiH declared the Croatian Community of Herzeg-Bosna. The reaction of the Serbs followed in January 1992 with the declaration of the Serbian Republic of Bosnia and Herzegovina, later renamed the Republic of Srpska.⁶⁵ Also, other history textbooks claim that the declaration of independence of BiH was adopted against the will of the Serbs – the founding nation.⁶⁶ The role of Alija Izetbegović is specifically highlighted, and it is claimed that he was the author of the Islamic Declaration that promotes the establishment of a legal system based on Sharia Law, and that he “actively worked on the disintegration of the Yugoslav state and the secession of Bosnia and Herzegovina.”⁶⁷

In comparison to the other armed conflicts waged on the territory of the former Yugoslavia, the ICTY paid by far the most attention to the armed conflict in BiH – from the number of individuals charged with war crimes committed in BiH, to the number of war crimes processed. In one of the most significant judgments handed down by the ICTY, in the case of former President of the Parliament of the Republic of Srpska, Momčilo Krajišnik, the ICTY established the facts concerning the events preceding the outbreak of war in Bosnia and Herzegovina. One of the very significant facts outlined by the ICTY in this judgment is that, in a scenario very similar to the one in Croatia – where autonomous regions populated mainly by Serbs were organized – so, in the first months of 1991, “the SDS began to organize municipalities with Serbian majorities in Bosnia and Herzegovina into municipal communities, in some cases even breaking off all ties with previous municipal communities;”⁶⁸ where one of the goals of such communities was “to organize its defense system in case of war or imminent war danger.”⁶⁹ As stated in the Judgment for Krajišnik, and never mentioned in history textbooks in Serbia: “At the end of August 1991, the leadership of the SDS began considering an option to create a separate Serbian territory within Bosnia and Herzegovina in order to provide an opportunity for Serbs to remain in Yugoslavia if other national entities wanted to form their independent republic. That plan initially called for the creation of independent Serbian political, police, and military structures, and for the establishment of government functions governing all Serbs in Bosnia and Herzegovina.”⁷⁰ The history textbooks in Serbia also fail to mention that, in reaction to the Declaration of Sovereignty of BiH, members of the BiH Parliament from the SDS held a separate session and voted to form ‘the Assembly of the Serbian People

63 Ibid, 195; Ljušić and Dimić, 240; Radojević, 377.

64 Vajagić and Stošić, 195.

65 Ibid, 195.

66 Ljušić and Dimić, 240.

67 Ibid.

68 *Prosecutor vs. Momčilo Krajišnik*, Judgment, IT-00-39-T, par.48.

69 Ibid, par.49.

70 Ibid, 55.

of Bosnia and Herzegovina (the Bosnian Serb Assembly), which adopted a resolution stating that “the Serbian people in Bosnia and Herzegovina will stay in a united Yugoslavia together with Serbia, Montenegro, SAO Krajina, SAO Slavonija, Baranja, and Western Srem, and all others who so declare”, if their vote was confirmed in a plebiscite vote.⁷¹ The reaction of the HDZ followed in November 1991, when they formed the Croatian Community of Herzeg-Bosna.⁷² The declaration of the Republic of the Serbian People of Bosnia and Herzegovina is mentioned both in the judgments and in the history textbooks, but there is no mention of the fact that this political community continued to supply arms to the Serbian population with the help of the SDS⁷³ in the first months of 1992. In addition, the textbooks do not mention that at the end of February 1992, the Bosnian Serb Assembly unanimously adopted the Constitution of the Serbian Republic of Bosnia and Herzegovina that defined the Republic of Bosnian Serbs as “part of Federal Yugoslavia and not part of Bosnia and Herzegovina.”⁷⁴

The course of the war and war crimes

Most history textbooks pay little attention to the course of the armed conflict itself or the war crimes committed in Bosnia and Herzegovina. Those who deal with this topic speak in general terms, explaining that “at the beginning it was a conflict of the Serbs and the Muslims, and that 1993 it grew to a larger-scale conflict that also led to heavy fighting between former allies, Bosnian Croats and Muslims.”⁷⁵ In addition, the textbooks mention a shift in the political situation in 1994 when, under pressure from the United States, Croatia signed a pact with the government in Sara-

jevo which led to the take-over of territories controlled by Bosnian Serbs. It goes on to say further that the Republic of Srpska “suffered heavy losses and lost a huge part of the territory which forced it to agree to peace negotiations in 1995.” The peace talks resulted in the signing of the Dayton Peace Accord.⁷⁶ The textbooks fail to elaborate on the cause of the war, and there is no mention of the large-scale territory-conquering military operations, that most often resulted in massive persecutions of the civilian population and crimes committed against them. There is no explanation of the process of the international recognition of Bosnia and Herzegovina or the fact that, as early as March 1992, members of the SDS put up the barricades on the outskirts of Sarajevo and in the city itself⁷⁷, that the ‘Peace March’ that began in the night between April 5 and 6 was interrupted by gun fire from the building inhabited by members of the SDS, and that on the night of April 6, 1992, the central streetcar depot and the Old Town were shelled, and Yugoslav National Army (YNA) units took control over Sarajevo airport⁷⁸, which officially marks the beginning of the conflict in BiH. The textbooks also neglect to mention NATO air strikes against the Serbian forces in the summer of 1995 because of a grenade fired from the Bosnian Serbs’ position to the Markale market place in Sarajevo⁷⁹, which led to the gradual acceptance of the peace talks by the Serbs and the signing of the Dayton Peace Accord in November 1995 that ended the war in Bosnia and Herzegovina.

Although the majority of the total number of the war crimes committed in the wars waged on the territory of the former Yugoslavia were committed in Bosnia and Herzegovina, there is remarkably little mention of those crimes in the Serbian history textbooks. Two textbooks quote the United

71 Ibid, 67-68.

72 *Prosecutor vs. Jadranko Prlić et al.*, Judgment, IT-04-74-T, par.420-421.

73 *Prosecutor vs. Momčilo Krajišnik*, Judgment, IT-00-39-T, par.103.

74 Ibid, par.118.

75 Ljušić and Dimić, 240; Nikolić, 145; Vajagić and Stošić, 195; Radojević, 377.

76 Vajagić and Stošić, 197.

77 *Prosecutor vs. Dragomir Milošević*, Judgment, IT-98-29/1-T, par.20.

78 Ibid, par.22.

79 Ibid, par.724.

Nations assessment that 102,622 individuals⁸⁰ lost their lives in the conflict in BiH, while the third one states that the “total number of casualties in Bosnia and Herzegovina is approximately 100,000 and in Croatia around 20,000”⁸¹. In the eighth-grade history textbook, in the chapter dedicated to the war in BiH, authors Radoš Ljušić and Ljubodrag Dimić explain that “the military operations of all sides were marked (...) by massive war crimes, the most prominent one being the crime in Srebrenica (...)”⁸² When speaking about crimes, they use general terms, such as “a large number of civilians lost their lives, property was destroyed, and forced displacement of civilians took place (ethnic cleansing)”⁸³ Some textbooks give examples of ethnic cleansing, but without mentioning the name of the responsible party or the ethnic group of the victimized party: the history textbook for eighth-graders, by Predrag Vajagić and Nenad Stošić, and the history textbook for grammar school seniors (12th grade) by Mira Radojević, teach students that the worst examples of ethnic cleansing took place in Pakrac, Gospić, Ovčara near Vukovar, Kravica, Skelani, Bratunac, Medački Džep, Ahmići, Goražde, Srebrenica, and other places.⁸⁴ Further on, the grammar school history textbook also teaches students that “the character of murders and violence committed during the armed conflict has been widely debated both domestically and internationally, and also before domestic and international courts, and there is a lot of disagreement about whether some of those crimes can be considered war crimes.”⁸⁵ However, the nature of one crime is discussed separately in the eighth-grade history textbook

by Đorđe Đurić and Momčilo Pavlović. They state that the “massacre in Srebrenica is a war crime and a crime against humanity committed by the Army of the Republic of Srpska and paramilitary formations against Bosniak soldiers and civilians.”⁸⁶ They also say that the data about the number of the victims is debatable, with some saying there were 8.000 victims and others saying that the number is exaggerated.⁸⁷ Further on, the authors state that in the meantime Ratko Mladić, former Commander-in-Chief of the Army of the Republic of Srpska (ARS) who led the operation of the Srebrenica take-over, “and other Serbian military commanders, have been charged with the committal of war crimes, including the crime of genocide, by the ICTY”⁸⁸ The book also states that several “military commanders and soldiers of the Army of the Republic of Srpska have been sentenced (...) for this crime by the ICTY”⁸⁹ In addition, they also say that on February 26, 2007, the International Court of Justice (ICJ), in its ruling on the lawsuit filed by Bosnia and Herzegovina against the Federal Republic of Yugoslavia, classified the massacre in Srebrenica as genocide, but did not hold Serbia responsible for this event.⁹⁰

On the other hand, over the years the ICTY has handed down a series of judgments in which the facts about the crimes mentioned in the textbooks were established together with the context and the individuals responsible for the crimes – from the crime in Ahmići against the Bosniak population, for which the ICTY passed sentence on several Bosnian Croats, to the genocide in Srebrenica, for which the

80 Radojević, 379; Vajagić and Stošić, 197.

81 Đurić and Pavlović, 185.

82 Ljušić and Dimić, 240.

83 Ibid.

84 Radojević, 379; Vajagić and Stošić, 197.

85 Radojević, 379.

86 Đurić and Pavlović, 185.

87 Ibid

88 Ibid

89 Ibid, 186.

90 Ibid.

ICTY sentenced a number of ARS commanders.⁹¹ Additionally, the crime in Srebrenica was classified as genocide⁹² by the ICTY in 2004 and that classification was upheld by the judgment handed down by the ICJ in 2007. In the same decision, the ICJ established the responsibility of the Republic of Serbia for the violation of the Convention on the Prevention and Punishment of the Crime of Genocide.⁹³

The Armed Conflict in Kosovo

The crisis in Kosovo that began in 1980 resulted in an armed protest by Kosovo Albanians and escalated to an armed conflict at the beginning of 1998. Following a series of unsuccessful international diplomatic initiatives to end the conflict by peaceful means, NATO began its military intervention against the Federal Republic of Yugoslavia (SRJ) in March 1999. The armed conflict in Kosovo lasted until June 1999, when the Kumanovo Agreement was signed between NATO and SRJ. The armed conflict in Kosovo was a backdrop to the committal of numerous war crimes committed against the Albanian civilian population, as well as crimes against the non-Albanian population that ensued after the withdrawal of Serbian armed forces from Kosovo.

The causes and the outbreak of the war

The history textbooks in Serbia pay the most attention to the conflict in Kosovo that erupted in the late 1990s, and the NATO bombardment of the SRJ that followed several

unsuccessful attempts to resolve in a peaceful manner the conflict between the Serbian army and police on one side and the Kosovo Liberation Army (KLA) on the other. However, in these history lessons too, a very selective presentation of the facts is notable, and there are obvious attempts to avoid mentioning the victims belonging to ethnic groups other than the Serbian. The facts established by the ICTY pointing to the responsibility of the highest-ranking Serbian officials for the events in Kosovo are often overlooked.

As a prevailing reason for the war in Kosovo, the books list “the provocations of the terrorist Kosovo Liberation Army, that escalated into armed conflicts in which the international community interfered”⁹⁴, the goal of which was that “the Albanians requested separation from Serbia.”⁹⁵ Members of the KLA incessantly attacked military and police forces all the while enjoying “the political support of the United States and a number of member states of the European Union.”⁹⁶ The way it is explained is that, during the peace negotiations held under the auspices of the international community in Rambouillet in 1999, Serbia was “given an ultimatum to accept an agreement that would allow NATO forces to invade the territory of Kosovo and Metohija,” and that “the refusal of the ultimatum led to the NATO air-campaign.”⁹⁷

With respect to the indictments of several high-ranking members of the military, police, and political structures of Serbia, the ICTY have been establishing the data concerning the conflict in Kosovo, thus determining many facts about war crimes, the events that preceded them, and what caused the crises in Kosovo from the early 1990s onwards.⁹⁸ The ICTY has established that “ever since 1989, the differ-

91 See, for example: *Prosecutor vs. Dario Kordić and Mario Čerkez*, Judgment, IT-95-14/2-A; *Prosecutor vs. Mile Mrkšić, Veselin Šljivančanin, and Miroslav Radić*, Judgment, IT-95-13/1-A, *Prosecutor vs. Vujadin Popović et al*, Judgment, IT-05-88-A; *Prosecutor vs. Momir Nikolić*, Judgment, IT-02-60/1-S. etc.

92 *Prosecutor vs. Radislav Krstić*, Judgment, IT-98-33-A.

93 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, par.450.

94 Ljušić and Dimić, 240.

95 Ljušić and Dimić, 240.

96 Radojević, 383.

97 Ibid.

98 See: *Prosecutor vs. Nikola Šainović et al.*, Judgment, IT-05/87/T.

ence in what the majority of Kosovo Albanians wanted and the plans which the government of SRY and Serbia had for Kosovo created tensions and instability in Kosovo. The efforts of the government to establish firmer control over the southern Province and reduce the impact of Kosovo Albanians to the areas of local self-government, public services, and economic development, polarized the society in Kosovo. Furthermore, discrimination against Kosovo Albanians could be detected in the implementation of the laws and policies, and in practical matters, which further antagonized the Albanians and made them feel persecuted.⁹⁹ On the other hand, “the fears of the minority non-Albanian population in Kosovo were amplified as a result of the government rhetoric and the behavior of the Kosovo Albanians who had created their ‘parallel’ institutions. Their fears became even worse after the appearance of the Kosovo Liberation Army and their actions.”¹⁰⁰ In addition, the ICTY established that an armed conflict went on throughout 1998 between the Serbian forces and the KLA and that “excessive and non-selective force such as deliberate property destruction and indiscriminate killing of women and children was used during the conflict.”¹⁰¹

The course of the war and war crimes

In the chapters dealing with the armed conflict in Kosovo, almost all the history textbooks in Serbia only deal with the events that transpired in the period from March to June 1999 and the consequences suffered by the non-Albanian population after the withdrawal of the Serbian armed forces

in June 1999. When addressing war crimes and victims, the authors only discuss the suffering of the Kosovo Serbs as well as the suffering of the residents of Serbia during the NATO bombardment. The NATO bombardment is seen as an ‘aggression.’¹⁰² It is said that NATO “dropped more than 23,000 bombs and rockets on Serbia. During the bombardment, 7,643 houses, approximately 300 schools, 53 hospitals, and 50 churches or other monuments were hit.”¹⁰³ It is also said that “during military operations, NATO used forbidden kinds of weapons (cassette bombs and warheads containing depleted uranium).”¹⁰⁴ When it comes to the number of victims, the textbooks offer the following statistics: during the NATO bombardment, 462 soldiers and policemen and between 1,200 and 2,500 civilians, including 88 children, were killed.¹⁰⁵ The number of wounded is quoted as ‘thousands’, except for the textbook by Đorđe Đurić and Momčilo Pavlović, which states that “approximately 5,000 people were injured.”¹⁰⁶ On the other hand, there is no mention whatsoever of the suffering of the Albanian civilians before and during the NATO bombardment. By contrast, after prosecuting several high-ranking members of the Serbian political, military, and police, the ICTY handed down decisions that very precisely established the facts about the war crimes committed by the members of the Serbian armed forces in Kosovo in the period 1998 – 1999. In the Šainović et al. case, the ICTY established the facts about the war crimes committed in the following municipalities: Peć, Dečani, Đakovica, Prizren, Orahovac, Suva Reka, Srbica, Kosovska Mitrovica, Vučitrn, Priština, Gnjilane, Uroševac, and Kačanik¹⁰⁷, (where several thousand Albanian civilians lost their lives). The ICTY also discovered the facts about the relocation of the bodies of the Albanian victims and

99 Ibid, par. 237.

100 Ibid.

101 Ibid, par. 920.

102 Ljušić and Dimić, 240; Vajagić and Stošić, 199; Radojević, 383; Đurić and Pavlović, 187. Nikolić, 229.

103 Đurić and Pavlović, 187.

104 Ljušić and Dimić, 187.

105 Radojević, 383.

106 Đurić and Pavlović, 187.

107 *Prosecutor vs. Nikola Šainović et al.*, Judgment, IT-05/87/T, VII.

their burial in secret locations in Serbia.¹⁰⁸ The ICTY did not attempt to establish the facts concerning the NATO bombardment of civilian targets, but it did hear the evidence suggesting that during the air campaign NATO hit buildings and objects that were part of the Serbian civilian infrastructure, including the bombing of the Embassy of the People's Republic of China on May 7, 1999, the bombing of a civilian train in Grdelička Klisura in Eastern Serbia on April 12, 1999, the bombing of the civilian convoy near Đakovica on April 14, 1999, the bombing of the village of Koriša (Đakovica municipality) on May 14, 1999 and the bombing of the bus traveling from Niš to Priština, near the village of Lužane (Podujevo municipality) on May 1, 1999. The ICTY did not establish the facts about the victims who lost their lives in those incidents.

The Choice of Photographs Illustrating the War

In the end, the choice of photographs illustrating the war in history textbooks requires special attention and speaks for itself. In the same manner in which the textbooks portray the Serbian people as the only or most victimized nation in the armed conflicts waged on the territory of the former Yugoslavia, the choice of photographs is even more so inclined. Almost all textbooks contain photos of the bombardment of the SRY or photos of destroyed objects (the photos of the destroyed bridge in Novi Sad, the remains of the passenger train bombed in Grdelička Klisura), as well as the prayer for the cessation of the bombing at the St. Sava Temple, etc. Each textbook also contains a photograph showing a convoy of refugees, but these are without exception always Serbian refugees from Croatia or from Kosovo. Those are the only photographs referring to the wars that erupted following the break-up of the former Yugoslavia. The photo of the convoy of Serbian refugees leaving Croatia after Operation "Oluja" (Storm) is on the cover page of all history textbooks for grammar schools and high schools. There are no photographs to illustrate the suffering of other nations.

Conclusions

Based on an analysis of the contents of the history textbooks used in Serbian schools, it is clear in more than one way that the subject of the war in the former Yugoslavia is being approached with a lot of bias. The responsibility for the forced break-up of the former Yugoslavia is almost entirely or disproportionately associated with 'other' parties, i.e. the other parties in the conflict. It can be primarily seen in a selective presentation of the facts, insufficient or cursory interpretation of the facts, or efforts to avoid attributing any responsibility to the representatives of the Serbian people; whilst that problem does not exist in chapters dealing with the crimes committed against the Serbs. Although most history textbooks mention the suffering and the war crimes against the others, those crimes are described in very few words, without any specific information, in contrast to the detailed accounts of the suffering of Serbs at the hands of other parties in the conflict. The textbooks often blame the other party in a specific conflict for 'ethnic cleansing' and other crimes, while completely failing to mention the fact that the Serbs also committed the same crimes. When the authors even venture to say something about the consequences of the wars in the former Yugoslavia and the war crimes committed along the way, a biased interpretation of the facts is even more obvious. The disparity in the presentation of the plight of different populations is in direct connection with their ethnic background, and it can best be seen when the authors quote figures about the suffering of the Serbian people, while completely ignoring the figures testifying to the plight of other ethnic groups in the conflict, and only mentioning the total estimated number of human losses that include all casualties from all ethnic groups. This kind of neglect of the facts about human losses by all parties, demonstrated in the history textbooks in Serbia, cannot help the young generations in Serbia form a critical opinion of the process of the break-up of the former Yugoslavia and the creation of the new states on its territory. On the contrary this kind of interpretation of the recent traumatic past allows for the interpretation of the past for political gain,

108 *Prosecutor vs. Vlastimir Đorđević*, Judgment, IT-05-87/1-T.

and for the upbringing of future generations on the myth of exclusive victimization and the adoption of the 'victim nation' self-perception of the Serbs, along with traumatic interpretations of the past. This leaves little room for the participation of future Serbian generations in the process of establishing healthy relations with their neighbors; so

they become an easy prey for nationalistic discourse, thus remaining permanent enemies of the reconciliation process based on knowing the established facts about the past and on recognizing the responsibility of one's own party's share in the responsibility for the suffering inflicted upon the victims.

The Portrayal of People in History Textbooks

Peter Gautschi

In 2006 the history textbook “Observing and Questioning” (“Hinschauen und Nachfragen”)¹⁰⁹ was published, which presents the history of Switzerland during World War II. Already at the time it was published it raised a public debate. The following compilation of headlines from Swiss newspapers provides a cursory glimpse of the media-driven excitement at that time:

- “Scandal” is invading our schools
- A textbook raises controversies
- A book that gets us to think
- This new textbook is an educational minefield
- Manual: A new political battlefield
- This new textbook shakes our collective memory¹¹⁰

That this publication captured such immense attention was,

first of all, prompted by the topic “Switzerland and World War II”, because Switzerland’s conduct is judged controversially in the book. The publication at the same time aroused attention because of its new didactic concept: For the first time after a long period, the people themselves were once again the focus of a Swiss history textbook, in order to demonstrate that people had – and still have – the freedom to choose how they act, including in very difficult situations.¹¹¹

The portrayal of people in history textbooks has time and again aroused discussions in the last few years. In the present contribution to these discussions, the individual aspect of these debates will be discussed, and specially selected persons will be presented who have been made an issue of in the three history textbooks of which I am co-author.

In the first chapter I will explore why the portrayal of people in history textbooks has once again gained increasing significance.

In the second chapter I will set out how crucial it is to convey

109 Bonhage, Barbara; Gautschi, Peter; Hodel, Jan; Spuhler, Gregor: Hinschauen und Nachfragen. Die Schweiz und die Zeit des Nationalsozialismus im Licht aktueller Fragen. Zürich: Lehrmittelverlag des Kantons Zürich, 2006.

110 See also Gautschi, Peter; Hodel, Jan: Hinschauen und Nachfragen. Die Schweiz und die Zeit des Nationalsozialismus im Licht aktueller Fragen. Informationen und didaktische Hinweise. www.hinschauenundnachfragen.ch (accessed 20 June 2015).

111 See e.g. Gautschi, Peter: Geschichtslehrmittel als eigenwilliger Beitrag zur Geschichtskultur. In: Vadim Oswalt, Hans-Jürgen Pandel (dir.), Geschichtskultur. Die Anwesenheit von Vergangenheit in der Gegenwart, Schwalbach/Ts., Wochenschau Verlag, 2009. P. 34-46.

a controversially judged past – in the case of Switzerland, its history of the Second World War – against the background of individual people. In this regard, I will introduce Gertrud Kurz, as one of the people appearing in the history textbook “Observing and Questioning”¹¹², who is well known in Switzerland as the “Flüchtlingsmutter“ (the Mother of Refugees).

In the third chapter I will urge that it be made possible for young people to portray people in their own right from the past. In this context, I will introduce Henry Dunant, the initiator of the foundation of the Red Cross, from the history textbook “Forgetting or Remembering” („Vergessen oder Erinnern“)¹¹³.

In the fourth chapter I will emphasize that portraying people in history textbooks is important, but what is even more important is to formulate tasks by which young people will be encouraged to learn with an eye for history, or to learn ‘historically’.

1. People are interested in people

“Human action in the ongoing process of societal practice” has for a long time already been regarded as a basic category in the teaching of history. Ulrich Mayer, for instance, notes that “humans acting within the structural relations of their respective time are the central subject of history.”¹¹⁴ And Manfred Spitzer coined the formulation: “It is not historical facts and dates that drive humans, but rather emotions, stories and, in particular, other people.”¹¹⁵

If people with faces and names, people in their living environment, people with their actions and their suffering, have

hardly been found in the teaching of Swiss history and in Swiss history textbooks, then this has much to do with the bad experiences in the past when history was conveyed in a personalized manner. Only too often rulers and political leaders had been presented who had in fact only been able to achieve what they accomplished owing to the support of an immense number of unknown helpers, and sometimes on the backs even of a large unnamed labour force. This led to an inadequate view of history among many students, a view that highlighted individuals who seemed to determine the course of history all on their own, and that presented the large majority of people as an anonymous, passive and powerless mass. Bertolt Brecht touched upon and criticized this glorification of men making history in his most famous poem, “Questions of a reading worker.”¹¹⁶

“Young Alexander conquered India.

Was he alone?

Caesar beat the Gauls.

Did he not even have a cook with him?

Philip of Spain wept when his armada

Went down.

Was he the only one to weep?”

At this point, the focus on the portrayal of people in history textbooks is not to start promoting heroes and glorifying celebrities anew. Today’s objective of presenting people in history textbooks is to show them within the scope of their actions, and to present them in a way that portrays them within their respective societies.¹¹⁷ Heinrich Pestalozzi, a

112 See footnote 109.

113 Gautschi, Peter; Meyer, Helmut: *Vergessen oder Erinnern? - Völkermord in Geschichte und Gegenwart*. Zürich: Lehrmittelverlag des Kantons Zürich, 2001.

114 Mayer, Ulrich (2005): *Qualitätsmerkmale historischer Bildung. Geschichtsdidaktische Kategorien als Kriterien zur Bestimmung und Sicherung der fachdidaktischen Qualität des historischen Lernens*. In: Hansmann, Wilfried/Hoyer, Timo (Hrsg.): *Zeitgeschichte und historische Bildung. Festschrift für Dietfrid Krause-Vilmar*. Kassel: Jenior. P. 223–243.

115 Manfred Spitzer, *Lernen. Gehirnforschung und die Schule des Lebens*, Heidelberg/Berlin, Spektrum Akademischer Verlag, 2002. P. 160.

116 Brecht, Bertolt: *Fragen eines lesenden Arbeiters*, in: *Gesammelte Werke in 20 Bänden, Schriften zur Politik und Gesellschaft*, Bd. 9, Frankfurt a.M. 1967.

117 Bergmann, Klaus: *Personalisierung, Personifizierung*, in: Bergmann, Klaus / Fröhlich, Klaus / Kuhn, Annette (Hg.): *Handbuch der Geschichtsdidaktik*, 5., überarbeitete Auflage, Seelze-Velber 1997. P. 298-300.

well-known Swiss educationalist of the 18th century, had already considered this relationship between an individual and society, and expressed his thoughts as below:

“I have seen that the circumstances create the man, but I have also seen that the man creates the circumstances; he possesses a power within himself to control them in various ways according to his own will. By acting like this, he exerts influence on his own education and on the manner in which circumstances have an effect on him.”¹¹⁸

It is, of course, crucial that we get to know about positive role models in our schools and society. But just as crucial as the history of these individuals are the circumstances in which they lived, which they shaped and by which they were marked themselves. Part of the history of these people is the history of their respective societies. Whoever thinks about this interaction, and whoever pursues the question of what the reasons are why this or that person acted in this and not that way, is often forced to think or sometimes irritated and starts to question things that are a matter of course, in the present as well as in the past. This triggers a reflective way of dealing with the past and the present, consciously acting as an individual in society. Achieving this is one of the most vital objectives of the education system.¹¹⁹

Whoever ponders the interaction between man and society can also, however, observe that people in the past did indeed have alternative choices when making decisions in many situations. And if this was the case with respect to people in the past, it is in principle also possible for oneself in the present. This insight into the great possible scope of how to mould one's own life and society provides encouragement and confidence, and it eventually causes each person to “take control over his own education”, as Pestalozzi so clearly expressed it.

2. History textbook “Observing and Questioning“, with Gertrud Kurz

New findings were behind the textbook “Observing and Questioning – Switzerland and the Time of National Socialism, in the Light of Topical Questions”¹²⁰, findings that were provided by the Independent Commission of Experts (ICE) on the controversially judged history of Switzerland during the period of National Socialism. The Commission was set up by a decision of the Swiss Parliament in 1996 and funded with the considerable budget of 25 million Swiss Francs.¹²¹

The Commission was mandated to carry out historical and legal investigations into selected areas of Switzerland's troubled history during the Second World War. In particular, the trade in gold and foreign currency transactions conducted by Swiss banks, as well as the relationships between Swiss industrial and commercial companies and the National Socialist economy, were to be examined. A further key issue brought into focus was Switzerland's refugee policy. The Commission consisted of international experts and was independent. The findings of the ICE were made public in 26 volumes.

However, although the work of the history Commission aroused great short-term attention in the media, it was hardly noticed in schools. In addition, various people responsible for school education noticed that crucial aspects of the history of Switzerland during the Second World War had not yet been made an issue. Often, depictions of Switzerland's relationship to the German Reich or of Swiss financial policy were lacking. This resulted in a desire among workers in politics and science to make use of the new findings of the ICE for school education as well as for the broader public. Lehrmittelverlag des Kantons Zürich (the publisher of teaching materials for the Canton of Zurich) therefore reacted positively to our idea of developing a new

118 Johann Heinrich Pestalozzi, *Mes recherches sur la marche de la nature dans l'évolution du genre humain* (1797), Présentation, traduction et commentaire par Michel Soëtard, Lausanne, Editions Payot, 1994. P. 87.

119 See e.g. Peter Gautschi, *Guter Geschichtsunterricht. Grundlagen, Erkenntnisse, Hinweise*, Schwalbach/Ts., Wochenschau Verlag, 2009.

120 As footnote 109.

121 For further information see www.uek.ch (accessed 20 June 2015).

history textbook on the topic of “Switzerland and the Time of the National Socialism”. The new textbook was not meant to be designed as a mandatory history textbook, but rather as a supplementary learning environment. The textbook was also intended to address those interested in history outside of the school environment, who were interested on an individual basis in this topic as a theme of significance for Switzerland.

Not only did the background history trigger many debates, but the didactic concept also gained attention. On the one hand, for the first time ever in the German-speaking education arena, a history textbook had been developed strictly on the basis of a competency model.¹²² On the other hand, we, the authors, chose to portray individuals acting in their respective societies, because we were convinced that(, just as in the case of the controversially judged past,) the biographical stories of both individuals as well as of different peoples allowed the best access to the issue for many readers. The first chapter, “People in Switzerland at the Time of the Second World War”, thus depicts the life and work of various persons/ different people.

It turned out to be a great challenge for our authors to select the people who should be highlighted in this chapter. By means of the so-called Delphi Method (i.e. a process during which we questioned historians, politicians, journalists and teachers several times and took the respective answers given by the different groups with us into the next question round¹²³), we identified 11 fields in which we were able to portray two people acting as differently as could possibly be imagined at the same time and in the same place. For example, we chose to present Alfred Zahnder, the enthusiastic follower of Hitler and member of the SS, in contrast to Maurice Bavaud, who had attempted to kill Hitler and consequently received a death sentence and was later executed.

