

INTERVIEW

NO TALK ABOUT JUSTICE

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Therefore, it is very good to exert pressure to make us engage in these processes, and to force our people to think and talk about this. I must remind, however, that this is not something that our media actually do write about. This is a completely marginalized issue. The person is either a hero or a murderer. For instance, they ask whether it is just to keep someone in custody three to four months before the trial.

The interview with Bogdan Denic was made in Supetar, on the island of Brac, where the autumn sessions of the School of Democracy organized by the NGO "Transition to Democracy" have been held for years. Bogdan Denic is one of its founders.

When not in the U.S.A., Denic, Professor of Sociology at the New York University, lives on the island of Brac – and this amounts to some ten months a year.

In the sixties he was a U.S. leftist, close to Yugoslav Praxis followers. Nowadays he is an intransigent leftist, a critic of not only the former but also of the actual regimes in Croatia and Serbia. Of course, also of those in the U.S.A.

We start our talk with transitional justice.

- In my view, the idea of transitional justice refers to the space existing between authoritarian systems crippled by war on the one hand, and stable systems in which a normal legal order would be adequate for the problems of the society, on the other. And in these transitional societies there is always a problem of how to start, and where from. Also, there is the problem of whether at some point in the process of transition such a society has enough internal strength to take the administering of justice into its own hands? Obviously, in the majority of societies we are speaking about, if not in all of them, this is not the case. What we need is strong international pressure. Two logical points follow immediately: that there will be no fair method to administer this justice, because what is fair for the small ones, will not be acceptable to the big and strong powers, which are resistant to international pressure. International pressure cannot bring to order China, Russia and the United States of America. This is obvious, and it is illusory to lament over this and to claim that since they do not have clean hands, and since they are not exposed to such justices, this will not work anywhere else. I think that it is very good if there is constant expansion of the principle that justice is something that goes beyond sovereignty. But it will expand inadequately, slowly, inconsistently and in a manner slow enough to drive one crazy.

In this group we find the countries of the regional – Serbia, Croatia, Bosnia-Herzegovina, Montenegro, Macedonia – and all East European countries, without exception, including those which did not have internal conflicts. For instance, Bulgaria and Romania. Romania had to appoint the extraordinary Minister of Justice in order to convince Europe that she deserves to be admitted to Europe, and as soon as she joined Europe, they dismissed the Minister. Hence, they think that they have no longer to behave like they did when they were exposed to extraordinary pressure. And this is the major danger for our region – for Serbia, Croatia, Bosnia, Slovenia and Macedonia, and Kosovo. It is truly dangerous that we tend to return to normalcy as soon as this pressure somewhat declines. And that normalcy is to leave the nasty ones alone! That normalcy means that political power is an obstacle to any justice. For the time being; and because in none of these countries there is a civil society, including Slovenia, in which the public opinion and civil society are sufficiently strong to impose responsibility and justice to those in power, wealthy and influential. This is our big problem. At which point do we become worthy of these issues to be left to us to deal with? In my view, this will not happen in our lifetime. We are gradually going to become worthier, that is transition. This is how things are.

But it is the fact that if, for instance, we take the "Djindjic case" in Serbia, those who gave the orders were not brought to justice, as Srdja Popovic said very well. Political factors made it possible for them to hide until now, are they are not facing the court. Because they are the present regime. They are composed of people whose hands are dirty and are ready to group with people who have dirty hands, which is more frequent and more dangerous case. Not that Kostunica's government is a government of bandits and war criminals – but it has a lot of people who think that this should not be tackled, that the

time is not ripe. Well, it never is. But postponed justice is not justice. The fact is that at this point in Croatia, Bosnia, Serbia, Macedonia, Kosovo and to a lesser extent in Slovenia, murderers walk in the streets, unpunished. And many of them walk as heroes and respectable persons.

You tackled the sensitive issue of not punishing, although almost every day there are ongoing trials for the most severe crimes in front of national courts, at least in Serbia. In two shifts. On the other hand, according to surveys, at least 12,000 potential war criminals are still at large.

- As long as they are not punished on a sufficiently massive scale and sufficiently severely, we shall not have witnesses and we shall not have normal trials. The person who fears from being a witness is a clever person. We are asking for civil courage. But as far as I know, we do not support this civil courage in any of these countries. Nor is there an adequate system of witness protection.

