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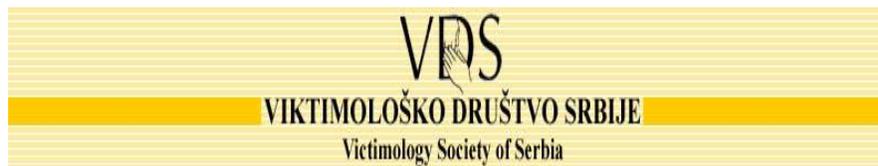**Contact person:** Project Manager Dr. Inge Vanfraechem
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ALTERNATIVE

Dealing with interethnic conflicts in Serbia and the place of restorative justice and victims

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Content

1. Introduction

Within the ALTERNATIVE project, the Victimology Society of Serbia intends to identify, propose and implement a restorative model of conflict resolution in multiethnic contexts through involving all citizens, in particular victims. This should be done through the research the aim of which is to identify both problems and positive experiences in solving interethnic conflicts in Serbia.

We intend to look for the potential that exists in Serbia for using alternative restorative approaches as the tools for improvement of the security[1] of the citizens as well as at how victims are treated and at the role they play in existing ways of dealing with interethnic conflicts in Serbia. In that regard, our objective is to arrive at the ideas of how to involve citizens from multiethnic communities, particularly victims, in democratic processes for peace-building and conflict resolution. We will also consider the best ways to engage the cooperation of citizens and state institutions in order to develop long term civil security and justice solutions for multiethnic communities.

In order to achieve these objectives, we intend to conduct both theoretical and empirical research on dealing with interethnic conflicts in Serbia. However, prior to starting empirical research on how people from multiethnic communities deal with interethnic conflicts in their everyday life, it is necessary to find out how the state and civil society organisations have been dealing with these kinds of conflicts. Thus we started our research with a literature review and qualitative research of civil society's and state's dealing with interethnic and related political and intercultural conflicts in Serbia in the period 1990-2012. The results of this research will be used for developing a research instrument for a survey on existing micro-level conflicts and ways of dealing with them by ordinary people, including how victims are treated, security perceptions and the place restorative

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[1] For more on the concept of security please see Foss *et al*. 2012, Pali 2012.

justice[2] models have as an alternative way of dealing with conflicts, security and justice.

The qualitative research on which this paper is based included: 1. collection and analysis of the available written material about the activities so far of the state and civil society on dealing with conflicts in Serbia; 2. interviews with representatives of civil society organisations and state institutions, and 3. participation, observation and analyses of the content of press conferences, round tables, panels and similar events organised by civil society organisations during 2012.

We started our research with collecting and analysing available written material on the conflicts in Serbia and the former Yugoslavia and the way the state and civil society organisations have been dealing with them in the period 1990-2012. This included academic publications, research reports, reports and other documents of governmental and non-governmental organisations, printed press clippings, web site information etc. These materials were used both as a source of information about previous research findings and theoretical work as well as the source of primary data about discourse and activities of the state and civil society organisations, which we analysed ourselves for the purpose of this paper.

For collecting the data from written material we developed a questionnaire, which is used for collecting data about interethnic conflicts and the ways state, civil society organisations and other actors[3] are dealing with them, including in particular the data about their activities, discourse and treatment of victims.

In order to get additional information on the way state and civil society organisations are dealing with interethnic conflicts, we did group interviews with representatives of civil society organisations and state institutions. Group

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[2] For more information on the concept of restorative justice and the way it is used within the project ALTERNATIVE see Foss *et al.* 2012, Törzs 2012.

[3] For the purpose of this paper we analysed only the data about dealing of the state and civil society organisations with interethnic conflicts, while dealing of other actors will be analysed later in other papers that we intend to write during the project duration.

interviews were conducted in the form of three round tables organised in May, October and November 2012. Group interviews were conducted with 14 persons in total including those from three ethnically mixed regions where we intend to do empirical action research. They were conducted using questions from the above mentioned questionnaire as guidelines. Finally, the data were also collected through participation of members of our research team at press conferences, round tables, panels and similar events organised by civil society organisations during 2012, where participants were also representatives of state institutions.[4] Data were collected using direct observation and analyses of content of transcripts and video records of presentations and discussions.

The main aim of this paper is to find out how conflicts are dealt with by various state and civil society actors, and about the potential for using restorative justice measures in dealing with interethnic conflicts in Serbia as a possible alternative way of closing existing and preventing future conflicts. Interethnic conflict is understood very broadly, including a wide range of problems in relationships between members of different ethnic groups from the territory of Serbia and other countries of the former Yugoslavia, on macro, meso and micro level. Hence, in line with the overall aim and general context of the ALTERNATIVE project, the concept of conflict within our research is considered to be multifaceted, which means that it encompasses different forms of problems or behaviour on different levels: armed conflict, societal conflict, violent conflict, cultural conflict, religious conflict, political conflict, interpersonal conflict, group conflict etc. (Foss *et al.* 2012, 29).

The paper first briefly reviews the interethnic conflicts and their socio-historical context, and then analyses different ways of dealing with interethnic conflicts by the state and the civil society organisations. On the basis of the

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[4] *Public panel on sexual violence and responsibility in war*, Centre for Cultural Decontamination, Belgrade, 23 April 2012; *The debate on the trials for war crimes in Serbia,* Humanitarian Law Centre, Belgrade, 27 April 2012, The panel *From the conflict to the reconciliation in a multiethnic society,* Victimology Society of Serbia, Belgrade, 31 May 2012, The Conference *Temerin; the present and the future of Vojvodina,* Center for Development of Civil Society, Novi Sad, 12 June 2012, Round table *Where is transitional justice today?*, Helsinki Committee for Human Rights in Serbia, Belgrade, 13 November, 2012, The Conference *Build bridges not walls: The Role of the Universities in Peace-building*, Helsinki Committee Norway, Novi Pazar, 14-15 December 2012.

literature review, an analysis of both the existing practice and the discourse is done. Special emphasis is put on identifying and analysing the restorative justice discourse and mechanisms used in dealing with interethnic conflicts in Serbia, as well as on the role played by victims.

2. Interethnic conflicts

The interethnic conflicts that we address in this paper relate to conflicts between Serbia and other countries of the former Yugoslavia, as well as to the conflicts between members of different ethnic groups in Serbia itself.[5] Also, we are addressing both interethnic conflicts that were going on in 1990s, and those that happened afterwards.

Interethnic conflicts from the 1990s include conflicts related to armed conflicts in both the territories of other republics of once one country – Yugoslavia (Slovenia, Croatia, Bosnia and Herzegovina between 1991 and 1995), and in the territory of Serbia, which refers to the conflict on Kosovo in 1998-1999 that was an autonomous province within Serbia at that time. Although these armed conflicts are over, many unresolved problems and conflicts still exist on both the level of the state and between individual citizens. In particular, the conflicts between Serbs and Albanians in Kosovo still did not reach any formal resolution, and hostilities are still alive. Moreover, Serbia did not recognise the independence of Kosovo and Serbs from Kosovo are still living either as internally displaced persons in Serbia or in complete uncertainty and exposed to hostility and violence in Kosovo. In addition, during the 1990s, armed interethnic

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[5] The term former Yugoslavia refers to the Socialist Federal Republic of Yugoslavia. Until 1992 Serbia was one of the socialist republics of the Socialist Federal Republic of Yugoslavia, which also included Slovenia, Croatia, Bosnia and Herzegovina, Montenegro and Macedonia, while Vojvodina and Kosovo were two autonomous provinces within Serbia. After the break of the SFR Yugoslavia, Serbia (with both Vojvodina and Kosovo) and Montenegro established a federation called the Federal Republic of Yugoslavia, which was reconstituted into the State Union of Serbia and Montenegro in 2003. Finally, in 2006 both Serbia and Montenegro proclaimed their independence and since that time the official name of Serbia is the Republic of Serbia. Under the Resolution 1244 of the UN Security Council, Kosovo was put under the protectorate of the UN in 1999. The UN Interim Administration Mission in Kosovo (UNMIK) was officially mandated in Kosovo. In 2008 the Assembly of Kosovo unilaterally proclaimed independence of Kosovo, which has been recognized by 100 states, but it is not recognised by the Serbian state.

conflicts that took place outside Serbia had a serious impact on interethnic relations in Serbia itself (Domonji 2008), and in particular in the parts where multi-ethnicity is the most emphasised (e.g. parts near the southern, western and northern borders).
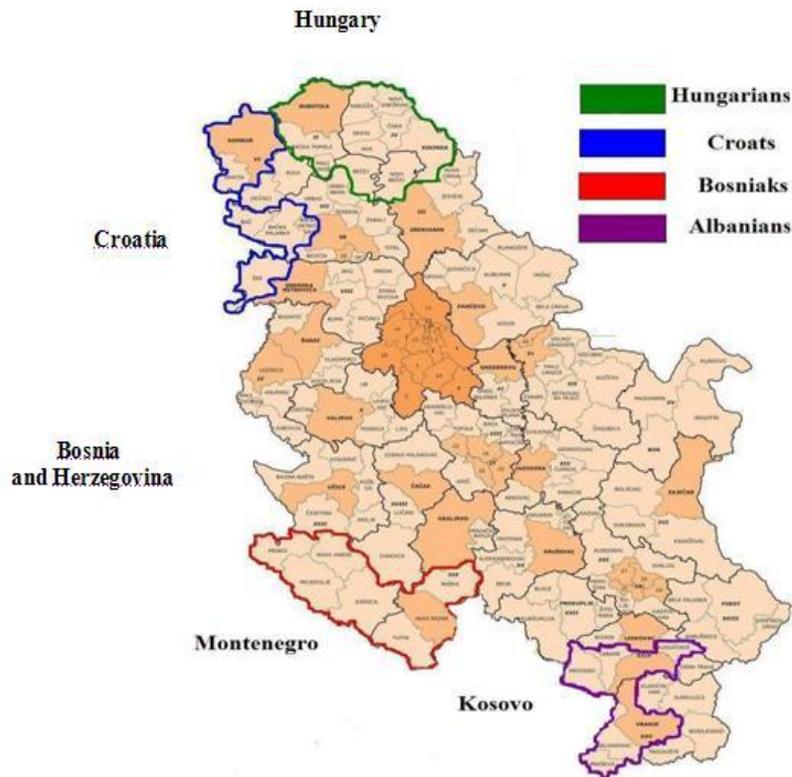
Multiethnic border areas and prevailing ethnic minorities

Although Serbia was not officially involved in the armed conflicts outside its territory, unofficially it has been involved in armed confrontations in the republics of the former Yugoslavia[6]: Slovenia, Croatia, and Bosnia and Herzegovina. These conflicts had the characteristics of interethnic (Serbs, Slovenians, Croats, and Bosniaks) and interreligious conflicts (Orthodox, Catholics and Muslims). About 140,000 people were killed in the region during the armed conflicts (International Centre for Transitional Justice 2009), and

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[6] Officially, Serbs from Croatia and the Serbs from Bosnia and Herzegovina, were included in the conflicts in Croatia and Bosnia and Herzegovina, and Yugoslav national army-JNA was involved in the armed conflict in Slovenia.

between 3.5 and 4 million others were displaced (International Centre for Transitional Justice 2009, Opacic, Vidakovic and Vujadinovic 2005).