As an example of a positive role model, we selected Gertrud Kurz in the section “Dealing with Refugees”. She was born in Lutzenberg, in the Canton of Appenzell Ausserrhoden.

In 1912, she married the natural scientist Albert Kurz and moved to Bern. In the following years she devoted herself entirely to taking care of her family. In 1930, she became acquainted with the religious peace movement of the “Crusaders“. She became an active member in the movement, which had been founded after the First World War to reconcile the peoples of Europe. She became involved in rescuing refugees in 1938 after the events surrounding the so-called Kristallnacht. In Bern, she took care of incoming refugees of every religious affiliation, belief and political conviction. She considered it her duty to support people in the hour of their most dreadful predicament. When the war broke out, the situation deteriorated for refugees. Gertrud Kurz attended to newly arrived refugees and equipped those who had to depart again. Money was always very short, and the work therefore required a great talent for improvisation. Gertrud Kurz was supported in her efforts by many volunteers. She soon went by the name of “Flüchtlingsmutter” (the Mother of the Refugees) because of her tireless commitment.

Her interventions with the authorities, in particular with the Immigration Police, numbered among her most difficult tasks. Courageously and quick-wittedly, she appealed to the humanity of the officers and saved many human lives in this way. In August 1942, she visited Federal Councillor Steiger at his holiday resort to make him ease the closing of the borders. What she was at least able to achieve was that he agreed to make exceptions in cases with particular hardships.

Gertrud Kurz wanted to help refugees as unbureaucratically as possible, but without infringing on the authorities’ guidelines. Despite the extremely restrictive refugee policy, she did not call the political system into question and showed much understanding towards the authorities. In that way, she was accepted by the different sides.

After the war, her refugee organization turned into the Christian Peace Service. For her merits, the Federal Council proposed her for the Nobel Peace Prize in 1962.¹²⁴

122 Gautschi, Peter: Anforderungen an heutige und künftige Schulgeschichtsbücher. In: Beiträge zur Lehrerbildung. Heft 1/2010. P. 125-137.

123 See <http://www.horx.com/zukunftsforschung/Docs/02-M-09-Delphi-Methode.pdf> (accessed 20 June 2015); see also Michael Häder (Ed.), Delphi-Befragungen. Ein Arbeitsbuch, Wiesbaden, Westdeutscher Verlag, 2002.

124 For further information see <http://www.hls-dhs-dss.ch/textes/d/D9345.php> (accessed 20 June 2015).

3. History textbook “Forgetting or Remembering“ with Henry Dunant

The objective of thematizing people in history textbooks is of course to help students get to know these people, and all learners to realize that people have the freedom to act even in the most difficult of situations and can stand up for tolerance, humanity and respect. Historical education also imparts the knowledge, skills and attitudes that make life in democratic societies possible.

The combination of these target areas have of late been summed up by the term ‘competency’. Competencies should make it possible for students to master challenges in school and society. A new curriculum is therefore being developed in the German-speaking part of Switzerland at this time. In the current version of the curriculum for Secondary Level I, four competency areas are envisaged. Students should be able to:

- first, understand Switzerland in its traditions and during change
- second, elaborate on global historical continuities and upheavals
- third, analyze and exploit historical culture
- fourth, understand and become committed to democracy and human rights.¹²⁵

In the competency area of “Swiss history”, the students are expected to be able to portray different Swiss personalities who have made an important contribution towards developing ways of living together, both in Switzerland and in the world. As an example, Henry Dunant is depicted alongside the previously mentioned Gertrud Kurz.

A photograph of Henry Dunant can be found in the history textbook “Forgetting or Remembering”¹²⁶, which deals with

the subject of genocide. When there is talk of atrocities and genocides, light is often shed on the perpetrators and the victims. But in the course of history and in the context of all the atrocities and genocides, there were also many people who dedicated themselves to peaceful coexistence between people, who fought against injustice and saved many human lives. Some of them received the Nobel Peace Prize. The history textbook “Forgetting and Remembering” invites the students to portray one of these Nobel Peace Prize winners by carrying out a portfolio task.

Henry Dunant is a man who time and again is portrayed by students. He was born in 1828 and later worked in Geneva as a merchant. In 1859, when travelling together with Napoleon III to conduct business negotiations, he passed the town of Solferino and, in that way, became an accidental witness to the carnage of the Battle of Solferino, which claimed over 10,000 victims and resulted in several thousands of casualties. Shocked, he spontaneously organized volunteers among the population, who nursed and cared for the injured as best they could – and even irrespective of which side they had fought on.¹²⁷

Three years later, Henry Dunant published the book “Un souvenir à Solferino” (“A souvenir of Solferino”). In it, he called for an international agreement for the protection of all war victims irrespective of their warring faction. In 1863, his publication resulted in the foundation of an institution in Geneva which, in 1876, was named the ‘International Committee of the Red Cross’ (ICRC). During the course of the 20th century, the ICRC developed into the International Red Cross and Red Crescent Movement, which approximately 97 million members actively work for today, some 300,000 of them as full-time employees. At the 1965 Vienna Conference, the seven principles of the International Red Cross and Red Crescent Movement were set down: Humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

125 For further information see: www.lehrplan.ch (accessed 20 June 2015).

126 As footnote 113.

127 Cf. <http://www.redcross.ch/org/portrait/hist/e01d01-fr.php?> (accessed 20 June 2015); see also Thomas Maissen, *Geschichte der Schweiz, Baden, hier + jetzt*, 2010. P. 210.

Henry Dunant himself became impoverished after going bankrupt and wandered throughout Europe in the years to follow, until he settled down in Heiden in the Appenzell. It was there that he was discovered by a journalist, who brought him to the public's attention. In 1901, he was awarded the first Nobel Peace Prize for his work.

In Switzerland, Henry Dunant has become a positive role model whom young people ought to know about. His life and works are exhibited in different museums - naturally enough, in the museum of the International Red Cross and Red Crescent Movement in Geneva, but also in the intriguing Bourbaki-Museum in Lucerne. The central piece in this museum is one of the few still preserved cyclorama paintings. It is 112 meters long and 10 meters high and depicts the French Armée de l'Est (Eastern Army) fleeing from the German forces towards the end of the Franco-Prussian War of 1870/71 and crossing the borders to safety in Switzerland. To view the painting, one experiences how a portion of the approximately 90,000 strong Eastern Army was disarmed at Les Verrières and cared for by the Red Cross and civilian population. The huge cyclorama was an attraction from before the time of cinema, and even today still appeals to the viewer as an indictment of war and as a witness of the first humanitarian actions of the Red Cross.¹²⁸

4. History textbook "Many Ways – One World", with learning assignments on differently portrayed people

In contrast to the two history textbooks, "Observing and Questioning" and "Forgetting or Remembering?", mentioned above, both of which highlight a specially selected topic closely and are used as additional materials in schools, the history textbook "Many Ways – One World"¹²⁹ is a combined text and workbook that acts as a guide to the history

of the 20th century for 9th grade students and teachers alike. The people who are introduced in this textbook are, as the title, would suggest, are of a wide variety; and likewise, there is a wide variety of assignments that relate to these people. The assignments are designed to help encourage students to think in historical terms and to support them in acquiring knowledge and competences, and reaching positions.

Assignments found in history textbooks can be differentiated according to various criteria - for example, according to the subject-specific learning activities that are allotted to the students by casting lots. Thus, there are assignments designed firstly, to increase awareness about the different historical periods; secondly, to explore historical primary sources and interpret narrative sources; thirdly, to interpret history; fourthly, to orient oneself towards time and how one experiences it; and, fifthly, to build and revise knowledge. As in most other German-language history textbooks, one finds in "Many Ways – One World" frequent developmental assignments - in fact, around 50% of the time.

History textbook assignments may also be distinguished on the basis of their materials. Thus, there are firstly, assignments that refer to different primary sources and interpretive narrative sources; secondly, those that refer to one single primary source or interpretive narrative source only; and, thirdly, those that do not include any materials at all.¹³⁰

Finally, assignments may be differentiated according to the expected solution. Either there is only one correct solution to be found and students have to reproduce what they think is sought after - in other words, to complete a narrow task. Or students are expected to produce an independent solution, one which they have to develop themselves - in other words, to execute an open task with a wide solution spectrum. Besides these two distinct forms of "broad" and "narrow", there is of course a range of gradations.

128 Cf. <http://www.bourbakipanorama.ch/de/index.html> (accessed 20 June 2015).

129 Argast, Regula; Binnenkade, Alexandra; Boller Felix; Gautschi, Peter: Viele Wege – eine Welt. Menschen in Zeit und Raum. Band 9. Buchs: Lehrmittelverlag des Kantons Aargau, 2005.

130 Gautschi, Peter: Vom Nutzen des Biographischen für das historische Lernen. In: Bernet, Paul; Gautschi, Peter; Mattioli, Aram; Müller, Julia (Hrsg.): Menschen mit Zivilcourage. Mut, Widerstand und verantwortliches Handeln in Geschichte und Gegenwart. Luzern: Bildungs- und Kulturdepartement des Kantons Luzern (BKD), 214. P. 171-191.

In the history textbook “Many Ways – One World”, Mamadudjan is depicted in the chapter on migration. He is 16 years old, comes from Guinea, was smuggled onto a ship during the upheavals of war after his parents had been killed, and arrived in Switzerland hidden in the trunk of a car. Alongside the picture of Mamadudjan and the account of his story, there is a printed excerpt from the Swiss law on asylum to act as a third learning aid. “Narrow” questions are also asked in order to explore the materials, such as, how did Mamadudjan come to Switzerland? Or, what categories of people are recognized as refugees in accordance with Swiss asylum law?

A completely different type of assignment is the so-called portfolio assignment. These are large, open assignments without basic materials which the students are supposed to solve autonomously and which then results in a product such as, for instance, a poster, a website, a brochure, a small audio image or a film. Portfolio assignments foster all the competences that are required for historical learning. In the first chapter on migration in the history textbook “Many Ways – One World”, the students themselves are invited to portray historical figures from the past and present.¹³¹

A portfolio assignment is a comprehensive task and, as a rule, consists of four parts: after the heading comes an introduction, then there is the ‘lead’, in which the actual task is presented, after that the procedure is sketched out step-by-step, and finally, there are hints - for example, on the product or the assessment criteria.

This might read as follows:

Your task is to portray a person who dedicated him- or herself to bringing about peaceful coexistence between people and to the fight against injustice. It is up to you to choose how to present this portrait. You will find in this history textbook or on the internet a number of examples and a great deal of information on individual historical figures.

Please pay attention to the following points:

- Include a picture of the person alongside their name and biographical data.
- You should, of course, describe how this person dedicated him- or herself to bringing about peaceful coexistence between people and to the fight against injustice
- An important part of your portrait should be your personal reasons as to why you chose this person.
- Formal aspects are also important: You should write a straightforward text without mistakes; the portrait must consist of several parts and be clearly structured; whoever reads your paper ought to be able to get to know the most crucial facts about your person; your portrait should be interesting, intriguing and multifaceted.

Particularly good portraits contain additional graphic design elements in addition to a picture of the person, and are supplemented by extra book or film references.

The most demanding aspect of developing an assignment is creating a learning environment.¹³²

For that purpose, various materials are compiled for a chosen topic and the students are asked to carry out a number of different tasks. In the history textbook “Many Ways – One World”, we designed a learning environment around the subject of Anne Khong. She was born in Phnom Penh and, after an untroubled childhood, found herself in the middle of the turmoil of war. In 1975, her family’s house was confiscated by the Khmer Rouge, and this began a period of flight that lasted for years, during which time her husband was killed by the Khmer Rouge. In 1979 she managed to escape to Thailand, and in 1980 she was given permission to enter Switzerland together with her children.

Besides presenting the story of Anne Khong together with

131 Gautschi, Peter: Didaktisches Konzept des Lehrmittels “Viele Wege - eine Welt”. In: Binnenkade, Alexandra; Boller Felix; Hodel, Jan; Witzig, Hans: Viele Wege – eine Welt. Menschen in Zeit und Raum. Band 9. Kommentar. Buchs: Lehrmittelverlag des Kantons Aargau, 2005. P. 7 - 9.

132 Gautschi, Peter: Lernen an Stationen. In: Mayer, Ulrich; u.a. (Hrsg.): Handbuch Methoden im Geschichtsunterricht. Schwalbach/Ts.: Wochenschauverlag, 2004. P. 515 – 531.

various other materials, such as photographs and maps, we also produced an educational film on her together with Swiss Television, compiled many primary sources on Cambodia and the Khmer Rouge, and also documented the development of international justice. Students now have to solve, on the one hand, some basic obligatory tasks in the learning environment - for example, on the history of Cambodia or on Anne Khong's flight - and they may then explore more deeply those contents they are particularly interested in - for instance, Anne Khong's life just after her escape to Switzerland, or the seizure of power by the Khmer Rouge in Cambodia.

In such a learning environment, students explore history through the footsteps of selected individuals and, as a result of the assigned tasks, learn much about the past for the benefit of their present and our future.

Conclusion

In the first chapter I set out why the portrayal of people in history textbooks has once more gained increasing significance. In the second and third chapters, I then presented

the two history textbooks "Observing and Questioning" and "Forgetting or Remembering?", as well as the historical figures Gertrud Kurz and Henry Dunant who are depicted in them. In the fourth chapter, I emphasized that the portrayal of people in history textbooks is important, but even more important it is to formulate tasks so that young people will be encouraged by this portrayal to learn with an eye for history - that is, to learn 'historically'.

Historical learning is a process in which students first gain awareness about the changes in time periods, and then create a new context for interpretation, having explored historical primary sources and interpretive narrative sources, as well as having identified causes and effects and being oriented towards value judgments of the present and past on the basis of the history and the way it eventually developed.

All this is both complex and demanding.

In order to make this process succeed, it is first of all vital to capture the students' interest and, secondly, to present history so that it can be grasped. In the history textbooks which are part of this process, both of these goals must be achieved, - above all, through portraying real people in all their humanity.

History Textbooks in Southeast Europe Facing the Challenges of the 21st Century

Augusta Dimou

Introduction

The following article discusses Balkan history textbooks from a double fold perspective; on the one hand, with reference to recent historiographic trends related to space and territoriality (the so-called “spatial turn”) and the implications they carry for the writing of history, and on the other, with reference to the concept of space and the concrete mode in which it is narratively enacted in the history textbooks of Southeast Europe. The first part revisits cursorily some of the tenacious problems of textbook production and educational reform in Southeast Europe; the second part consists of a brief excursion into recent European developments as well as developments in European and international historiography, pinpointing at the potential effects they can have on the region of Southeast Europe in the future; the third part, deliberates on the employment of “space” in Balkan history textbooks and the way it is enacted as part of the historical canon, that is, the way it is operationalized in order to produce the naturalized and visibly congruent territorial nation. The main preoccupation here is with the way the notion of space is performed in Balkan national histories with respect to the nexus *state–nation–territory*.

Next to concerns and impulses stemming from historiographic developments, the analytical focus on space and territoriality was motivated by two additional observations:

firstly, it was the struggle over territory and the quest for territorial consolidation that lay at the heart of the last Yugoslav wars. Evidently, territory matters; secondly and most importantly, in our societies, it is possible to observe a major and enduring discrepancy: Whereas on the one hand, history, the nation and the territorial nation state are capable of generating strong emotions and can easily mobilize populations, on the other, this intense emotional condition is coupled with a strong, not to say complete indifference for the civic components of the state such as our duties and responsibilities as citizens, the enforceability of verifiable, transparent and binding formal procedures, trust in state institutions, faith in meritocratic principles etc. What goes to explain this discrepancy and does history teaching play a role in the development of such cognitive and social behavioral attitudes? My tentative answer to this question is that history teaching indeed plays a significant role; it is not solemnly the responsibility of civic education to install basic civic attitudes in pupils. A great baggage of these concepts, notions and values is transmitted overtly or covertly by history as well. It is for this reason that the way we narrate our history and analyze our past matters. I would like to argue that it is the comprehensive subjugation of the *civic notion of the state* under the *ethnic nation state* on the level of historical and cultural consciousness and under the *partisan state*¹³³ on the level of everyday political and social practice

133 By “partisan state,” I refer to a clientalistic state, where political parties and their partisans control neuralgic sectors of the economy, bureaucracy and the distribution of resources.

that have helped solidify the disinterest for the civic state and its values. The ethnic nation state (as constructed by history) and the partisan state therefore are organically interconnected both on the level of mentalities and the level of practice and in their synergy defy less emotional and more meritocratic conceptions of society and community. It need not be emphasized here that precisely this form of perfunctory historical “culture” – partially ahistorical and partially populist – is exactly what serves the interests of political elites best. In a final step, the article proposes narrative and methodological approaches how to tackle the representation of space with a view to alternative representations of territory and the nation.¹³⁴

Old New Problems

It is a well-known fact that textbooks are key resources for shaping collective memories and fostering social cohesion. Textbooks are, but are also expected to function as transmission belts for the diffusion of knowledge, are often a reflection of society’s main values and are also the place where habitually the national history canon is handed down to society. Textbooks differ from other knowledge resources in the fact that the knowledge they convey is particularly tenacious and selective.

Educational and textbook reforms are particularly complex issues.¹³⁵ They form part of a comprehensive system including several stakeholders like ministries of education, peda-

gogical institutes and departments of education, teachers, the public, textbook authors, pupils. Education and by extension also textbooks and textbook narratives are heavily dependent upon many external parameters to education proper such as political and geopolitical stability, political culture, social stability and economic prosperity. All these factors shape decisively the framework within educational and textbook reform can be carried out. To put it otherwise, it is easier to go about reform in conditions of economic prosperity and political stability – by the way, all factors that are currently missing from our region – than the other way around. In conditions of transition, fluidity and crisis societies tend to be more introvert, suspicious and defensive and history acquires a strong compensatory character. Such periods are also conducive to revisionist, arbitrary memory politics and the proliferation of conspiracy theories, which offer simplistic and polarizing historical exegeses and provide easy answers to complex phenomena, almost like pulling a rabbit out of a hat.

A particular problem of our region (related to the social parameters of education but also to issues of historical and political culture) is the fact that history education is a highly public and political matter. In contrast to other societies where education is regarded to be a more technocratic and professional issue, in our part of the world, history education and textbooks are heavily instrumentalized by politics and become targets that provide for easy mobilization. The usual outcome is the well-known history and textbook wars, which are rarely fought on a cognitive or expert level but

134 The issue of space, the construction of territory and borders has already been taken up by critical textbook research see *Geschichte in Wissenschaft und Unterricht* [issue: Internationale Schulbuchforschung], 1/2 2013. There: Lässig, Simone, “Räume und Grenzen. Außenperspektiven und Innenansichten durch die Linse des Schulbuchs,” p. 6-12; Lucas Frederk Garske, “Geschichte als [Raum] als Geschichte. Dekonstruktionen symbolischer Grenzziehungen als Methode des historischen Lernens am Beispiel polnischer und deutscher Geschichtsbücher,” p. 13-29, Marcin Wiatr, “Grenzräume neu vermessen. Multiethnische Raum-Perspektiven in polnischen Schulbüchern,” p. 46-60.

135 On the technologies of educational reform and concrete case studies See Augusta Dimou (ed.), “Transition” and the Politics of History Education in Southeast Europe. (Eckert. Die Schriftenreihe, vol. 124), Göttingen: Vandenhoeck und Ruprecht Unipress, 2009; on other regions see Samira Alayan, Achim Rohde, Sarhan Dhouid, *The Politics of Education Reform in the Middle East*, New York: Berghahn, 2012; also Joseph Zajda and Macleans A. Geo-Jaja, *The Politics of Education Reforms*, Dordrecht: Springer, 2009.

rather on an emotional and populist one.¹³⁶ Reforms meet resistance from various corners, politicians, political groups or parties and other institutions, which use history as a mobilization tool arguing against the falsification of history and the fear of diluting the essence of national identity, while accusing authors of alternative narratives of bias/ignorance and lack of patriotism. Quite characteristic of and also quite disastrous for our educational systems is the fact that often serious and hard won reform efforts in education can be taken back overnight when a given political constellation changes. This circumstance often leads to enormous confusion, not to say regression in educational matters; it deprives us of the possibility to solidify, deepen und adjust reform projects and also goes to explain the instability that often characterizes our educational systems.

No lesser problem for history teaching in the whole region is posed by the nation-centric design of the curricula and by consequence of the textbook narratives. This is related not only to the understanding of what the national historical canon should consist of but concerns more practical issues such as the close supervision of the curricula by the state. The usual model in most southeast countries is the centrally planned and detailed curriculum, which recapitulates more or less the genealogy of the nation.

All above factors have a counter effect on what the desired outcome of history education should be, that is, a tool for historical literacy and historical culture by introducing methodological norms into the teaching and learning of history. The nation centric design is furthermore in conflict with the basic social function of history, which is to shape critically thinking individuals, who understand the present

and practice self-determination in a complex and often contradictory reality. And finally, it leads to the development of a problematic national identity that defines people one-dimensionally, preventing them from seeing themselves as part of other social non-national structures. Last but not least, it leads to problematic relations with neighboring states.

During the 1990s, historians, didactical and pedagogical experts alike placed great faith and hope in the tool of multiperspectivity. Under the horrifying impact and the political and social consequences of the Yugoslav Wars of Succession, several innovative and worthwhile projects were initiated in the region like the *Joint History Project* sponsored by the CDRSEE, aiming at the strengthening the regional perspective in history teaching and familiarizing pupils with the perspectives and histories of the neighboring others.¹³⁷ Multiperspectivity is an advanced didactical tool and contains moreover several advantages: it familiarizes pupils with the plurality of sources, presents events from various often conflicting perspectives, and opens the way for an understanding of plural interpretations in history. Without wanting to question the validity or usefulness of multiperspectivity nor suggesting not in the least of abandoning it as an expedient and functional tool, in this article however, I make a pledger for the necessity to provide pupils with modern, analytical, exegetical narratives, which follow the trends of European and international historiographic developments and the way they reconceptualize basic axes of historical narration like time and space. Though multiperspectivity guarantees a plurality of perspectives and can potentially evoke empathy, it cannot guarantee an in-depth understanding of historical processes nor of complex causal

136 Naturally, textbook wars are neither a Balkan particularity nor intrinsic to any one single historical culture but rather a worldwide phenomenon see Gary B. Nash, Charlotte Crabtree and Ross E. Dunn (eds.), *History on trial: culture wars and the teaching of the past*, New York: Vintage Books, 2000; Stuart Macintyre, Anne Clark, *The History Wars*, Carlton Victoria: MUP, 2003; Edward T. Linenthal and Tom Engelhardt (eds.), *History Wars: The Enola Gay and Other Battles for the American Past*, New York: Holt, 1996; Related to our part of the world see Antonis Liakos, "History Wars: testing tolerance" in: Gudmundur Hálfðanarson (ed.), *Discrimination and tolerance in historical perspective*, Pisa: Editioni Plus, 2008, p. 77-92; Alexander Vezenkov, "Das Projekt und der Skandal 'Batak'" *Südosteuropa. Zeitschrift für Politik und Gesellschaft* 58 (2010) 2, p. 250-272.

137 See www.cdrsee.org/jhp. Four valuable workbooks were produced by this project (1. The Ottoman Empire, 2. Nations and States in Southeast Europe, 3. The Balkan Wars, 4. The Second World War). A scholarly analysis of joint textbook projects with an overview into the international state-of-the-art can be found in Lässig, Simone and Karina V. Korostelina (eds.), *History Education and Post-Conflict Reconciliation. Reconsidering Joint Textbook Projects*. Oxon/ New York: Routledge, 2012.

connections. Being acquainted with the other's perspective does not necessarily signify the intention to accept it or understand it in historical terms; though multiperspectivity invests in diverse perspectives, the acceptance of diversity can be regarded as external and not internal to the "self" (which in a certain way cancels a true acceptance of diversity); and finally, acknowledging the other's standpoint does not necessarily signify changing one's own. From this angle, multiperspectivity might prove to be more static than active in its operation. In that sense, I argue that we need to readdress the issue of what constitutes high-quality, modern, informative, hermeneutically rich, children-friendly analytical narratives, where indeed multiperspectivity should be included as an important and complementary didactical tool.

Where to Now? Recent Trends in European and Global Historiography

Though in the current state of affairs (and crisis), a venture into recent historiographic trends might seem somehow irrelevant and far-reaching in connection to the more mundane concerns of history textbooks, it is worth to ponder shortly on contemporary European and international developments since they are shaping in multiple ways our broader points of reference and context of activity.

The changing character of Europe, ever since the 1990s, has affected historiography as well. The end of the Cold War and European enlargement brought about a change of the borders of the European Union and along with it the search for new definitions of Europe. As a consequence of the above new histories of Europe are currently being produced, mostly in the form of holistic narratives, which in many ways try to overcome the traditional East - West divide in which Eu-

ropean History was entrenched during the Cold War era.¹³⁸ In an effort to integrate both halves into one integrated narration, they question traditional narrative structures, such as the ones that traditionally portrayed the East as being backward or the ones that centered the narration of European history mainly on a West European historical nucleus or matrix. Moreover, historians are also historicizing the way broad geographical conceptions like East-West and North-South were born and how these conceptions of space have mutated semantically through time.¹³⁹ Admittedly, the question of European borders is neither settled nor innocent.¹⁴⁰

At the same time Europe is readjusting its own global position and is reformulating its own role as a global player (admittedly with plenty of hesitation, lack of coordination and often in internal disagreement). All these political changes have brought commotion into the field of history as well. As geographical conceptions are being thoroughly revised or renegotiated, the older traditional institutionalization according to departments and area studies is mutating as well. New conglomerated institutions are born such as Transregional Studies, European and Global Studies, Global and Area Studies etc. which combine interdisciplinarity in research and teaching, are characterized by methodological eclecticism and experimentation and are negotiating their academic boundaries according to new scales such as those of global studies and world history.¹⁴¹ Think of the popularity of the novelty called "European Studies," for example (which includes such diverse disciplines as political science, sociology, anthropology, economy and the humanities). Geography is moving and along with it the concepts and the scales we apply in order to narrate and understand the past. Currently, the biggest challenges in the field are coming indeed from the fields of Global, World and New International History as well as the History of International

138 See Hartmut Kaelble, "Europäische Geschichte aus westeuropäischer Sicht?" in: Gunilla Budde, Sebastian Conrad, Oliver Janz, *Transnationale Geschichte. Themen, Tendenzen und Theorien*. Göttingen: Vandenhoeck und Ruprecht 2010, p. 105-116.

139 See Larry Wolff, *Inventing Eastern Europe. The Map of Civilization on the Mind of the Enlightenment*. Stanford: SUP, 1994

140 See Steffi Marung, *Die wandernde Grenze: die EU, Polen und der Wandel politischer Räume 1990-2010*, Göttingen: Vandenhoeck und Ruprecht, 2013.

141 See Birgit Schäbler (ed.), *Area Studies und die Welt. Weltregionen und neue Globalgeschichte* (Globalgeschichte und Entwicklungspolitik, vol. 5), Mandelbaum: Vienna, 2007; see also Wolf Schäfer, "Reconfiguring Area Studies for the Global Age", *Globality Studies Journal*, no. 22, 31.12.2010.

Relations.¹⁴² Some of these challenges are quite momentous since they contest old established certainties concerning the development of the world such as the belief in the economic preponderance of Europe already by the early modern period¹⁴³ and therefore deprive the notion of European supremacy and decenter Europe in the world map. Ultimately, all this is having an effect on the inclusion of our part of the world into bigger regional conceptions with an as yet uncertain outcome. Though a broad and general notion of Southeast Europe will undoubtedly be retained, we will at the same time enter in dialogue with many, partially new geographical and territorial conceptions.¹⁴⁴ It is therefore not improbable that we might be included under the area of Central and Eastern Europe (as we already are classified in the Anglo-American academic context), or that the Balkans might be partially subsumed or integrated into larger geographical clusters and classifications such as Caucasus and Black Sea Studies, Mediterranean studies, perhaps even in

some kind of a wide Near East concept.¹⁴⁵ Economy, politics and scholarship therefore are currently developing in very dynamic, synergetic and/or symbiotic ways.