A lot of energy and money has been invested into the system of witness protection and support to witnesses. It is being established, it exists with courts in the region, there are services to support witnesses, special police units for witness protection...

- We are establishing it, but we do not have it. And there is no guarantee that one would be protected. Money for this is never available. For other things, money is available. In Croatia there is money for some stupid bridges to Peljesac, but there is no money for the protection of those who witnessed war crimes and there is no way to award witnessing. Civil courage should also be awarded. Why would somebody risk to be hated by his neighbors and compatriots for giving evidence against someone who is seen as a hero? Only because of love for justice? Our citizens did never have this love for justice, in abstracto. Ever since I remember these countries of ours, justice as such was never there for everybody! Let us start with Serbia, since I am a Serb after all. Nobody has even touched the Black Hand which killed King Aleksandar Obrenovic. Nobody! In the Parliament nobody dared utter a word on the budget and on the advancement of officers' conspiracy (which is a crime in every normal country). It was only when Aleksandar Karadjordjevic, because of his own interests, wanted to remove members of the Black Hand, that the Thessaloniki trial happened, which was also not a just trial. The Thessaloniki trial was later, during the fifties, revised by the communists, in order to vilify the pre-war royal regime. Here we did not have much of justice either. The political proceedings against those who collaborated with the occupiers were more or less based upon approximation. I remember very well the rumors immediately after the liberation of Belgrade, Zagreb and other towns: if they caught you immediately, you were shot; if it took a couple of months to catch you, you would probably be first brought to trial and shot afterwards. If it took a few months, you might be imprisoned. If you were hiding for a few years, you would get light imprisonment. Hence, here too the criterion was not justice, but rather what suited best the politicians and holders of political power.

Therefore, it is very good to exert pressure upon us, to make us engage in these processes, and to force our people to think and talk about this. I must remind, however, that this is not something that our media actually do write about. There is no discourse related to justice, as far as I could see. This is a completely marginalized issue. The person is either a hero or a murderer. For instance, they ask whether it is just to keep someone in custody three to four months before the trial.

You have in mind The Hague Tribunal?

I think that the international community caused big injustice while searching for justice. It invented a disproportionately big, expensive, bureaucratic, nontransparent system which does not do what it is meant to do. The whole idea was to educate the people in this manner. And these processes are so dull, so obscure in their technical aspect, so abstract, that they actually do not play any role of this kind.

Among others, they had the aim to lead to reconciliation?

This is not at all the case, in my view. The model is South Africa, since there were so many people who should had been sentenced for their crimes under Apartheid, that it would have paralyzed the state; it would have been a constant, uninterrupted civil war. And therefore they invented these commissions which had this condition that if you confess everything, you will not be sentenced. I think this system is more appropriate when you have a big number of culprits. But such a legal system did not become part of our citizens' consciousness. Among our citizens very few believe that The Hague Tribunal is a just one. They believe it is too soft in regard to the others or too strict in regard to ours. Second, nobody trusts our judiciary, or thinks it is fair. Our judiciary is sometimes working well, but the very fact that there does Zemun gang exists and its members walk around freely, that their addresses are known, means that there is no justice in Serbia, and that notorious blackmailers, murderers and gangsters can continue with their public life. Likewise, crime is strolling throughout Croatia, as well; special liquidation squads, punitive squads and so on. What is that if not crime, and generally speaking it cannot be sentenced in a classical judicial way, because this way is too slow and too technical.

Hence, I would propose the South African model in regard to those who, speaking conditionally, have less blood on their hands, and I would add a third element: that the profits from crime cannot be kept.

God's justice

What we ought to bring to trial, but never will do, is the Church, namely, the Churches. The Catholic one in the case of Croats and Bosnians, and the Orthodox Church in the case of Serbs. Catastrophe! I think that every morning the Pope in Vatican is asking when the Croats will be calmed down. He would like to have some kind of uniting with the Orthodox people and better relations with them, and whenever the Croats utter something they make things worse. I did not hear our bishops and the Patriarch say "do not kill", I did not hear the denunciation of camps in which thousands of Bosnian women were raped.