In the armed conflict in Slovenia in 1991 the sides were the Yugoslav national army-JNA (Serbian officers mostly led the army) and the Slovenian armed forces. In the armed conflicts in Croatia, which lasted from 1991 to 1995 the sides were Serbs and Croats, while in the armed conflict in Bosnia and Herzegovina (1992-1995) the confronted parties were the Serbs, Croats and Bosniaks. These conflicts were formally ended by the Dayton peace agreement, which was signed on 14 December 1995.

In addition to these conflicts, Serbia was in 1999 involved in an armed conflict in its territory, against the international military forces (NATO), which started a military campaign 'Angel of Mercy' by bombing the capital Belgrade and other Serbian cities in order to protect the Albanian population in Kosovo, which had been subjected to violence by the Serbian army and police. This conflict ended with the formal signing of the Military Technical Agreement in Kumanovo (Kumanovo Agreement) on the 9 June 1999.

Some of the events that occurred during these armed conflicts are characterised by the massive violation of human rights and customs of war, ethnic cleansing, war crimes, massacres and genocide. Some of the events that are most frequently mentioned in public and in the literature include the crime in Srebrenica, the destruction of Vukovar, the siege of Sarajevo, and the military operations of the Croatian armed forces, known as the 'Oluja' and 'Bljesak'. All of these events, as well as countless others, have been accompanied by a large number of killings of civilians, mass executions, rape, torture in the camps, looting and destruction of property, deportation, expulsion, persecution, destruction of cities and infrastructure and so on.

Various aspects of interethnic conflicts at the macro and meso levels have had repercussions on the conflicts at the micro level in Serbia, during and after the ending of the armed conflicts including: expulsion, harassment and persecution of citizens of different ethnicities, and mistrust between members of different ethnic groups, mobilisation, domestic violence in mixed marriages; or physical and sexual violence against refugees and refugee families, trafficking in

women in exile, including violence and the most serious crimes against refugees and increasing violence in general.

When speaking about interethnic conflicts within Serbia in the period from 1990s until today we should consider conflicts in Kosovo in 1998-1999, southern Serbia or the so called Presevo Valley, Vojvodina and south-west Serbia.[7]

The Kosovo conflict in 1998-1999 was characterised by a massive use of force in Kosovo by the Serbian police, army and irregular forces on one side, and the Kosovo Liberation Army on the other. Later on, in 2001, this conflict spilled-over to southern Serbia or the so called Presevo Valley where the conflicting parties were the Serbian police and military forces on one side and the Albanian Liberation Army of Presevo, Medveda and Bujanovac on the other. The aftermath included: massacres of the civilian population, individual murders, rape, kidnappings, torture, mutilations, disappearances, massive exodus of the population, forced deportation, discrimination, imprisonment and destruction of property, mostly houses and religious objects.[8] The conflict in Kosovo is an ongoing one, but nowadays the victims are in the majority of cases non-Albanians, their property and historical heritage. Also there is still much tension in the region of southern Serbia and strong Serb military forces in the area protect the fragile peace.

Smaller interethnic conflicts occurred in Vojvodina between Serbs on one side and Croats, Hungarians, Slovaks and Roma people on the other side.[9] These conflicts were characterised by forced deportations and prosecutions of minorities during the war, but also with concentration camps for Croat war prisoners, intimidation and discrimination. After the wars of the 1990s, and especially related to other minorities such as the Hungarians, the conflict was

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[7] Two names are used for the south-west part of Serbia: Sandzak and Raska oblast (the area of Raska). The former is mainly used by Bosnikas, while the later one is used by Serbs. Hence, using one or another term automatically places a person on the side of one or another ethnic group, being a source of disputes.

[8] Religious objects were destroyed outside Kosovo as well. After the expulsion of Serbs in Kosovo in 2004 and the destruction of their homes and churches, there was retaliation in Serbia focused on the mosques in Belgrade and Nis.

[9] Members of other ethnic minorities were not spared of the conflict, but we cannot name them all. For example the conflict between Croats and Bunjevci over the ethnic identity of Bunjevci was on a much smaller scale and is mainly political.

characterised by physical violence, verbal attacks, threats, 'hate graffiti' and the damage of property (cemeteries and churches). Still present intergroup conflicts of low intensity in Vojvodina also include interreligious conflicts between the followers of the Orthodox Church and Catholics, Protestants (Adventists, Baptists, Evangelists, etc.), Jews and Jehovah's Witnesses.

Additionally, conflicts worth mentioning are those in the region of south-west between Serbs and Bosniaks, and also between the followers of two main Bosniak political parties (a conflict that has evolved in a rift in the Islamic community in Serbia). During the wars of the 1990s the conflict in this part of Serbia involved murders, discrimination, threats, intimidation, questionings, robberies, kidnappings and exodus of the minority Bosniak population. Today the conflict is characterised mainly by sport fans brawls, as well as the conflict of the police with the Islamic extremist group Vehabije.

In addition, conflicts on a micro level throughout Serbia included domestic violence in the families of refugees and war veterans, clashes between neighbours, maltreatment of women refugees or the conflicts within the families who accepted refugees in their homes (Nikolic-Ristanovic 1998).

Thus, dealing with interethnic conflicts in present day Serbia that we will analyse in this paper includes state and civil society's dealing with both conflicts from the 1990s and contemporary conflicts on all levels. In addition, apart from dealing with conflicts between different ethnic groups, we will also, when relevant, mention related intra-ethnic conflicts as well as conflicts with international actors.

3. Socio-historical context

Serbs constitute the majority of the population of Serbia, while the rest are twenty different ethnic minority groups (Albanians, Hungarians, Roma, Croats, Bosniaks, Montenegrins, Romanians, Turks etc). According to the 2011 population census, the most numerous ethnic minorities are Hungarians (3.5%),

Bosniaks (2.05%), Roma (2.05%) and Croats (1.4%).[10] Bosniaks constitute around a third of the population of the part of Serbia near its south-west border. Albanians are the most numerous ethnic minority in southern Serbia, and Hungarians and Croats are the most numerous minorities in Vojvodina (northern part) (Republicki zavod za statistiku 2012).[11]

Ethnic conflicts in other parts of the former Yugoslavia and the way the Serbian state dealt with them had a strong impact on long term worsening of interethnic relationships within Serbia. Thus, present day relationships and conflicts between members of different ethnic groups in Serbia are still very much under influence of the wars from the 1990s and their consequences. However, contemporary conflicts and the state's dealing with them are influenced by other factors as well, such as: the current political and socio-economic situation, the new institutional framework, mechanisms and policies for dealing with discrimination, human and minority rights as well as crime and violence in general, past and present violence and crime in general, and problems in upholding rule of law etc. Interethnic relationships in present day Serbia are also under the strong influence of the international community, in particular in relation to the Kosovo problem, as well as the trials before the International Criminal Tribunal for the former Yugoslavia, and the EU integration.

There is a connection between past and present conflicts and the way they are dealt with. Moreover, dealing with ethnic conflicts in present day Serbia is connected not only with ethnic conflicts that happened during 1990s, but also with conflicts that occurred in the Second World War and before. The entire region has the history of wars for national liberation, with people from different ethnic groups waging wars against each other without any attempt of reconciliation (Pavkovic 2000).

The region also has a history of denials and multiple and opposed truths (each ethnic group passing its own truth from generation to generation) as well as

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[10] Albanians are also among the most numerous ethnic minorities, but the figures from 2011 census are very low and unreliable since most of Albanians refused to participate in it.
[11] See the map on the page 9.

the history of exploitation of (their own people's) victimisation. The main danger, however, lies in the fact that one sided, partial truths, which include victim/offender binarism (Butler 2004), still exist and can in the future, as 'ghosts in the bottle', be taken out and used for manipulation of national sentiments and provocation of wars (Nikolic-Ristanovic 2003).

Among the population of Serbia there are victims (including refugees and internally displaced people[12] from other parts of the former Yugoslavia) and perpetrators, witnesses and bystanders of interethnic crimes. One can see overlapping of victimisation and offending as well. There is a high complexity of victimisation, which is necessary to be taken into consideration while looking for suitable mechanisms for dealing with interethnic conflicts.[13]

A large proportion of the male population was forced to participate in war as soldiers. Their national sentiments and families' traumatic experiences from earlier wars were abused and manipulated to convince them to fight. As a consequence they are also often victims in a more direct way. Many people were victimised by different perpetrators, who belong to different communities and ethnic groups (e.g. Serbian refugees from Croatia, who were later living in Bosnia and then Kosovo). Many people are multiple victims, even with memory of victimisation in previous wars, or with war trauma passed to them by their parents or other relatives (e.g. Serbs from Croatia and Bosnia and Herzegovina, now living in Serbia, whose family members were killed by members of other ethnic groups during Second World War, or Serbs whose family members were killed during and after Second World War by other Serbs who belonged to different political/military group).[14]

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[12] At the end of 1999 Serbia had almost 1 million refugees and internally displaced people, which made it a country with the highest number of refugees in Europe. Refugees came to Serbia in waves – first big wave was in 1992, second was in 1995 and the latest one was in 1999, after NATO bombing and the end of armed conflict in Kosovo. In 1995, 250,000 people from former Serbian province in Croatia (Krajina) were expelled and they moved to Serbia in very short period of about two weeks. In 1999 about 230,000 Serbs from Kosovo came to Serbia under similar condition as Krajina people (Mrvic-Petrovic 2000, 101).
[13] For more detailed analyses see Nikolic-Ristanovic (2003).
[14] Two opposed interethnic sides from Second World War in Serbia (partisans and cetniks) never were reconciled. As well noticed by Djokic, although nationalist, Milosevic never called for

There is no one clear division within society, rather many divisions within the same society (e.g. political and ethnic), i.e. divisions along ethnic lines which cross borders and prevent establishment of normal relationships within ethnically mixed communities (e.g. conflicts between Serbs and Albanians in parts of Serbia close to Kosovo and Serbs and Bosniaks in parts close to Bosnia).