Finally, all the above have had a very significant impact on the methodologies and the analytical tools we apply. Traditional national history is long under attack through paradigms like transnational and entangled history,¹⁴⁶ which are in multiple ways decentering the nation state from its monopolistic pedestal as the centerpiece of analytical focus. As a consequence, the nation state becomes part of the bigger flows of commodities and ideas through space and time. Our vocabulary is changing correspondingly; it includes discussions about new regimes of territoriality, ethno-spaces, transnational migrations, suprateritoriality, subregions, translocalities etc. “The recognition that social relations are becoming increasingly interconnected on a global scale necessarily problematizes the spatial parameters of those

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- 142 The literature on all these fields is currently exploding. Only indicatively: Caroline Douki and Philippe Minard, “Global History, Connected Histories: A Shift of Historiographical Scale?”; Dominique Sachsenmaier, “Global History, Global Debates”; Akira Iriye, “World into Globe II: The History of History Since the 1990s”, *Globality Studies Journal*, issue 30, 28.8.2012; Patrick O’Brien, “Historical traditions and modern imperatives for the restoration of global history”, *Journal of Global History*, 1 (2006) 1, p. 3-39; Akira Iriye, “The Internationalization of History”, *American Historical Review* 94 (1989) 1, p. 1-10.
- 143 See Kenneth Pomeranz, *The Great Divergence. China, Europe and the Making of the Modern World*, Princeton UP, 2000 ; Kenneth Pomeranz, “Repenser le changement économique de longue durée: La Chine, l’Europe, et l’histoire comparée,” in: Jean Claude Dumas (ed.), *L’histoire économique en mouvement: entre héritages et renouvellements*, Villeneuve d’Ascq: Presses universitaires du Septentrion, 2012, p. 293-310.
- 144 See here Alex Warleigh-Lack, Nick Robinson and Ben Rosamund (eds.), *New Regionalism and the European Union. Dialogues, comparison and research directions*, London/New York: Routledge/ECPS Studies in European Political Thought, 2011.
- 145 Already going in this direction see Karl Kaser, *Balkan und Naher Osten. Eine Einführung in eine gemeinsame Geschichte* (Zur Kunde Südosteuropas vol. II/40), Wien: Böhlau, 2011.
- 146 The bibliography on transnational and entangled history is huge and constantly growing. Here are some indicative examples: Gunilla Budde, Sebastian Conrad, Oliver Jens (eds.), *Transnationale Geschichte. Themen, Tendenzen und Theorien*, Göttingen, 2006; Sebastian Conrad, Jürgen Osterhammel (eds.), *Das Kaiserreich transnational. Deutschland in der Welt 1871-1914*, Göttingen, 2004; Hartmut Kaelble, Jürgen Schriewer (eds.), *Vergleich und Transfer. Komparatistik in den Sozial-, Geschichts- und Kulturwissenschaften*, Frankfurt am Main, 2003; Michel Espagne, *Au delà du comparatisme*, in: idem, *Les transferts culturels franco-allemands*, Paris, 1999; Johannes Paulmann, *Internationaler Vergleich und interkultureller Transfer. Zwei Forschungsansätze zur europäischen Geschichte des 18. bis 20. Jahrhunderts*, *Historische Zeitschrift*, 276, 1998, p. 649-685; Michael Werner, Bénédicte Zimmermann, “Beyond comparison: *histoire croisée* and the challenge of reflexivity,” *History and Theory*, 45 (2006) 1, p. 30-50; Klaus Kiran Patel, „Transnational History“ in: EGO/ European History Online, www.ieg-ego.eu/en/threads/theories-and-methods/transnational history; Christopher Bayly et al., AHR Conversation: On Transnational History, in: *American Historical Review* 111 (2006), p. 1441-1464. Comparative and transnational history has also fertilized contemporary academic research on the Balkans, see Dimou, Augusta, *Entangled Paths Towards Modernity, Contextualizing Socialism and Nationalism in the Balkans*, Budapest: CEU Press, 2009; Roumen Daskalov et. al. (eds.), *Entangled Histories of the Balkans*, vol. I-III., Leiden: Brill Publishers, 2013-2015.

relations, and therefore, the geographical context in which they occur. Under these circumstances, space no longer appears as a static platform of social relations, but rather as one of their constitutive dimensions, itself historically produced, reconfigured and transformed.¹⁴⁷ Though I do not believe that globalization will bring the death of the nation state along, on the contrary, in some cases it seems to be reinstating it, however what is for sure, is that it is certainly changing its character.

Why is this all important and what in the end effect does it have to do with textbooks? I consider the above briefly elaborated points important mainly for three reasons: in the first place, I deem that we will be seeing a lot of all this in front of us in the nearest or more distant future and moreover that several of these preoccupations about historiographic scales and area studies will be reflected in the history textbooks of the European countries; in the second, if the way we portray and explain European history is changing, such a shift is bound to affect us directly since this is the bigger historical canon to which we relate to and the context in which we are, or aspire to be integrated; and in the third, because all these epistemological, historiographic and geographic shifts offer us indeed a possibility to employ some of these new tools to approach the history of our region. Admittedly, all this might sound almost utopian in the ears of textbook war veterans, who have been given a hard time even in their modest attempts to introduce contemporary trends of our national historiographies in local textbooks. Until now, they apparently had the odds stacked against them. I am inclined to believe that the changes we are experiencing currently are of a deep structural nature: the decentering of the concept of the “West,” human migrations, shifts in the questions we are asking from history, the inescapable connectivity of global capitalism, the electronic revolution, the transnational organization of protest and pressure groups, the global environmental dilemmas etc. All this is irrevocably changing the contexts in which meaning and legitimacy are produced globally and locally and are by force catapulting us into the

21st century. Textbooks will not be able to ignore these challenges for long.

Space and National History

In this section, I return to the initial preoccupation with space and the discussion of the narrative interplay between nation, state and territory. Here I would like to draw attention to the way we, historians, tend to privilege certain territorial categories of analysis and argue that “various and intersecting levels of history and territoriality constitute frameworks within which meanings, emotions and attitudes [are] produced.”¹⁴⁸ “Space” plays a significant role in this endeavor and should not be understood as a mere geographical term but as a historical and cultural construction.

With these considerations in mind, I argue for the necessity to find an appropriate narrative mode to discuss the nexus *state–nation–territory*, where their entanglement does not appear neither as the teleology of historical evolution nor as the destiny of particular ethnic groups but as a historical contingency; as the outcome of often uncertain and competing conceptions about territory, nation and the state through time. Though in their historical development they often intermingle and overlap, *state–nation–territory* are neither coterminous nor congruous. Undoubtedly, the creation of nation states in the Balkans in the nineteenth century was a symptom of modernity, that is, of the transfer of the Western nation-state model in our part of the world. In contradistinction to our textbook narratives, however, where the nation state is presented as the epitome of existence, it would be essential to historicize the nation state as a particular political and social form of organization among others, which was developed as a specific answer to the challenges of the global entanglements of the 19th century and has become ever since the global standard of political organization.

147 Neil Brenner, “Beyond state-centrism? Space, territoriality, and geographical scale in globalization studies”, *Theory and Society*, 28 (1999), p. 40; For a classical reference in the field see Henri Lefebvre, *The Production of Space*, Malden/Oxford/Carlton: Blackwell, 2007.

148 Antonis Liakos, “Historical Time and Space in Modern Greece” in Tadayuki Hayashi and Fukunda Hiroshi (eds.), *Regions in Central and Eastern Europe: Past and Present*, Sapporo: Slavic Eurasian Studies 15, 2007, p. 205-227.

I will consequently discuss specific narrative constructions in textbooks in an effort to demonstrate some of the above claims and point at the junctions where history intersects with geography as well as at the way historical narratives perpetrate particular concepts and visions of geography.

Space is a significant ingredient in the plot of national history and is expressed through a particular correlation between the nation / the state/ and territory. In textbook narratives there is a direct and absolute correspondence between nation and territory. National history is usually narrated in chronologically successive sequences as the progressive augmentation of territory with the intention of 1. either bringing all co-nationals into the territorial safe haven of the nation state or 2. incorporating into the nation state all lands, which due to the construction of a particular historical genealogy are considered national lands (indefinite qualifications such as Greek, Serbian, Bulgarian lands etc.). This spatial/territorial conception of the nation is supplemented with a time conception, which seeks to prove the depth of the nation in time and locate it as further back into antiquity as possible. The Greeks were the champions of this paradigm in the Balkans and were dully copied by the majority of the other ethnic groups. We are dealing therefore with a very hermetical and robust construction that drives the national narratives. Territorial and ethnic sovereignty are considered absolutely congruent. Naturally, this is nothing new; it has been the essence of nationalism ever since the 19th century, paradoxically however, it still remains the modus through which we narrate our national history today. National history progresses with each addition or loss of territory, which is subsequently celebrated either as a moral and material vindication or is branded alternatively as a national catastrophe and a trauma. It comes therefore as no surprise that national histories rarely make an effort to depict territorial units according to the administrative organization of previous state formations such as the Otto-

man or the Habsburg Empires; the motives are clear: such territorial formats rather complicate and disturb than create homogeneity and are therefore dully circumvented.¹⁴⁹

National history progresses, even in our most enlightened and progressive textbook versions, the more the distance and heterogeneity between territorial and ethnic sovereignty diminishes. The nation state with an emphasis on Territory (written big) becomes the container for the development of the plot. With a nucleus of territoriality established, as small as that may be, the plot of national history can be enacted.

This form of narration has a clear implication on what a state is: The state is rarely understood in sociological terms as the organization and maturation of institutions of governance and representation, nor as a particular form of organization and distribution of powers, nor as a specific framework in order to regulate and organize social, economic and cultural life, nor as a particular administrative structure that regulates local and foreign resources, nor as the form of governance that best serves the interests of rising elites, nor as a major institutional knot for the mobilization and redistribution of resources, nor as the main agent of nationalization BUT above all and foremost as the embodiment of the nation. The state therefore is reduced to the function of being the safe haven for the nation. I think this is a very problematic and ahistorical notion of what a state is and what a state does. The institution of the state is always submerged under the nation and this has the effect that the nation and the nation state appear as fate, as destiny, a circumstance that underscores the collective; the nation state therefore appears as collective destiny and devalues the individual under the burden of history. Not unrelated to the above is the production of a specific historical culture, closely connected to the teaching of history, which –by omitting a critical distance towards difficult and controversial subjects – perpetrates a

149 On the contrary, academic history has already made serious strides towards the effort to conceptualize space and geography both in their complexity and mutability see Drago Roksanđić (ed.), *Microhistory of the Triplex Confinium*. Budapest: Central European University, 1998; Drago Roksanđić and Nataša Štefanec (eds.), *Constructing border societies at the Triplex Confinium*. Budapest: Central European University, 2000; ; Drago Roksanđić, Ivan Mimica, Nataša Štefanec, Vinka Glunčić-Bužančić (eds.), *Triplex Confinium (1500-1800): ekoistorija*, Split/Zagreb: kniževni krug, 2003; Drago Roksanđić, *Triplex Confinium ili O granicama I regijama hrvatske povijesti: 1500-1800*, Zagreb: Barbat, 2003.

very positive self-image and instills in pupils a great pride in national history. When this positive image is not confirmed by reality or is questioned by alternative narratives, we observe the inability to remove ourselves from that attitude/identity and take a critical stance towards our own position; in a certain way, we become captives of our own narrative concoctions.

Naturally, state and territory are old bed fellows; a state always exists with borders. However, borders in the mediaeval and early modern states/empires demarcated the reach of the dynastic realm and its universalistic claims not the territorial reach of the nation. Moreover, imperial borders were malleable and changeable. It needs to be remembered moreover that not every state is a nation state and not every nation or ethnic group disposes of a territorially defined nation state. Let me give you some examples, why I consider all these sociological qualifications and distinctions to be significant. I would like to argue that the early state formations in the Balkans, that is, the state formations of the early 19th century (app. 1830s), both the Serbian and the Greek, do not really represent modern state formations per se but rather a mixed, a hybrid form between premodern and modern state; one could argue for potential modern states or modern states in the making.¹⁵⁰ Even if we were to apply Max Weber's elementary qualification of the modern state as that form of community that successfully claims the monopoly of the legitimate use of physical force within a given territory, then, neither the Serbian principality nor the Greek kingdom would fully qualify for the category of a modern state. Not only did both the Greek (1821-1832) and Serbian (1804-1835) "revolutions" collapse into forms of civil war among competing fractions but continued for a

long time after the establishment of the state to be ravaged by competing clans eager for supremacy. In fact, the rule of Milos Obrenović resembles more the rule of local ottoman ayans¹⁵¹ like Osman Pazvanoglou in Vidin and Ali pasha Tepelenli in Ioannina than representing a modern state formation proper, that is, the concept of rule was still embedded in the local Ottoman logic of governance and communal self-government than on a division of powers, popular representation etc. Local forces remained strong and contested the creation of centralized power in the case of Greece as well. The first Greek governor, Ioannis Kapodistrias was assassinated by local Peloponnesian clans contesting his plans of centralization and for the greatest part of the 19th century the Greek state was ravaged by local bandits, who defied central authority through the rule of the gun until they were eventually domesticated by the Greek state.¹⁵² In other words, the legacies of empire remained strong and impregnated the new state formations, or to put it otherwise, the concept of political rule remained long indebted to local traditions of government. One is left to wonder, what kind of citizenship model are we dealing with, when peasants revolt after the spreading of rumors that the government is about to confiscate their guns, like in the case of the Timočka Buna?

Finally, it needs to be remembered that the consequent enlargements of territory – contrary to what textbooks and often national histories make us believe – represented most of the times "shocks" for the already existing nucleus state, which was confronted the with new and momentous task of managing diversity and complexity in all spheres of social, economic, political and cultural life, starting from demographic complexity and changes in demographic structures,

150 For a good discussion see here Kostas Kostis, "The Formation of the Greek State" in: Faruk Birtek and Thalia Dragoumis (eds.), *Citizenship and the Nation State in Greece and Turkey*, New York: Routledge, 2005, p. 18-36; arguing along similar lines in the case of Serbia see Olga Popović-Obradović, *Kakva ili kolika država. Ogledi o političkoj i društvenoj istoriji Srbije XIX-XXI veka*, Helsinški odbor za ljudska prava u Srbiji: Beograd, 2008.

151 Ayans were provincial local notables in the Ottoman Empire. By the 18th century they gained increasing significance within the Ottoman System and the term was applied to individuals who were much more than simply notables in a city or a district, designating now additionally people who exercised political influence and whose status was officially recognized. See Robert Zens, "Provincial Powers. The Rise of Ottoman Local Notables," *History Studies* 3(2011) 3, p. 433-447.

152 See here John S. Koliopoulos, *Brigands with a Cause. Brigandage and Irredentism in Modern Greece 1821-1912*. Oxford: OUP, 1987.

to different forms and traditions of social or legal organization to integrating local economic structures into a bigger integrated national economy. The first Yugoslavia is probably the best example for this complexity. I will come back to this example shortly.

Similar problems arise when we discuss ethnic groups or nations only with reference to territoriality. I think that the case of the Bosnian Muslims is here quite indicative.¹⁵³ As a group, the Bosnian Muslims showed for a long time indifference to the concept of the nation. In the process of time, Bosniak elites chose rather the strategy of accommodation and/or allegiance with a superior power in order to guarantee the survival of their community, a trait that became almost a diachronic pattern of their political behavior and moreover proved to be quite a successful strategy; First they sought accommodation with the Habsburg empire, subsequently they were unable to find for themselves a space in the first Yugoslavia, consequently they sought protection under the independent Croatian state, under the Nazi regime and finally under the communists. Even when they acquired the status of a “narod” in 1968, their identity did not imply a clear identification with territory. How do we bring in such aspects of identity formation that do not follow the traditional pattern of nation/state/territory? Naturally, after the tragedy of the 1990s, also Bosniak historians have reverted to the model of the territorial nation and narrate their history as a territorial teleology but this is quite a recent phenomenon and also very much related to the exigencies of the present.

One of the pitfalls, in my opinion, of the manner we discuss the construction of states and nation states in the Balkans consists in the way we narrate our national histories in relation to Western Civilization (Western Civ). The habitual way textbooks go about this, is the following: Modern history is narrated in alternating chapters of the history of Western Civ followed by chapters of national history. Here again the example of nation and nation state building are

suitable examples. Chronologically, we present initially the ideas of the Enlightenment and the revolutionary Republicanism of the French Revolution and how these ideas travelled to our part of the world inspiring local intellectuals, who processed them locally into ideologies of liberation. While undeniably the ideas of Romanticism and Liberalism were transferred in a process of entanglement of the region with Western and Central Europe, state building in the Balkans was not constructed on the same premises. If in Western Europe state building started in the early modern period and sovereignty through a protracted process was progressively transferred from the divine body of the king to the aristocracy, consequently to the middle classes and finally to “the people,” while reflecting at the same time important socio-economic changes that were taking place in these societies, Southeast and East Central Europe followed a different pattern. Here the idea of popular sovereignty was transferred into quite egalitarian, predominantly agrarian structures, into multiethnic empires characterized by enormous demographic complexity, with weak urban structures and feeble capitalistic relations. So while the entanglement in the transfer of ideas is portrayed adequately in textbooks, the way this model was contextualized locally/regionally and the problems that arose out of this contextualization are not discussed. This creates a paradoxical situation: even if we historicize the ideology of nationalism and stress the novelty or modernity of national identity – as many of the best textbook authors indeed do – as long as our model of narration on a meta-level remains indebted to the logic of the (territorial) nation state container, we will not be able to change much on a cognitive level since the one narrative structure cancels the other.

It was precisely the realization of this conundrum in the application of the homogenized territorial nation state model that propelled many Balkan intellectuals to seek diverse solutions to state building. In the second half of the 19th century, exemplary models for state building were not only the

153 On the formation of Bosnian Muslim identity from the 19th to the 21st century see Xavier Bougarel, *Survivre aux empires: Islam, identité nationale et allégeances politiques en Bosnie-Herzégovine*; Paris: Karthala, 2015.

German and Italian unifications but also models of federally organized states such as the United States and Switzerland, which were quite popular in the region. It was precisely this insight into the precariousness of nation state building in the Balkans that brought intellectuals like Rigas Feraios, Svetozar Marković or Ljuben Karavelov to envision the new states as multinational democratic republics. Moreover, it is no coincidence that the 19th and 20th centuries witnessed diverse plans promoting alternative supranational state solutions like the projects of Trialism, Helleno-Ottomanism, Illyrianism, Panslavism, Yugoslavism, the Balkan Federation project etc. Such projects have been abundant in the region of Southeast Europe, certainly far more abundant than equivalent projects in West European political thought. This is no coincidence; whether born out of ideological conviction or out of political expediency, federal projects have been a constituent part of regional history and reflect a real soul-searching for adequate solutions to the demographic, political, social, cultural and territorial problem of nation state building in the Balkans.

Allow me to ponder upon one last example in order to demonstrate, on the one hand, our fixation on the ethnic/national components of the state and on the other, the chances we miss to scholarly discuss more civic or socio-economic aspects of state building as part of our history. My favorite example here is the first Yugoslavia. As historians we spend a lot of energy and ink discussing who is to blame for the political failure of the first Yugoslav state. However, we almost never address the pivotal question, what kind of state this first Yugoslavia was: Did it have a functioning and well-developed country-wide infrastructure? Did it dispose of an internal market? Did it have a coordinated fiscal policy or exporting capacity? Did the state have a country-wide integrated financial sector? Did the state have the capacity to impose standards and judicial decisions throughout the whole territory? I think that a closer look into the first Yugoslav state would demonstrate its regional and territorial fragmentation and therefore the fragility of the state institution, which resembled more an assemblage of regions im-

pregnated through different legacies rather than a consolidated integral state. Do the questions we pose and the way we pose them have consequences on how we narrate and understand history? Undoubtedly, they do.

Finally, and this final observation concerns the whole region, it is impossible to narrate the history of the nations, nation building, nation states or nationalisms in Southeast Europe without considering their entanglement, that is, the way they reciprocally incited and conditioned each other. I have termed this the “mirroring” effect of Balkan nationalisms, “that is the perpetual production and reproduction of reflex images of the self and the other as if in a mirror gallery.”¹⁵⁴ Greek nationalism incited Bulgarian nationalism; Serbian and Greek nationalism spurred Albanian nationalism; Greek, Bulgarian and Serbian nationalism goaded Macedonian nationalism; all the above roused Turkish nationalism etc. It is possible to construct a long chain or rather a thickly woven web of reciprocal action and reaction that has propelled the dynamic of intra-Balkan relations and still does.

As solidified as territorial constructions may appear in textbooks, in fact, none of the aspiring nations in the Balkans had a fixed or stable conception of the territorial extension of the nation and consequently of the nation state, rather they oscillated and mutated according to the dynamics of regional and international politics. The much quoted Greek “megali idea”¹⁵⁵ referred essentially to the psychic unity of the Greeks but contained absolutely no geographical demarcations, how far the territorial nation reached. Paragon was the situation in Serbia. Serbian irredentist conceptions were not clear-cut whether the natural space of expansion of the Serbian state lay southeast or southwest of Serbia proper and oscillated among them. Bulgarians toyed with various territorial conceptions, where the center of gravity of Bulgaria lay until the San Stefano Agreement created for them a blueprint of the territorial nation, which became after that the main point of reference of all irredentist efforts. Croats had to move the center of gravity of cultural development

154 Dimou, Augusta, *Entangled Paths Towards Modernity, Contextualizing Socialism and Nationalism in the Balkans*, Budapest: CEU Press, 2009, p. 315ff.

155 Translated literally it means the “big idea,” and refers to Greek irredentist aspirations.

from multicultural Dalmatia to Croatia proper and degrade Dalmatia to a simple province of the Croatian territorial nation.

In this article, I have tried to draw attention to the way we cope with the nexus *state–nation–territory* and the modalities through which we employ “space” in textbooks. These components of historical narration are bound to be most heavily affected by the changing international historiographic landscape and the methodological challenges it brings along. In order not to be misunderstood, I have argued neither for abandoning national history nor the con-

cept of the nation state; rather I have argued for a more porous and contingent narration of the creation of the nation state; a narrative that not only shows the changes effected through time but also the modalities through which the nexus *state–nation–territory* was brought to correlate to each other. I have suggested that rather than view state building as a teleological process with a predefined goal and outcome, to view it as a process of territorialization, de- and re-territorialization of conceptions, desires, projections, political projects, social designs and processes with a variety of potential outcomes but no fixed teleology as where history is heading for.

History Textbooks in Serbia¹⁵⁶

Dubravka Stojanović

The President of Serbia, Tomislav Nikolić, recently stated in one of his speeches that Serbia might not have a sea, but it has a history instead. By doing this, he has written this paper in short, instead of me. He has expressed the essence. Serbia really acts as if history was its sea. It uses it as a resource; it exploits and then endangers it by committing various abuses; in its home policy, it offers it as some sort of bribe for opportunistic purposes, and in its foreign policy, it uses it as blackmail when it needs to raise the stakes. It builds its identity on this, its entire *raison d'être*, all its plans and calculations for present and future.

This is the reason why history classes do not have an educational function. As has been stated in basic documents produced by the Ministry of Education for a long time, history has the task of shaping national identity, because of which it is not perceived as an ordinary school subject, but a subject with a special mission. It is not supposed to trigger a debate. And it should not teach us to develop analytical and critical thinking, on the contrary. That is why I often refer to it in my papers as some sort of a military training, because its main task is to create a system of values for present-day students on the basis of specific, perverted interpretations of the past, so that they may be able to subjugate the future development of Serbian society to a paranoid model of histori-

cal memory, based on self-victimisation and the heroization of the past. So the history books, which always represent a reliable reflection of the quality of research in a society and its values, have become active and even advance-guard participants in the creation of new societies and a new consciousness throughout the past two decades in Serbia and its neighbouring countries; which they certainly should not be, because they are serving ideas which have been marginalized in science and are not based on scientific foundations, as historical truths.

The best justification for such severe criticism is the fact that history textbooks in Serbia have gone through essential changes on two occasions in the recent past, in two particularly interesting years, namely 1993 and 2002. In other words, the first time this happened was in the midst of the war in Bosnia, sanctions, and hyperinflation. Slobodan Milošević's regime was altering the past in order to make the times under his government look like the only possible and logical continuity. Đinđić's government had more room and reason to initiate a reform in this area, but at that point, in 2002, the change implemented was going in a completely wrong direction, which shows that, again, there was a need for a fast change, probably a change made only in August, which was the change of some key components in the ideo-

156 Transcript of the presentation held at the HLC conference History Textbooks in post-conflict societies: Education for reconciliation?, organized in Belgrade on 24. April 2015.

logical interpretation of the past, thus imposing their own concept. It is necessary to state here that both regimes, at those moments of great crisis and shock in the society in 1993 and 2002, included the modification of history textbooks among the first measures which they undertook. This speaks volumes about the fact that these textbooks represent the ideological foundation of a society – its MPV¹⁵⁷, as it was called in the past.

Milošević's textbooks had the task of replacing the former model of Yugoslavianism, which was founded on the principles of brotherhood and unity, with a xenophobic presentation of the past of the Yugoslav peoples. It was a mythical framework, which served to justify the ongoing wars - a framework which produced a collective memory based on the idea of one's own grandeur and on self-pity, an unusual combination of nationalist arrogance and self-victimisation. Such an established goal demanded the alteration of history textbooks in order to adapt historical facts to this model, by erasing some facts from the history or decreasing the significance of others, and by highlighting yet other facts in order to shape a new mythical narrative. This mythical narrative relayed ideas about the Serbian people as a collective, and the main bearer of history, about its historical victimhood, which justifies all future actions, about its heroism, martyrdom, and sacrifice for others, about its transcendentalism, opportunities missed, back-stabbing, wars won and peace lost, as one writer would put it. This historically inaccurate framework was applied to all periods in history, and this is, as Augusta Dimou was saying, starting from the Middle Ages onwards, by which the entire history was radically changed in 1993.

A different approach was taken when the revision was made in 2002. That is to say, only one aspect of the past was changed at this point. This was in accordance with the ideological belief of a part of the complex DOS Coalition, which came to power in 2000, and for whom the fundamental idea was the revision of World War II and the reversal of the places of the chief actors therein, mainly in Serbia. The most important change happened in the treatment of

the Chetniks and Partisans, which was accompanied by a change in the assessment of the collaborationist regime of Milan Nedić, the Serbian Prime Minister under the Occupation, who was presented as a man in the textbook from 2002 - "who enjoyed a great reputation among Serbs, and who was saving the biological substance" (the use of this expression already!) "of the Serbian people, because he opposed all of the reckless moves taken against the occupying army because of the horrific revenges taken against civilians", and which they call "a resistance movement".

However, the greatest effort was made to alter the character of the Chetnik leader, Draža Mihajlović and his troops. In order to make Chetniks and Partisans change places as the good and bad guys, it was necessary to make radical excisions in two very important areas – the question of collaboration and the question of crimes against civilians. The essence of these changes was to present the Chetniks as the sole genuine representatives of Serbian national interests, and as the initiators of the anti-fascist resistance who were in the end betrayed by the Allies. This betrayal by the Allies remained unexplained, but it appeared as the only explanation for the Chetniks' defeat. The Chetniks were presented as the only genuine movement against the Occupier, as "the heart of the Serbian civil resistance, and who, unlike the Communists, who intended to divide Serbian ethnic territory, included within the Serbian states, not only Serbia, but also Montenegro, the entire Bosnia and Herzegovina, a part of Dalmatia, including Dubrovnik and Zadar, the entire Srem, including Vukovar, Vinkovci, and Dalj, Vojvodina, Kosovo and Metohija, and South Serbia" – and with this formulation, the authors, in my opinion, were drawing the map of Serbian ethnic borders still being dreamt of.

The next question which represented a problem for the authors of the textbooks was the problem of the interpretation of the Collaboration. In order to remove the burden of accountability for the Collaboration from the Chetniks, it was necessary to apply a series of rhetorical tricks and conceal a great number of historical facts. The first textbook, from 2002, does not even give examples of Chetnik collaboration.

157 Moral-political education – part of mandatory training in the Yugoslav People's Army.

However, following the public criticism, the second textbook published in 2006 contained a series of arguments justifying the Collaboration. Among many Chetnik commanders, the textbook for the eighth grade states, the prevailing opinion was that the Italian Army was much less dangerous than the Ustasas, and for this reason it was necessary to cease further fighting: "The Italian occupation was the best war-time solution for saving the lives of Serbs, particularly in the areas of Lika, North Dalmatia, and Herzegovina, and Italian soldiers were the least evil of all the evils they had to deal with".

When you have such a situation, then you face many problems in actual war-time situations - and certainly the best-known example is the Battle of the Neretva River. We all know the situation in this battle: wounded Partisans are down there, while Chetniks and Italians are up there and they launch an attack, and the textbook says the following: "Chetnik forces had already been located on the left bank of the river, that is how the most dramatic moment between the two armies appeared and the moral dilemma that the Chetnik commanders faced because of the fate of the people who would take refuge in case of the critical battle. Partisan commanders did not share the same dilemma". There is not a single word about the battle itself and the subsequent Chetnik attack on the wounded. On the other hand, Partisan collaboration is presented as much more successful and motivated by completely different reasons. It is presented as if the Partisans were the ones who had collaborated throughout the entire war, for the purpose of coming to power after the war.

These textbooks were the only ones in use until the amendment of the law in 2009. Then a certain time passed and we received new textbooks for the eighth grade nine years later - which means nine generations later, we have alternative textbooks. The opening of the market has somewhat softened the positions of the new authors and layered the relations in the assessment of those two armies in the civil war in Yugoslavia; but the major division has stayed the same, and the Chetniks are still presented as an equally anti-fascist movement. The last thirteen generations of students in Serbia have been brought up on this entire concept, and therefore no one should be surprised by the problems which Serbia has everyday with the ideologies of World War II and the turning to extreme ideologies, particularly among youth.

I think it would also be interesting to state now, at this gathering, the things that have not changed in comparison to the Milošević era. The matrix nationalistic discourse, in which the Serbian people were the victims who have never waged wars of conquest, which reflects the deep ideological continuity with the previous regime, has not changed. However, it is interesting to note the relation towards the 1990s wars with regard to the manner in which they were interpreted at that time, because they were already included in the textbooks in 1993 - which is to say, at the time the war was ongoing, and there was the prevailing position that 'the real truth' should be stated about these things. The interpretation today of the history of socialist Yugoslavia remains identical to that of 1993; and the present day textbooks mark the beginning of the dissolution with the Brioni plenum and the removal of Aleksandar Ranković, who is interpreted today, just as he was in the Milošević era, as a protector of Serbian national interests.

Even today, many textbooks say that the only pillars of Yugoslavia were the JNA (Yugoslav Peoples' Army) and the SKJ (League of Communists of Yugoslavia), and that the end of these was the end of the country; which is completely logical, but it represents a simplification which justifies the nationalistic programmes which tore Yugoslavia apart and led it to the war. These wars are still explained as being exclusively the consequence of the separatism of Slovenia and Croatia, which are the only states blamed for the break-up of the country, and using almost the same wording as Slobodan Milošević had used before. In a number of books we are able to read about the responsibility of Germany and the Vatican, just as it is constructed in certain well-known conspiracy theories. As for the crimes committed during these wars, they may be found in textbooks today, but they are described in such a manner that they are all somehow listed together and in brackets. I am stating one example, reads as follows: "The pogroms of civilian populations of Serbs, Croats, and Muslims, left behind them mass graves..." - and then they name a series of examples: "Pakrac, Medački Džep, Ovčara near Vukovar, Gospić, Kazani near Sarajevo, Kozarac, Foča, Šipovo, Bratunac, Srebrenica". Here one can see that the list mainly contains crimes committed against Serbian populations, thereby again emphasizing its role as the greatest victim, even in the wars of the 1990s.