Nowadays, too, the Catholic Church in Croatia is one of the main sources of hate. There is a doubt that the superiors in Serbia's monasteries protect both Mladic and Karadzic. We had a shameful situation with the Orthodox Church in Croatia; the clergy fled and left their flock at mercy, whilst the Catholic priests remained in Bosnia.

The Churches had a very dirty role and there will be no fair or successful trial until the Churches do not say that they stand for justice. The bishop who asked The Hague to allow Gotovina to defend himself from provisional release was not against Gotovina standing trial. He did not say that Gotovina was innocent. He only guaranteed that Gotovina will not run away, which is stupid and wrong, because Gotovina had run away a few times.



In Serbia there is a proposal to pass exactly such a law, a law on taking away the property acquired by crime.

War has ended 15 years ago. In those fifteen years, these people have become multi-millionaires. This money comes from theft and loot. The reason which makes it difficult to deal with this is that as soon as you touch it, there is immediately the question what to do with those who were been stealing, whilst the war criminals were committing the crimes. Not a single denationalization in Croatia was not a criminal one. There is no privatization which ran in a normal way. Why were the hotels in Dalmatia been sold for the price of one house? And they were sold to foreigners. Crime is not only when you kill civilians, but also when you loot them. Tadjman was the only one honest here, in his own stupid way; namely, he was so arrogant, that this equaled stupidity. So, he said that he wants Croatia to have two hundred rich families; that for him this would be an ideal society. Who did Serbia allow this huge socially owned property to be transferred to the new elite? I know not one individual who got rich in an honest way.

I think that this development also affects indirectly the unsolved transitional problem in Serbia, first of all the opening of files.

In my view, there are a few reasons, rarely mentioned, which make this a very sensitive issue. First of all, it is difficult to go retroactively, to sentence people for something they did at a time when this was a legal thing to do. This is always problematic. I am not saying that this cannot be done, but cooperation

with, for instance, the political police, was not illegal. On the contrary, it was legal and desirable. Secondly, police files are not always truthful. On the contrary, I think they are very often false. It happens that because of my research I know cases in The Czech Republic and in our country in which police were claiming that somebody was a collaborator only in order to make the person claiming saying this appear successful in the eyes of the superiors. The reason this lie was often used is that our intellectuals, like the Czech ones, suffer from a serious disease – they had read Dostoevsky and the Grand Inquisitor remained somewhere in their heads, and they thought that they can have verbal duels with the political police. I say, I did talk with them, but there is nothing I had told them, I made fools of them. Who ever says this is a fool. Because he does not know what the police is after. He does not know which part of the mosaic they need in order to fill in something. The only answer is the one which every normal thief knows: do not talk to the police. When FBI called me, I said, please, my lawyer is Mr. this and this, this is his address and his phone number. Do make an appointment in his office and you can ask whatever you want. If you have legitimate questions, this is OK for you, if you do not have legitimate questions why would I answer them?

Don't you think that for each citizen it is important to have the possibility to look into his dossier which the political police, the one you were talking about, was maybe keeping about him?

I am not sure, because a half of these dossiers are false. Second, these dossiers contain a lot of completely private stuff which is of no concern to the society and the community. I think that in our society and in all modern societies there is too little respect for the privacy of a person. Journalists think they can publish every bit from a person's private life, the mistresses, children etc. I think this is not something which contributes to democracy and a healthy society.

The matter is that you have the right to know whether the police knew this.

Well, I know they knew, both in Yugoslavia and in my second motherland, America. I was a quite important, politically active man and I know they were following me, and taking notes on everything related to me. But you had to pay for the filming of these dossiers. The price is one cent per page. When I went through my dossiers in the Federal Police, the FBI, I had to pay a few hundred dollars only for the first part. And FBI is one of the seven agencies with such documentation. This was a huge pile of documents and these are the so-called raw files which one cannot read if one does not know a lot of other things. "X 3" said the following about Denic, after which follow five pages of some stupid text. And the other one said the following. And the neighbors said the following. This is uncontrolled information, this is not information that one would read and say: we concluded that this was true or was not true. I can bet on anything that these files are identical in Yugoslavia as well. That they are hearsay. On the other hand, should people know that somebody was sentenced, that somebody was sentenced for rascalry, yes! For instance, only now was published in Croatia that Gotovina had been arrested and sentenced to nine years in prison. Had this been published earlier, maybe there would be less slogans "We all are Gotovina". And less ideas that he is a hero, and not a criminal. And nobody even thinks of the possibility for both Serb and Croat criminals - that they are both heroes and criminals.