There are conflicts and divisions among Serbs and other ethnic groups themselves which are connected with their belonging to different political and other social groups, differences in their war victimisation and other factors (for example, between communists and anti-communists, between supporters of nationalist leaders and their opponents, between Serbs from Serbia and Serbs from other parts of the former Yugoslavia, between refugees and local population, war participants and those who did not participate in war etc.). The entire population of Serbia (Serbs but also other ethnic groups such as Roma, Albanians, Bosniaks, Hungarians, Croats etc.) were victims of both immediate and long-term consequences of NATO air strikes (Nikolic-Ristanovic 2003).

As a post-conflict society which is also undergoing a painful transition from communism into neo-liberal capitalism, Serbia in general and in particular her ethnically mixed border areas, constitute an unstable environment. These border parts are characterised by 'continuous eruption of violence', which seriously jeopardises security of citizens. Moreover, there is also 'post-conflict vacuum' in which 'the eruption of lawlessness, corruption and crime' is visible, while, as Rohne, Arsovska and Aertsen stressed (2008, 12-13), "post-conflict societies often lack mechanisms and institutions for upholding the rule of law and dealing with the past abuses." As recent research suggests, this 'vacuum' further decreases the feeling of security and has particularly negative consequences on victims from ethnic minorities, whose chances to get protection and support are put in question (Biro *et al.* 2002, Helsinki Committee for Human Rights in Serbia 2004, Savkovic 2010).

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national reconciliation so that this division became even more striking during his regime (Djokic 2002).

4. Dealing with interethnic conflicts by the state

The aim of this part of the paper is twofold: to give an overview of the activities of the state institutions in Serbia related to interethnic conflicts in Serbia and other parts of the former Yugoslavia, and to identify the role that restorative justice plays in them. Thus, in the text that follows we will analyse the way state institutions in Serbia have dealt or are dealing with interethnic conflicts from 1990s, as well as in which way the state deals with present-day conflicts between members of different ethnic groups in Serbia. In this respect, the state institutions include institutions at the legislative, executive and judicial levels of power, as well as institutions on the central state level and the level of local administration. The analysis will help us to identify the discourse of the state and to see if there were any changes over the past two decades. In addition, we will try to identify the place of restorative justice in state's dealing with interethnic conflicts in order to see what the potential of this approach is in Serbia and what could be possible paths towards its broader use.

As past and present interethnic conflicts are quite often mutually connected, it is hard to make such a clear demarcation line between conflicts in the 1990s and those that have been occurring in Serbia after the 1990s and the way Serbia has been dealing with them. Nevertheless, in order to try to discern the changes in the discourse and the way the state was dealing with interethnic conflicts and to see the effects, we will try to concentrate on the way the state was dealing with conflicts between Serbia and other countries of the former Yugoslavia that occurred during the 1990s, and then proceed to focusing on conflicts in Serbia itself, including the Kosovo conflict. In addition, as far as political changes in October 2000 marked the end of the Milosevic's regime and the beginning of the transition towards democracy and the rule of law, we will try to analyse the way Serbia was dealing with interethnic conflicts from a time perspective as well, focusing our attention first on the period of the 1990s and then on the period after 2000.

4.1. The role of the state in the period of 1990s

During 1980s ethnic tensions became visible in the countries of the former Yugoslavia, including Serbia, strengthening nationalism: national identities were created, ethno-nationalistic movements were developed or strengthened, and the 'others' (primarily other ethnic groups but also other (political) opponents) were recognised as dangerous, (potential) opponents and enemies, all of which generated and further deepened conflicts that emerged in 1990s in the countries of the former Yugoslavia (Blagojevic 2000). This happened in the context of economic crisis and political disorientation, which was a fertile soil for manipulation with nationalistic attitudes and sentiments (Blagojevic 2000, Zdravkovic 2005). A good example of this is the inflammatory nationalistic speech of Slobodan Milosevic in 1989 in Gazimestan in Kosovo on the occasion of 600th anniversary of the Kosovo battle. He called Serbs to unite and to fight for the liberation and returning of the Serbian Holy Land (Pavkovic 1999, 9), manipulating nationalistic feelings based on the revival of old divisions and hostilities (Nikolic-Ristanovic 2000, 11). This was considered to be one of the crucial generators of the conflicts that started two years later in Slovenia, spreading to Croatia and Bosnia and Herzegovina, and ending up in Kosovo at the end of the 1990s. Thus, since the end of the 1970s and the beginning of the 1980s ethnicity became an important agent of social differentiations (Blagojevic 2000), while "nationalism was emerging as a synthesis of anti-communist fervour, on the one hand, and 'blame-the-victim' and 'scapegoat' ideologies, on the other" (Blagojevic 2005, 164).

Consequently, during the 1990s a strong nationalistic discourse prevailed in Serbia. It was characterised by creating "partial 'truth' about past and present conflicts" (Nikolic-Ristanovic 2006, 374), by 'narratives of victimisation' of its own ethnic group, by accusing 'others' for violence against 'us' (Serbs), and by considering members of other ethnic groups as threats to the security of the country and its citizens, labelling them as 'terrorists', 'extremists', 'secessionists'

or 'fundamentalists' (Morrison 2008, 3). Hence, Serbs were considered as exclusive victims, more victimised than members of other ethnic groups (hierarchy of victimisation), justifying the need for revenge for what 'others' (other ethnic groups or other opponents as enemies) did to 'us' and prevention (preventive or pre-emptive aggression) in terms that, if we do not take some steps in defending ourselves (our own ethnic group), the 'other' will attack us (Blagojevic 2000, 7). In such a context, conflicts in the countries of the former Yugoslavia, but also inside Serbia, were justified as defensive by the character and as such they were treated as just and inevitable, strengthening national homogenisation (Rakovic 2005, 72). Hence, this form of nationalistic discourse could be also recognised as a form of the security discourse, which shaped the state's policy towards dealing with interethnic conflicts in both the countries of the former Yugoslavia and in Serbia itself, particularly in Kosovo, during the 1990s.

4.1.1. Interethnic conflicts in the countries of the former Yugoslavia

Dealing with interethnic conflicts in the countries of the former Yugoslavia was in a way ambivalent. On the one hand, the state adopted the 'not participating in the conflicts' rhetoric, denying that the state is in war, and hence, denying its responsibility for generating the conflicts, for war crimes, and for sufferings not only of other ethnic groups, but also of members of its own ethnic group both in Serbia and other countries of the former Yugoslavia. On the other hand, the state was mobilising Serbian citizens into police and military forces, sending them to war under the slogan of protecting Serbs who live outside the borders of Serbia, which was in line with the nationalistic, security discourse. Although some people voluntarily went to war, they were mainly "seduced by state war propaganda, strongly believing that they were obliged to protect their 'brothers'" (Nikolic-Ristanovic 2006, 371). Huge support in this process was given by the media which was completely controlled by the state, making the 'victim game' possible (Blagojevic 2005, 175), strengthening the victim-perpetrator dichotomy and further embedding nationalism.

In dealing with conflicts the state mainly focused on repressive/retributive mechanisms, giving no space to any restorative forms of conflict transformation. Concrete ways of state's dealing with the conflicts could be classified into the following categories: 'humanitarian' intervention, a policy of oppression and repression, waging war with numbers, selective prosecutions, and acceptance of and support to refugees and internally displaced persons.

Based on the policy of protecting Serbs who lived outside of Serbia in the 1990s the state was mobilising citizens of Serbia, but also refugees from former Yugoslav republics who came to Serbia, for the purpose of engaging in the war and in interventions that were considered to be humanitarian. They aimed at protecting Serbs from the violence of other ethnic groups, but also preventing the possibility of moving the conflicts to the territory of Serbia, giving these activities the form of pre-emptive or premature interventions, which is a characteristic of the security discourse. This resulted in deepening the cycle of violence, rather than leading to any constructive solutions, while those that went into the wars were manipulated by the state. With conflicts deepening, a flow of refugees came to Serbia. The state passed the Law on refugees in 1992, and established the Commissariat for refugees, providing for the basis for the acceptance for, care and support to refugees (temporary accommodation, at first in the collective centres, and later on in other facilities, food, health and material support).

In direct connection with the policy of humanitarian intervention was the policy of oppression and repression in Serbia itself. It was directed towards other ethnic groups in Serbia as potential threats to the security (such as Bosniaks in south-west Serbia) (Morrison 2008, 3) or towards political opponents who advocated for the anti-war policy, which resulted in political murders some of which have not yet been cleared. The state also waged war with numbers, manipulating statistics of both military losses and victims (Nikolic-Ristanovic 2000, 12, Rakovic 2005). Victims were not treated as individuals in need of assistance, protection, and support, but rather as collectives or sets of numbers that were only used to justify committed violence. Otherwise, victims were invisible, left on the margins of the state system of support and protection.

During the 1990s some prosecutions for war crimes took place before national courts in Serbia, but they "had been handled marginally and unprofessionally" (Ostojic 2007, 114). Weak judiciary, lack of appropriate laws, bad economic situation and strong political influence contributed to unwillingness of the state to try war criminals impartially. Consequently, mainly members of other ethnic groups were sentenced, while Serbs as offenders were tried just occasionally and lenient sanctions were imposed (Ostojic 2007, 114). In this way state authorities actually manifested their denial of any form of responsibility and involvement in the conflicts in the countries of the former Yugoslavia. This was the reason why the United Nations established the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993. However, at that time, the legitimacy of ICTY was questioned in Serbia, and there was a strong resistance and disapproval of the Tribunal by the state, which resulted in the fact that the state did not cooperate with it (Ostojic 2007).