Comparative research of textbooks in the successor coun-

tries to the former Yugoslavia, has shown that, with very rare exceptions such as the textbook authored by Snježana Kor-en, the greatest number of textbooks in all those countries and history lessons today retain all of the arguments used by the war-time ideologies for triggering war; which means not necessarily only those arguments used during the war, but also those which led to the war, particularly the main idea that everyone is everyone else's victim and that this injustice must and should be mended. In this way, the relation be-

tween today's and future generations towards these wars is being shaped, with the positions remaining unchanged and irreconcilable. This suggests that the conflict will reopen, and gives argument to those who are claiming that the war in Yugoslavia is not over yet. The fact that the front lines in the war of memories have been drawn along exactly the same trenches dug in the wars of the 1990s, proves that the interpretation of the past is storing up reserves which could be used again to spark conflict.

History textbooks in Croatia¹⁵⁸

Snježana Koren

I would like to start by using this opportunity to thank the organizers for inviting me to this gathering. I will carry on from where Dubravka stopped, and I would like to say that during the past twenty five years, that is to say since 1990, two topics have been the subject of intensive debate in Croatia, probably even as we speak here since some people call this time of year the “May Festivities”, starting approximately with the breakthrough in Jasenovac and ending some time around Tito’s birthday. When you add all this up with the fact that this is an election year, then you realize why historical topics are in particular focus nowadays, so you can expect some statements even right now, while this event is taking place.

So two topics have been the essence of these debates. One was World War II. The second, which has heated up again in the past ten years, is the wars of the 1990s. This year, 2015, it will be exactly ten years since the first big debate started on teaching about the wars of that decade. I will therefore focus especially on *this* topic because the story about World War II would require a special presentation, it is still a hot topic which can be demonstrated with a whole series of examples. It was exactly this debate from 2005 that triggered the question of how to teach about the wars of the 1990s. However,

one of its consequences was what I like to refer to as “intensive NOBization” (NOB stands for Peoples Liberation War) of the debate about the war, which is popularly referred to in Croatia as the ‘Homeland War’. So for our participants, who don’t come from the former Yugoslavia, the whole idea is to teach about the wars of the 1990s in the same way as World War II, otherwise known as the Peoples Liberation War, was taught in Socialist Yugoslavia. And the story I am about to tell you today is, I would say, a story of what can go wrong, with a check list of what to do to make sure this happens. Of course, the focus is on this topic, which is currently the most sensitive. This does not mean that there has been no change or improvement in history teaching methods in Croatian textbooks: just as Augusta Dimou said in her presentation, this is a topic that will certainly be under the microscope - it is now and will be for years to come.

You will see here that there are a series of similarities not only between the ways in which NOB was taught at the time, but also between Croatian and Serbian textbooks. So it was the same in Croatia, the topic of the 1990s wars was included in the textbooks in 1992 for the first time - while the war was still going on. And, of course, the unspoken question behind this is how to teach about an ongoing war. Just as a remind-

158 Transcript of the presentation held at the HLC conference History Textbooks in post-conflict societies: Education for reconciliation?, organized in Belgrade on 24. April 2015.

er, I would like to mention that the Educational Department of AVNOJ (Antifascist Council of the Peoples Liberation of Yugoslavia) made a decision to include the topic of NOB in the curriculum in late 1942, and just as an example the first NOB textbook was made in late 1944. In exactly the same way the narratives offered by textbooks in the 1990s were harmonized with the official narrative about the wars of the 1990s. This mainly consisted of a chronological overview of events, and it was very much focused on political circumstances. You will see how this will change during this period of twenty five years. Some sort of politicized language was used, packed with emotions whose primary goal was to impact the emotions of the reader. However, at that time, in the 1990s, these narratives were not questioned, and as a matter of fact, they were not debated publicly; the debates about World War II were in focus.

Things started to change after 2000, in rhyme of course with the political situation. This was the time when the Croatian Democratic Alliance (Hrvatska demokratska zajednica - HDZ) lost an election for the first time. Textbook pluralism, meaning the opportunity to have multiple textbooks for each class, made it possible to see different presentations of this topic. Secondly, the issue of the wars of the 1990s was gathering ever more political significance, and it began to be presented in a particularly intensive way as a founding event and the origin of today's Croatian state. In addition, there it is now a frequently used phrase you can often hear if you follows the Croatian media a bit... "What are the values of the Homeland War?". This means that it is broadly understood that victory in the war allowed the creation of an independent Croatia, creating a self-image in which Croatia is at one and the same time both a victim and a victor. This is about a war, if I can remind you, that resulted in perhaps 22,000 victims on both sides (there is still no individualized list). However, what really fired up the debates after 2000 was the fact that the International Criminal Tribunal for the Former Yugoslavia raised several indictments against high ranking Croat military leaders for war crimes, or pressure was put on Croatia to do this itself. The cooperation of the Government of the time with the ICTY was exploited in internal political clashes, adding to the raising of tensions. This then became an issue that caused extreme divisions in society, between those who think that such affairs should be further examined and those who claim that that would be

a violation of, as they put it, "the dignity of the Homeland War". These divisions led to the adoption of several declarations by the Croatian Parliament that try to offer an official version of the war. For example, the Parliament announced a Declaration on Homeland War in 2000, in 2006 a Declaration on Operation Storm, the number of commemorations rises every year; the Croatian Parliament has launched some kind of scientific research into the war, and so on. All this had a huge impact on the teaching of the history of this period.

However, you can observe that there are two parallel processes in the period following 2000. On the one hand, certain textbooks started offering narratives that attempted to present the war, its causes, its course and its consequences in a more complex and sophisticated manner. And crimes for which Croats were responsible started to be mentioned. On the other hand, there was also an increasing pressure from veterans' associations and certain politicians for history education relating to the war to be intensified, meaning more detailed presentations in textbooks, more hours in schools, and so on. But the tipping point happened in 2003, when the Ministry of Science and Education was supposed to deal with the end of the moratorium on the teaching of recent Croatian history in the Danube Region. In 1995, the Danube Region was the only part of Croatia that remained under the control of local Serbs, and an agreement was reached whereby the Danube Region was peacefully reintegrated into Croatia in 1998. Part of this Agreement was the agreement on educational autonomy of Serbs on the territory of Croatia, and the moratorium on lessons regarding the most recent history in classes attended by Serbian speaking students. This moratorium was enforceable from 1997 or 1998 until 2002 or 2003. As it came to an end with the expiry of the moratorium, the Ministry began production of supplementary materials to replace the existing textbooks, because none of the then existing textbooks was acceptable to the Serbian community in the Danube Region. Following two failed attempts, a third attempt was made and was completed in the summer of 2005, triggering the whole debate. I have to say here immediately that I was not only an observer, but also a direct participant in this debate, and one of the authors of this textbook, so please beware that this story is told from a personal perspective. The entire debate was conducted in an atmosphere of the war crimes

trials and the marking of the tenth anniversary of Operation Storm. It was put on public display when the Ministry asked for reviews, and negative reviews appeared in the press setting off a furious debate that lasted for months. This has been well documented considering our circumstances, I would just like to point out what it has produced: some hundred newspaper articles and even two books. A book entitled "One history, many stories" offers its author's view of the text: it contains the text, excerpts from the press of the time and several papers written by the author. The second book which also bears a symbolic title "Multi-perspectives or relativization," shows the views of the critics of the text, primarily the ones who wrote negative reviews. It offers a comprehensive overview of this debate, which allowed it to become part of the scientific research of various institutions - I have even noted one PhD thesis at Harvard and one book at the London School of Economics.

So what were the main complaints regarding this manual? First, critics opposed having different interpretations and views on the fall of the Yugoslav state. Second, the book was criticized because it did not use the term 'Homeland War'. While there was a sentence stating that the colloquial name 'Homeland War' was created to refer to the war, this statement was extremely criticized. Third, strong criticism was directed at the fact that the war was presented as a civil war and not as aggression on Croatia, that the word 'aggression' was not mentioned once, that the term 'Republic of Srpska Krajina' was not placed in quotation marks and neither was the phrase 'so-called' used to refer to it. The mentioning of crimes committed against Serbs following Operation Storm was interpreted as if the authors had proclaimed the liberation of Croatia a crime. Furthermore, another thing I found very interesting was also triggered, and that was the question of whether the authors of the textbook should stick to the declarations passed by Parliament as some sort of interpretative templates. I would like to read a quote from one of the most famous critics, a newspaper article that in a way sums up all of the things that are found to be troublesome, and I believe it will be very easy for you to understand the problem if you just replace the adjective "Croatian" with some other adjective. It says the following: "It would be normal to expect that a textbook to be published with the approval of the Croatian Ministry of Education be written from a Croatian perspective. It would be normal to expect that this text-

book present the Croatian truth. What did the authors do? They relativized everything that happened in the last fifteen years and then they ask students to create their own truth about these events. This is highly inappropriate. It is good and appropriate to encourage critical thinking among students, but in this case the ability of students to understand the truth, which the authors themselves probably did not understand and, probably because of this failed to present in the textbook, is overrated. Is it possible that elementary or high school students are able to write their own story about the war, which is correct and true, if the authors themselves avoid doing so? They have relativized all of the events by quoting different opinions and at the same time they did not represent the Croatian standpoint". I would say that this excerpt very well illustrates the general problem with history lessons in the entire region, because history textbooks are primarily intended to represent our standpoints, our opinions, or what is very often called, a 'proper' interpretation of history.

Now what was the impact of this debate? First, the Ministry gave up the publication of the manual and left the authors to deal with these debates on their own. But the entire case triggered a debate on how to teach about a war, even though it is questionable if these were real debates rather than attempts to smother and eradicate different perspectives about the war from the very beginning. They had a direct impact on the shaping of the new curriculum for elementary schools in 2006, which is still applicable, and in which the subject of the war s of the 1990s has been significantly broadened. I will read some of the things that the students are required to know regarding this topic. They are expected to describe the course of the war in detail, to describe important military operations undertaken by the Croatian army, to name the prominent Croatian fighters, to define accurately who was the aggressor and who was the victim, to describe the struggles of civilians, but unlike the Serbian textbook, they named specifically Dubrovnik, Vukovar and Srebrenica, that is to say, only the crimes in which Croats and Bosniaks were victims. At the same time, the final version of the curriculum was cleared of any event that could tarnish the image of a magnificent military victory and, for example, the sentence in the original version of the curriculum regarding the exodus of Serbs from Croatia following Operation Storm has been left out in the final version. This

does not mean that the textbooks do not mention these events, but it is left to the authors alone to include them in the textbooks, leaving the question of how this can be done. This debate then influenced the production of new textbooks that were supposed to be written according to the new curriculum and the topic received much more space than before. These are the textbooks from 2007 that were in force until a few months ago. With a major difference in the number of pages, the space dedicated to this topic went from 15 to 30 pages, depending on the textbook, while some textbooks emphasized the suffering of the victims without avoiding the political context of course, whereas some of the textbooks started putting more and more emphasis on the military operations, and here one can see very strong similarities to the manner in which NOB used to be taught.

So, what is being used? A strong and emotional language, a detailed presentation of military operations, in the text and on the maps, the emphasis on your own sufferings, and portraits of wartime heroes offered to students as role models. This means that all these strategies that are no longer seen as appropriate for teaching World War II, have now found their place in the teaching about the wars of the 1990s. At the same time, the production of these new textbooks in 2007 produced another debate, which was less intensive than the one in 2005, but whose result was different. A more favourable political context contributed to the Ministry's accepting all of the textbooks with a few minor changes, while at the same time introducing annual seminars about the war for history teachers. And I'd just to highlight this practice here.

Professional training is one important strategy that the Ministry has at its disposal to promote its official version of history. It is not only the textbooks, we have already shown how important the role of education and professional teacher training can be. Sometime in the period 2007-2014 there was a standstill. But at the same time there was a relentless pressure to provide more space for this topic in textbooks. And this idea became in some way accepted, regardless of the state of scientific research. For example, it resulted in having a special manual of 158 pages published this year. Right now this is not an obligatory manual, but teachers do have it at their disposal. Sometime during this period, from 2011 when the left Liberal Government came to power in Croatia, the focus was placed more on debates regard-

ing health and civic education, through which the conflict between conservative and liberal forces in Croatian society was expressed. But the present opposition, and especially the right wing parties, in this pre-election period are once more using history as part of their electoral strategy. And reference to the wars of the 1990s takes an extremely important place in this.

The leaders of the strongest opposition party HDZ advocate a return to the political legacy of Franjo Tuđman. In doing so, they endorse only those aspects of this policy that are still applicable today, such as the creation of the Croatian state and the victorious nature of the war, while leaving out our negatives, such as problematic privatization process, authoritarian rule, limitation of human rights and the freedom of media, problematic treatment of minorities, and so forth. The present government is often accused of humiliating the values of the Homeland War and of violating its dignity, and part of this story is the accusations aimed at the history textbooks. Now you can put this in the context of all of these events that I think you have been following here: the protests against the introduction of Cyrillic alphabet in Vukovar, the protests of war veterans who have been camping in front of the Ministry of War Veterans, the opposition to the law regulating the rights of civilian victims of war regardless of their nationality which has been described as the 'equalization of the victim and the aggressor'. Of course, in these circumstances the history textbooks and lessons have been placed under the auspices of HDZ and other right wing opposition parties. I would just like to show several statements that we have received during the past ten months by the leader of the strongest opposition party and his Education Committee, and what I find interesting is the fact that the leader of the opposition party and the Chairman of the Committee are both historians by profession. First of all, on 3 May 2014, Tomislav Karamarko, the leader of the opposition party, stated the following - I will quote this in its entirety since this statement caused turmoil in Croatia: "Everyone is entitled to have an opinion, but only in one's own room, backyard or house, and certainly not in public. Everyone will have to respect the values embodied in the foundations of the Croatian state. This was the Homeland war, our fighters, our dead, the political doctrine of Dr. Franjo Tuđman and the great accomplishments of Gojko Šušak. All of you who wish to forget, who wish to equalize

the victim and the aggressor, may do this inside your own house, but in public, in textbooks, in newspapers, do not poison us with this". The interesting thing is that this was said on 3 May which is World Press Freedom Day. Then on 28 August, on the Day of remembrance of the crimes of totalitarian regimes, the Chief of HDZ announced a new political history in three steps – airbrushing, the removal of Tito's name from streets and squares and the editing of history textbooks. Part of this project was the demand to devote more attention to the wars of the 1990s which, according to the opinion of HDZ's Committee, is not elaborated in an unbiased manner, which is the phrase often used when we are trying to say that a certain presentation of the past does not match our own view. Then, two months later, in December, while marking 15 years since the death of Tudman, Mr. Karamarko announced the unification of textbook narratives about Tudman, according to which future textbooks could only include a verified version and the insertion of the notion of "Tudmanism" into the Constitution. Two months later, on 2 February 2015, when marking the 25th anniversary of the First General Assembly of HDZ, he announced the erection of a monument to Tudman in Zagreb, and he also stated that history education on the topic of the Homeland War deserves a special place that will be part of the patriotic upbringing. On this occasion again, the historian Karamarko said: "We are one of the rare countries in which the winners have not managed to write their own history, but it was rather written by those who lost the war". At around the same time, a judge of the District Court in Zagreb, Ivan Trudić, proposed that certain statements regarding the war be criminalized by Criminal Law with 3-5 years of imprisonment for all those who deny the defensive and liberating nature of the homeland war or who describe it as a civil war. This generated some strong reactions, both positive and negative. This has calmed down for the time being, but you may note that the name of this judge has been mentioned as one of the serious candidates for the position of the Minister of Justice in a possible future HDZ government.

The present government responded to this by actually adopting the requests and tactics used by the critics. The present Minister of Education has stated on several occasions that the war is not being taught enough and the Ministry has introduced compulsory two-day school visits to Vukovar. The pilot project has already started and children

will thus have an opportunity to hear about the war and the battle for Vukovar at the scene. At the last seminar about the Homeland War organized for history teachers, the Minister said that in a new curriculum, which is being prepared, the war will have a special place. He said that it should be taught in such a manner as to present, I quote, 'less facts and more conclusions', and as crown to all of this, he offered the NOB lectures from the time of the Socialist Yugoslavia as the best model for teaching about the 1990s war. Thus, he confirmed everything that has already been said in analyses ever since 2009.

Now I would like to wrap up. I must say that I am quite pessimistic right now and I do not see the future so brightly. Over the past twenty five years, we have not been able to speak about any substantial progress. There have been certain improvements, but this does not mean that regression is impossible. We have a permanent situation in which history is used in political conflicts. Where divisions are being emphasized in an already polarized society, history serves for making enemies, for mobilizing voters or, let's say, for consolidating a party prior to an election. I also think that new times are approaching and they will be worse for history education than the period 2007-2014, while the lessons of the wars of the 1990s will remain politicized and ideologized for some time to come. In addition, as we were able to see, the war primarily serves the purposes of patriotic upbringing, and what worries me is that this expresses an inability to perceive the war as a tragedy, not to mention the ability to approach it in a critical manner. Even if this tense pre-electoral rhetoric loosens up a little bit after the election, the damage will have been done, or I could say the damage is permanent. An atmosphere of a state of emergency is created in which it is hard to expect balanced teaching and writing in the textbooks about the war. As a matter of fact, these small steps forward that have been made in the direction of a different understanding of the purpose of history as a subject whose primary purpose is to relay the truth, as a subject which should treat the past in a critical manner, are being destroyed. And I think that this explains to a great extent why our societies are in a position that follows the principle "one step forward, two steps back".

The creation of what is called proper thinking is still seen as the key purpose of history teaching. At the same time history lectures are the means of political struggle and, as

you may say, collateral damage. The damage that is done to society is immeasurable in the long term, because the explanation of the past in a complex present is reduced to a simplified formula of “black and white” or “good and bad”.

Instead of teaching children how to learn, we actually have history education that only serves to make people stupid. I will put this quite undiplomatically: in 2015 we are rushing at full steam back to the 19th century.

Analysis of History Textbooks in Bosnia and Herzegovina

(for the 8th and 9th grades of Primary School,
4th grade of High School, and s 1st and 2nd grades of
vocational schools)

Dr Vera Katz

Introduction

Towards the end of the 1980s and in the first half of the 1990s, Bosnia and Herzegovina saw political changes, an explosion of nationalisms, multi-party elections and the national parties winning elections. These parties pursued different political programmes within the coalition government that was formed, and eventually brought the country to war (1992-1995), which, in the manner in which it was conducted, the crimes committed and the death toll, was the most brutal conflict in the process of the breakup of Yugoslavia.

The Dayton Peace Agreement (1995) ended the war, and education was organized in accordance with the government and political system of Bosnia and Herzegovina, which is to say, through thirteen ministries of education and science – the Ministry of the Bosnian Serb Republic (Republika Srpska), the (Federal) Ministry of the Federation of Bosnia and Herzegovina, ten cantonal/county ministries, and the Ministry of the Brčko District of Bosnia and Herzegovina. All these ministries decide, independently, upon the curricula

to be taught and on authorization of textbooks. In addition to the mother languages (Bosnian, Croatian and Serbian) and their corresponding literatures, geography, music and the visual arts, history also belongs to the group of so-called “national subjects”.

The passing of the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina¹⁵⁹ in 2003 marked the beginning of an attempt towards achieving a greater convergence of the curricula. This law envisaged “developing a sense of belonging to the State of Bosnia and Herzegovina, its cultural identity, language and tradition, in a way appropriate to the legacy of the civilization, learning about others and those who are different by respecting these differences and cultivating mutual understanding, tolerance and solidarity among all people, ethnic groups and communities in Bosnia and Herzegovina and in the world”.¹⁶⁰ The Framework Law also stipulated as follows: “All public and private schools in Bosnia and Herzegovina shall establish and implement a common core curriculum”,¹⁶¹ consisting of (...)” the curricula and syllabi of all subjects taught in the primary and general secondary education of Bosnia and Her-

159 Pursuant to Articles IV. 4.a) and II. 4.) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the session of the House of Representatives of 30 June 2003, adopted the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina.

160 Framework Law, Art.3.

161 Framework Law, VIII.Educational Standards, Art. 42.

Herzegovina that have an as broad as possible agreed common core. The common core curriculum shall be developed by a special *ad hoc* body. Members of this body are appointed by the Ministers of Education of the Entities, Cantons and the District of Brčko. The common core curriculum shall: a) ensure that positive relations and a sense of commitment to the State of Bosnia and Herzegovina are developed through the educational process (...).¹⁶² The authorities responsible for establishing educational standards in Bosnia and Herzegovina are: “The Standards and Assessment Agency established by the inter-entity agreement in 2000; The Curriculum Agency, the present professional institutions of the entities, cantons, and the Brčko District of Bosnia and Herzegovina, as well as other permanent and provisional expert bodies”.¹⁶³ Another article stipulates as follows: “The Curriculum Agency is an independent expert body responsible for implementing the common core curriculum for all levels of education covered by this Law (...) With the aim of achieving an adequate quality of education and standards of knowledge, as well as their comparability at domestic and international levels, the competent educational authorities are obliged to ensure that, by the beginning of the school year 2003/2004 at the latest, teaching in all schools in the territory of Bosnia and Herzegovina be realized on the basis of the common core curriculum, as defined by this law”.¹⁶⁴ However, the Framework Law, which places special emphasis on the common cores, has been implemented partially or not at all when it comes to history teaching in Bosnia and Herzegovina; because the history curricula and textbooks, which directly reflect different national historiographies, have continued to follow highly nationalist patterns, and the “*ad hoc* provisional bodies” have introduced into the history curricula mainly the content pertaining to general world history.

The education system in Bosnia and Herzegovina, especially the so-called “national subjects”, mirrors the deep ethnic division in the country. Schools in the cantons of the BiH Federation that teach the Croatian curricula (Herzegovina-Ner-

etva Canton, Canton 10, Central Bosnia Canton, Posavina Canton and West Herzegovina Canton) and teach mostly children of Croatian ethnicity, use the curricula of the Republic of Croatia, subject to the approval of the competent cantonal ministries. In the cantons of the BiH Federation with a majority Bosniak population (Sarajevo, Tuzla, Bosnia-Podrinje, Una-Sana and Zenica-Doboj) the history textbooks are developed in accordance with the Bosnian curricula, which, for the most part, follow the pattern of textbooks used in the socialist period, focusing predominantly on the history of the Bosniak people in the period which the textbooks refer to. In some cantons/counties these two curricula are combined in a way that depends on the ethnic composition of the pupils. Unlike the BiH Federation, the Republika Srpska has one single ministry of education, and therefore uniform curricula and textbooks.

In early 2000, a decree was passed which banned the use of textbooks published in foreign countries (Croatia and Serbia) in the teaching of so-called “national subjects”. As a result, textbooks from these countries are now published inside the country, unchanged or slightly altered, in Banja Luka, East Sarajevo, Gruda or Mostar, instead of in Belgrade and Zagreb.

In addition to new legislation in the field of education, there have been numerous initiatives to improve history teaching in Bosnia and Herzegovina. The Council of Europe, UNESCO and OSCE sponsored the “Educators to develop guidelines for the writing of history and geography textbooks” project. The Open Society Foundation in Bosnia and Herzegovina published the document “Education in BiH: What do we teach our children?”, based on an analysis of 145 textbooks used for the group of so-called “national subjects”. Many other international institutions have also implemented initiatives to this effect, but all those initiatives have not brought results proportionate to the effort and funds invested, as is evident from the following analysis of the textbooks that are being used for history teaching.

162 Framework Law, Art. 43.

163 Framework Law, IX. Authorities responsible for establishing educational standards, Art. 46.

164 Idem, Art. 48.

Textbook units dealing with the disintegration of the Socialist Federative Republic of Yugoslavia (SFRY) and its causes

According to most Bosnian textbooks¹⁶⁵, the disintegration of the SFRY began in the aftermath of Tito's death. One such textbook, from which a pupil will not understand the issues underlying the breakup of Yugoslavia, but only read how successful a state it had been before Tito died, and that Serbia is to blame for its collapse, deserves to be reproduced here extensively (Unit: Disintegration of the SFRY):

"When in May 1980 Josip Broz Tito was buried in Belgrade, statesmen from all the major countries of the world came to bid their last farewell. It was the most magnificent funeral since the death of French President Charles de Gaulle. Tito, born into a peasant family, a war hero and a peacemaker, was carried to the grave like a king. Hundreds of thousands of people escorted him on his last journey. It seemed that his legacy was safe. However, his life's work – a united and reconciled Yugoslavia – soon began to fall apart. Tito's death ended an epoch, the only one in the history of Yugoslavia that deserves to be called peaceful. All his life, Tito fought firmly and adamantly against the nationalisms of the Yugoslav nations, which had once already brought the country to self-destruction. He put the individual countries making up Yugoslavia into their historic frames and gave them full autonomy. Thus the Muslims of Bosnia and Herzegovina were for the first time in their history given what they had been entitled to – the status of "nationality".

Despite the manifest economic difficulties and political problems, the situation in the country at and after the death of Josip Broz was apparently stable. Once again, Josip Broz had managed to unite the country and calm tempers. The memory of that great personality, emphasizing his good moves, favoured the propaganda which, by drawing on the thought of Tito, calmed the situation. The main slogan, *'Comrade Tito, we swear to you, from your path we shall not depart'* galvanized the communists' faith in the future.

Tito, after all, was a globally recognized personality. However, that was an ephemeral perception that burdened the communists too. So a re-assessment of the figure and work of Josip Broz as a communist began. Under the pressure of economic collapse, the population responded by massive strikes and protests, which resulted in revealing corruption among the state's communist authorities, the leadership and individuals. Common people no longer felt safe. They no longer had a stable country or a minimum livelihood secured.

(...) While the Croats and Slovenes rightly complained about the Serbian domination, the Serbs, for their part, perceived themselves as the greatest victims of the Tito's regime, as the victims of "the Croatian-Slovenian alliance" that would deny Serbia the rights it could claim. In fact, Tito's federal constitution, which granted sovereignty to the member republics, deprived Serbia of its leading position in the country. It was no longer the only ruling power in the country, but just one among the six equal republics, and not even the richest one. Serbian politicians considered that Serbia was the only republic without full sovereignty over its territory, as its two provinces, Vojvodina in the north and Kosovo in the south, retained autonomy under the federal constitution, and were in effect no longer controlled by the Belgrade government. In addition, the Serbs complained that although the Serbian people suffered more losses during World War II than any other Yugoslav people, it was now reduced to a second-class level. These allegations were not founded in reality, but nevertheless produced a terrible effect.

At this point, Slobodan Milošević, leader of the Communist Party of Serbia since 1987, entered the political scene. Aware that socialism was over and that the emerging nationalisms would take its place, he decided to heat up that process. During mass gatherings attended by peasants from across Serbia, he would add fuel to the fire by using the Kosovo issue as a pretext. Thus, in 1989 Serbia abolished Kosovo's autonomy. That marked the beginning of the end of Yugoslavia. Serbia's aspiration for dominance within Yu-

165 The term "Bosnian textbooks" refers to the textbooks used for history teaching in the BiH Federation cantons with majority Bosniak populations.

goslavia made the other republics also consider their own separate path into the future“.¹⁶⁶

Most of the Bosnian textbooks treat this topic in the same or a similar way, the only difference among them being how many times they mention the terms Greater-Serbian, hegemonic, and Serb-Chetnik. The Croatian textbooks,¹⁶⁷ by contrast, find the roots of the Yugoslav state's crisis in the period after 1945. An author of a textbook published after 1984 puts it this way, in a text subtitled “Croatia under the terror of unitarism and centralism”:

„One of the first victims of the Informbiro was the Croatian communist Andrija Hebrang. Even before the war, he had proven himself a nationally conscious Croat, which made him a constant target of those members of the Yugoslav Communist Party leadership who championed the idea of a Greater Serbia. In mid-May 1948, he was arrested on the false accusation of collaborating with the Soviet Union and with the Ustashi movement before that. The main goal of the Greater-Serbia hegemony was to remove Hebrang from the leadership of the Yugoslav Communist Party and thus create more space for the Greater-Serbia policy pursued by the communists to operate. His arrest was followed by a lengthy and arduous investigation. In June 1948, Hebrang reportedly committed suicide. However, everything suggested that he was in fact murdered“.¹⁶⁸

What is known in historiography as the Cazin Rebellion is

referred to in this textbook as the St. George's Day's Rebellion, thus alluding to the rebellion of Serbs in Croatia in the early 1990s:

„At the time of the worsening of relations with the Soviet Union, the **Serbs' St. George's Day Uprising** broke out in Croatia. It was preceded by the stepping-down of several Croatian Government ministers who claimed that the Serbs in Croatia were being threatened and the Serb-populated areas in Croatia neglected. The ministers were dismissed, with two of them being sent to Goli otok Prison to serve their sentences. So, on St. George's Day, that is, on 6 May 1950, an uprising of Serbs broke out in Banovina [it should probably read Banija, op. V. K.], Kordun, Lika and Bosanska Krajina, under the slogan '*For King and Fatherland*'. A certain number of Croats and Muslims, unsatisfied with the communist authorities, joined the rebels. The uprising spread through the villages at first, but when it spread to larger centres, the army stepped in and suppressed bloodily in an action that lasted from 19 May to 4 June 1950(...)“.¹⁶⁹

The entire socialist period of Yugoslav history was presented along similar lines in this Croatian textbook, with the intention of teaching students that Croatian independence in the early 1990s was the only way in which Croatia could get out of a Yugoslav state which was beset by “continual crisis and upheavals“ and which undermined its progress, because of Croatia's being threatened by Serbia.¹⁷⁰ Further, under headings and subheadings dealing with both Bosnia

166 Zijad Šehić, Indira Kućuk-Sorguč, *Historija-Istorija-Povijest, udžbenik za 4. razred gimnazije (History, textbook for the 4th grade of highschools)*, Sarajevo Publishing: Sarajevo, 2005, 162-163.

167 The term „Croatian textbook“ in this text refers to the textbooks printed in BiH and being used in schools in the BiH Federation that follow the curriculum taught in Croatia.

168 Miljenko Miloš, *Povijest novoga doba, udžbenik povijesti za 8. razred osnovne škole (Modern Age History, history textbook for the 8th grade of primary schools)*, ZNAM d.o.o.: Mostar, 2008, 177.