But only when Carla del Ponte made this public, only then did the media, the state media, publish this on their first pages, although the Croatian independent press had been writing about this for years.

You have raised a painful issue, since I am the citizen of Croatia. We have judges who are dangerous for the life and property of the citizens. Who set the murderers free for a month so they can take care of their daughters and be babysitters because mum has, well, gone to America? General Norac, a former waiter, was sentenced – and this when the court demonstrated big courage, despite numerous threats, but nobody went to jail because of these threats. The police are tapping everything, following everything, interfering with everything, but yet they cannot find the people who threat the judge in Rijeka. For me, this means that the police are probably involved, as they were involved in Serbia. Half of these units which committed crimes were at one point or the other under the command of the police or the army. Then, one should go one step higher in sentencing. Who was the commander? And then, further above – who gave the approval. If the President is the person commanding over the armed forces, then it is obvious that these were Tudjman, Izetbegovic, Milosevic.

This widespread notion among a large part of the population that anything that these murderers do is patriotism – that Mladic is a hero, that those who are persecuting him should be punished, that it was necessary to kill thousands of men in Srebrenica who surrendered, who were disarmed – that it was part of warfare, well, I mean, this is all beyond any reason. However, I am adding, one reason why we have such a public is the quality of our intellectuals – academics of science, both in Croatia and in Serbia, my honest colleagues, professors and those holding Ph.D. degrees, who were poisoning this people with lies, starting from the medieval ages onwards. Almost everything that we learn in high school about our history is a lie, sometimes a chauvinistic lie, sometimes only a lie. For this we need something that was, for instance, established in Belgrade – a Center for Cultural Decontamination. In my view, this is right on target, a noble job, and one which unfortunately enjoys very little support – the idea that our public has

to be decontaminated, our schools, our textbooks from which approximately one half should be erased, that teachers who are chauvinists should be removed. This decontamination of the public opinion has a long road to go, and it is part of every trial against war criminals. What is their purpose if not to imprison these thugs since we do not have capital punishment? Is the idea to have them sentenced to twenty years in prison, which can be like the one for Norac, whom they let out for weekends, let the men get some education, attend courses, receive marital visits? What kind of punishment is this?

In Serbia the process of reparations to war victims started, thanks primarily to the nongovernmental sector.

If the purpose of the trials, apart from other things, is to satisfy the emotions of both the victim and the victims' families, this does serve the purpose to some extent. But then one does not do what The Hague was doing. You do not bring a semi-literate Albanian peasant in front of Milosevic and then let Milosevic have unlimited time to harass this man. Like bringing the raped woman several times in front of the man who raped her because of some technical details important to the court. The trial must take into account the emotions of the victims, this is of primary importance, rather than some technical details related to how the culprit will be punished. This combination of Anglo-Saxon and continental law was stupid. Both procedures could have been convenient. This mixture is a terrain of comedy, and what they now have are experimental guinea pigs. This is part of this arrogance of power which the U.S.A. and the European Union demonstrate. Though, I repeat, such trials are better than none. Thanks God, in which I by the way do not believe, that they forced us to extradite some people to these courts. Imagine if there were no pressure by the international community, what would have happened in Serbia with the murderers from Vukovar? With those who calmly took out the people and slaughtered them like cattle? I suppose that a half of the killers are brave men. This is not some virtue. Only here is a virtue that Prince Marko slaughters Musa Kesedzija with his teeth, this is considered to be some act of bravery. We transfer all our primitive Dinaroid myths related to the eternal struggle against the Turks into all these wars that we waged, from the Balkan War onwards. The fact is that the Serbs were cooperating throughout 300 out of these 500 years under the Turks, and that it never comes into the picture that the Serbs were in garrisons throughout Hungary and Slovenia. And there is also the fact that the Orthodox Church did very much prefer Turkish authorities over the Catholic ones. We have poisonous myths. So that it is possible that in Montenegro we shout: "I am the second, who is the first, to drink Turkish blood and satisfy the thirst". In the previous century, before World War I, the English consul complained about the odor of Turkish heads which were impaled in the square in front of his consulate. That is how we are.