Resistance to show any readiness to deal with the conflicts from the 1990s was still present at the end of the 1990s, even during civil protests in 1996-1997 organised as a response to electoral fraud attempted by the Milosevic's regime after 1996 local elections. As observed by Ilic (2005) neither the ruling structures nor the opposition showed readiness to face the reality and accept responsibility for the conflicts in the 1990s. Consequently, by denying its own atrocities and not prosecuting or prosecuting selectively those responsible for war crimes committed in the name of the state and Serbian people, the state contributed to increasing the conflicts and even generating new conflicts on its own territory that are still present.

4.1.2. The Kosovo conflict

As noticed by some authors, in the post-communist countries, such as Serbia, nationalism does not mean the struggle for one's own rights, but rather a struggle for denying and minimising the rights of the 'others' (Michnik 1996, according to Hondus 2007, 11), which results in the policy of intolerance, disrespect of diversity and exclusion. This was particularly visible in the case of conflicts in

Kosovo. Although conflicts in Kosovo started in 1970s, it was only in the 1980s that they intensified and escalated into armed conflict at the end of the 1990s. Hence, the dominant mechanisms of state's dealing with interethnic conflicts in Kosovo on macro, meso and micro level were the policy of oppression and the use of repressive mechanisms, which was in line with the dominant nationalistic, security discourse of the state in the 1990s (Arsovska, Valinas and Fellegi 2008, Nikolic 2005, Zdravkovic 2005).

In dealing with conflicts in Kosovo (or Kosovo crisis or Kosovo problem, as often referred to), the state actually undertook different activities that aimed at increasing its control over Kosovo. That was done in two main ways: through suppressing any possible form of further strengthening the Albanians and their movement for independence, which can be considered as a "policy of systematic exclusion of Albanians from the educational system, political and public life" (Janjic 2005, 58)[15] and through increasing repression against Albanian citizens and concentrating Serbian police and military forces in Kosovo. This process can be recognised as a process of securitisation, which resulted in deepening the cycle of violence, not contributing to the resolution of conflicts.

Apart from repressive mechanisms it is worth mentioning some attempts to solve the Kosovo conflict through the mediated dialogue – in 1992, and later on in 1995 and 1996 (Burg 2007, 24, Vukomanovic 1999). These were dialogues or more accurately discussions on the political level, which were primarily focused on the issues of education and language, and not directed towards real transformation of the on-going conflicts. They were rather seen as a means in the pre-election campaign. Hence, these potential restorative mechanisms failed to bring solutions to the Kosovo crisis. Thus, at the end of the 1990s, violence escalated into the armed conflict and gross human rights violations of both Albanians and Serbs.

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[15] Such as arrests and political hearings of Albanians, segregation of Albanians in schools, closing Albanian schools and universities, dismissals of Albanian state and military officials, prohibition of the use of Albanian language as official language and using Serbian as only official language, forbidding media in Albanian language etc. (Arsovska, Valiñas and Fellegi 2008, Nikolic 2005, Zdravkovic 2005).

Under the pressure of the international community a shift in the state's dealing with conflicts in Kosovo occurred. Milosevic decided to stop police and military operations in Kosovo and to prepare for dialogue with Albanians. However, there was not a direct dialogue between conflicting parties, which would give this activity a restorative character and potentials for finding solutions that would be acceptable for both parties. Instead, the international community organised the so called peaceful negotiations in Rambouillet in France in 1999, which had a form of 'shuttle diplomacy'. Although negotiation is considered to be "a basic means of getting what you want from others" and it is rather oriented towards outcome, an agreement (Berghof Foundation 2012, 49), it could have some restorative potential as well and could be possibly transformed into the dialogue. Nevertheless, these negotiations were far from any possible restorative practice based on the dialogue[16]: both parties were forced to participate in negotiations, being blackmailed by the international actors – either to sign the agreement or to be destroyed (Chomsky 2000, according to Zdravkovic 2005, 75). In other words, the principles were set forth by the international community (the Contact Group) and they were actually non-negotiable (Arsovska, Valiñas and Fellegi 2008, 84). The terms were unacceptable for both conflicting parties, and Serbia did not sign the Accord. Hence, this showed the failure of the international factor to facilitate conflict transformation or, as noted by some authors, the international community even contributed to the failure of the negotiations from the very beginning (Zdravkovic 2005, 76). This resulted in a seventy-nine-days NATO war against FR Yugoslavia (Serbia and Montenegro), which directly contributed to the reoccurrence of the feeling of suffering among Serbs and the image of victim, while the state increased its war propaganda and violence in Kosovo escalated dramatically (Nikolic 2005, 62-63, Zdravkovic 2005, 76). This showed once again how using repressive mechanisms and the

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[16] From the restorative justice point of view, dialogue is seen as an inclusive, open-ended process of constructive, two-way communication that puts the participants into interaction. Dialogue participants are cooperating, working towards the common understanding. Dialogue is primarily relationship-oriented process, rather than problem-solving. It tries to transform the relationship, by promoting empathy, and enlarging possibilities for participants to change their views and to understand the other side. For more information on this see Nikolic-Ristanovic *et al.* 2012.

failure of potentially restorative mechanisms fed the spiral of violence and deepened the conflict, eliminating any prospects of coexistence of different ethnic groups in Kosovo (Nikolic 2005, 64).

4.2. Dealing with the conflicts in the former Yugoslavia after 2000

After the collapse of the Milosevic regime, a period of transition towards market economy, democracy and the rule of law commenced. Nineteen political parties of different backgrounds, forming the so-called democratic opposition established the new government, which was confronted with two crucial challenges on its path towards democratisation: on the one side, there was a strong pressure from the international community to deal with atrocities committed by Serbia during interethnic conflicts in the 1990s, while on the other one it was confronted with the opposition and obstructions of Milosevic's supporters and nationalists (Nikolic-Ristanovic 2006, 369). In addition, the new ruling coalition was overburdened with internal divisions in respect to dealing with interethnic conflicts in the former Yugoslavia; hence, the political consensus in this regard was missing.

The international community was generally not very interested in restorative ways of dealing with interethnic conflicts in the countries of the former Yugoslavia (Nikolic-Ristanovic 2006, 372). It was focusing rather on the judicial mechanisms, pressing Serbia to intensify its cooperation with the ICTY and to eliminate in that way any pattern of impunity for gross human rights violations. Hence, we could argue that in the period after 2000 the so-called Hague discourse in dealing with interethnic conflicts from the 1990s became dominant in Serbia. It divided the ruling coalition, but also the political scene and the public in Serbia in general into two main streams: pro-Hague and anti-Hague oriented forces and individuals (Nikolic-Ristanovic 2006, 372). This division actually corresponded with two other opposite discourses visible on the political

scene in Serbia: nationalistic vs. reformatory or pro-European.[17] The nationalistic discourse of the anti-Hague oriented structures, among which there was a lot of supporters of Milosevic still embedded in the state institutions primarily in the police and judiciary,[18] was characterised by calling for stopping and obstructing any form of cooperation with the ICTY, protecting and glorifying war criminals as heroes, creating victim-oppressor/aggressor and friend-enemy dichotomy, and relativising the state's responsibility for the interethnic conflicts (Pavkovic 2000). On the other end of the Hague discourse were those of the pro-European orientation, who advocated for cooperation with the ICTY in order to pave the path for Serbia to the European integration; thus, this cooperation was more motivated by political and economic reasoning than by achieving reconciliation.

This situation has remained until today: constant changes in the policy towards the cooperation with the ICTY, which was permanently oscillating depending on the political circumstances in Serbia, while each intensification of this cooperation (primarily in terms of arrests and extraditions) has been leading to fortification of the right-wing political orientations and further strengthening of nationalism and nationalistic discourse in Serbia, resulting in new divisions, tensions and protests. Namely, any search for those accused, their arrest and extradition was seen by some nationalists as "an attack on their people, raising the prospect of renewed violence" (Liebmann 2007, 362). This is also visible today after the latest judgements of the ICTY brought in the cases against Croatian generals and the former officer of the Kosovo Liberation Army, who were acquitted for the war crimes committed against Serbs. This brought a new wave of dissatisfaction among Serbs and the state institutions towards the ICTY, resulting in an escalation of nationalism and minimising cooperation with the

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[17] For example, the Prime Minister Zoran Djindjic was committed to cooperate with the ICTY and the international community in general, while the president of the FR Yugoslavia Vojislav Kostunica was not willing to take any radical steps in facing the past atrocities.
[18] In regard to this, it is important to mention that in 2003 the Serbian Parliament adopted the Law on Accountability for Human Rights Violations (i.e. the Law on lustration), and the Commission for examining responsibility for violations of human rights was established. However, this Commission never worked, this vetting law was never applied and lustration has never been done.

Tribunal by reducing it to the level of technical cooperation, which altogether may have negative effects on the process of reconciliation. Such a climate over the past decade gave little space for the restorative discourse in dealing with interethnic conflicts in the countries of the former Yugoslavia. However, there were some sporadic examples of calling for dialogue, reconciliation and enhancement of relations, as well as apologies for the committed crimes and condemnations of war crimes. Notwithstanding this, it seems that these mechanisms have been left on the margins of the state's dealing with interethnic conflicts from 1990s and in the shadow of the dominant Hague discourse. What can be noticed is the fact that not only the cooperation with the ICTY resulted in divisions in ruling structures, political circles and the public, but also these activities that could have some restorative potential.

The prevailing Hague discourse shaped and influenced the activities of the state in dealing with interethnic conflicts in the countries of the former Yugoslavia. Notwithstanding the absence of the systematic approach to dealing with conflicts from the 1990s, we may argue that in comparison to the period before 2000, activities of the state institutions in dealing with conflicts from the 1990s intensified. However, they were primarily focused on the judicial mechanisms, giving priority to prosecutions. In addition to this, some non-judicial mechanisms are visible as well. Hence, in the further text we will analyse both judicial and non-judicial mechanisms in dealing with conflicts in the countries of the former Yugoslavia, trying to point out the place of the victim and potential restorative justice elements in them.

4.2.1. Judicial mechanisms

After 2000, in dealing with interethnic conflicts in the countries of the former Yugoslavia Serbia has focused almost exclusively on the criminal prosecutions of war crimes, i.e. on legal processes before the ICTY and cooperation with the Tribunal and establishing a legal and institutional framework for prosecutions of war crimes in Serbia.