169 Miloš, 177.

170 Miloš, *Hrvatska i Bosna i Hercegovina u sastavu socijalističke Jugoslavije, 1948.-1965 (Sukob sa SSSR-om i nužnost političkog osamostaljivanja, Hrvatska pod terorom unitarizma i centralizma, Samoupravljanje); Hrvatska i BiH u razdoblju kriza i unutarnjih previranja, 1965.-1971. (Razvojni problem i unutarnja politička previranja, Agresija na hrvatsku kulturu, Reforme Federacije – Hrvatsko proljeće, Iseljavanje Hrvata iz BiH i Hrvatske)*, 176-191. [Trans. note: Miloš, *Croatia and Bosnia and Herzegovina within socialist Yugoslavia, 1948-1965 (Conflict with the Soviet Union and the necessity of political independence, Croatia under the terror of unitarism and centralism, Self-management); Croatia and BiH in the period of crises and internal upheavals 1965-1971. (Development difficulties and internal political upheavals, Aggression against Croatian culture, Reforms of the Federation – Croatian spring, Croats from Croatia and BiH leaving the country)*]

and Herzegovina and Croatia, a disproportionately large number of pages is dedicated to Croatia, as if these two were not separate republics within Yugoslavia, and as if the textbook were not intended for students in BiH. The author of the textbook places the disintegration of Yugoslavia in the broader context of socialist countries whose collapse was “inevitable”, with the dissolution of the Soviet Union and the fall of socialism in the Eastern Bloc. The events that led up to the final destruction of socialist Yugoslavia after Tito’s death are described as follows:

„Socialist Yugoslavia – the road to its disappearance.

On 4 May 1980, **Josip Broz-Tito**, leader of the League of Communists of Yugoslavia, died in Ljubljana. He played the leading role in the country’s foreign policy and internal affairs and held untrammelled power. Tito’s battle against Fascism, his victory in 1945, his resolute opposition to Stalin in 1948, and the pivotal role he played in the creation of the movement of non-aligned countries in 1961 secured him worldwide eminence and recognition. However, Tito as a leader and a person, had numerous weaknesses. He was prone to autocracy and demonstrated his unlimited power by removing from the party and the government those associates who tried to think differently. He supported national unitarism, countered Croatian ideas of state-building ideas, prevented democratization and fostered a personality cult around himself. Following his death, power was exercised by an eight-member Presidency composed of representatives of the republics and the two provinces. All the weaknesses that manifested themselves in late 1980s in other socialist countries, became more than evident in Yugoslavia too. The developmental difficulties present during Tito’s leadership continued after his death. People continued leaving the country, especially Croats. Owing to unrestricted borrowing from abroad, the country’s debt was increasing uncontrollably. In addition to the bad economic situation, inter-ethnic frictions also began, worsening the relations between the republic and the central government. The Greater-Serbia agenda was becoming more and more pronounced. The attempts by the Serbian communist leadership to establish re-centralization in order to regain full

dominance, were met with displeasure and resistance by the other republics. The Serbian communists, headed by Slobodan Milošević, stood against the Constitution of 1974, stressing that it gave too much autonomy to Kosovo and Vojvodina, and that these provinces should be completely submitted to the Serbian authorities in Belgrade. This was eventually achieved, by means of a new Serbian Constitution of 1988, which effectively undermined the structure of the SFRY. However, this was not enough for Serbia, which continued to attempt to strengthen centralism in Yugoslavia at all costs, in order to realize its own hegemonic Greater-Serbia agenda. The Serbs were becoming more and more aggressive in pursuing the Greater-Serbia policy, which created tensions throughout the country. A denouement was expected at the 14th Extraordinary Congress of the League of Communists of Yugoslavia, which took place in January 1990. But the Congress was interrupted, without electing a new party leadership.

Because of the dominant Greater-Serbian policy and tendencies shown in the course of the Congress, the delegations from Slovenia, Croatia and Bosnia and Herzegovina walked out of the Congress, which marked the **dissolution of the League of Communists of Yugoslavia**, and therefore the continuation of the collapse of Yugoslavia and **the beginning of its disintegration**. The process of introducing the multi-party system and democracy in the country could no longer be stopped. Yugoslavia could no longer be preserved by any reforms. The emergence of new political parties and the revival of those that had been previously banned continued, and these parties began to prepare for the very first multi-party elections. Between January 1990 and the end of the year, all the Yugoslav republics held their first multi-party elections. The socialists won only in Serbia and Montenegro; in Croatia, Slovenia, Macedonia and Bosnia and Herzegovina new, non-communist parties came to power¹⁷¹.

According to the history textbook used in the Republika Srpska, the breakup of socialist Yugoslavia began with the 8th Congress of the League of Communists of Yugoslavia (LCY):

171 Miloš, 189.

"The shattering of the Yugoslav federation began at the 8th Congress of the League of Communists of Yugoslavia, when national parity between all federal institutions was introduced. The Constitution of 1974 only sped up the process. The League of Communists, the only ruling party, failed to respond to the ever-increasing nationalist and separatist tendencies in many areas of Yugoslavia. Amendments made to several articles of the Constitution of 1989 and the introduction of the multi-party system allowed the separatists to accelerate the process of the disintegration of the Yugoslav federation. At the forefront of this process was the Slovene leadership, who announced that Slovenia might secede from Yugoslavia.

In order to prevent the dissolution of the state, Yugoslav patriots requested the leadership of the LCY to call an extraordinary congress, which took place in early 1990 in Belgrade. The destroyers of Yugoslavia first set upon the LCY and the Yugoslav People's Army (JNA) as the only two factors of Yugoslav cohesion and unity. The Slovene delegation, backed by the leadership of the Croatian League of Communists, left the 14th Congress, the Congress ended without completing its work, and the LCY ceased to exist as a political party".¹⁷²

It is clear from these passages that different textbooks tell different stories about the period in which Yugoslavia disintegrated and the causes of its disintegration. The Bosnian textbooks see causes of disintegration in the period following Tito's death, while the Croatian texts see the roots of disintegration in the period immediately following World War II. While the Serbian textbooks¹⁷³ view the strengthening of the republic's institutions and the weakening of centralism in the 1960s as the period when the dissolution of Yugoslavia actually began, the Croatian textbook put emphasis on the lack of autonomy and the suppression of the development of the republic's institutions in favour of federal institutions. As regards the textbooks dealing with the 20th century, the Bosnian and Croatian publications emphasize that Croats and Muslims were threatened, while the Serbian books insist on the Serbian people being threatened. A common feature of these textbooks is that they all insist on the

sufferings of their respective peoples, on their being the *victim*, for which they blame the other nation or the other two nations. The authors, imprisoned by these stereotypes, have not even tried to explain to pupils which social processes within the country, and also within the context of the collapse of communism throughout Eastern Europe, contributed to the breakup of Yugoslavia. The collapse of the Yugoslav state is, of course, a very complex issue that cannot be fully explained in a school textbook. But pedagogical standards oblige authors not to use textbooks to make accusations against others. If some new textbook about the breakup of Yugoslavia presented different views of this process and provided its timeline, pupils would maybe reflect on it in a different way, instead of just receiving "the truth" that is presented to them as a national programme for the future.

Textbook units dealing with the wars in Slovenia and Croatia

Unlike the Bosnian textbooks, which do not address this topic, or only mention it rarely - usually in just one sentence saying that the declarations of independence of Slovenia and Croatia were followed by armed conflicts - the Croatian textbooks explain the wars in Slovenia and Croatia at length:

"After a new government was formed, the Serbs in Croatia could not accept the fact that decisions concerning Croatia would no longer be made in Belgrade. That is why they launched a **rebellion** against the Croatian state in August 1990. On instructions from Belgrade, they started deceiving the general public at home and abroad by claiming that they were threatened by the new Croatian government. In some of the areas of Croatia where they formed a majority, Serbs started to place barricades of logs on roads ("Log Revolution"), stopped vehicles, and harassed and terrorized travellers. The town of **Knin** became the nerve centre of the rebellion, directing and encouraging the rebellion in other Serb-populated areas.

Backed by the JNA, which had become a purely Serbian army, Serbs from Croatia announced they would join the

172 Ranko Pejić, *Istorija za 9. razred osnovne škole (History for 9th grade primary school)*, Zavod za udžbenike i nastavna sredstva, Istočno Sarajevo, 2005, 181.

Greater Serbia. The situation in the territory of the former Yugoslavia was getting increasingly complicated and tense. Slobodan Milošević could not come to terms with the changes and decided to use the JNA to reverse the situation by force. The plan was to topple, at any cost, the governments that had been democratically elected in multi-party elections in the free republics; after which, these republics were to be reincorporated into Yugoslavia, although it had already ceased to exist.

For that reason the Assembly of the SFRY declared the Slovenian and Croatian declarations of independence null and void, and the federal government decided to regain control of the Slovenian border, which was controlled by the Slovenian police. However, the Slovenian territorial defence put up a stiff resistance, which sparked the war in Slovenia in late June 1991. *The Aggression in Slovenia* lasted for ten days, after which the forces of Greater Serbia withdrew to focus on the territory of Croatia.

According to some foreign policy analysts, this scenario of disassociation of Slovenia had been agreed upon beforehand. After that, large JNA and Serbian forces moved into Croatia, allegedly to help the “threatened” Serbs. This Serb-Chetnik army fiercely attacked Croatian cities and villages with all available weaponry: (...)”¹⁷⁴

This textbook, as well as others used in schools that deliver the Croatian curriculum, discuss the war in Croatia at length - on six or seven pages much more extensively than the war in Bosnia and Herzegovina. The sentences like the one cited above “(...) the scenario of disassociation of Slovenia had been agreed upon beforehand”, is not further explained and therefore seems superfluous. Similar statements are found in all the textbooks.

The textbooks used for history teaching in the Republika Srpska address the wars in Slovenia and Croatia from a completely different point of view.

“In 1991, the Slovenian Territorial Defence began to attack JNA members. The attacks by the Slovenian Territorial De-

fence resulted in the deaths of many innocent young men who were serving regular military service in Slovenia and who fended-off the attacks by the secessionists without live ammunition. The Slovenian leadership conducted a plebiscite. Slovenia broke away from Yugoslavia violently and was soon recognized internationally. A short time later, Croatia, Bosnia and Herzegovina and Macedonia also seceded and were immediately recognized internationally. Such a speedy recognition of the breakaway republics by Western countries made it clear the latter had planned and assisted the breakup of Yugoslavia.”¹⁷⁵

This is how the textbooks used in the Republika Srpska interpret the events surrounding the war in Croatia:

“**Secession and war in Croatia.** In 1989, Yugoslavia introduced a multi-party political system. Political parties began emerging throughout the republics. In Croatia, the Croatian Democratic Union (HDZ), a nationalist party, was founded.

The political programme of the HDZ was founded on secession. After winning the elections and ascending to power, the HDZ started to form paramilitary formations. In 1991, the Croatian Parliament passed a Constitution which stripped the Serbs in Croatia of the rights they had enjoyed as a constituent people and transformed Serbs into a national minority. Immediately afterwards, Serbs were dismissed from all public and state agencies. The Serbs found this Constitution unacceptable, because it made them second-class citizens. Under pressure from the Croatian authorities, Serbs were forced to leave Croatia, just as they had done during the time of the Independent State of Croatia (NDH).

Finding themselves threatened by the new Croatian authorities and in order to protect their rights, the Serbian people had to organize themselves politically as well. Thus the **Serbian Democratic Party** was formed, with Dr Jovan Rašković as its leader. On realizing that their survival and national identity were at stake, on 15 August 1990, the Serbs held an assembly of Serb people in Srb to proclaim the autonomy of Serbs in Croatia, and made a decision to hold a plebiscite among all Serbs living within the borders of Croatia, as

173 The term “Serbian textbooks” refers to the textbooks developed and used in the Republika Srpska.

174 Miloš, 198-199.

175 Pejić, 181.

defined by AVNOJ. On 17 August, Croatian police tried to prevent the plebiscite, which sparked clashes. These clashes marked the beginning of the armed conflict in Croatia.

Creation of the Republic of Serbian Krajina (RSK). In response to the decision of the Croatian Parliament of 21 February 1991 that Yugoslav federal laws ceased to apply to Croatia, the Assembly of Serb People, sitting in Knin, adopted its own Constitution and proclaimed the **Republic of Serbian Krajina**.

The Republic of Serbian Krajina consisted of two parts: eastern and western. The western part covered Northern Dalmatia, and a large part of Lika, Kordun, Banija and Western Slavonia. The eastern part included Baranja, Western Srem and Eastern Slavonia. Knin was made the capital city of the RSK. International peacekeeping forces were deployed along the line of demarcation between Croatia and the Republic of Serbian Krajina.

In May and August 1995, the Croatian leadership, with the blessing of the international community, launched the “Flash” [Bljesak] and “Storm” [Oluja] military operations in the territory of Serbian Krajina, killing not only soldiers, but also thousands of Serb women, children and elderly. Hundreds of thousands of Serbs were forced from their ancestral lands. Refugee columns making their way to Serbia were bombed by Croatian aircraft. NATO did not condemn these violent operations, but supported and assisted them. The western part of the Republic of Serbian Krajina was occupied by the Croatian army in 1995.

The eastern part of the RSK remained under the protection of the United Nations until 1998, before being incorporated into Croatia, against the wish of the Serbian people. The international community had no understanding for the Serb people who had always yearned for freedom – to preserve their national and political rights. The life of Serbs in the RSK was beautiful, free and democratic - but, unfortunately, short¹⁷⁶.

History, as taught in schools in Bosnia and Herzegovina, offers conflicting interpretations of the same events. The Cro-

atian textbooks explain the Croatian Homeland War and the abolition of para-state institutions on its territory, and the Serbian textbooks prove the right of Serbs to have their own institutions and elevate them to the level of state institutions in what was already the internationally recognized state of Croatia. The Bosnian textbooks say nothing about this topic, because the wars of the 1990s, including the war in Bosnia and Herzegovina, are not covered by the Bosnian history curriculum. Pupils are therefore left to learn about them through the media or at home.

Textbook units dealing with Bosnia and Herzegovina as an independent and sovereign state

The declaration of independence of Bosnia and Herzegovina is the last unit of the Bosnian history textbooks. The text begins with “After that” without explaining what that “that” refers to. This lesson deserves to be reproduced here as a whole:

“After that, parliamentary elections were held in Bosnia and Herzegovina on 18 November 1990. The winners were three national parties: the Party of Democratic Action (SDA), the Serbian Democratic Party (SDS) and the Croatian Democratic Union (HDZ). That same year, all the republics held elections.

Meanwhile, the international community convened a conference on Yugoslavia, which had the mandate to help settle political relations between the republics in the process of the dissolution of Yugoslavia. At the meeting of the Council of Ministers of the European Community held on 16 December 1991 in Brussels, the European Community and its Member States adopted the Declaration on Yugoslavia and the Declaration on the Guidelines on the recognition of new states in Eastern Europe and in the Soviet Union. Following these guidelines, the Government of Bosnia and Herzegovina on 20 December 1991 issued the Decision on the recognition of statehood i.e. independence of Bosnia and Herzegovina.

176 Pejić, 182.

Following the opinion of the Arbitration Commission, the Assembly of the Socialist Republic of Bosnia and Herzegovina adopted a decision to call a referendum to determine the status of Bosnia and Herzegovina. The referendum was held on 29 February and 1 March 1992. 2,073,568 out of a total of 3,253,568 persons eligible to vote took part in the referendum. 2,061,932 voters, or 99.44%, voted for a sovereign and independent Bosnia and Herzegovina, a state of equal citizens and peoples of Bosnia and Herzegovina – Muslims, Serbs, Croats and members of other nations living in it.

International recognition of Bosnia and Herzegovina came soon, at the meeting of the Council of Ministers of the European Community in Brussels on 6 April 1992. The recognition became effective on 7 April. With this recognition, Bosnia and Herzegovina formally ceased to be part of Yugoslavia. The political and administrative borders of this former Yugoslav republic and one of its six federal units became internationally recognized state borders. On 22 May 1992, Bosnia and Herzegovina was admitted to the UN, along with Slovenia and Croatia¹⁷⁷.

This is how the textbook ends. There is not a single sentence about the four-year long war that followed in the aftermath of the recognition of Bosnia and Herzegovina. The textbooks that follow the Croatian curriculum, in the teaching unit titled “Elections and international recognition of Bosnia and Herzegovina”, teach the history of this period from the perspective of Croatian historiography:

“The first multi-party elections in Bosnia and Herzegovina took place in November 1990. The winners were the national parties: the **Croatian Democratic Union (HDZ)**, the **Serbian Democratic Party (SDS)** and the **Party of Democratic Action (SDA)**. As talks on the restructuring of Yugoslavia failed at the beginning of 1991, conditions were created for Bosnia and Herzegovina to become an independent state. The referendum on independence was held on 29 February and 1 March 1992. Voter turnout was 64 %, of whom 99% voted for independence. The international actors respected the will of the peoples of Bosnia and Herzegovina and on 6

March 1992, the country was recognized as an independent state by the European Community and admitted to the UN on 22 May 1992. The same thing happened, with the same outcome, in Croatia and Slovenia, which provided Slobodan Milošević and the JNA General Staff in Belgrade with yet another reason for launching a military intervention in what were already now former Yugoslav republics. The military intervention in Slovenia in June 1991 lasted only several days, after which Slovenia was allowed to leave Yugoslavia. The Serb-Chetnik aggressors could now focus on Croatia and Bosnia and Herzegovina. Their Greater Serbian policy became evident and so did its ultimate goal. The Croatian people in Bosnia and Herzegovina started to organize themselves. On 8 March 1992, the Croatian Community of Herzeg-Bosnia (HZ HB) and the Croatian Defence Council (HVO) were formed, with the aim of protecting all peoples within the community from any potential aggressors. The founding acts of the HZHB made no mention of secession or separatism. On 28 August 1992, the Croatian Republic of Herzeg Bosnia was proclaimed on the same principles¹⁷⁸.

This Croatian textbook puts an emphasis on the institutions and military units of the Croatian people, neglecting those of the Bosniak and Serbian peoples. Serbian textbooks offer a completely different interpretation, under the title “The war in Bosnia and Herzegovina and the emergence of the Republika Srpska”:

„Shortly after the amending of the Constitution and the introduction of a multi-party system in Bosnia and Herzegovina, many political parties were founded. The first was the Muslim (Bosniak) **Party of Democratic Action (SDA)**, followed by the **Croatian Democratic Union (HDZ)** and the **Serbian Democratic Party (SDS)**. These national parties won the first multi-party elections and came to power. The SDA and HDZ joined forces to break up Yugoslavia. Bosniak and Croat deputies in the Bosnian Parliament formed a coalition and passed decisions without the consent of the Serbian representatives.

The Serbian deputies withdrew from the Parliament of

177 Šehić, Kučuk-Sorguč, 163.

178 Miljenko Miloš, 204-205.

Bosnia and Herzegovina and formed an Assembly of Serb People. In November 1991, a referendum among the Serb people was held, at which more than 97% of Serbs and some Bosniaks and Croats voted to remain within Yugoslavia. On the basis of the referendum results, the Assembly of Serb People on 9 January 1992 proclaimed the creation of the **Republic of Serb People of Bosnia and Herzegovina**, which later changed its name to **Republika Srpska**.

In early 1992, the Muslim (Bosniak) and Croatian leadership, without the consent and participation of the Serbian people, conducted a referendum, in which a relative majority of Croatian and Muslim voters voted for the separation of Bosnia and Herzegovina from Yugoslavia and its independence. As early as 12 April 1992, to the surprise of the Serbian people, international recognition came and the war started¹⁷⁹.

Besides offering different interpretations and giving too much attention to its own national institutions during the period of transition, the textbooks used in Bosnia and Herzegovina even give different dates for the international recognition of BiH. For example, the last textbook cited gives 12 April 1992 as the date of recognition, and ends the sentence with the words, “and the war started”, even though it is well known that the massive artillery attack on Sarajevo from the surrounding hills and mountains started on 6 April, after the country had already been recognized. Such improvisations, whether deliberate or accidental, are certainly not appropriate for a textbook.

Textbook units dealing with the war in Bosnia and Herzegovina

Unlike their Bosnian counterparts, the textbooks used to teach the Croatian curriculum do contain a lesson about the Bosnian War. It is titled “The Greater-Serbian aggression against Bosnia and Herzegovina”:

„The main goal of the policy pursued by the Serbian Democratic Party (SDS) in Bosnia and Herzegovina was to give

support to Slobodan Milošević in his plans to make Bosnia and Herzegovina part of Greater Serbia. When Serb-Chetnik aggression against Croatia escalated, Croats and Muslims in the Assembly of Bosnia and Herzegovina in Sarajevo voted in October 1991 for the sovereignty of Bosnia and Herzegovina and its **demilitarization**. The Serbian deputies then left the parliament and proclaimed the **Republika Srpska** in those parts of Bosnia and Herzegovina with a Serbian majority. These processes led to the dissolution of Bosnia and Herzegovina. The international community and the United States opposed the dissolution, demanding respect for the integrity of Bosnia and Herzegovina.

The war in BiH started on 5 September 1991, when Serb-Chetnik aggressors attacked the predominantly Croatian village of **Ravno**, located in the Dubrovnik hinterland, and ravaged it.

Over the next several days, messages like “**It is not our war**” could be heard coming from the highest quarters of the Government of Bosnia and Herzegovina in Sarajevo, as if **Ravno** were at the other end of the planet. Such messages were not a good sign for Bosnia and Herzegovina, but they reflected the situation and the opinions of the day of the highest representatives of BiH, and of President Alija Izetbegović himself. And while Serbs were working to build the Republika Srpska, and Croats organized themselves within the HZ Herzeg-Bosnia, Muslims did nothing until they themselves were attacked.

The onset of the overt Serb-Chetnik aggression in early March 1992 united, in a certain way, Croats, Muslims and a large number of Serbs in major cities in a joint resistance to the aggressor. It could be said that the **referendum** vote was now being put to the test.

The Serbian political leadership tried to take control of as large a part of the territory as possible in order to incorporate it into the Republika Srpska. Using large forces, since the JNA had now become a Serbian army, the Republika Srpska, as the war went on, gained control of as much as 70% of the territory of Bosnia and Herzegovina. **Central Bosnia** and **Western Herzegovina** remained outside its control.

179 Pejić, 183.

The war reached unimagined proportions and, for its brutality, especially towards the civilian population, became one of the bloodiest and most brutal wars in the history of mankind.

The warring peoples were destroying one another, and ethnically clean states-areas were being created. Whole villages and towns were ravaged, as well as roads, cultural and religious edifices, monuments and all other traces of the past and identity of the three peoples. Because of the manner in which it was conducted, this war left many exiles and refugees. According to some statistics, around 60% of the BiH population left their home during the war.

Through joint actions, the Croats and the Muslims retook some of the occupied areas. Particularly significant were the actions carried out in mid-June 1992, which resulted in the liberation of Mostar. However, the situation was to be further exacerbated over the following months, especially at the end of 1992, owing to misunderstandings in Herzegovina and Central Bosnia between Muslims and Croats, who had previously fought side-by-side. In the spring of 1993, minor clashes escalated into **fierce armed conflicts and a new war**. This led to even greater devastation and mutual destruction, which suited the Serbs, the first and only aggressors in BiH. Each of the warring sides tried to seize as much of the territory as possible and **ethnically cleanse** it from the other two peoples. The number of displaced persons and refugees grew steadily, and their position was becoming more and more difficult. A large number of these people have not so far been able to return to their homes, mainly because of the lack of concern on the part of the current local BiH authorities.

The international community, which did nothing when this conflict first broke out, now took some first steps to stop it, through the mediation of the United States. So in March 1994, representatives of the two warring sides, both victims of Serb aggression, were invited to **Washington** in order to settle their relations. The result of the talks was the signing of the **Washington Agreement** on 18 March 1994, which

provided for the establishment of a confederation between the Republic of Croatia and the Federation of Bosnia and Herzegovina. Following the talks held in **Dayton** (16-19 November), the **Dayton Peace Agreement** was signed in **Paris** on 21 November 1995, which led to the pacification of the situation in Bosnia and Herzegovina. The agreement was supposed to be a temporary solution, but has remained in effect to this day. Many saw it as unfair, as it "rewarded" the Serb aggressor with 49% of the territory of Bosnia and Herzegovina, which thus became part of the Republika Srpska. The Federation of BiH, with a majority Croat and Bosniak population, kept 51% of the BiH area.

The international community, through the institution of the **High Representative**, retained the right to mediate and to supervise the future of Bosnia and Herzegovina¹⁸⁰.

The textbook in use in the Republika Srpska dedicates much more space (three pages) to the political situation in Serbia - under the units "The creation of the Federal Republic of Yugoslavia", "Separatism in Kosovo", "NATO alliance intervention" and "Yugoslavia offers resistance" - than to the war in Bosnia and Herzegovina:

„Three national armies fought in the four-year long war in Bosnia and Herzegovina: Muslim, Serbian and Croatian. The United Nations made efforts to stop the war in Bosnia and Herzegovina. To achieve this, peacekeeping forces came and were deployed along the demarcation lines between the warring parties.

In November 1995, negotiations between the three warring parties began in **Dayton** (USA). A representative of the US Government led the negotiations and drafted a peace plan. The warring parties signed an agreement on the termination of the war. The peace agreement was signed in December 1995 in Paris. Under the **Dayton Agreement**, the former Republic of Bosnia and Herzegovina consists of two entities: the Republika Srpska and the Bosniak- Croatian Federation. The Republika Srpska is an internationally recognized entity-state within the state of Bosnia and Herzegovina¹⁸¹.

180 Miljenko Miloš, 205-207.

181 Pejić, 184.

Illustrations in textbooks

The maps and photographs chosen to illustrate the texts deserve special attention. In the Bosnian textbook that was analysed, there are only two maps (of Yugoslavia and of Bosnia and Herzegovina) that support the topic discussed therein; in the Croatian textbooks, photographs and maps of Croatia prevail: of 17 illustrations, only four have to do with BiH (the flag of the Croatian Republic of Herzeg-Bosnia, Mostar and Sarajevo in ruins, and the coats of arms of Bosnia and Herzegovina and the BiH Federation). The textbook used in the Republika Srpska is illustrated in a rather peculiar way. The illustrations are not put next to their corresponding texts, but at the end of the texts, as annexes. The (24) photographs shown represent various persons, images of wars in Croatia, Serbian refugees, a coach and a train bombed by NATO on a bridge, a demolished petroleum refinery in Novi Sad, etc. A photograph showing a former JNA-owned S125 Neva anti-aircraft system missile, with a caption reading "RSK Air Defence", is particularly interesting, because the lesson it illustrates does not mention the weapons used by Serbs in the Republic of Serbian Krajina at all, but instead refers to them as unarmed people. No illustration in this textbook shows images of the war in Bosnia and Herzegovina.

In contrast to these text-dominated textbooks, in the BiH Federation there are textbooks in which copious photographs, cartoons, comments enclosed in boxes, and colourful designs dominate the text. However, we did not analyse them, because schools do not use them much, probably because they require more effort from teachers. For instance, there is a sentence that reads as follows: "The ravaging nationalism did not erupt from the people, but it was the ruling *Corpus politicum* that opened the Pandora's Box for the people".¹⁸² It is the quotation of a thought by Andrija Krešić from 1944. The sentence is too challenging for primary school pupils to be able understand, unless their teacher explains the meaning of Pandora's Box, *corpus politicum* (body politic), who Krešić was and the context of his words. The textbook gives no such explanations.

Conclusion

The textbooks selected for this analysis have been those most often used by the three national communities in Bosnia and Herzegovina. They do not differ substantially from other textbooks, since they all follow their respective curricula and national historiographies. On the basis of the analysis of their content, we may conclude that their approach to topics relating to the breakup of Yugoslavia, armed conflicts in Slovenia, Croatia and Bosnia and Herzegovina, is biased in a number of ways.

Firstly, instead of explaining the process of the disintegration of Yugoslavia, the textbooks seek to identify those responsible for it, and each finds them among the other nations living in Bosnia and Herzegovina. While Bosnian textbooks link the breakup of Yugoslavia with the events following Tito's death, the Croatian and Serbian books often go further back into the past, depending on the topic being discussed, and present events selectively. What they all have in common is that they gloss over some important events and emphasize those that serve to embellish their own national histories.

Secondly, although it is very important to make a connection between what happened in Bosnia and Herzegovina and the events in neighbouring states, the Serbian and Croatian textbooks dedicate more space to developments in Croatia and Serbia than to those in Bosnia and Herzegovina; and even when they speak about Bosnia and Herzegovina, they do it by emphasizing their own national governments' institutions and armies.

Thirdly, the authors use the same vocabulary for primary and secondary textbooks, which means that the vocabulary is not age-appropriate. Furthermore, pupils cannot memorize the exact names of institutions, and cannot understand what certain words mean, such as: federal institutions, head of state, separatists, the communist/state party, Tito's federal system, Belgrade government, victims of unitarism and

182 Leonard Valenta, *Historija – Povijest, za 8. razred osnovne škole (History for the 8th grade primary school)*, Bosanska Riječ, Sarajevo: 2007, 186.

centralism, the concept of nation-forming, national parity, the rights of a constituent people, paramilitary formations, etc. When referring to the victims among their “own” ethnic group, the authors use phrases like, “killing thousands of women, children and the elderly”, “hundreds of thousands were killed”, “the bloodiest and most brutal wars in the history of mankind”, and the like. What pupils make of all this is a question some future study should answer, but only through a survey of students.

“The authors of most of the existing textbooks encourage positive prejudice among children in favour of ‘their own’ people. Bosniaks: portrayed as pan-Bosnian oriented, having a constant need to prove, to themselves and the others, the legitimacy of their own identity; characterized by an elevated sense of morality which in different historical periods has manifested itself as passive suffering. Croats: always aspired to statehood; their identity is the oldest and they have been present on the territory of Bosnia and Herzegovina for the longest time, which makes them politically superior to all other peoples. Serbs: a small nation, but what makes it great is its heroism, love of freedom, resistance to those who have tried to subjugate it; Serbs are the embodiment of the principle of Christ’s sacrifice, but others often do not under-

stand them, just as they did not understand Christ; although very progressive, they are not seen as such by others”.¹⁸³This is just a summary of a text by Adisa Čečo describing the results of a 18-month long study “Education in Bosnia and Herzegovina: What do we teach children?” conducted in 2007. Not much has changed since 2007, unfortunately.