Is there hope? Namely, are we nowadays living a wrong past without a vision of the future? Is there such a vision after all, are there visionaries among politicians?

A visionary politician is of no big help if a vast majority of the public opinion wants blood, mythology and satisfaction from revenge.

Public opinion is easily manipulated.

Public opinion is easily subject to pressures. First, I think that huge responsibility lies with the intellectuals who legitimize these politicians, with the media which could have shown much more courage than they did, which were corrupted to the hilt. I keep asking myself, those people who started the column "Among us" in Politika, do they lose their sleep? Does anybody tell them: you started the war! Those from Politika who boasted around for showing that there was no brotherhood and unity, but rather hatred, and were lighting the flame. I remember, I was talking to a rather big number of journalists. They did not need any orders. They were doing this with big pleasure. They were demonstrating Serbhood to the hilt. And the Croatian journalists in Vjesnik were demonstrating Croathood to the hilt. A criminal team! A few rather good books were written on the subject, Soros helped very much to have them published here, and I think that the media are very much guilty for a big part of our wars and crimes, that they had created this psychosis. I remember, not long before the war started, Professor Rudi Supek from Zagreb was going to Kosovo to make a sociological research. Apart from the fact that we noticed that the secretary of the ruling party did not know to say "good day" in Albanian, in the province in which 90 percent of the population were Albanians, and that he was proud of this, one thing was completely clear: there was practically no rape in Kosovo. It existed between Roma men and Roma women, Serb men and Serb women, Turkish men and women, very little among Albanian men and Albanian women, and there was almost zero cross-ethnic rape. In the region where vendetta exists, where there is such ethnic distance, this could have been predicted, and nobody did predict it. All these stories which at that time had convinced the majority of my friends in Belgrade that in Kosovo the Albanians had been raping our nuns were completely untrue. There were more rapes in the town of Smederevo than in Kosovo. And the majority of rapes in Kosovo involved Roma men and women, in order to avoid dowry, and to marry later, because the dowry is very big and expensive. Well now, if we were able to organize this research rather quickly, it is certain that the journalists stationed in Kosovo who were reporting on these rapes, could have also done this. What they did was a crime. Do you remember the Medenica case? It was never solved. How was it possible that for months, for years, the press was writing about

this case and that the culprit was not found?

What is most surprising is that the majority of the crimes in this war occurred between groups which have the least ethnic distance. Serbs over Croats, Croats over Serbs, both of these groups over Bosniacs – where we have the biggest number of interethnic marriages, which means that there is the least distance. So, I think that we have a very long road to go until we reach the idea of justice in our region. It is necessary that our intellectuals, if they are persistent, ask the international community to exert constant pressure and that this is an act of patriotism and love for one's own people, because I would like my people to live in a just state, in a state where bandits do not walk in the streets, in states where I am not embarrassed because of slaughterers holding political positions, this is for me patriotism. For me, the act of patriotism is to punish all those who stained and embarrassed the peoples in the Balkans. These are our people, not foreigners. And the hundreds of thousands of people who refused to go to war, the nongovernmental organizations which fought against this, they are no excuse for us. They do not excuse us for the fact that it was possible for these criminals to live most normal lives and that generally they are now living a normal life. I do not see some massive demonstrations with demands "Return what you have stolen!", the redistribution of what was stolen, sentencing those who were stealing and who were allowing it. How, then, are you going to have justice related to "small things" like the murder of some Bosniak or some Croat, not to speak Albanian, this is almost a rewarding deed; when the majority of our citizens do not think that in Srebrenica there was a crime. I know leading persons in nongovernmental organizations which fight for human rights who told me: "Well, Bogdan, how do we know that this happened this way? This number could be much smaller, maybe only five hundred?" It made my hair stand on end. I said – so what if there were only five hundred? When I write and talk about this they tell me I hate the Serbs. No, I love my people, I think it deserved much better than what it got, that its fate was bitter and unjust from the beginning of the twentieth century and that this people is not to be blamed because the young romanticist nationalism transformed into its caricature at the beginning of the twentieth century. And that it has infected entire generations of educated people.