4.2.1.1. Cooperation with the ICTY

Despite obstructions and disagreements in the ruling coalition, in the period from 2001 to 2003, under Djindjic's government, cooperation with the ICTY was quite active: adopting the Decree and later on the Law on the cooperation with the ICTY, arresting and extraditing accused individuals to the Tribunal, providing for the evidences for the ICTY etc. Due to the policy of cooperation with the ICTY, Djindjic was targeted by the nationalists from the time of Milosevic, which resulted in his assassination. This was followed by a broad police campaign with the aim to identify, uncover and arrest direct perpetrators of the assassination and their collaborators. This contributed to disclosing links between war crimes and crimes committed against Milosevic's opponents in Serbia, which to some extent also "contributed to lessening the denial of war crimes committed by Serbs" (Nikolic-Ristanovic 2006, 372). However, the state's response to Djindjic's assassination had the form of 'war against organised crime' and 'moral panic', prioritising selective repression over uncovering the entire truth and, in this way, it missed an opportunity to establish grounds for political consensus about the past (Nikolic-Ristanovic 2006, 372).

After 2001, the global war against terrorism and security discourse prevailed over the institutions and practices of the international law, which was (ab)used by the state authorities in Serbia after Djindjic's assassination for minimising or postponing cooperation with the ICTY (Subotic 2010, 62). In addition, right-wing political parties became stronger and nationalistic discourse prevailed again. Consequently, cooperation with the ICTY "suffered a downturn" (Ostojic 2007, 113), and the policy of benevolent surrender, providing moral and material support to the accused who voluntarily went to The Hague and to their families was advocated. By non-completing or unwillingly completing obligations towards the ICTY the state brought down the cooperation to the level of formal, passive cooperation. Under new external pressures from the international community in general and the European Union in particular, the state has intensified cooperation with ICTY from 2005 onwards, which was pragmatically-oriented and motivated by gaining points from abroad.

4.2.1.2. Prosecutions before the national court

The other side of the judicial mechanism is reflected in establishing a national legal and institutional framework for dealing with interethnic conflicts from the 1990s. This started in 2003 with the adoption of the Law on the Organisation and Authorities of the State Agencies in the War Crime Procedures and the establishment of special units for uncovering and prosecuting war crimes: a special police unit for uncovering war crimes, the Office of the War Crimes Prosecutor and the Chamber for War Crimes of the Belgrade Higher Court. The principle of the subject matter jurisdiction was established for the war crime cases. This means that all war crime cases are handled by the prosecutor for war crimes and war crime chamber, which are situated in Belgrade in the most secure court building. These solutions provide the basis for the specialisation of both the police and judiciary for dealing with war crimes, which should not only contribute to more impartial prosecutions, but also to better protection of victims and witnesses.

The Office of the War Crimes Prosecutor and the Chamber for War Crimes have intensified their work particularly since 2005. They established cooperation with relevant institutions in the former Yugoslav republics and the UN Mission in Kosovo (UNMIK). According to the statistics of the Office of the War Crimes Prosecutor,[19] till the mid December 2012 there were 395 persons prosecuted, out of which 151 were charged; 30 cases (with one or more persons charged in each of them) were resolved in the second instance (out of which 2 cases were run before the court of general jurisdiction), 60 persons in total were convicted while 13 were acquitted. There are 7 cases before the second instance court and the same number of cases is running before the Chamber. In addition, 21 cases with 66 persons are in the investigative proceedings, while 100 cases are in the pre-investigative proceedings. In all the prosecuted cases there were 2887 victims.

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[19] These information are available at the web site of the Office of the war crimes prosecutor http://www.tuzilastvorz.org.rs/html_trz/predmeti_eng.htm, accessed on 4 February 2013.

These figures show the efforts put forth by the Serbian judiciary to deal with the conflicts from the 1990s through the criminal proceedings, although the prosecutor's office and the Chamber are operating in "an atmosphere of threats and intimidation from some members of the public", and with a "limited political support and even obstruction by some political parties" (Council of Europe 2012, 18).

Since 2005 legal reforms in Serbia contributed to the improvement of the legal position of the crime victims, including victims of war crimes, setting the basis for their better protection both from the secondary victimisation and re-victimisation, intimidation and threats (Copic 2011, Nikolic-Ristanovic 2011a). In practice, positive steps were made by the establishment of the Service for the protection of victims/witnesses within the Chamber for War Crimes (Nikolic-Ristanovic 2011a, Pekovic 2011). The Service was established in 2006. It provides the logistical and emotional support to victims and witnesses in the war crime cases. In this respect, the Service has established cooperation with the similar services in Bosnia and Herzegovina and Croatia. Contrary to this, as one recently conducted research suggests, there is a lack of cooperation of the Service with other victim support services in Serbia (Nikolic-Ristanovic 2011a, 112). Thus, the Service is functioning outside the broader system of support to crime victims, which results in the fact that victims are left without any further support and assistance after giving evidence before the war crimes chamber. Albeit there are still many inconsistencies in the existing legislation, and the practice of victim protection and support needs to be improved we may argue that the state institutions undertook important steps in dealing with conflicts from the 1990 on the judicial level. This seems particularly important if we keep in mind that they still operate in the unstable political space facing different obstacles and obstruction.

Although criminal justice is quite often seen as the best and necessary means to "undo past state justice and to advance the normative transformation of these times to a rule-of-law system" (Teitel 2000, 28), there are three crucial objections to trials as the main form of dealing with interethnic conflicts: retroactivity, politicization and selectivity (Minow 1998, 30-31), and this is

exactly what is visible in the case of Serbia. On the other hand, criminal proceedings are designed in such a way that they present the relationship between the offender (usually represented by his/her attorney) and the state (represented by the public prosecutor) (Nielsen 2001, 151). These are the parties to the procedure who are competing, each of them trying to prove something, to defeat the opponent, and win the process. In such a context, the victim, who is directly or indirectly affected by the concrete conflict, is invisible: the victim is neglected, marginalised and not treated as a party. Thus, owners of the conflict are actually excluded from the process of conflict resolution; no space is left for their (constructive) communication and interaction. Hence, trials generally give no space for "interaction between dissimilar voices", which is in the essence of the "dialogical/restorative justice" (Foss *et al.* 2012, 47), and which is particularly important in the process of recovery and restoration of the victim.

Most of those who testified before the War crimes Chamber in Belgrade were victims/witnesses from Bosnia and Herzegovina, Croatia and Kosovo, but due to the insufficient capacities of the Service for the protection of victims/witnesses they could not all get assistance and support. In addition, many victims are still reluctant to come to Serbia and give evidence, either because they live far away or due to the fear, threats and intimidations.[20] On the other hand, victims are quite often dissatisfied with both ICTY and national court's decisions, because they do not fulfil their expectations that primarily refer to more severe punishments. These expectations are created through the strong influence of the dominant repressive discourse, and the insistence of the state and civil society organisations on trials and punishments as the crucial forms of dealing with the conflicts from the 1990s. Thus, although an important element of the transitional justice, criminal justice system also contributes to deepening the conflicts. Hence, some authors correctly argue that legal justice is in a way a "symbolic justice" (Liebmann 2007, 362) and it needs to be complemented with the non-judicial means that would be more victim-oriented, oriented towards

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[20] Conference of the project "Justice and war crimes", May 2011, available on http://www.slobodnaevropa.org/content/region_sudjenja_svedoci/24093744.html, accessed on 5 February 2012.

conflict transformation and closing the cycle of violence, and not towards deepening the existing conflicts.

4.2.2. Non-judicial mechanisms

In dealing with conflicts from the 1990s some potentials for establishing restorative mechanisms in addition to the retributive (criminal) justice mechanisms are visible, particularly in respect to establishing the Truth and Reconciliation Commission, public apologies and condemnations of atrocities, as well as in some initiatives on the local level that were more victim-oriented (particularly in terms of memorials). In addition to this, it is also important to mention dialogues, or rather negotiations about the Kosovo problem, which could be considered as a form of peaceful resolution of the problems emerged after the formal end of the conflict in Kosovo.

4.2.2.1. Truth seeking process

Two important steps were made by the state in respect to truth-seeking processes: establishing the Truth and Reconciliation Commission[21] and the Commission for Missing Persons. The establishment and work of the Commission for Missing Persons is important for finding out the facts about those who have been killed in the course of the conflicts in the countries of the former Yugoslavia, primarily in Croatia and Bosnia and Herzegovina, but also in Kosovo. In its work, the Commission is not only paying attention to Serbs as victims, but also to members of other ethnic groups who have disappeared. This state's activity is very important in the healing process of the members of families

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[21] The Truth and Reconciliation Commission (TRC) was established by the Decree of the president of the Federal Republic of Yugoslavia, Vojislav Kostunica. The members of the TRC were appointed and the tasks of the TRC were defined as follows: to organise research work on recovering of records about social, international and political conflicts which led to the war as well as clearing up causal links between events; to inform domestic and international public about its work and results; and to cooperate and exchange experiences with similar commissions and bodies in neighbouring and other countries.

of the missing persons. However, from the point of view of restorative justice and its main principles, including active involvement of the victims (survivors) in the truth-seeking process, it seems that truth commissions are of greater importance. They provide for an official forum for both direct and indirect victims, as well as perpetrators to be heard, to tell their stories and express their feelings, and "give evidence of human rights abuses" (Liebmann 2007, 363). From the victims' perspective, this is important step in the process of their recovery and restoration. Hence, TRC is considered to be a restorative mechanism although the level of its restorativeness may depend on the extent to which they try to restore victims (by providing support, symbolic reparations, involving community etc.) (Liebmann 2007, 381).

However, the Serbian TRC never started to work and it was abolished only two years after its establishment, without producing any results. It seems that there are two crucial reasons for that. Firstly, the TRC was established unnecessarily quickly and without previous broader discussions that would include different stakeholders, including NGO representatives (Nikolic-Ristanovic 2003, 248). Secondly, the mandate of the TRC was disputable: it was rather broad, but essentially not concentrating on what the role of TRC should be – a "tool for enabling truth-telling and public engagement to take place" (Ostojic 2007, 123). In this respect, it was not clear how the public would be involved, and whether and in which way victims' perspective would be included. Consequently, it is argued that by establishing a TRC the new government wanted to gain political points from abroad, creating an image of its readiness to face the conflicts from 1990s, but actually wanting to reduce external pressure and to convince the international community that the TRC should be given priority over the prosecutions before the ICTY and in that way to minimise cooperation with ICTY and prevent further extraditions (Ilic 2005, 71, Nikolic-Ristanovic 2006, 376). Thus, it seems that its establishment was not motivated by contributing to a more inclusive process of conflict resolution that would actively involve all parties, including victims.