The fact that in some schools in Bosnia and Herzegovina, and even some high schools in Sarajevo, classroom teachers do not use any textbooks for teaching history, but rather dictate lessons to the pupils, is something we should be concerned about. The pupils, instead of being encouraged through modern teaching methods to expand their knowledge, are either exposed to petty politics or forced to write down their lessons, even though we are in the 21st century.

In the light of the content of the textbooks and “what we teach our children”, it is rather unlikely that future generations will embark on a path towards understanding the past and building mutual trust with their neighbours in Bosnian and Herzegovina and the region. And this is because the younger generations are on a daily basis exposed to hate speech, not only through their textbooks, but through the media as well.

183 Textbooks – hate factories, *Bosna, nezavisna informativna revija*, god. XIII, no. 575, Sarajevo, 22.11.2007, 18-21.

From History to Courtroom and Back: What Can Historiography Obtain from Judgments for Crimes in the Wars in the Former Yugoslavia

Ivan Jovanović¹⁸⁴

156 Acquaintance existing between historiography and trials for crimes we refer to as international – war crimes, crimes against humanity and genocide, started quite recently in history and since then, their encounters have been rare. Apart from a few sporadic examples, more anecdotal and largely unsuccessful examples in the last several hundred years, the trials for such crimes were not organized until the international tribunals in Nuremberg and Tokyo and several thousand trials before domestic courts after World War II. After these, such trials were again a rarity in the world until the 1990s and the first trials for crimes in the wars on the territory of the former Yugoslavia. For this reason, historiography did not have an opportunity to obtain great experience with the methods and results of trials for international crimes apart from those related to World War II, while in the meantime, law and both the international and domestic courts have evolved.

Without the intention to enter heuristic depths of history as a scientific discipline, this article aims to bring the trials for international crimes closer to historians, point out what might be relevant for them in judgments for such crimes and assist historians to evaluate the reliability of judgment as a historical source. The focus will be on constructive aspect of court proceedings – how we reach the judicial truth, not

whether such truth objectively matches reality or what has been determined as judicial truth so far when it comes to conflicts and crimes in the former Yugoslavia (except to the extent when I am going to mention certain facts established in relation to the crimes in the former Yugoslavia in order to explain the court proceedings in general). This convergence of international and criminal law to historiography will primarily be done through the explanation of work, procedure and judgments of the International Criminal Tribunal for the former Yugoslavia (hereinafter – the Tribunal, ICTY). The reasons why this Tribunal and the crimes in the former Yugoslavia are the focus are numerous; it is not because of the fact that the crimes concern us – those who write this and those who will be reading it, and the fact the ICTY leaves us a legacy, a huge reservoir of facts and findings – probably the biggest one – on crimes and other events during the conflicts in the region, but the fact that those other newly-created international, mixed and domestic courts for war crimes owe its practice, sources of law and their existence as well, to the Tribunal, with all its strengths and weaknesses. The trials before courts in post-Yugoslav countries will also be mentioned, especially if certain unique patterns of legal proceedings need to be illustrated or on the other hand, if certain differences between them and the Tribunal need to be underlined. However, these trials will be given less atten-

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tion primarily because their legacy – the established facts, archive available to researchers and other issues – is poorer in comparison to the one in the Hague and therefore, less relevant to historians. Despite the fact that domestic trials for international crimes are by default nationally biased and contain instrumentalism,¹⁸⁵ and despite the fact one could critically talk about the work of justice system in the region, these trials not only contribute to the establishment of facts and the increase of materials on crimes in the region, but they are unprecedented in the world's history because of their number, continuity and the fact they deal with their own citizens and events from their territories.

In order for a lawyer, on the one hand, and historians and those who read the judgments we will be talking about on the other hand, to understand each other better, one must immediately point out that the premise this article begins with is not the one which says that courts should be dealing with history and write it. On the contrary, the starting point is that this is the job for a historian. Although, in certain judgments the Tribunal does mention the need to create an accurate historical record within a trial,¹⁸⁶ such a thing is far from the prevailing understanding of the role of trials for war crimes and other most serious crimes. Estab-

lishing the truth on conflicts is mentioned nowhere in the resolutions of the Security Council of the United Nations (UN), which founded the tribunals for the former Yugoslavia and Rwanda. A thing like this is not in the Statute nor in the Prosecutor's strategy of the (permanent) International Criminal Tribunal.¹⁸⁷ Hannah Arendt, as a chronicler of one of the most important and the most famous trials in history - that of Adolf Eichmann, believed the role of courts had to be limited to distribution of justice in particular cases, while all the other higher goals, including the creation of historical records, would disturb the court in its operations.¹⁸⁸ A great number of authors think the courts have the right to contribute to writing the history.¹⁸⁹ However, they should not be doing it themselves and that must not be the trial's purpose.¹⁹⁰ Tribunal court chambers emphasize that the court can contribute to the establishment of truth about events, but it cannot be the final arbiter on historical facts since only historians are entitled to that.¹⁹¹ The court cannot write history or explain the reasons of conflicts;¹⁹² certain judges pointed this out in their works.¹⁹³

Still, history and criminal court, finally united, cannot escape from each other. When one talks about the role of trials in writing the history, the fact is that there is actually a di-

185 See Richard Ashby Wilson on such reservedness towards domestic trials in general: "Judging History: The Historical Record of the International Criminal Tribunal for the Former Yugoslavia" (2005) 27 *Human Rights Quarterly*, 919-922. Hannah Arendt argued that Eichmann should have been trialed before an international court, and not the court of the Jewish state: Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*, Penguin Books, 1994, 270-272.

186 ICTY, *Momir Nikolić*, Sentencing Judgment, 2 December 2003, para. 52. (ICTY judgments will be listed in their English original titles, only stating the last name of the accused or the first among the indictees, except where there are several accused with the same surnames).

187 ICC, Office of the Prosecutor, *Prosecutorial Strategy 2009–2012*, 1 February 2010, para. 20.

188 Hannah Arendt, *op. cit.*, 253.

189 Fergal Gaynor, "Uneasy Partners: Evidence, Truth and History in International Trials", 10 *Journal of International Criminal Justice* (JICJ) 2012, 1275. Dov Jacobs, Catherine Harwood, "International Criminal Law Outside the Courtroom: The Impact of Focusing on International Crimes for the Quality of Fact-Finding", in Morten Bergsmo (ed.), *Quality Control in Fact Finding*, 2013, Torkel Opsahl, 2013, 135.

190 Ralph Zacklin, "The Failings of Ad Hoc International Criminal Tribunals", 2 *JICJ*(2004), 544. Zacklin was the UN Assistant Secretary General for Legal Affairs for the period 1998-2005.

191 Among others, *Dragan Nikolić*, Sentencing Judgment, 18 December 2003, para. 122.

192 *Karadžić*, Decision on the Accused's Holbrooke Agreement Motion, Trial Chamber, 8 July 2009, para. 46., *Delalić et al.*, Judgment, 16 November 1998, para. 88, *Kupreškić et al.*, Judgment, 14 January 2000, paras. 755- 756.

193 O-Gon Kwon, "The Challenge of an International Criminal Trial as Seen from the Bench", 5 *JICJ*(2007), 362. Patricia Wald, "The International Criminal Tribunal for the Former Yugoslavia Comes of Age: Some Observations on Day-to-Day Dilemmas of an International Court" (2001) 5 *Washington University Journal of Law & Policy* 87, 116–117.

chotomy because of the following reasons. On the one hand, there is a focus of an individual court proceeding on a particular case, perpetrator and relevant legal norms. On the other hand, there is the totality of all the proceedings which deal with events of a certain historical epoch, like wars on the post-Yugoslav area, which inevitably creates a historiographical effect as well, whether it is court's intention or not. Starting from this dichotomy, the purpose of this article is to explain, from the legal perspective, how and to what extent historiography can, in doing its job, rely on what law has already done as part of its job.

It is necessary to differentiate what we precisely mean when we say "trials". Regarding this term, one may separately talk about the immediate course of proceedings within which various evidence is collected and presented, which altogether make *court records*, and about *judgment* - which is a part of proceedings but is made at its end and is based on presented and accepted evidence. However, when we talk about the judgment itself, we may think of its different parts, which might be interesting for historians. Among these, I would like to point out two parts of a judgment. The first part is the one which is in the Tribunal's judgments most frequently marked as the *background* or *historical overview*; it sometimes represents part of the judgment's reasoning pointing out what had preceded the deeds which are the trial's subject, and which are, in court's opinion, historically relevant. The second part is the one which *relates to establishing someone's guilt* and which actually makes the bigger and the key part of every criminal judgment. In the chapters which follows, the reason why and to what extent each of these two aforementioned results of a court proceeding - court records with evidence (chapter 1 of this article will deal with this matter), and judgment, divided, for the purposes of this topic, into historical overview (discussed in chapter 2) and establishing the guilt (chapter 3) can contribute to establishing historical facts will be explained. Most attention will be given to the part which deals with judgment since it is the most important and most authoritative contribution of the court itself and criminal proceedings to historians' research. The reasons why this is so will be explained below. Finally, in chapter 4, I will deal with three particular issues - the classification of armed conflicts, determination of war crime and determination of genocide - where legal classification can, but does not have to, have significant impact on the interpretation of historical events.

1. Court records as a source for historians

Court records or *trial records* are anything the prosecution and defence present, and court accepts or demands and receives. There are some variations among national legal systems themselves and there are some differences between the ICTY and national systems in terms of what exactly can be considered to be court records. However, these differences are not so big and therefore, they can be put aside at the moment. Anything which might be relevant to prove the existence of a crime and someone's guilt is considered to be court records. Court documents of the ICTY and courts in the region include, among other things, documents of various types and origin: ranging from army and police documents (orders, reports, diaries or logbooks, plans, maps, documents on the command structure, etc.), other government documents and documents of public institutions (legal acts, minutes of meetings, systematization and organizational charts, etc.), documents of non-state bodies, such as political parties or non-governmental organizations (for example, reports on human rights violations) to documents which are personal notes of individuals, mostly politicians. Court records are documents from the countries in the region and documents from other countries as well, including international organizations, too. Yet, in practice, the Tribunal has not often sought documents from countries outside the region of former Yugoslavia or at least has less persisted in obtaining them. Publicly available sources have often been submitted as evidence, such as media reports or statements of officials and politicians. A number of other physical evidence belongs to court records, such as evidence obtained through exhumation, autopsy, site investigations, accompanying forensic reports, photos, video and audio recordings, including conversations intercepted by the warring parties. As in any court proceedings, testimonies (audio-visually recorded and transcripts) have a particularly important role: the testimonies of witnesses who were victims and eyewitnesses, "insider" witnesses, expert-witnesses. Of course, case files include submissions of the parties (prosecution and the defense), such as indictments, motions, requests, responses to the opposite side, correspondence, parties' statements during the trial and decisions of the court during the proceedings.

A broader term than court records is the Tribunal's archive. The archive of the Tribunal, apart from the court records,

includes documents from the prosecution which have never been presented at trials as evidence or the chambers have not accepted them; the archive also includes documents related to witness protection, enforcement of sentences, state cooperation with the Tribunal and many other ways of cooperation, including the one that represents the traces of everyday administrative operation of this institution. The archive of the Tribunal for the former Yugoslavia same as the archive of the Rwanda Tribunal, including their court files as well, remain the property of the UN since a UN body – the Security Council, founded the both tribunals. Keeping the archive and managing it, which includes giving access to researches, are one of the basic functions of the UN Mechanism for International Criminal Tribunals (hereinafter: the Mechanism), also known as “Residual Mechanism”, as originally called. This newly established international judicial institution, so far unique and somewhat complicated to understand, has already inherited some functions of the tribunals for the former Yugoslavia¹⁹⁴ and Rwanda regarding certain functions and it will continue to exist even after they end the proceedings which are currently in progress.

There is no doubt that the Tribunal’s archive, managed by the Mechanism, is a rich source for historians bearing in mind what is available now or will be available in the future. Since providing access to the archive, with some limitations attached, that will be mentioned below) is one of the Mechanism’s basic functions getting access to Tribunal’s court records will be easier than accessing the court files in the courts of the region due to national legislations, partial reservedness and inertia of domestic courts, which all make this process sometimes impossible and sometimes extremely slow and laborious. Nevertheless, not everything in the court files and archive will be available to researches. There is a significant number of testimonies which were closed to the public and a number of documents delivered to the Tribunal by the countries, including those from the region, under condition that they were not available to the public, and some other documents marked as confidential. They can be available to researches only when a Trial Chamber

of the Mechanism decides to lift the confidentiality measure from such documents (declassification), whether by getting previous consent from witnesses whose statement were confidential or through consent from the countries of documents’ origin or when the Mechanism decides so after setting criteria for declassification of documents after some time. Situation regarding the material collected by the prosecution is even more complicated; the material which is not included in proceedings as evidence, such as statements by witnesses who were promised by the prosecution during taking their statements that they would not be disclosed to anyone, without their prior consent, except to a Tribunal’s chamber; the Tribunal’s/Mechanism’s trial chambers do not have jurisdiction for declassification over these materials.

Court records, to the extent available, will enable historians to have direct insight into original documents of the conflicting parties in the former Yugoslavia and statements of participants and victims, all gathered in one place. The role of the court was to collect these documents or evidence in proceedings; the court did not have the role to interpret and evaluate the evidence – different from when we talk about the judgment as a source. The historians are the ones who will evaluate authenticity, credibility and relevance of the material, bearing in mind certain restrictions of criminal proceedings, which will be discussed more in chapter 3.

2. Historical overview (or background) as a source in judgment

First instance judgments of the ICTY contain a part or a section, which is referred to as *the Background* (“*Kontekst*” when translated into the languages of the region). This section presents an overview of events which led to crimes that were the subject of the trial and it seeks to explain the socio-political and historical background in which the crimes were committed. Such review in the early jurisprudence of the Tribunal was either a historical retrospective which included a longer period of time or, what was the case more

194 A branch of the Mechanism, which inherits the ICTY began its work on 1 July 2013 in the same building in The Hague, where the Tribunal is. More on the Mechanism can be found on: <http://www.unmict.org>.

often, a review of the start of the conflicts in the early 90s in certain part of the former Yugoslavia and of the events immediately before and after that start. The first type of background or historical review – dealing with centuries-old or decades-old past before the conflicts, irritated the Tribunal's critics and gave them an argument to do so. Such critics – mostly among the Serbs, and often including people who supported the Tribunal – were frequently pointing out to the Tribunal's unnecessary and incompetent dealing with establishing the past as one of its biggest flaws. Along with that, it was also often argued that the Tribunal judged the entire Serbian nation and its history.

At the trial of Duško Tadić, the first one before the Tribunal, both the prosecution and the defence brought expert-witnesses, who were introduced as experts in the history of the Balkans and spoke about it. The *Tadic* judgment, brought in 1997, contains a historical overview in 14 pages, which begins with the Ottoman period; its four pages are dedicated to the section entitled “Greater Serbia”. The argument about the trial to the Serbian history was not developed because of this, but this influence of history and historians as witnesses at the first ICTY's trial gave this argument additional cause and strength. Such belief did not only strengthen but expanded, as well, and reached almost every home during the media spectacle at the trial against Slobodan Milošević, where the prosecution profusely embraced the history and invited historians as expert-witnesses.

However, the impression about the role the history or historiography played before the Tribunal has been blown out of proportions having in mind to how much attention it has been actually given and what effect it had in judgments. Wide historical review was made in the *Tadic* judgment, the first international one after the Nuremberg and Tokyo trials in which somebody's guilt had to be established,¹⁹⁵ and

it was made in the context of establishing persecution on national or religious grounds as a crime against humanity.¹⁹⁶ Therefore, we can partially understand the needs of the prosecution and then the court to explain, by invoking history, how somebody as a member of one ethnic group aimed and persecuted members of the other group, with whom he used to live together and who were actually his neighbours. After the *Tadic* case, dealing with history has almost disappeared. If there is any, as in the judgments against Dario Kordic and Mario Cerkez, Bosnian Croats, it reaches the period of creation of the Socialist Yugoslavia, the furthest. In judgments where one could expect history to be present (like in the Rwanda Tribunal's judgments for genocide), such as the first judgment for genocide in Srebrenica in the *Krstic* case, the “background”, as part of that judgment, only deals with the beginning and course of the war in BiH. The court was explicit in leaving it to the “historians and social psychologists to measure the real depth of that episode of the Balkan conflict and examine deeply rooted causes.”¹⁹⁷ Even during the *Milosevic* trial, where it seemed as if there was a battle between prosecutor Nice and expert historian appointed by the prosecution on the one side and Milošević on the other, the judges did however restrict dealing with history.¹⁹⁸ The prosecution did not stop inviting historians as witnesses, especially in cases where crimes encompassed a larger territory and the accused were on higher hierarchy levels. However, as time passed, the prosecution decreased its expectations from what could be gained by analysing immediate or distant past of a part of the former Yugoslavia mainly because such testimonies were not considered by judges to be relevant enough for judgments on someone's criminal responsibility. Some authors think the prosecution shifted from “monumental history” to “micro-history”¹⁹⁹ in 2004 during *Brdjanin* case (although, this tendency was present even before the mentioned case) when the judges, defining one of the standards for making conclusions on

195 Judgment against Dražen Erdemović had been previously passed on 30 November 1996, but since Erdemovic pleaded guilty, there was no need to prove the existence of crime and his responsibility.

196 See *Duško Tadić*, Judgment, 7 May 1997, para. 53.

197 *Krstić*, Judgment, 2 August 2001, para. 2.

198 Judge May: “The amount of historical evidence we would like to hear is very limited”. *Slobodan Milošević*, transcript, 9 January 2002, p. 243.

199 I owe these terms to Richard Wilson. See Richard Ashby Wilson, *Writing History in International Criminal Trials*, Cambridge Books Online, 112-139 (available at: <http://ebooks.cambridge.org/>).

someone's criminal intentions in an indirect manner, pointed out that contextual evidence such as the one referring to history could not be of great help.²⁰⁰ However, it is interesting that both the prosecution and the defence almost equally considered that historical context explanations at trials had sense,²⁰¹ according to research conducted by Richard Wilson. It is obvious that each party thought it could extract something from history, with the help of its experts, which would help its version of events. History was used in order to achieve legal aims and not for objective evaluation of the past.

After a deeper inspection of distant history, during the initial period of the Tribunal in the Hague, the following practice was present: the crimes which an individual was prosecuted for were contextualized in the light of events that directly preceded them, that is, which preceded the conflict. What found way to judgments were discussions and testimonies about the disintegration of Yugoslavia, about the organization of ethnically-based parties, establishing armies or guerilla formations, or about work and decisions of bodies and officials of emerging independent states or unrecognized entities. Historians still acted as experts at many trials but they did not present the history of a country or an epoch. Instead, they chronologically listed these events and presented the court with political, administrative or military decisions which directly preceded an event, thus letting the court conclude about criminal relevance of such connection. More importantly, historians' statements on events immediately before and after the conflicts were not the only testimonies in that regard; many direct participants showed up as witnesses, too.

An inevitable question of the cause why a certain historian had been invited to present his/her findings on a topic was

often raised; actually, the issue of an expert-witness' competence was debatable. It turned out the historians invited by the prosecution were not scientists who had remarkable or significant articles on the Balkan history, which was something that the defence often pointed out, thus challenging their expertise. Some authors say the reason for choosing such experts by the prosecution in the ICTY (but also in the Rwanda Tribunal) is because such experts had less risk of being thrown off balance in case the defence challenged their credibility and competence. This is something to be expected in court proceedings however competent the expert is. The prosecution feared that certain more famous scientists, when faced with such attacks, would rather defend themselves and their reputation instead of making categorical conclusions which a party to a court case always wants to hear from its witness.²⁰²

The practice of other international courts regarding the issue of inviting historians as experts and including their testimonies in judgments is not unique. Trial chambers of the Tribunal for Rwanda included the expert testimonies on the Rwanda's past and the history of relations between the Tutsis and the Hutus in their judgments. On the other hand, the International Criminal Court (ICC) in its only two guilty verdicts so far – the *Lubanga* and *Katanga* judgments – dealt with the history of the DR Congo until the late nineties and the events which immediately preceded the conflicts in this country.²⁰³ The ICC judges pointed out that the only purpose of such review was to link the events mentioned in witnesses' statements and not to make cross section and explanations of history.²⁰⁴ In judgments for war crimes at domestic courts from the region there are fewer historical reviews than in the Tribunal and there are no inspections into the distant past, like in the *Tadic* case. There were no historians' testifying at domestic trials, or, at least,

200 Wilson, *op. cit.*, 119-121. *Brdjanin*, Judgment, 1 September 2004, para. 970.

201 Wilson, *op. cit.*, 72.

202 Wilson, *op. cit.*, 126-127. On the topic of historians as experts before the Tribunal for the former Yugoslavia, see Vladimir Petrović's: "Weltgericht ohne Weltgeschichte: Historians as Expert Witnesses in the ICTY", *Ab Imperio* 2/2007, 195-217 and by the same author: "Les historiens comme témoins experts au Tribunal Pénal International pour l'ex Yougoslavie" in: Isabelle Delpla, Magali Bessone, *Peines de guerre*, Paris, 2010, 119-134.

203 ICC, *Thomas Lubanga Dyilo*, Judgment, 14 March 2012, s. 41-49, ICC, *Germain Katanga*, Judgment, 7 March 2014, p. 155-182.

204 *Katanga*, Judgment, para. 430.

nobody was called to explain the genesis of certain events.²⁰⁵ Only the judgments of Croatian courts briefly and casually state that the crimes committed by Serb forces had the context of Serb aggression on Croatia with the aim to create the Greater Serbia. These Croatian judgments contain explicit stance of the court towards the cause and character of a conflict, unlike other judgments of other national courts from the region and unlike ICTY judgments. Such statements in judgments in Croatia were not based on historians' testimonies or any other evidence presentation; they express a prevailing and even an official interpretation by the state and society in Croatia on recent past, which is then treated by courts as a fact of common knowledge. Still, it can be assumed that a majority of Croatian historians, if they had testified as experts, would have probably explained the context of events identically; also, a majority or a great deal of Serbian historians, if found themselves before the court in Belgrade, would put the events from Croatia into the context of defending the country from secession and Serbs' fight for right to self-determination or for survival. If testimonies of historians from outside the region before an international court although subject to criticism can be unbiased, the testimonies of domestic historians in trials before local courts – especially their selection – could hardly be deprived of the aspiration to confirm the dominant national narrative on the past.

Eventually, when one draws the line at sometimes unnecessary, inevitably superficial, yet decreasing usage of history over time in the jurisprudence of the Tribunal, the most important thing is to point out the following – there has not been a single judgment where history was the explanation of someone's guilt; instead, these were the particular acts of the perpetrator and his/her participation in the crime. It ap-

pears that history had the biggest influence on the judgment in *Milosevic* case, when the Trial Chamber in the middle of proceedings, dismissed, by majority votes, the defence's proposal to acquit Milosevic of genocide. The Trial Chamber stated that one of potential evidence of Milosevic's intention to support or commit genocide in BiH can be his advocacy for the idea of the Greater Serbia. However, it is important to emphasize the following – this decision was not the declaration of Milosevic's guilt, since the guilt in court proceedings can only be established after all the evidence has been heard. This meant the court held that the evidence presented by the prosecution in the first half of the trial were persuasive enough to show the *possibility* that after the entire trial a conviction of Milošević could be based on such evidence.²⁰⁶

Of course, the historians are the ones who decide whether and to what extent they will rely on part of the judgment regarding historical background or context of the event, which is based on other historians' testimony; however, it seems that part of the judgment should not be a source to historians. The reason for this is primarily methodological. Although they are in judgments, such parts do not represent court-established facts; they are the acceptance of one interpretation of events preceding the crime as offered by historians. Unlike the parts of judgment which deal with the establishing the existence of crimes and someone's criminal responsibility and which are based on the methods of criminal law – which will be discussed further on – the context of events in the judgment is based on the methods of historians who gave testimonies. Why would then a historian take another historian's opinion built in a judgement as his/her source instead of directly consulting the work of that same historian on the topic, if, such work exists.

205 In some judgments, as in the so called *Scorpions* case, before the Belgrade War Crimes Chamber, a chronological overview of the creation and disintegration of the former Yugoslavia is provided, but it was not based on a historian's testimony but on what the court called the commonly known facts taken from various historical documents. The Belgrade War Crimes Chamber, *Slobodan Medić et al. (the Scorpions)*, first instance judgment, 10 April 2007, p. 48-52.

206 This type of decision, pursuant to *Rule 98 bis* of the Rules of Procedure and Evidence of the Tribunal, may be passed after the prosecution finishes presenting its evidence and before the defense presents its own. There have been cases, such as the *Brdjanin* case, in which the Tribunal at that stage, same as in the Slobodan Milosevic case, refused to acquit the accused for certain offences including genocide, but which it eventually did at the end of the trial.

3. Judgment on guilt and its explanation as a source for historians

The core of the judgment and, at the same time, the aim of criminal proceeding is the part where it is first determined whether there is a criminal offense and then whether there is or not a criminal responsibility of the accused. It is usually called the operating part of the judgment. Along with it, there is the explanation of the judgment, whose most important element is the explanation of the evidence and established facts, on which the decision of the court on the offense and on guilt is based. For a historian or anyone interested to find out about the events from the recent past the operating part of the judgment and explanation of the established facts are the most important and the most valuable product of a judicial process.

The existence of crime and its qualification can be found out from the operating part of the judgment and explanation of the determined facts: whether there was a murder, torture, rape, forced displacement of civilians, unlawful detention or any other act and whether it is classified as a war crime, crime against humanity or genocide (in Chapter 4, more will be said about the qualification of offence). Then we find out who the victims are: sometimes they are identified individually and sometimes it is only determined which party to the conflict they belonged to. We also learn which party committed the crime (even in cases when someone is acquitted). The judgment also gives the description of the crime, that is, the way in which the crime was committed. The crime proportions and the number of victims can sometimes be fully determined and sometimes only to a certain point. The conviction, of course, determines who participated in the crime (sometimes, apart from the accused there are other persons mentioned) and what the role of the accused was: whether he/she was the planner, the one who ordered, the perpetrator or – as in cases before the Tribunal and the Court of BIH - a participant in a joint criminal enterprise, an aidor and abettor or someone who is responsible as a commander for not preventing and/or punishing the subordinated perpetrators. It is especially important and valuable for historians that due to certain legal definitions and requirements judgments will often have to determine whether there was one of more isolated incidents or the crimes were massive and a part of systematic or widespread attacks on civilians (which is, for example, a part of the definition of crime

against humanity), whether they were followed by the policy of ethnically-based persecution, whether there were any plans and orders from the state, military or political leadership and alike. Otherwise, the wider the so called crime base is – which means more offences the accused is charged for and higher in the hierarchy they are found to have been in - there will be more facts can be gained by the judgment. For a more complete image on events and crimes in some geographic area, all the judgments which were rendered in relation to that area, should be taken into consideration, not only one of them.

Which crimes and war criminals were established by the ICTY judgments and which facts on the conflicts on the territory of the former Yugoslavia were determined, can be found out by reading carefully the Tribunal's judgments and their findings on crimes, responsibility and explanations of the established facts. They are usually available on the Tribunal's website, both in the original and summary versions, in English, French and languages of the region. The judgments can be searched by the names of the accused, and with the help of an interactive map, following crime locations. The judgments of the Tribunal should be supplemented with the judgments of the national courts in the region. The problem is that only the judgments of the Court of BIH and EULEX courts in Kosovo can be found on the Internet (on the Court of BIH website and the EULEX website), while other judgments of domestic courts can be accessed only through direct inquiry to the domestic court.

However, the fact that the judgments with the established facts exist and – in case of the Tribunal and the Court of BIH – are easily accessible and searchable, does not mean they will be read and used for research. It can be said that the readers will believe what is stated in judgments to the same level to which they believe the court which brought them. Can they believe the Tribunal “since it is clear” that it is anti-Serbian, anti-Croatian, anti-Macedonian, pro-Albanian, American, Western, established to exculpate NATO, intended to release Serbia of its responsibility, insensitive for victims and alike - as different and, of course, often contradictory beliefs about this court from Croatia to Macedonia say. Let alone what could be opinions about a domestic court, which belongs to what once was an enemy! Even though the historians have the need for resources and, therefore, far too many reasons not to reject the Tribunal's

judgments because of their opinion on this institution, it can be supposed that this conditionality of trust is still more or less valid for the historians as well.

In the part which follows, I am going to try to offer arguments which should convince historians that they can rely on the so called judicial truth, or, in other words, that the content of the judgment can be considered as a reliably established fact. These will not be the arguments defending the International Criminal Tribunal for the former Yugoslavia as an institution, its legality, legitimacy, jurisprudence and its significance for international law and for the region. Even though such opinions are necessary too for the trust in Tribunal and its judgments, they require much more space devoted to discussion about strengths and weaknesses of the Tribunal, especially bearing in mind the ample and widespread misinformation and wrong interpretations regarding the Tribunal and the sediments of prejudices about formed over a long period of time.²⁰⁷ The arguments, which I am going to present, will deal with the values and advantages of *methods* which any court applies to reach a judgment in a criminal case and those are the methods of criminal procedure, but the accent will be on the proceedings before the Tribunal. On the other hand, I am also going to explain some of the key limitations of criminal proceeding, and why, due to such limitations, a criminal judgment despite its reliability cannot be considered as a source which gives a complete image about some event and of all of its actors.

a) What makes a judgment reliable

Court competency and authority. Determining whether human behaviour – acting or non-acting – is a criminal act, that is, a crime, means determining whether a norm of the criminal law, which forbids certain behaviour and sanctions it, was violated, as well as if there are legally provided conditions to attribute such behaviour to a specific individual and to make him/her liable for it. Knowing law is necessary for that and judges are educated and trained to know and in-

terpret legal norms. Besides knowing legal norms, it is supposed that judges gained both the knowledge and skills to solve a crime through their legal education and practice so that they – based on evidence the prosecution and defence present in court proceeding – can reconstruct, with high certainty, whether and in which way a criminal offence happened and who committed it. That is the reason why criminal courts exist. Besides, the court is the only body authorized to determine the existence of a crime and convict an individual so that such decision has binding effect, not only for the accused, but for the state and other individuals, too.