How do you assess anti-Americanism on the political scene of Serbia?

I think that America is doing extremely bad, criminal things and that the war in Iraq is a criminal war, that this is war crime, that Bush is a war criminal. I think that America's power politics, and before that Russia's power politics in Chechnya, and China's in Tibet, that this is a crime which will not be punished. Big and strong powers do not get punished. The small ones will scream and this will not be of great help. Second, I think it is ultimate stupidity and hypocrisy to talk in Serbia and Russia about Americans being insincere and hypocrites, that they take care only about their own interests, because I do not know any state which does not take care of its interests. I do not know what they are comparing this with in their heads – with Britain and France, with their colonial pasts, with Russia, where 20 million people were in concentration camps? If you compare America with this, then America is the lesser evil. And I, as an American citizen, stand for the punishment of American crimes. I think it is a bad politics and that it was better when instead of one superpower there was whatever kind of balance. But let us remember what this balance had meant. That the Russians were arming their countries in Africa, the Americans were arming their countries, that there was constant war and killing and that this continent was therefore full with weapons. They are killing themselves nowadays as well. People forget what the Cold War meant, when at any moment there could be the end of the world. Today this is more or less excluded. For the time being.

I think that anti-Americanism among Serbs is unprecedented stupidity. Leave aside Truman's eggs and the fact that America, with all hypocrisy, was feeding Yugoslavia for many years, and that its existence was the only reason why after the Information Bureau Yugoslavia could remain independent. Russia did not hesitate because of Tito's army, let us keep this in mind just a little bit.

I do not believe that America wanted Yugoslavia to disintegrate, I know a lot about this, because I had lectured their experts quite a lot. They simply considered that Yugoslavia became unimportant. Russia became of interest to them. And they were not ready to invest the amount of money necessary to keep Yugoslavia in shape. I think it is bad that Yugoslavia disintegrated, that many people would have been alive but are dead now, that we would now be in Europe, that the living standard would be some two or three times higher and that we would have a healthy public opinion. I think it is a catastrophe and that Serbia has greatest responsibility for the disintegration of Yugoslavia. Yes, Slovenes are selfish, of course, but when you attack a bank there and intrude upon the National Bank, I too would have been selfish. Milosevic was a signal that you cannot keep Yugoslavia as she was. The idea of Serbia's domination in Yugoslavia was not viable. Let us remember what the demands were. What would have been wrong had the Slovenes got the status of Bavaria in Germany? And what would have been wrong for Serbia had Kosovo become a republic under the leadership of those times, which was pro-communist and wanted Yugoslavia to survive? When one thinks now about these requests which were rejected then, I am asking myself what could have been nearly as bad as what happened? I think that Milosevic simply made a bad calculation. They had in mind a short, quick war after which they would get what they wanted. And as Borisav Jovic said very well, they wanted two thirds of Bosnia, of course Vojvodina,

maybe a small part of Croatia, but this was of less importance to them. What was of no importance at all were the poor Croatian Serbs, who allowed to be treated like that. I think that this was a big, big, big mistake. And that we are going to be paying for it in a long time to come. It is not only the question of how much this cost us in terms of heads and lives, but rather how big were the costs in terms of reputation. Serbia is a pariah state. A state which everybody sees as scabby, criminal, scoundrel, this is not fair. We used to be West Europe's and America's favorites. Let me remind your readers, America was pro-Serbian, not anti-Serbian. It was pro-Yugoslav, it wanted to keep Yugoslavia if this would not have implied too big investment. It wanted to help the Government of Ante Markovic, and this government was successful. We broke up Yugoslavia.

I remember the laments in all those "Madeira" restaurants, or writers' clubs – Slovenes do not like us, told me one fellow of my age, and I had been taking part in the liberation of Trieste. I told him that he went because he was mobilized. You went up to the point they told you to go, no love was involved! Slovenes were pro-Serbian during many, many years. We taught them that this was a mistake, with those stupid boycotts.

Interview by Jasna Sarcevic-Jankovic