4.2.2.2. Reparation mechanisms

The state has undertaken some efforts in providing for symbolic reparations, including public apologies, condemnation of atrocities and some victim-oriented initiatives on the level of local authorities, such as setting up monuments, as well as implementing programmes for refugees and internally displaced persons. On the other hand, material reparations were and still are on a very low level, preserving a hierarchy of victims.

Public apologies from the state officials[22] are important in decreasing ethnic tensions and facilitating the process of reconciliation (Biro 2001). Nevertheless, these steps produced different reactions, sometimes being criticised as too formal and not substantial. For example, reactions in Serbia after the public apologies of Boris Tadic differ: the apology given in Sarajevo in 2004 for the crimes committed by Serbs in Bosnia and Herzegovina was strongly criticised, leading to the same polarisations in the ruling structures and political circles as the cooperation with the ICTY, strengthening nationalistic attitudes. Contrary to this, the apology given in Zagreb in 2007 to the people of Croatia was better accepted in Serbia, even among some (softer) right-wing political parties, some of which were in the ruling structures. From the point of view of the state institutions and most political parties, the apology was seen as a correct and timely political act important for gaining a better position and support in solving the Kosovo conflict. It was also positively estimated by civil society, mainly due to the fact that president Tadic assumed responsibility, which was interpreted as a political decision to intensify cooperation with the ICTY and to contribute to the convictions of those accused before the ICTY. Hence, it seems that apology, which is considered to be one of the possible restorative outcomes, was actually seen as

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[22] President of Serbia and Montenegro Svetozar Marovic apologised in 2003 for crimes committed by Serb forces against Croatians and Bosnians, while the president of Serbia Boris Tadic apologised in 2004 for war crimes committed on behalf of Serbia and the Serbian people in Bosnia and Herzegovina, as well as in 2007 and 2010 for the crimes committed in Croatia.

a means of gaining political points, which was quite pragmatic, and a way to strengthen judicial mechanisms.

In 2010, after several years of resistance and debates, the Serbian Parliament adopted the Declaration on Srebrenica, which was a positive move in the process of dealing with the interethnic conflicts from the 1990s. In the Declaration, the Serbian Parliament condemned atrocities committed in Srebrenica in 1995 and apologised to the families of the victims for all the sufferings. Apart from this official document, Serbian Government and the president of Serbia condemned all war crimes committed on the territory of the former Yugoslavia, as well as celebrating war criminals as heroes, any form of fascism, anti-Semitism and all forms of discrimination. Similar to apologies, these steps could be analysed from two standpoints. They are important for victims and their families, because they could be seen as a form of acknowledging their losses and sufferings and can help in their recovery and restoration, which gives these means at least partly restorative character. However, similar to apologies, they could not be treated as completely restorative, mainly because they lack restorative processes based on encounter and active participation of all those directly or indirectly involved in the conflicts. On the other hand, it is important to emphasise that these steps also lead to divisions in Serbia, which actually resulted from the fact that political consensus about the role of Serbia in the interethnic conflicts in the countries of the former Yugoslavia and the nature of the crimes committed during the conflicts was still missing, contributing to constant reoccurrence of the nationalistic attitudes and feelings, and narratives of victimisation of one's own ethnic group (Serbs in this case), jeopardising the process of democratisation.

For example, the divisions with regard to the Declaration on Srebrenica related to the existence of the two discourses: the one visible in the Declaration itself through condemning the atrocities committed in Srebrenica and acknowledging all victims, emphasizing the expectation that other countries in the region will condemn atrocities committed against Serbs as well (inclusive approach), and the other one advocated by some political parties and civil society organisations that the state needs to clearly condemn atrocities in Srebrenica as

genocide. Namely, crimes committed in Srebrenica were not named in the Declaration as genocide, but the Parliament referred to what had been stated in the judgment of the International Court of Justice. According to the judgment of the International Court of Justice Serbia was not directly responsible for the Srebrenica genocide nor that it was complicit in it, but it is responsible for the breach of the Convention on the Prevention and Punishment of the Crime of Genocide by failing to prevent the Srebrenica genocide, for not cooperating with the ICTY in punishing the perpetrators of the genocide, and for violating its obligation to comply with the provisional measures ordered by the Court.[23]

Finally, tributes and commemorations are also seen as forms of symbolic reparations. Unfortunately, they are quite sporadic and primarily initiated on the local level (on the level of local authorities). Some of them were successful, resulting in, for example, building a monument to victims of a particular atrocity (e.g. in Prijepolje)[24], while some of were no, due to different reasons (a place for the monument was not defined, threats, obstructions etc.). An interesting example of the counterproductive initiative for building monuments is the one in Belgrade, which resulted in setting up a monument in 2012 in the central part of Belgrade, which is dedicated to 'all victims of wars and defendants of the homeland from 1990 to 1999' (as it is written on the monument). This monument was set up without any previous broader dialogue (restorative process) that would include all relevant stakeholders, including representatives of victims' organisations. From the victims' perspective, it seems that victims still remain invisible: it is not clear to which conflicts it refers, there are no names of victims, and victims are put together with those who participated in the wars. Thus, we could hardly argue that such an initiative may be considered as restorative; it

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[23] For more information on the judgment of the International Court of Justice in the case Bosnia and Herzegovina v. Serbia please see
http://www.icj-cij.org/docket/index.php?p1=3&p2=2&case=91&code=bhy&p3=5, accessed on 6 February 2013.
[24] In 2009 in Prijepolje, a town in the south-west part of Serbia, a monument dedicated to nine persons (Bosniaks) that were kidnapped and killed in 1993 was opened, with their names on the monument and the words emphasising that 'whoever forgets what had happened in 1993 gives up from the future'.

better fits into the nationalistic discourse of justifying conflicts from 1990s as defensive and acknowledging victimisation of only one's own citizens.

After 2000 the state continued to support and assist refugees and internally displaced persons either in their reintegration in Serbia (through giving them Serbian citizenship, providing for the accommodation, in particular through building new flats and moving refugees and internally displaced persons from the collective centres and reducing the number of collective centres, providing material support etc.) or in the return.[25]

As to the material reparations, there is still a lack of a reparation mechanism for all victims of interethnic conflicts, which is a direct consequence of the attitude of the state towards the conflicts from 1990s and results in the hierarchy of victims – some victims could get administrative compensation (e.g. war-related disabled persons and families of persons killed in an armed conflict or deceased as a result of injuries suffered in connection with the conflict), while many others are excluded (e.g. victims whose injuries or loss of life resulted from actions of Serbian state agencies) and some could be compensated but under certain conditions (e.g. former camp detainees, victims of sexual violence, and victims of torture but only if the abuses against them resulted in bodily infirmity above a certain threshold) (Council of Europe, 2012: 28). In addition, the state has not yet recognised the status of civilians as victims of war; consequently they are also excluded from the reparation mechanisms. Victims from the excluded categories can seek redress for material and non-material damages only through regular (civil) court procedures, which are long lasting, expensive, and with uncertain outcomes.

4.2.2.3. Mediated dialogues

Although led on a political level, mediated dialogues or more accurately facilitated negotiations between Belgrade and Pristina could be seen as an

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[25] More information on this issue can be found on the web site of the Commissariat for Refugees of the Republic of Serbia http://www.kirs.gov.rs/articles/onama.php?lang=ENG, accessed on 5 February 2013.

attempt to solve the consequences of the Kosovo conflict in a peaceful way. In this way the state is actually trying to protect Serbs in Kosovo and prevent further conflicts that are still emerging. First initiatives to start the dialogue date back to 2001, soon after political changes in Serbia, but they failed. Only after 2005, when the UN Security Council gave the green light for the beginning of negotiations about the status of Kosovo, did the process of facilitated negotiations start in 2006 and continue throughout 2007. However, it proved ineffective due to the completely opposite attitudes of Belgrade and Pristina representatives about the status of Kosovo. This was followed by the unilateral proclamation of the independence of Kosovo in 2008, which was followed by diplomatic recognition of Kosovo as an independent state by a certain number of countries. On the other hand, this provoked protests throughout Serbia in 2008.[26]

The room for the beginning of a new process of negotiations was opened in 2010; the process started in March 2011, and continued until the present. This is a political dialogue facilitated by the EU about technical issues. The dynamic of the dialogue is changing, going forward and backward depending on the political circumstances. At the beginning of 2013 Serbian Parliament adopted the Resolution on Kosovo and the Platform for further political dialogue with the Kosovo institutions.[27] It is stated that one of the crucial aims of the dialogue is to provide the security and the protection of human rights of Serbs and other ethnic groups who live in Kosovo. But, what can be noticed is that all these processes and changes actually increase the constant tensions between Serbs and Albanians in Kosovo, which from time to time escalate into violence. This contributes to the perception of Serbs living in Kosovo regarding their safety, making them feel unsafe and not protected.

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[26] For more information see http://en.wikipedia.org/wiki/2008_protests_in_Serbia, accessed on 6 February 2013.
[27] More information can be found on the web site of the National Assembly of the Republic of Serbia, http://www.parlament.gov.rs/upload/archive/files/lat/pdf/ostala_akta/2013/RS1-13Lat.pdf, accessed on 10 February 2013.

4.3. Interethnic conflicts in Serbia after 2000 and the role of the state

As already pointed out in first chapters of this paper, due to the impact of the conflicts in the countries of the former Yugoslavia and in Kosovo, after the formal ending of these conflicts, many interethnic tensions and conflicts remained in Serbia throughout the previous decade up to the present, particularly in the multiethnic regions, such as southern Serbia, Vojvodina, and south-west Serbia. In the following part we will point out what has been done so far in regard to the development of the legal and institutional framework for dealing with interethnic conflicts, and what concrete activities have been undertaken by the state institutions.