Proceedings are mandatory. The access for historians to the archive can be limited or denied until a certain number of years expire; while witnesses to the events can refuse to talk to them. The court does not face such limitations. Everyone is obliged to cooperate with the court, that is, fulfil its orders. The court must be given access to documents whenever it requests and witnesses have to testify under the threat of sanction whenever called. The reach of this rule, however, is not the same for national and international courts. A national court or prosecution office do not have legal possibilities to force a witness from another country to show up before them and testify; also, they do not have a possibility to force a foreign country to allow them access to documents on that country's territory. It all depends on the requested state's willingness to cooperate and on the will of the witnesses who are its citizens. This has been one of the most obvious and greatest challenges in trials before domestic courts on the territory of the former Yugoslavia. On the other hand, as the Tribunal in the Hague was founded by the UN Security Council, based on the Chapter VII of the UN Charter, which automatically means that every state and individual in the world has the obligation to cooperate with it, which includes delivering documents and testifying. Of course, in reality, not even the Tribunal had been almighty in making states co-operate. Sometimes countries in the region succeeded in not delivering all the requested

207 On certain basics on the mandate and work of the Tribunal in domestic literature see: Vojin Dimitrijevic, Vidan Hadzi-Vidanovic, Ivan Jovanovic, Zarko Markovic, Marko Milanovic, *Haške nedoumice: poznato i nepoznato o Međunarodnom krivičnom tribunalu za bivšu Jugoslaviju (The Hague Puzzle: Known and Unknown about the International Criminal Tribunal for the former Yugoslavia)*, Belgrade Center for Human Rights, 2010.

documents, being persistent in their claims that some documents had been destroyed or lost,²⁰⁸ and sometimes it was difficult to get the adequate cooperation from other countries of the world. Nevertheless, the Tribunal's very ability to employ the heavy artillery of the EU's and US' political conditioning of the countries in the region was enough to ensure their cooperation with the ICTY. National judiciaries do not dispose of such mechanisms and sometimes even domestic institutions, acting against the law, rarely obstruct them in collection of evidence in their own countries

The court is entitled to keep the privilege of keeping access to certain documents only for itself. In that way it can order for a classified state document to remain restricted for everyone except for the court and the parties to the proceeding. This is also the case with domestic courts. As it has been previously mentioned, a great number of documents from court records, on which the judgments are based, will not be available to researchers – at least for some time – so they will have to rely on the judgment which contains that document.

The obligation to testify entails another mechanism, which is applied only in criminal trials. This is witness protection measures, which, among other things, include protection of identity from the public in trials, identity change, relocation and even the change of physical appearance. However, although the obligation to answer the court summons, the sanction for the obstruction of proceeding or for giving false testimony or witness protection measures all exist they cannot force the person who is afraid to testify or does not want to testify against someone. They cannot guarantee that the things said before the court are true either.²⁰⁹ Nevertheless, the mandatory nature of the proceeding, that is the duty to testify, significantly increases the possibility that witnesses will come before the court and testify honestly.

Proceedings are detailed. This characteristic of a criminal proceeding, which often makes it very complicated and boring to follow, is at the same time one of the most important for establishing the facts. In order for the court to reconstruct a certain event and determine whether the accused took part in the crime and how, a great number of witnesses (victims, eyewitnesses, “insiders”) is being heard. They can talk about one or more crimes, which are the trial's subject, about the hierarchy, atmosphere and relations within the party in conflict which the accused belongs to; they can talk about issued or transmitted orders, statements of the accused and his/her relation to the party to which the victims belong, military operations and other relevant questions. A great number of various documents is presented and analysed during the proceeding. The larger is the number of individual acts of the accused covered by the indictment, the more complicated and longer the procedure is. A higher position of the accused also adds to the complexity and duration of the procedure. Writing the judgment itself is also lasting and thorough – at least it is the case in the practice of the ICTY and majority of domestic courts – because the court has to present in the judgment how it considered and evaluated each evidence, how it analysed evidence against each other and what conclusion it drew from that.

Battle of arguments and evidence. The prosecution and defence present to the court and prove their versions of events and participation of the accused in them, and dispute the statements of the opponent party. Based on that, at the end of the proceeding the court decides what from the presented can be accepted as true and established, and then it makes its own vision of the events included in the judgment. This is one of the basic principles of every criminal proceeding and other types of legal proceedings, as well.

208 For example, it is known that Croatia did not deliver the so called artillery logs to the Tribunal in the case *Gotovina et al.* while the federal Republic of Yugoslavia (FRY) did not provide the Tribunal with certain military documents that contained references to Ratko Mladic.

209 For example, a prosecution witness at the trial in *Haradinaj et al.*, case Shefqet Kabashi, repeatedly refused on two occasions to answer the questions by the Trial Chamber. For that he was punished with two months of imprisonment for the contempt of the court. He served the sentence in Scheveningen and remained with the decision not to testify.

In one of two great families of national legal systems – adversarial or the *common law* system (also known in the region as Anglo-Saxon system) the initiative and duty of providing evidence is on the prosecution and defence. They should persuade the court into its version of events, while the court remains passive during the proceeding when it comes to proposing the evidence. This legal system prevails, but cannot be said to rule in all the proceeding before the Tribunal (especially when the cases are dealt by judges who are not from that system). In the other family of legal systems – inquisitorial or *civil law* system (also known as the so called European-continental system), besides the two parties to the proceeding, the court actively searches for evidence too and it often has the final say. The inquisitorial system prevails in criminal proceeding in Croatia and Montenegro; in war crimes cases, Bosnia and Herzegovina and Serbia moved to the adversarial system in 2003 and 2012, respectively. However, firmly rooted legal culture and habits make judges, especially in Serbia, remain active in searching for evidence. The dispute on which of the two systems is more just and reliable, especially in respect to the role of court, has been present for a long time.²¹⁰ From the perspective of judgments' relevance for historiography, the essence is that in both systems a judgment is reached after various mutually-disputed versions of events with supporting evidence are presented and the judgment is the result of debate before the court, which makes it more credible and compelling.

It should be taken into consideration that facts determined by judgment are not always the result of evidence battle between two opposing parties. Sometimes, the defence does not think it is necessary to dispute certain allegations of the prosecution, because they do not refer directly to its client or the defence is focused on some other parts of the indict-

ment that are more dangerous for their client. Also, the defence sometimes does not dispute that the crimes did happen in the manner they had been described in the indictment nor that the responsible party is the one to which the accused belongs, but it only disputes that its defendant had anything to do with that crime. The agreement between the two parties on the existence of crime in those cases is by itself an additional indicator of evidence reliability that some event really happened and that it is considered a crime. Furthermore, trial chambers of the Tribunal often used to take notice, or, in other words, accept as proven the facts that have been previously established in other final judgments of the Tribunal - the concept known as *adjudicated facts*.²¹¹ The Court of Bosnia and Herzegovina also follows this practice.²¹² Even though the facts accepted in that way are not the result of evidentiary proceeding in a particular case, still they were derived from such a proceeding in some of the previous trials. The defence or the prosecution have the right to contest the adjudicated facts if they want.

An agreement between the defence and prosecution on the description of the crime and responsibility of the accused is reached in case of a guilty plea. The admission of guilt as a way of determining the facts as a result of plea bargaining is considered as unreliable and of limited value.²¹³ However, it should not be disqualified as a source for historians, especially when it comes to the part of guilty plea which proves the existence of crime and that it was committed by a certain party to the conflict. It can be said that the part of somebody's guilty plea which concerns the magnitude of the crime and the accused's own participation in it is at least the minimum of what has really happened. The historians should accept with caution and not necessarily reject those parts of a guilty plea which refer to participation and re-

210 On this type of dispute in Serbia, see: Miodrag Majic, „*Napuštanje inkvizitorskog modela krivičnog postupka kao nužan korak u stvaranju nepristrasnog krivičnog suda u Srbiji*“ (“The abandonment of the inquisition model of criminal proceeding as an essential step in the establishment of an objective criminal court in Serbia”), in *Savremene tendencije krivičnog procesnog prava u Srbiji i regionalna krivičnoprocesna zakonodavstva* („New Trends in Serbian Criminal Procedure Law and Regional Perspectives“), Ivan Jovanovic and Ana Petrovic (eds.), OSCE Mission in Serbia, 2012, 192-20, and Milan Kulic, „*Dokazi i dokazni postupak na glavnom pretresu*“ (“Evidence and evidence presentation at the main hearing”), in *Glavni pretres i suđenje u razumnom roku: regionalna krivičnoprocesna zakonodavstva i iskustva u primeni* (“*The Main Hearing and Trial within a Reasonable time: regional criminal procedure legislations and experiences in practice*”), Stanko Bejatovic and Ivan Jovanovic (eds), Belgrade, 2015, 193-217 (available on www.osce.org/sr/serbia/167806?download=true).

211 Rule 94(B) of the Rules of Procedure and Evidence of the Tribunal.

sponsibility of other people besides the accused, because it can be the case that the accused lays the guilt upon others to extenuate his/her own and get less severe punishment and moral stigma. Those parts of the guilty plea should always be critically examined, if possible, by comparing them with the facts determined in other judgments that were dealing with the same events.

Availability and employment of significant resources. From the investigation to passing the final judgment, a great number of people, paid for that job, participates in evidence collecting, their presentation and processing: investigators for the prosecution (plus the police in national systems), administrative and other supporting staff that take care of preservation and technical presenting of evidence, and legal officers who help judges in evidence analysis and in reaching and writing the judgment. That number of people is certainly higher in the ICTY than in the national judiciary and the Tribunal generally has much greater resources. The court or parties in the proceeding hire a great number of experts of various profiles as judicial experts. The Tribunal has possibilities to hire experts from all around the world for such needs. Thanks to the court resources, for example, exhumations can be done while, the latest technologies can be applied, especially forensic achievements, for proving (satellite records and soil analysis, ballistics and DNA analysis, demography, etc.). The Tribunal can also provide significant amount of money for financing the defence, even

more than the defence can obtain in national systems in the region. This helps a more active and more solid presentation of arguments and evidence of the defence.

Strict criteria for admission of evidence. In order to be admitted during a trial, the evidence has to fulfil strict procedural criteria regarding its origin, and the way it was collected and presented at trial. In that way, the court shall not accept the evidence which was obtained in a prohibited manner such as, for example, by torture or without adequate procedure, or, in national systems, by a state body overstepping its authority. The statement given by the accused without the presence of his/her attorney or without the warning to remain silent cannot be accepted as evidence (unless the accused had waived this right). Inadmissible evidence is also the one proposed outside the procedure, or proposed after a certain time limit, or evidence which has not been timely disclosed to the adverse party, or evidence which authenticity cannot be verified. If it does not satisfy any of the criteria, the evidence cannot be accepted, even if it is very convincing and significant in the proceeding,²¹⁴ and even if it was the strongest or the only evidence against the accused. The judges consider evidence provided directly at the trial, before them, as more valuable, while, for instance, they give limited significance to the information written in reports and conclusions of the bodies which are not courts, even though they are evaluated as trustworthy.²¹⁵ All these rules are not a reflection of legal larplartism, but are used

212 Article 4 of the Law in Bosnia and Herzegovina, which is in short form called the Law on the Transfer of the Proceedings from the ICTY, provides for the possibility of accepting the adjudicated facts from the judgments of the Tribunal. In that way, the Court of BiH accepts as proven the facts of the existence of an armed conflict in the whole of BiH or in some part of the country, or the existence of a widespread or systematic attack on the civilian population in a certain geographical area.

213 For instance, see Mirjan Damaška, "Negotiated Justice in International Criminal Courts", 2 *JICJ* (2004), 1031.

214 An example is the decision of the Trial Chamber in *Krstic* case not to include an intercepted conversation into evidence because it was not disclosed to the defence in time. It was the audio tapescript about the conversation recorded, according to the prosecution, on 2 August 1995, after a majority of the killings in Srebrenica which Krstic was charged for, but it was still close to those events so it could testify on Krstic's intentions. In the record, one of Krstic's subordinates informs him about the additional number of captured Muslim fighters. Krstic says: "Kill them all! Leave none alive!" *Krstić*, Trial Chamber, Decision on the defence motions to exclude exhibits in rebuttal and motion for continuance, 4 May 2001, paras. 14-26.

215 For example, the reports of the UN commissions and missions which conducted fact-finding about crimes during the conflict in the former SFRY, had great credibility and significance for the establishment of the Tribunal and they were one of the main sources for conducting investigations. Still, the ICTY chambers rarely accepted the factual statements from such report as evidence. David Re, "Fact-Finding in the Former Yugoslavia: What the Courts Did", in Morten Bergsmo (ed.), *op.cit.*, 279.

for the protection of rights of the accused and the legitimacy of both the proceeding and the judgment, thus making it more certain that the facts established in the judgment are not a product of manipulation.

High standards for considering something proven. The court draws its conclusion on a fact which goes against the accused when it is convinced in its existence beyond a reasonable doubt, based on the evidence which is – as previously explained – accepted in the proceeding. So, only if it was proven beyond any reasonable doubt that the crime had been committed and that the accused was responsible for it within a certain form of responsibility, the court can reach the judgment of conviction. Otherwise, it reaches the judgment of acquittal.

The beyond reasonable doubt standard means that no other logical or reasonable explanation can be derived from the evidence, that is, from the established facts, but the explanation that the accused committed the crime.²¹⁶ In law, this is the highest standard of evidence or certainty in something, and it is set extremely high because the criminal proceeding results in a serious consequence for the accused – prison sentence (or even a death penalty – where it existed or still exists). The term “beyond any reasonable doubt”, which at the same time explains the standard, originates from the common law terminology. It is the standard in most of the legal systems worldwide, including those in the region,²¹⁷ regardless of the manner it is defined, and it is the standard of international courts too.

It is especially important to point out that an acquittal does not necessarily mean the court thinks there was no crime. It is possible that the court establishes beyond any reasonable

doubt that there was a crime, the manner it was committed and which party to the conflict committed it, but that it cannot make a conclusion about the guilt of the specific person with the same level of conviction and based on the admitted evidence. That is why an acquittal can also determine the existence of the crime and many other facts as well, like, for example, the acquittal of Gotovina and others, nevertheless proved a great number of crimes in the *Operation Storm* and after it.

Several instances of proceedings (right to appeal). After the court reaches a judgment using the mentioned standard of the exclusion of reasonable doubt, the unsatisfied party has the right to appeal to a higher instance court. The higher instance court will directly analyse the judgment and court records; if it finds any irregularities in the proceeding and in judgment, or any discrepancies, contradictions, illogical and unfounded conclusions in the judgment, it will remit it back for a re-trial (which the courts in Serbia, Croatia, Montenegro, Kosovo and entity courts in BIH do), or conduct the trial itself (Appellate Chamber of the Court in BIH, and exceptionally the second instance courts of the countries in the region), or modify the judgment with a view of some or all the charges (Appellate Chamber of the Tribunal). Someone who was acquitted before the first instance court on some or all the counts of the indictment, and then convicted before a court of appeals, has the right to appeal to the third instance court (the exception is the Tribunal).²¹⁸ When deciding on appeal, a higher instance court does not change the judgment if it has a slightly different view on the evidence of the first instance court. It reverses the judgment only if the first instance court’s conclusion was – according to the Tribunal’s standard – “such that no reasonable court

216 *West’s Encyclopedia of American Law, edition 2.* (2008), available at: <http://legaldictionary.thefreedictionary.com/Beyond+a+Reasonable+Doubt> (accessed on 25 July 2015).

217 The Criminal Procedure Code of Serbia states that the “the court may base its judgment, or ruling corresponding to a judgment, only on facts of whose certainty it is convinced” (article 16(4)), which is actually the beyond reasonable doubt standard. Goran P. Ilic, Miodrag Majic, Slobodan Beljanski, Aleksandar Tresnjev, *Komentar Zakonika o krivičnom postupku*, IV edition, (*The Comment of the Code on the Criminal Proceeding, IV edition*) Belgrade 2013, 56-57 and 115-116 Belgrade 2013, 56-57 and 115-116.

218 Before the ICTY, there are no possibilities to appeal to the third instance court if someone was firstly acquitted and then convicted at the appeal proceeding. Although is not obligatory according to the the international human rights standards to provide for a possibility to a convicted person to further appeal the conviction entered on appeal before the second instance court, it would certainly be better if such a possibility has been provided before the Tribunal.

could have made it”, or in case the first instance court applied a wrong legal standard.

Due to the right to appeal, the facts determined in the final judgment have already passed at least two court filters and became reliable. The right to appeal is at the same time the reason to consider something in the judgment as an established fact only after the judgment has passed the entire appeal process and thus became final. Still, we shall search for the description and analysis of events and established facts in the first instance judgment since it is the one which deals with the crime details and responsibilities; the second instance judgment, despite being the final one according, is actually an analysis of the first instance judgment, and not of the crime itself. Still, since a confirming second instance judgment can also abolish or reverse some parts of the first instance judgment, one should read the appeal along with the upheld first instance judgment in case it contains some relevant facts.

b) Limitations of court proceedings

The previous section reveals some of the key arguments why the facts in the criminal judgment should be regarded as reliably established. *Reliability*, however, should not be equated with the *totality* of this way of establishing the facts. Court proceedings and judgment as a result of proceedings do not seek an overall picture of an event. Standards and logic of law and of the legal profession limit the number and width of questions which are to be answered through court proceedings and, consequently, what will be in a judgment. The following section will emphasize some of the limits of criminal procedure and criminal law that anyone seeking to reconstruct and understand the past with the help of court judgments should have in mind and thus correct and direct his/her expectations of the judgment and the scope of its impact on writing about the past.

Court proceedings aim to establish individual criminal responsibility of the accused for the acts he is charged for in the indictment, and not to establish all the facts about an event within which the crime was committed. Therefore, the court is focused on the specific event and the perpetrator, and usually on specific victims. The prosecution first makes choices about which events and crimes to deal with. The first limiting factor in this choice may be a mandate or

jurisdiction of the prosecution or the court, then the legal definition of the crime in their jurisdiction, and the court’s or prosecution’s own legal interpretations. Such a limitation can be seen in the example of crimes against Serbs and other non-Albanians in Kosovo after the end of the armed conflict which ended in withdrawal of the Serbian army and police at the end of June in 1999. Neither the Tribunal nor a domestic court can try these crimes as war crimes, because the definition of war crimes requires that an armed conflict is still going on (at least when war crimes against civilians are in question). They could be prosecuted as crimes against humanity, but so far this has not been done neither in the Tribunal, due to restrictions in the definition of this offence in the Statute of the Tribunal, or in Serbia, because of the view of the local prosecutors that the domestic law prevents prosecution for crimes against humanity committed in the past.²¹⁹ Therefore, like in this example, it happens that only those crimes committed after the date of the beginning of a conflict in the region and before the date of its end are the subject of proceedings before the Tribunal or the War Crimes Department in Belgrade.

Another factor is the objective impossibility that after the conflict, in which there were frequent and mass atrocities, the hand of justice – at least the criminal one – will reach every criminal. Therefore, the prosecution offices are forced to make choices which specific acts to investigate or bring charges for, and against which individuals. They are usually guided by criteria such as the number and severity of the crime (which includes the number of victims) that they have information about, the availability of evidence, as well as their relevance, strength and persuasiveness and, ultimately, the certainty of obtaining a successful conviction at the end of the proceedings. The priorities among the cases are made on this basis. There is also a need for efficient judicial process that will not take too long. It is based on the human right to a fair and reasonably long process, but this need can be political-economic (for example, because of the money that is allocated to international tribunals). To this end, the prosecution sometimes drops some of the charges for which they also have evidence, and, consequently, certain crimes cannot be solved before the court, and victims thereof cannot be mentioned. This is especially noticeable in recent years of the Tribunal’s work, when the prosecution, in amended indictments against Karadžić, Mladić and

Momčilo Perišić, was forced to abandon the prosecution of some crimes in some areas of Bosnia and Herzegovina.²²⁰

The number of victims of crime can be established in a criminal proceeding or the proceeding can contribute to that, but the aim of the trial is not to determine an exact number of victims of a crime. This is largely because as of the number of victims increases – especially if there are hundreds or thousands of them – the relevance of their exact number for the classification of the crime or the length of sentence of the convicted person decreases. It is often not possible to determine the exact number of victims, at least not during the trial, especially when it comes to mass crimes. In such cases, the judgment usually talks about the minimum number of reliably identified victims.²²¹

When a trial starts, the evidence presented relates only to the crimes listed in the indictment and the persons charged. The legal effect of *res judicata* can apply only to those who were prosecuted. The evidence, including witnesses, however, may also indicate some other individuals and/or institutions as those who ordered, planned or executed the crimes. Thus, in the judgments of the Tribunal, for example, as participants in a joint criminal enterprise in BiH, in addition to those convicted, other members of the military and political leadership of Serbia/FR Yugoslavia, and Croatia are also mentioned. As their guilt was not the subject of the trial they were still legally innocent and although mentioned in the judgment, they cannot be found guilty. This of course does not mean that historiography cannot take into account the fact that they were mentioned in the judgment.

Regarding the limitations of proceedings arising from the rules of evidence, it has already been discussed that the courts often reject evidence which could be directly relevant to the specific event from the standpoint of both law and history, as unacceptable for a number of procedural reasons, which is also the quality and a limitation of criminal proceedings. It was also mentioned that it is not always possible to acquire all the evidence, and some may be false, including witnesses' statements. Moreover, witnesses are often not sufficiently reliable and accurate in recalling the event due to the lapse of time and/or trauma they have survived. In addition, the statements from victims or other direct witnesses may be insufficiently detailed in the description of the events. To a great extent, replies of the witnesses depend on how they were asked and to what extent was the question concrete, and also on what the prosecution or the defence wants to prove. This is particularly evident in the adversarial system, so the witnesses, particularly before the Tribunal, rarely get a chance to say everything they know and what they want to say about an event. It should also be noted again that guilty pleas, in addition to their value, bear inevitable subjectivity and selectivity of the guilt of those who make such plea - as previously indicated. Inevitably, they are limited in terms of shedding light on the events as they amount to an agreement on the minimum of the facts, which is less than the amount of facts that would have been obtained through the presentation of evidence.²²² Lastly, the final conclusion of the court based on the beyond reasonable doubt standard is true in a subjective, not realistic sense, and this conclusion, although it tends to reach the truth, may not represent the objective or absolute truth.

219 It is possible that after the decision of the Supreme Court of Cassation (VKS) of Serbia of 2014, which extended the duration of the armed conflict in Kosovo until the autumn of 1999, crimes committed after June 1999 will be prosecuted as war crimes, although such an interpretation and explanation by the VKS is contrary to international humanitarian law.

220 Tribunal's Rule of Procedure and Evidence 73 bis(D) allows the Trial Chambers to ask the prosecution to reduce the number of counts as well as to reduce themselves the number of crimes to deal with.

221 In the judgment against Momčilo Krajišnik, for example, the Trial Chamber established the number of 3,000 Bosniak and Croatian victims in the municipalities where the crimes for which Krajišnik was convicted took place. The Trial Chamber pointed out that the number was established on the basis of the evidence and that it was not final, adding that the number "is not a historical, but legal finding." *Krajišnik*, judgment, 27 September 2006, para. 71.

222 The chambers of the Tribunals which confirmed the guilty pleas agreements emphasized that they were aware of such limitations. *Momir Nikolić*, para. 61, *Dragan Nikolić*, para. 122.

One of the most common and the most important non-judicial mechanisms of transitional justice in the world – truth (and reconciliation) commissions – in most cases were formed in order to avoid criminal proceedings. In contrast, in the former Yugoslavia, the initiative for the establishment of such a commission (RECOM),²²³ which would be regional, came not as an alternative to trials, but as a mechanism complementary to them, and precisely because of the mentioned limitations of the judicial process. If RECOM, which is in the process of harmonization between the representatives of the states from the region and close to the threshold of its institutionalization as an inter-state commission, would cross the threshold, its contribution to establishing historical facts about the conflicts of the nineties could be exceptional, and in many aspects, especially in terms of determining the number of victims, it could overcome the importance of the trials.

4. Certain legal qualifications (and whether they matter)

Several questions concerning the legal qualifications are worth mentioning. The first is the qualification of the conflicts in Bosnia and Herzegovina and Croatia as international armed conflicts or civil wars, the second question is how to qualify or identify what act constitute a war crime, and the third is the qualification of a crime as genocide. These questions provoke controversy, concerns, challenges, and often plunge into unfounded conclusions, and all this is largely influenced by our emotions, belief, ethnic or other affiliation. They are wrongly perceived and understood not only by the non-legal public, but very often, by lawyers who are not familiar with international humanitarian and international criminal law. We will offer a clarification of what is the legal significance and impact when a court gives one of the three mentioned qualifications, and how much and in what way are we bound to it.

c) *Qualification of the conflicts in the former Yugoslavia*

The Tribunal, in the judgments against Duško Tadić and others, has not determined the character of one of the conflicts in the former Yugoslavia as international in order to mark one of the parties as the aggressor, define the war as a defence or conquest, or describe the essence of the conflict, or these were certainly not overriding reasons. They were not because one of the fundamental principles of international humanitarian law (IHL), or, as it is called, the law of armed conflict, is that it deals only with the regulation of conduct of the parties to a conflict and individuals once the conflict begins, not with who started it and why, or who was the victim and who was the aggressor. Most importantly, the rules of this field of law apply equally to the victim and the aggressor (provided that in a conflict, such division can exist). The reason why the Tribunal engaged in determining whether a conflict, first of all in Bosnia and Herzegovina, was internal or international, is that the IHL traditionally contains extensive and detailed body of legal norms applicable in international conflicts: all four Geneva Conventions of 1949 and their First Additional Protocol of 1977, as well as a large number of norms of customary international law. For internal conflicts or civil wars (which, otherwise, in the vocabulary of IHL, are called non-international armed conflicts) there was a much narrower and less detailed system of norms established: Article 3 in each of the four Geneva Conventions (known as - Common Article 3) and the Second Additional Protocol to the Geneva Convention of 1977, plus some of customary international law. Moreover, the concept of a war crime was earlier related only to an international conflict. It was the same during most of the existence of IHL and it was the prevailing concept in the mid-nineties when the Tribunal delivered judgment in the *Tadić* case and in some of its first cases.

In accordance with the above mentioned, a more abundant system of rules of international humanitarian law, which

223 RECOM would be a *Regional Commission for establishing the facts about war crimes and other serious violations of human rights committed in the former Yugoslavia* from 1 January 1991 to 31 December 2001, the establishment of which was initiated by a network of civil society organizations from the post-Yugoslav countries. See www.recom.link.

provided more protection to the victims and set stricter prohibitions than the rules applicable in non-international conflict, would be applied when it is determined that a conflict taking place within a country may be considered international due to the intervention of troops of a foreign country in the territory of that country without its consent, or because one party to the conflict is under the overall control of a foreign state (which can be reduced to coordination, planning, financing, training and equipping forces of that party, and not necessary to controlling them).²²⁴ Both situations are possible to coexist in the same conflict. These criteria are called in international law the *Tadić test*. It is possible that a conflict has a mixed character, but if the crimes that are subject to trial can be associated with the part of the conflict which could be characterized as international according to the *Tadić test*, then the rules applicable to this type of conflict apply. This, at the time, dominant understanding about the difference in standards between the two types of conflicts was one of the reasons why the Tribunal's prosecutors chose to prove the international character of the conflict in Bosnia and Herzegovina, thus giving greater protection to victims and opening up a greater possibility to prosecute war criminals.²²⁵

By applying the above mentioned criteria in several of its cases, the Tribunal found that the conflict between the Bosnian Serbs and the Bosnian Muslims (the name used by the Tribunal), was international because the Federal Republic of Yugoslavia (FRY), particularly during 1992 - the period relevant for *Tadić* case, had overall control of the Bosnian Serb military forces, which was far beyond coordination and cooperation between the allies. The Tribunal determined this on the basis of a series of indirect evidence, such as: the formulation of political and military goals of the Bos-

nian Serbs in Belgrade and support of the FRY to their implementation, and direct combat support in some situations in 1992; almost total dependence of the offensive capacity of the Army of the Republic of Srpska (Serbian acronym - VRS) on supply by the Yugoslav Army; transfer of former Yugoslav People's Army (JNA) officers to the VRS; payment of salaries to VRS officers; VRS military communications were functioning over the connections in Belgrade; regular communication and connections between the VRS Headquarters and Belgrade; the fact that the FRY negotiated and signed the Dayton Agreement on behalf of the Republic of Srpska.²²⁶ In a number of cases the Tribunal also found that the conflict between Croats and Muslims (Bosniaks) in Bosnia and Herzegovina was international because the troops from Croatia directly fought in the conflict together with the troops of the local Croatian Defence Council (Croatian acronym - HVO),²²⁷ and also because the Croat forces in Bosnia and Herzegovina acted under the overall control of Croatia. The ICTY's chambers concluded this on the basis of evidence which showed that Croatia, among other things, did the following: supplied weapons, uniforms and other equipment to HVO and trained them; appointed their officers and paid their wages, while officers of the HVO were transferred to Croatian Army and vice versa; exerted political influence on the HVO; issued orders for the actions of the HVO and received reports from them.²²⁸ Regarding the conflict in Croatia, only in the case of *Gotovina et al.*, the Trial Chamber, although noting that the qualification of the conflict had no legal relevance in this case, found that the conflict in Croatia from 1991 on (without specifying a date closer) became international because of the control of FRY or Serbia, over the Army of the Serb Krajina.²²⁹ It should also be noted that the court in *Tadić* stressed that the conflicts in the former Yugoslavia had the characteristics of both in-

224 *Duško Tadić*, Appeals Judgment, 15 July 1999, paras. 84, 120, 131 and 137.

225 See comment by the Appeals Chamber regarding this issue in *Aleksovski*, Appeals Judgment, 24 March 2000. para. 146.

226 *Tadić*, Appeals Judgment, paras. 150-159. The Court had a similar conclusion in its judgment in the case *Delalić et al.* in 1998.

227 *Rajić*, Review of the Indictment pursuant to Rule 61, Trial Chamber, 13 September 1996, para. 21, *Blaškić*, Judgment, 3 March 2000, para. 94, *Naletilić and Martinović*, Judgment, 31 March 2003, paras. 191-196, *Prlić et al.*, Vol 3, 29 May 2013, paras. 528-544.

228 *Rajić*, paras. 26-32, *Blaškić*, paras. 108-120, *Kordić and Čerkez*, Appeals Judgment, 17 December 2004, paras. 361-366, *Naletilić et al.*, paras. 199-200, *Prlić et al.*, paras. 545-567.

229 *Gotovina et al.*, Judgment, 15 April 2011, paras. 1680, 1687-1693.

ternal and international conflicts,²³⁰ bearing also in mind that the warring parties in some mutual agreements on the application of IHL implied themselves to believe that these were internal conflicts.

Over time, however, through the intensive application of international humanitarian law, which previously had not been used in an international court since Nurnberg and Tokyo, the chambers of the ICTY came to conclusion that the customary international law (which is formed by the practice of states followed by their awareness of the obligation to maintain such practice) has reached such a level of development that most of the norms of IHL - especially those concerning the definition of a war crime - are identical and almost equally applicable to both international and non-international (internal) conflicts.²³¹ As a result of this trend, the need to qualify the conflicts in the former Yugoslavia as internal or international ended: the ICTY started referred to them as - armed conflicts, since the crimes, which the accused were charged for, were equally punishable in the both types of armed conflict. Such a change in the Tribunal's jurisprudence was made easier also by the fact that the former SFRY itself, in its former (federal) Criminal Code (CC), long before the nineties, completely levelled war crimes in international and internal conflicts and thus; at that time, the SFRY was among only ten countries in the world that had done so even before the ICTY made the aforementioned big step forward in international law. The new practice saved time and resources to the ICTY prosecution, and to the chambers as well, because it was not necessary to prove overall control or involvement of the army of the neighbouring countries in each case. It is, therefore, clear that a determination of the character of the conflict

before the Tribunal constituted primarily a legal instrument for the purpose of selection of the applicable norms, which was abandoned when the legal need for it disappeared.

Things are different in the courts in the region, at least in most of them. They observed the characterization of the conflict more from the standpoint that the public in their countries share - as a national narrative, not a legal category. In Serbia, the prosecution and the court characterized all the conflicts in the former Yugoslavia, except the conflict between FRY and NATO, as internal conflicts of the people who lived in the former republics,²³² or, in the case of the 1991 conflict in Croatia, as an internal conflict between the government forces (JNA) and units of still unrecognized country of Croatia. By contrast, the judgments in Croatia always talk about aggression, even where the conflict was defined as internal. Over time, Croatian judicial practice established that the conflict became international after 8 October 1991 (when the Croatian declaration of independence came into force). Unlike the Tribunal, however, Croatian courts do not present evidence on the control of the FRY over the forces of the Republic of Srpska Krajina. It is interesting that where a Croatian court dealt with the war between the third parties - between the Serbs and the Bosniaks in BiH, such as the trial of a member of the notorious Serbian formation *Scorpions*²³³ - that conflict was qualified as internal. In Serbia, and even more in Croatia, the courts' determination of the type of conflict is often not accompanied by appropriate choice of legal norms applicable to such a qualification: the courts very often applied the rules of the Geneva Conventions, which are applicable in international conflicts, to conflicts they and the prosecution marked as internal, while sometimes it was *vice versa* - for the conflicts

230 *Duško Tadić, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction*, 2 October 1995, para. 77.

231 A comprehensive study of the International Committee of the Red Cross shows that today almost all customary law norms of IHL are almost entirely applicable to both types of conflict. ICRC, *Customary International Humanitarian Law Study*, available at www.icrc.org/customary-ihl/eng/docs/v1_rul.

232 The exception is the case of the so-called Tuzla Convoy - the attack on the JNA column retreating from Tuzla, on 15 May 1992. The Serbian War Crimes Prosecution Office properly qualified the event, and the court accepted it, as an international conflict, because one side, the JNA was withdrawing from the territory of Bosnia and Herzegovina at the time already officially recognized by other countries as an independent state.

233 One of the members of the *Scorpions*, who appeared in the infamous footage of the execution of Bosniaks in the vicinity of Trnovo, Slobodan Davidović, a Croatian Serb, was tried in 2005 in the County Court in Zagreb.

previously qualified as international they applied norms internationally adopted for internal conflicts.²³⁴ In Montenegro, in one of the trials, in the case known as *Deportation*, the High Court in Podgorica first declared the conflict in Bosnia and Herzegovina as internal,²³⁵ and then, a little further in the same judgment, citing the *Tadic* case it qualified it as international.²³⁶ Eventually, after the annulment of judgment, in a retrial, the High Court decided it was an internal conflict. Finally, the Court of BiH has the correct approach - just like the Tribunal at a later stage - which is not to label the conflict as international or internal, but only as an armed conflict, which is completely satisfactory. It is difficult, however, to escape the impression that this approach of the BiH Court is not only a reflection of proper legal reasoning, but also of the fact that the judges and prosecutors are members of all the three main ethnic groups in BiH, and it would be difficult for them to agree on the character of the conflict.

The jurisprudence of the Tribunal makes it clear that the qualification of the conflicts as international or internal had its primarily legal reasons in order to select a system of norms, and not to explain their historical or political causes and character. Conversely, the example of cacophony in the region shows that there can be as many qualifications of conflicts in the former SFRY as national views of the character of these wars. It is clear, therefore, that a qualification of the conflict, which can be found in the judgments of the ICTY or domestic courts, is not the only possible. If the Tribunal in some of its judgments regarded the conflict in BiH as international because of the role of Serbia and Croatia, it does not mean that the conflict was not at the same time an internal one, or, in other words - a classic civil war, in which citizens of different ethnic origin within one country which was breaking up, and then within newly formed countries, fought each other and where - not metaphorically but literally - neighbours often fought against each other. The same

is true for the war in Croatia. It is correct, based on the facts established so far, to speak about aggression of Croatia and Serbia/FRY against BiH, and Serbia/FRY against Croatia, but this does not exclude, or undo the character of a civil war which these conflicts had at the same time. Of course, the opposite opinion is also legitimate - that the conflict in BiH and Croatia was not a civil war, but only aggression or international conflict. However, the latter kind of view must be then defended by some historical, political, ethnic or other arguments, but not - for the reasons given above - on the grounds of judicial truth adjudicated facts or judicial truth. For this reason, what seems most important for historians is not the qualification of the conflict in the judgments, but the evidence (of the overall control and the participation of foreign troops) on the basis of which the Tribunal concluded and explained in some of its case that it was an international conflict. They are a source for researchers to consider the nature of these conflicts.

d) Qualification of an incident as war crime

In the abundance of death, suffering and destruction in a conflict, it is not easy to identify what a war crime is or what a war crime is not, even though it may seem easy at first glance. In a response to the question what and under what conditions is something prohibited during the armed conflict, we must distinguish between two types of situations. A different set of rules of international humanitarian law is applied to each of them.

The first situation is the one in which the persons who belong to any of the three groups that IHL defines as protected persons - civilians, wounded, sick and shipwrecked, and prisoners of war, or generally, people who do not or no longer take part in hostilities - *come under the power and control* of the other party to the conflict (by surrender, capture or detention in another way, or the occupation of the territory). The

234 Only the customary international law would be applicable in both types of conflict, but the courts do not refer to it. Perhaps, at least in Croatia, the confusion related to application of norms might stop after the very much criticized decision of the Croatian Constitutional Court in the case of Branimir Glavaš. The part of the Constitutional Court's decision which challenged the final judgment to Glavaš because of the wrong selection of IHL norms that were applied by the criminal court was completely correct.

235 The High Court in Podgorica, *Boško Bojović and others*, Ks. No.3/09 ("Deportation"), 29 March 2011, pp. 161-162.

236 *Ibid.*, p. 204

Geneva Conventions with its additional protocols, as well as customary international law, prohibit, among other things, killing of these people, their torture, inflicting serious injury or psychological and physical suffering, treating them inhumanely. If any of the mentioned things happen to the protected persons who are under the enemy's control, we can conclude very easily and with certainty that it is a war crime, even if there is no court judgment that says that. This is because such acts against them are prohibited without an exception. Without a court judgment, it could be concluded, but with a little less certainty, that some other acts against protected persons - such as the detention of civilians, their deportation, appropriation or destruction of their property, and some others - are indeed war crimes. This is because the IHL allows that in some situations civilians are temporarily detained or moved out of the war zone, either for their own safety, or because of the military necessity of warring sides, while the appropriation of property would be punishable only if it is excessive, unlawful, unjustified by military necessity and carried out wantonly. However, in such situations it is possible to make a founded and accurate conclusion, even without the existence of a court judgment, that it is a war crime if the investigation finds something of what exists in a large number of recorded and still untried cases from the conflict in the former SFRY: that the detained civilians were held in inhumane conditions and tortured; or that only the members of a certain nationality were forced to leave their houses, and in great numbers, threatened with weapons, followed by acts of violence, with the explicit or implicit prohibition of their return; or that a large number of houses in a particular place or area were destroyed by being individually burned by army that controlled these places.

Another type of situation is the one that involves actual fighting or combat operations, that is - *conduct of hostilities*. These are the situations in which the people or property is harmed not by coming under the control of one of the parties in the conflict, as in previously described situations, but "from a distance" - by a bullet shot by the attacking or

defending side, by explosion and its effects, or by any other kind of destruction. International humanitarian law strictly prohibits directing attacks against civilians or civilian objects, as well as the use of means and methods of warfare which cannot distinguish between civilians and combatants (or fighters - as called in internal armed conflicts). However, a civilian directly participating in hostilities (for example, a civilian engaged in reconnaissance for the army or who drives them to the front line) is a legitimate military target. A member of the armed forces who is currently in civilian clothes is also a legitimate target, even when he is at home, because he did not become a civilian by doing that, so he retained the status of a combatant/fighter.²³⁷ The buildings that normally have civilian purpose become military targets if they are used for military purposes, either as a whole (for example, a bridge in a town, a school where the army is stationed, power plant that supplies not only civilians but also military), or in part (e.g. wing of the hospital from which someone fires at the enemy can become a legitimate military target, but not the entire hospital). Furthermore, it is permitted that civilians are killed and civilian buildings destroyed in the attack on a military target provided that the principle of proportionality is respected as provided by IHL - which means it is permitted if their killing and destruction is not excessive in relation to the direct and concrete military advantage expected to be achieved by the attack.²³⁸ If it is not excessive, these civilians and civilian buildings become the notorious collateral damage or collateral victims. On top of that, even if the victims or damages are excessive, the attackers would stay in a zone outside the war crimes provided they took the so called precautionary measures before the attack. These would include collection of information before launching the attack, prior assessment of a possible collateral damage, giving an advanced warning to the enemy to evacuate the civilians, selecting less devastating weapons or methods of attack, cancellation, suspension or modification of the attack if excessive collateral damage and/or victims are expected. Finally, whatever the outcome of an attack - even if it turns out that it was performed only

237 For this reason a number of Serbs killed in the villages around Srebrenica attacked by Bosniak forces under the command of Naser Orić could not be considered victims of war crimes because, as the Tribunal found during the investigation or at the trial, they were the members of the Army of the Republic of Srpska. By their belonging to the VRS until their demobilization, they were combatants or fighters, and could be the legitimate object of attack even while they were in their villages without uniforms. See *Orić*, Judgment, 30 June 2006, paras. 625, 631, 664-665. On the other hand, those among them who were captured and then killed or tortured are victims of war crimes.

against civilian buildings or civilians, or with excessive collateral victims - in order to establish the existence of a war crime one should not only look at the outcome and consequences, but at the intent of the attackers, and what was in the “head” of the attackers at the moment of launching the attack: whether they wanted such consequences or they could reasonably expect them but nevertheless consented to such consequences,, or maybe the attackers had bad intelligence about the target, or it was an unintentional error in the execution of the attack (e.g. unintentionally misguided fire), or, maybe it was the deliberate sacrifice of civilians by the defending side.

Due to a large number of possible exceptions and their complexity in real situations of conflicts, we should not lightly judge whether an attack that resulted in the deaths of civilians is always a war crime. For such an assessment it is first necessary to accurately and reliably determine a number of facts about the attack and its consequences, as well as of the intent of the attacker, and then apply a combination of the norms of IHL about the above mentioned prohibitions and exceptions to such facts. In the previous chapter it was explained why the court or the judicial proceedings in general have the best qualities to provide the most qualified answer to such a question. In addition, it is possible that it would be a challenge even for the court either because all relevant facts cannot be established, or because different judges, and lawyers in general, may give different answers to some legal issues - such as how to determine how many victims are proportional. For this reason, the indictments for war crimes are more frequently issued before both international and domestic courts for the first type of situations described above - when the war crimes are committed against persons controlled by the enemy, then for the situations when civilians are killed or wounded during the fighting or bombing.

It should be, therefore, always kept in mind that when there is information that civilians or prisoners of war were shot,²³⁹ raped or otherwise sexually abused, tortured or their dignity has been seriously violated, or if they were detained in inhumane conditions, looted, or threatened and forced to leave

their houses which were also burnt down during the armed conflict or in connection with it - this is always a war crime, and it is almost always easily recognizable even without a trial. However, if a civilian gets killed during the fighting, in many cases it does not have to be a war crime. That is why not every civilian killed during the fighting in Vukovar, the siege of Sarajevo, the shelling of cities at the beginning of the operation „Storm” in Croatia, or during the NATO bombing of the FRY is necessarily a victim of a war crime. In order to say with a high degree of confidence, though not absolute, that such killing of civilians is a war crime, it should be determined by the court in a fair criminal proceeding, or at least by a commission or other fact finding authority that include experts for international humanitarian law. On the other hand, when the Tribunal, or a domestic court, establishes that something is or is not a war crime - regardless of whether the accused is convicted or acquitted - this should be taken as a reliable finding. There is, of course, a possibility of an error by the court, whether because of wrongfully established facts or because the court itself, especially the domestic one, has not correctly applied the complex rules of international humanitarian law.

e) Qualification of a crime as genocide

Hardly any other word related to the conflicts in the former Yugoslavia causes as many political and emotional reactions as the word - genocide. Serbia would accept anything short of calling what happened in Srebrenica a genocide, because committing genocide is, supposedly, a characteristic of other nations, while Serbs can only be victims, and not a “genocidal” nation - as the self-imposed and a meaningless label reads, rarely used as much as in this region. In a similar mood, Croatia until recently fought a famous international dispute with Serbia related to genocide, which, at least as far as genocide is concerned, they both lost. The Kosovo Albanians believe that they are the victims of Serbian genocide, but by no means have they allowed genocide to be under the jurisdiction of the newly established special court in Kosovo. This was done in order to eliminate any idea that the KLA could have committed such a thing. For Bosniaks, not

238 Article 51(5 (b)) of the First Protocol Additional to the Geneva Conventions.

239 Unless it is about the execution of a death sentence in a lawful and fair proceedings, which is also regulated by IHL.

to say that what happened in Srebrenica is genocide is the denial of the crime, scorn of victims and an insult. Insisting on the fact that own suffering is the only one which can properly be described as genocide, or denial of own crimes as genocide, is something which is not only reserved for the former Yugoslavia.²⁴⁰ The result is, among other things, that we see our own suffering greater than it really is, and we diminish our own crimes, especially if the name of crime entails a special stigma – as the name 'genocide' does.

Genocide is primarily a legal term because it originates from the law. Until 1944, when it was forged by the Polish lawyer Raphael Lemkin, the word genocide was not even in use. The term genocide was defined in 1948 in the Convention on the Prevention and Punishment of the Crime of Genocide, and the definition was very narrow. That definition has not been changed in international law to this day (while the term of a war crime and crime against humanity has been expanded over time). According to the definition - genocide exists only if it is established that the victims belonged to a particular racial, religious, national or ethnic group, and that they were subjected to one of five possible acts – killing members of the group, or causing serious bodily or mental harm to the members of the group, or deliberately inflicting on the group conditions of life calculated to cause its physical destruction, or imposing measures intended to prevent births within the group or forcibly transferring children of the group to another group; such acts have to be carried out with intent to destroy that group in whole or in part.²⁴¹ If the crime is missing some of these elements - if, for example, victims were not identified on the basis of belonging to one of these groups, or the reasons for the attack on the group were the destruction of political opponents among them, and not the group as such, or it was some other act of violence, not one of the five listed - then it is not a genocide, re-

gardless of how severe the crime was. If, for example, in the absence of other evidence of the intent of the perpetrators, the number of victims is not large enough to indirectly infer a conclusion on the intent, again, in most cases we would not be able to talk about genocide.

In legal theory, genocide can even be the killing of several members of an ethnic group, or even of just one person, if these murders are corroborated by evidence of intent to destroy a group, or a part of it, as such, while the murder of millions of people who were not targeted because of their race, ethnic, religious or national origin but because of political affiliation, ideology, class origin or other reasons - is not genocide. So, are the crimes of the Khmer Rouge against nearly 2 million and possibly more Cambodians of the same ethnic origin, or mass killings in the Stalin's purges, or under right-wing dictatorships around the world, less terrible just because they are crimes against humanity since they do not satisfy the definition of genocide?

The ICTY, in a series of final judgments, starting with the 2004 judgment against General Radisav Krstić, found that in Srebrenica, in July 1995, the army and police of the Republic of Srpska committed genocide against the Bosniak population of Eastern Bosnia.²⁴² The trial chambers of the Tribunal will decide on the charges that genocide was committed against Bosniaks and Croats in parts of BiH other than Srebrenica in the judgments to Karadžić and Mladić (expected in December 2015 and November 2017 respectively). The Court of BiH has also convicted a number of mid- and low-ranking perpetrators of genocide in Srebrenica.²⁴³ Both the Tribunal and the Court of BiH have convicted some of the participants in the deportation and massacre of the Srebrenica Bosniaks for crimes against humanity and war crimes, but not for genocide, because they could not es-

240 For example, even though torture, detention and murders of political opponents during the military dictatorship in Argentina from 1976 to 1982 were not genocide but a typical example of a crime against humanity, for which many were convicted, the victims protested because they thought that these acts should have been tried as genocide. William Schabas, *Unimaginable Atrocities: Justice, Politics, and Rights at the War Crimes Tribunals*, Oxford University Press, 2014, 122-123. On the other hand, there is the famous persistent opposition of Turkey to qualify their crimes against the Armenians as genocide.

241 Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide.

242 In addition to Krstić, there are others, mostly high-ranking officers of the Republika Srpska Army - Vujadin Popović, Ljubiša Beara, Drago Nikolić and Zdravko Tolimir, who have been convicted for genocide so far.

243 Such judgments were rendered, among others, in the cases against Duško Jević and Mendeljev Đurić, Željko Ivanović, Miloš Stupar and others, Petar Mitrović, Milorad Trbić (the case referred by the Tribunal).

establish that the accused acted with specific genocidal intent, but those judgments affirmed that what happened in Srebrenica was genocide.²⁴⁴ The International Court of Justice (ICJ) also found that genocide occurred in Srebrenica. This Court has in fact accepted the previous ICTY's findings of the existence of the genocide, and thereby further validated them, because the ICJ did not have the capacity, like the Tribunal which is a criminal court, to engage in a complex establishment of all the elements of genocide. For this reason, when talking about the existence of genocide in Srebrenica established by the court, it would be correct to refer to the judgments of the Tribunal as the primary international source and authority, and then to the International Court of Justice. The famous and in Serbia much British draft resolution of the UN Security Council on the twentieth anniversary of the genocide in Srebrenica, which was rather neutrally formulated, even if it had been adopted, it would not have established anything new that the judgments of the Tribunal and the ICJ have not already established and made known.²⁴⁵

Can we characterize a crime as genocide without a court or trials? The answer to this question is affirmative. It is now indisputable that Turkey committed genocide against Armenians (despite its persistent and institutionalized denial), and Nazi Germany against the Jews, although the word, or the definition of genocide, did not exist at the time. It is also a fact that nobody has ever been found guilty of genocide before a criminal court in these cases. Something similar can be said for the genocide against Serbs in the World War Two Independent State of Croatia. Therefore, if historical science or other research reveal the intent of perpetrators

(through their statements, programs, etc.) and if the scale and other elements of the crime fit the definition of genocide - a conclusion about the existence of the genocide can be drawn even without a trial.

If a court, especially an international one, establishes that the crime is genocide, is it legitimate not to agree with such judgments, including those related to Srebrenica genocide? Is such a disagreement in fact a denial of the crime? The answer to the first question would be - conditionally yes. Challenging the qualification of genocide, as well as any other legal qualification of the court, would be acceptable and legitimate if it is based on new sources or facts, or on reasonably possible different interpretation of previously known facts. However, it would not be acceptable if the selection of information and facts is selective and manipulative, or if certain facts are ignored or adapted to an objective, set in advance, to negate the existence of a particular genocide at all costs, and present it as a manipulation of "the enemy", or to prove that a nation is "not genocidal". It would also be acceptable if it is the result of a comprehensive examination of all the arguments speaking in favour or against the qualification of genocide and, especially, if it is based on the necessary knowledge about international law, the history of the Genocide Convention, its interpretations and the relevant jurisprudence. In that sense, challenging the characterisation of a crime as genocide is critical, informed and documented reconsideration of the conclusions of the court and its interpretations of the crime of genocide, and not their mere negation. Under the aforementioned conditions, it would be therefore legitimate to argue that what happened

244 The Tribunal convicted Dražen Erdemović, Vidoje Blagojević and Dragan Jokić, Dragan Obrenović, Momir Nikolić, and, in the case of *Popović and others*, Radivoje Miletić, Ljubomir Borovčanin, Vinko Pandurević and Milan Gvero for crimes against humanity and war crimes in Srebrenica.

245 At the end, Russia prevented the draft from adoption. How erroneous were almost hysterical attacks on the draft resolution, described in Serbia as „an example of antiserbism“ and „an attempt to proclaim Serbs as “genocidal nation” can be best seen from the draft resolution itself. The word genocide occurred 27 times, but exactly two-thirds of those were not at all related to Srebrenica; all victims in BiH (which includes Serbian victims too) were mentioned seven times, while the Srebrenica victims only twice (same as the victims of other crimes in the Srebrenica area); finally, Serbia and Republika Srpska were not mentioned at all, but the UN Security Council's draft addressed all the parties in BiH eight times in the text. *UN Security Council, S/2015/508*, 8 July 2015 (*Draft Resolution*), available at www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/508 (accessed on 14 August 2015).

in Srebrenica was not genocide, but a crime against humanity or a war crime (without the frequent “only” in front, as if such crimes are minor). It is likewise legitimate to determine the number of killed in Srebrenica different from the number established by the chambers of the Tribunal in their judgments. This number is objectively difficult to determine, largely because of the subsequent hiding of the bodies and covering up the crime. It should be noted that unlike the Rwanda Tribunal, which, in time, started taking the genocide of Tutsi in 1994 as a generally known historical fact which is not necessary to prove,²⁴⁶ the genocide in Srebrenica is still required to be proven in each case before the Tribunal for the former Yugoslavia in which such charges exist.

The aforesaid leads to the answer to the second question - whether the challenge of the qualification of crimes is the same as its denial. If based on the above-described grounds, disagreeing with the qualification of crimes as genocide should not be understood as if it is equivalent to denying the criminal character of the event or its gravity. Even among the leading legal scholars on genocide there are those, such as professor William Schabas, who says that the Srebrenica massacre was not genocide, arguing that the number of killed and the selection of only men for the killing are below the threshold required for the definition of genocide. These experts, however, do not deny the criminal character of the massacre, or the extent of the killings.²⁴⁷ It is indicative that many domestic and international deniers of genocide in Srebrenica very rarely refer to such legal experts. Perhaps it is because experts like Schabas challenge the qualification but not the crime, which does not suit the deniers because they do not only want to change the qualification, but also to minimize and relativize the crime.

The essence of Srebrenica is not in the legal qualification. It is not in the number of victims, which remains an open question even for the Tribunal, The point is that all the peo-

ple captured by the Bosnian Serb forces were killed, they were killed because they were Bosniaks, women and children were expelled never to return, and this crime in terms of its magnitude, intensity, determination and persistence of the perpetrators has no match in the wars in the former SFRY, or in Europe after the fall of the Nazism.

To talk about Srebrenica does not mean only to choose between labelling the crime as genocide or denying it. It is possible to think and talk about Srebrenica bearing in mind that this crime, and the idea of genocide in general, has its legal dimension, but also a symbolic, moral and political. Therefore, it is possible and – it is the conviction of this author - it belongs to the same moral and scientific level both to critically examine the qualification of the crime in Srebrenica as genocide in legal or historiographical debates, and, at the same time, especially in public, to call it genocide. The former is a debt to the science and to its openness, while the latter is a debt to the rule of law, or to the respect for international legal institutions and judgments as their foundations (which a state trying to avoid the word genocide should bear in mind). It is also a debt - the largest one - of respect for the victims of Srebrenica and respect and compassion for those who have lost their loved ones and for their community, because the word genocide means the recognition of their suffering.

5. Conclusion

When there are trials and when they are conducted in accordance with international standards, trials and judgments for war crimes and other most serious crimes must be inevitable and highly valuable source for historians. This generally applies to all such trials, especially to those for the crimes in the former Yugoslavia, and especially those conducted before the Tribunal for the former Yugoslavia. These

246 See, for example, ICTR, *Edouard Karemera et al.*, Decision on Prosecutor’s Interlocutory Appeal of Decision on Judicial Notice, 16 June 2006.

247 Schabas, who is perhaps the leading legal expert on genocide and who has published a number of books and articles on the subject, believes that only the mass crimes against Armenians in the Ottoman Turkey in 1915, against Jews and Roma during the Second World war and against Tutsis in Rwanda in 1994 can be called genocides.

trials are not only the most relevant to the study of the recent past of the post-Yugoslav region, but they are also the most detailed and legally the most complex in the history of dealing with this kind of crimes. International law and justice have experienced steep growth through them (although certainly not yet sufficient for what the humankind needs). After the beginning of the Tribunal's operation, a wave of trials was launched at various locations, and this wave still goes around the world. Historiography and criminal law, both international and national, will meet each other on this wave much more often than before.

Writing and explaining history is not and should not be the job of a court in an individual trial, despite the fact that history has sometimes been introduced to the courtroom of the ICTY, creating an exaggerated impression of its impact on the judgment. However, evidence gathering and writing judgments about events from one period taken together are inevitably a contribution to establishing historical facts. The court cannot escape this, and we owe the court the gratitude for it.

The first great value and contribution of court proceedings is their power to collect a huge number of documents, testimonies and other material on the events of the wars of the nineties, which can be available to historians, all in one place. Another great value and why the legal proceedings stand out are the judgments that should be taken as a credible reconstruction of a part of the events of the recent past. This is because of the methods and rules of criminal law and procedure, and thanks to the authority of the law which surrounds the procedure. The reconstruction answers to the following questions: did someone commit a crime, when and how did he do it, who were the victims and who were the perpetrators, was there a plan of the crime and what was it, and other issues. At the same time, some of the values and principles of the court proceedings may also be its limita-

tions because not all the evidence that would be valuable for historiography is also acceptable for the court. Also, these values and principles make the picture of events given in the judgment very limited, although reliable. It is up to historians to assess the relevance of what is in the judgment and to complete the picture only partially formed by the judgment. The judgment will, like any other source, be subject to critical scrutiny of historians - there is no reason why it shouldn't be, but the nature of the proceedings and the court which rendered the judgment must always be taken into account.

A criminal court is the main arbitrator of what can be considered a war crime, crime against humanity or genocide. This does not exclude the possibility that historians or others make conclusions on the existence of such crimes even in the absence of a court judgment or challenge the judgment when it exists. When making such a conclusion or challenge, in addition to a number of facts which must be established, it is necessary to take into account the fact that it is a legal category and that the facts must be subsumed under the complex world of legal norms.

The usage value of a judgment and judicial truth, once established, leaves the world of law and largely remains in the hands of historians. Trials also have, as some call it, the didactic function towards the citizens.²⁴⁸ The realization of this function depends on how much we know about the judgment and how much from the judgment. To write a part of the mosaic of history with the help of judgments is one thing. The other thing is what to do with history and effect it will have in the society. Some experiences have shown that the establishment of relatively simple historical facts about the genocide in Rwanda by the Tribunal for Rwanda had left little impact on the bi-ethnic society in this country.²⁴⁹ People in the post-Yugoslav region have a lot of options to obtain information about trials, but the complexity of the

248 Mark Osiel, *Mass Atrocity, Collective Memory and the Law*, Transaction Publishers, 1997, 36-56.

249 Nicola Palmer, *Courts in Conflict: Interpreting the Layers of Justice in Post-Genocide Rwanda*, OUP, 2015, 67.

250 Opinion polls show a large discrepancy between what the citizens of Serbia know about the Tribunal or domestic trials and what they think they know. *Attitudes towards war crimes issues, ICTY and the national judiciary*, OSCE Mission to Serbia, Belgrade Center for Human Rights, Ipsos Strategic Marketing, October 2011 (available only in English at - <http://www.osce.org/serbia/90422>).

image that the judgments of the Tribunal and other courts created is also great. Understanding the war crimes trials in this ethnically diverse area is slow, very selective and often misleading.²⁵⁰ The perception of the truth, even the judicial truth, is never single and indivisible, and this is particularly the case in the world of transitional justice²⁵¹ in which we choose to believe in things we want to believe. When, how and to what extent will the facts established in the judgments reach the people in the region largely depends on the historians.

Historians can help the criminal law to achieve one of its main goals, which is called - general prevention: perpetrators of crimes are tried, among other reasons, in order to

send a message that such crimes will be sanctioned, thus trying to prevent future similar crimes. In order to fulfil this, what has been established at the trial, the fact that someone is punished, and more importantly, why he is punished, must not remain in the courtroom and in the text (or website) of the judgment. Somebody must “announce it to the people”; not only the historians can do it, but they also have the authority of those who are trusted when talking about the past. We should not ignore the trials and judgments while waiting for the “historical distance”, unless we want the belief that “they” are the ones who have always killed “us” and the belief that the impunity is an eternal rule become the fuel for some new conflicts and crimes.

251 South African Commission for Truth and Reconciliation speaks of the four categories of truth: objective or factual or forensic truth; personal or narrative; social or dialogical; and, finally, the one we might call the healing or restorative truth. (South African) Truth and Reconciliation Commission, Final Report, Vol I, p. 111–114.

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