4.3.1. Legal and institutional framework

Under the strong international and European influence, in 2005 legal reforms started in Serbia, going into two main directions: adoption of laws that should provide the basis for the protection of the national minorities' rights[28] and the adoption of more general anti-discrimination laws that provide for the protection from discrimination in general, including discrimination on the basis of nationality and ethnic origin. The basis for these reforms is found in the 2006 Constitution, which promotes non-discrimination and the protection of the rights of national minorities. In addition, since 2000, and particularly since 2005 a lot of effort has been made to include different restorative justice measures and practices into legislation, particularly in the criminal and juvenile justice legislation (Nikolic-Ristanovic and Copic 2006), but also in the anti-discrimination legislation, which provided the basis for a broader use of mediation.

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[28] In terms of protection of their rights and freedoms, establishment of councils of national minorities, establishment of councils for interethnic relations on the level of local authorities etc.

On the institutional level, protection from human rights' violations, including those based on nationality and ethnic origin, prevention of ethnically based conflicts and promotion of human rights, diversity, mutual understanding and non-discriminatory practices are established on three levels. On a more strategic and policy level it is important to mention the Government's Office for human and minority rights, which is involved in creating policy on human and minority rights, monitoring the respect of these rights and working towards overall improvement of the state of human and minority rights in Serbia. On the level of the Autonomous Province of Vojvodina there is the Provincial secretariat for education, administration and national minorities, which works towards nurturing of cultural diversity and development of multiethnic understanding and tolerance. Thus, we may argue that these mechanisms are primarily oriented towards prevention of possible conflicts, through development of multiculturalism, mutual recognition, respect and trust.

The second level is composed of independent human rights' institutions on the state, provincial and the level of local administration: the Ombudsman of the Republic of Serbia, the Provincial Ombudsman, and ombudsman offices on the municipality level, as well as the Commissioner for the protection of equality. Although they also have a preventive role, their primary aim is to react in certain cases and to protect individuals and groups from different forms of human rights' violations, including those that are ethnically motivated.

The third level is composed of the councils of the national minorities and the municipal councils for multiethnic relations. They are working on the promotion and protection of minorities' rights in the field of education, information, culture and official use of minority's language, and enhancement of the relations between ethnic groups in the multiethnic regions. Although the real power of these councils is disputable, they still have an important role in protecting national minorities' rights, for example, through addressing state institutions or independent state agencies in cases of violation of human rights on the basis of nationality or ethnic origin or through providing assistance and support to individuals who face human rights' violations (e.g. providing legal aid, information on their rights, existing procedures etc.).

4.3.2. Concrete activities of the state in dealing with interethnic conflicts

At the beginning of the 2000s the state had a rather indifferent attitude towards interethnic conflicts in Serbia, particularly in Vojvodina and south-west Serbia: the policy of non-reaction or inadequate reaction (inefficient work of the prosecutors, inadequate legal qualifications of the criminal offences etc.) was quite obvious, strengthening the fear and the feelings of insecurity among members of certain ethnic groups and deepening ethnic divisions and tensions (Ivanisevic 2005). From 2003 some changes in the state's policy occurred, although reactions to interethnic conflicts were oscillating just as those on the general state level in respect to conflicts from the 1990s, depending on the political circumstances. When addressed, these conflicts have been mainly solved within the criminal justice system, with the use of repressive mechanisms, although lenient criminal policy and legal qualifications that actually exclude the ethnical dimension of these crimes were criticised (Ivanisevic 2005). This contributed to changes of legislation, reflected in a permanent increase in penal mechanisms for dealing with these conflicts.

On the other hand, in dealing with conflicts after 2000 the state focused more on the conflicts in southern Serbia, which were in direct connection to the Kosovo conflict (Bacevic *et al.* 2011). In dealing with these conflicts we could notice two groups of activities: the process of securitisation through strengthening repression by the police and military forces, which was in accordance with the global policy against terrorism (Ryan 2007),[29] and the adoption of the Government Programme for solving the crisis in this area in a peaceful way. The latest was declared by the International Crisis Group for Serbia as "one of the rare conflict resolution success stories in the former Yugoslavia" (International Crisis Group 2007). According to the Programme, the process of

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[29] After the Kosovo conflict the state started with concentrating police forces in the so called Ground Security Zone along the administrative line with Kosovo and considering Albanians as potential enemies.

peace-building included three groups of activities: integration of Albanians into institutions of local governance; establishing security in the region through development of multiethnic police, disarmament, demilitarisation of the region, amnesty and reintegration of former combatants etc., and development of education, economy and civil society (Bacevic *et al.* 2011). A coordination body for the municipalities of Bujanovac, Presevo and Medvedja was appointed for the implementation of the programme.

Since its establishment in 2000 the Coordination body had an important role in decreasing ethnic tensions in this part of the country, stopping the conflicts and normalising the life of the citizens. During the past several years, it has been particularly focusing on capacity building of these municipalities, their economic enhancement and political and social integration, which are crucial preconditions for the stability and the development of this region. Activities of the Coordination body are mainly implemented in the fields of education, social and economic development and the strengthening of the civil society. These activities are directed towards prevention of conflicts through capacity building of both Serbs and Albanians, development of multiculturalism and understanding of diversities. They also reflect the state's commitment to solve the conflicts in southern Serbia with the use of peaceful means and dialogue, with the involvement of all conflicting parties and in cooperation with the international community, providing for the basis for the restorative mechanisms to replace repressive means that prevailed in the previous period. Thus, this could be considered as a good example of developing a non-repressive policy in dealing with conflicts with restorative potential.

Despite these efforts, ethnic tensions in the far south of Serbia still exist, threatening the security of the citizens. This can be illustrated by the recent events in Presevo. The monument for the soldiers of the Liberation Army of Presevo, Bujanovac and Medvedja was set-up in Presevo. This provoked the Serbian Prime Minister who said that if the local governance does not remove the monument, the state will do that by force. Such an attitude is quite opposite to the idea of reintegration, including reintegration of former combatants, and acknowledging the truths of all the conflicting parties. This resulted in threats of

the former commander of the Liberation Army of Presevo, Bujanovac and Medvedja with armed violence if the Government tried to destroy the monument.[30] Hence, instead of establishing the dialogue on this issue, the exclusive discourse of the Government prevailed and the monument was removed and transferred to one of the mosques in Presevo. As a reaction in several places in Kosovo the gravestones of Serbs at the Orthodox cemeteries were destroyed. This shows how repressive, exclusive and aggressive discourse of the state contributes to deepening of the existing tensions and leads to new conflicts.

4.3.3. Concluding remarks

In dealing with present-day interethnic conflicts a security discourse of the state prevails. It is visible in permanent tightening of the criminal policy, increased use of repressive mechanisms and focusing on the criminal justice system and sanctions as the key mechanisms for dealing with interethnic conflicts, while suppression of racism, intolerance and discrimination became the dominant frame for dealing with them. This fits well into the global policy of penal populism (Garland 2001), which is visible in Serbia as well (Sokovic 2012), pursuing the politics of repression and increasing severity of punishments in the name of protecting victims, but also citizens in general and providing them with security.

Another end of the security discourse is marked with the permanent endeavours of the state to provide for the protection of minorities in general and ethnic minorities in particular. The international and European community positively estimated steps made by Serbia in terms of ratifying relevant international documents, including principles of non-discrimination and the protection of the rights of national minorities in the 2006 Constitution (Evropska komisija protiv rasizma i netolerancije 2008), as well as the development of anti-discrimination legislation and institutional framework for promotion and

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[30] www.rts.rs, accessed on 4 January 2013.

protection of human rights, social cohesion and justice. But, we have to analyse these steps rather carefully and critically. For example, the Constitution from 2006 starts with saying that starting from the state tradition of the Serb's people and equality of all the citizens and ethnic communities in Serbia, the peoples of Serbia adopt the Constitution. Article 1 reads that the Republic of Serbia is the country of Serb's peoples and all citizens who live in it. If we analyse these words, we could argue that they could hide the division between 'us' (Serbs) and 'them' or 'others' (other ethnic groups). Hence, legislative framework for the protection of minorities and establishment of the institutional frame could also present the "state's signals" on its policy towards the 'others' (Biro 2001). Namely, depending on the way that mechanisms of the protection are regulated and implemented, and even more on how they are interpreted, they could actually contribute to either enhancement of the relationships between different ethnic groups or to their destruction, resulting in deepening of diversities and existing tensions presenting a fertile ground for new conflicts (Biro 2001).

Nevertheless, since 2005 and the beginning of legal reforms in Serbia, we can also notice some hints of the restorative approach as well. Legal reforms provided for the basis of a broader use of restorative practices (primarily mediation) in criminal justice and juvenile justice system, but also in solving the cases of discrimination, including the ones based on ethnic origin. However, the practice is rather poor and it cannot be assessed only on the basis of the literature review.

5. Dealing with interethnic conflicts by civil society

Although civil society organisations (CSOs)[31], as organisations with autonomy in relation to the state, had appeared in Serbia during communist time, their development primarily coincided with the political and economic transition that

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[31] The term civil society organisation started to be used in Serbia more frequently over the last several years, while in the 1990s and until mid 2000s they were mostly referred as non-governmental organisations. We use the term civil society organisations (CSO) as a generic one for all local organisation throughout this paper.

was introduced in the late 1980s and at the beginning of the 1990s. Development of civil society organisations was intensive particularly during the ethnic wars in Bosnia and Herzegovina and Croatia (between 1992 and 1995). This development was further intensified after opposition parties took power on a local level in major cities in Serbia (1996-1999) and particularly after the final defeat of the Milosevic regime and political change in 2000 (Lazic 2005, Milic 2002, Nikolic-Ristanovic 2002).

Apart from various human rights, humanitarian and social functions, civil society played a very important political role in activities against the war, human rights violations and the overall dictatorship regime of Slobodan Milosevic. Since 2000, however, civil society organisations became less critical toward and more cooperative with the government, but at the same time also more pragmatic, i.e. project rather than need-driven.

Dealing with interethnic conflicts has been an important aspect of activities of certain civil society organisations in Serbia since the 1990s until now. However, since the funding was and still is predominantly coming from foreign donors, activities of these, as well as other CSOs, are very much shaped by the local needs as seen and defined from above - by foreign donors or by local people who put their own interests before interests of groups they are representing (Gradjanske inicijative 2012, Lazic 2005, NGO Policy Group 2001). The lack of funding continuity and stability results in a high level of instability and unsustainability of CSO activities, and the lack of long term planning and strategic thinking (Gradjanske inicijative 2012). This also made our research rather difficult since many CSOs and programmes ceased to exist, although they are listed in CSOs directories. Also it was difficult to trace information and people involved in some important activities. Finally, the problem was the selection of activities, since many of them were temporary, connected to the implementation of certain projects and with short term effects.

The aim of this part of the paper is to find out what kind of activities related to interethnic conflicts CSOs implement, and what the place is of restorative justice approaches and discourses in them. We give an overview of CSOs activities, identify their activities with restorative justice elements and

assess the potential existing RJ activities have for resolution of problems in interethnic relations, peace building and security of Serbian citizens - in general, and particularly of those living in ethnically mixed regions near the borders with other countries of the former Yugoslavia.

5.1. Civil society organisations and interethnic conflicts in the former Yugoslavia

The civil society organisations whose activities are the most relevant for dealing with interethnic conflicts in the former Yugoslavia were established at the beginning of the 1990s and most of them are still active. These organisations include three main groups of CSOs: 1. those that are known as 'non-governmental organisations' (human rights, peace, women's rights and victim support and advocacy organisations); 2. war victim organisations[32]; and 3. war veteran organisations.

5.1.1. Civil society's approach to interethnic conflicts in the former Yugoslavia during the 1990s

During the 1990s, the common denominator of non-governmental organisations was their political - antiwar and antigovernment - orientation, regardless of their specific mission and activities. After the end of major armed conflicts and the political change in Serbia, the activities on the part of these organisations continued to have a political component, but changed their focus. Over time, dealing with the past was either added to or replaced the antiwar and antigovernment activities. As well noticed by Croatian peace activist Bozicevic (2007, 105), "dealing with the past activities is built on dealing with a present" during the war and gross violations of human rights.

During the 1990s a large number of victim and veteran organisations was established as well, and quite a lot of them are still active. Unlike organisations

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[32] These are organisations established and run by war victims themselves in contrast with victim support and advocacy organisations.

known as non-governmental organisations, victim and veteran organisations had much more heterogeneous political attitudes towards the war and the government. Their vulnerable position is often abused and they have been manipulated by nationalistic political parties and the government in the 1990s and afterwards. However, some of them, including veteran organisations, have been also involved in antiwar and peace activities.

Non-governmental organisations and large number of people were included in peaceful demonstrations during the 1990s. Women's NGO Women in Black organised during the war antiwar protests on Belgrade streets every Wednesday. Also, since the beginning of the 1990s many people demonstrated against the war and the government but they also showed clear messages about the strength and the potential of a non-violent approach to conflict resolution, as a contrast to violence and repression as the state's way of dealing with conflicts. The protests started in 1991, and also included large students' protests and protests against false results in local elections in 1996, and ended with massive protests during 2000, which resulted with mostly peaceful political change (with some violent episodes) in September 2000. Some Serbian sociologists (e.g. Lazic 2005) called these manifestations 'autonomous civil resistance', which had a crucial role in leading Serbia toward peaceful change and successful avoidance of civil war between Serbs themselves. These protests also influenced the appearance of some very important civil society organisations, which had an especially important role in non-violent and carnival like activities (e.g. *Otpor*/Resistance). Unfortunately, after political change and in spite of enormous increase of the number of CSOs, social movements as a form of civil action actually ceased to exist (Lazic 2005).

5.1.2. Civil society's dealing with interethnic conflicts in the former Yugoslavia after 1990s

The analyses of dealing with interethnic conflicts in the former Yugoslavia by the civil society in Serbia after 1990s is analysed from the perspective of both discourse and concrete activities of civil society organisations.

5.1.2.1. Discourse about the past interethnic conflicts

As already mentioned, after the changes in 2000, the political scene in Serbia was transformed into a long political conflict which shifted from the conflict between the democratic opposition and Milosevic's regime into the conflict between the nationalist, anti-Hague forces, on the one hand, and pro-Hague oriented groups and individuals, on the other. Two extreme discourses regarding the past have been prevailing not only in media and politics, but also within civil society.[33] These two discourses have in common at least several features: 1. They do not listen to those who do not agree with them; 2. They accept accusation as the main communication tool; 3. They accept a hierarchy of victimisation and an exclusive notion (binarism) of victim and perpetrators; 4. They tend to depersonalise victims (deal with victims in abstract way); 5. They accept a partial and simplified (black and white) truth.

While the extreme nationalistic discourse recognise only victimhood of Serbs and considers war criminals national heroes, the extreme anti-nationalist address exclusively non-Serbs as victims and Serbs as war criminals (Nikolic-Ristanovic 2006). Both these discourses may be recognised as forms of the security discourse, which appeared to be counterproductive and created new conflicts rather than solved old ones.[34] Within this discourse interethnic conflicts are addressed as abstract dealing with the past, comprising mostly Serbian collective guilt and high numbers of depersonalised victims, rather than dealing with sufferings, responsibilities, needs and conflicts of concrete people.

As a response to these two extreme and exclusive approaches, the Victimology Society of Serbia initiated the approach called the 'third way'. The third way accepted restorative discourse as a result from the efforts to find a new model which would try to stop or alleviate existing and prevent future conflicts.

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[33] This is basically the continuation of the polarisation of nationalistic and antinationalistic/antiwar discourse developed during the 1990s.

[34] For an excellent critical analyses of the security discourse of some civil society organisations, developed in relation to dealing with the past, and its contribution to solidifying divisions and producing rather than reducing conflicts see Stephenson and Zanotti (2011).

These efforts were initiated by the Victimology Society of Serbia at the International Conference held in 2002 in Belgrade (Nikolic-Ristanovic and Hanak 2006, 1) and further developed within the informal initiative Joint Action for Truth and Reconciliation (also known as ZAIP), which, since 2005, join together CSOs and individuals who all share commitment toward developing a more restorative approach/discourse to dealing with past, present and future conflicts (Nikolic-Ristanovic and Srna 2010). [35]

Recent research on activities of civil society organisations in Serbia suggest that, although elements of restorative justice are present in CSOs discourse about interethnic conflicts from the 1990s (including both conflicts between Serbia and other countries and within Serbia), it is obvious that retributive and security discourses prevail. The public discourse of civil society organisations in Serbia is mainly about criminal prosecutions and punishments, lustration and reform of police and judicial system, and to some extent reparation of victims. Reconciliation as a term is mostly avoided, i.e., used only as an exception, (Petrovic-Ziemer 2011). On the other hand, the words such as dialogue and building good relationships with neighbouring countries are used more often. This is especially true for leading human rights organisations, who, although critical toward an exclusive official narrative, continue to use an exclusive discourse and accusatory approach (Blagojevic and Milenkovic 2004, Petrovic-Ziemer 2011, Zajovic 2007). In this way, they do not listen/open space for other views, dialogical truth as well as communicative memory (as defined by Assmann 1992).

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[35] At the moment of writing this paper ZAIP had 108 members. The main characteristics of the Third way, as they are defined by members of ZAIP during 2007 and 2008 seminars, are: non conflict two way communication about the past of people with different war experiences, including mutual recognition, support and non-accusation; inclusive relationship toward crimes, victims and perpetrators and inclusive discourse about the past (speaking about all victims, perpetrators and witnesses regardless of their ethnic and other identification and features); care about human rights, empowerment and reintegration of all persons affected by conflict; using wide range of methods for establishment of the truth and reconciliation; proactive approach in dealing with the past (Nikolic-Ristanovic and Srna 2008).

Some CSOs recently alleviated their security discourse, by inclusion of Serb victims in their public statements, activities and advocacy, or by becoming critical toward the release of Croats and Albanians accused for war crimes. However, their discourse is still very exclusive and does not allow space for different views. Moreover, they are largely recognised by Serbian population as anti-Serb and 'working for Serbian enemies'. The lack of substantial change in the discourse of these CSOs is well documented by the above-mentioned research as well as by their most recent publications and public events in Belgrade (e.g. Women in Black and Fund for Humanitarian Law on the panel *Naming THAT war: The Poliphony of talks about war*, Centre for Cultural Decontamination, Belgrade, 24 November 2011; Women in Black on the *Public panel on sexual violence and responsibility in war*, Belgrade, 23 April 2012; All CSOs represented on a round table *Where is transitional justice today*?, Belgrade, 13 November, 2012).

Also, it is worth mentioning that there is an evident tension between the prevailing security discourse on the one hand and restorative justice mechanisms and activities used by some organisations on the other hand. For example, this is evident in some interethnic dialogue meetings with various stakeholders (e.g. consultation meetings within the initiative for the establishment of regional commission for the identification and public disclosure of facts about the war crimes known as Coalition for RECOM[36]; Conference organised by Young people initiative for human rights, in a form of alternative dialogue of young Serbs and

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[36] The RECOM initiative is made up of coalition of 1,900 members across the region. Members include non-governmental organisations, associations of victims and victims' family members, veterans groups, media outlets, religious and political organizations, as well as artists, writers, and other individuals. Five-year consultation process included 127 consultations, seven regional forums, and the participation of more than 10,000 individuals. The Assembly of RECOM Coalition adopted a draft statute in March 2011, which describes the creation of an independent, intergovernmental body tasked with creating a registry of all victims of the wars in the former Yugoslavia during 1991–2001, and establishing forums for public testimonies of the victims (http://www.rbf.org/close-up/humanitarian-law-center-documentation-and-memory, accessed 5 February 2013). However, the initiative so far was not successful in obtaining public and political support in Serbia and other parts of the former Yugoslavia. See more details in the section of this paper on activities that include interethnic and intra-ethnic dialogue.

Albanians – Putnik 2004), as well as in activities of organisations, such as Women in Black, which support and otherwise work with all victims, but publicly address and advocate only for non-Serb victims and in other ways have a strong security discourse (Stephenson and Zanotti 2011).

Recent research also shows low levels of knowledge of CSOs about restorative justice and its potentials. For example, they mostly understand it as reparation of victims and the possibility for the perpetrator to accept responsibility. They also wish restorative justice to become a legally defined and obligatory, systematic rather than a sporadic activity of civil society etc. (Petrovic-Ziemer 2011). They also often understand it as a way of avoiding responsibility of 'main' culprits and protection of 'main' victims, i.e. as collaborating in the government's effort to lessen responsibility for past atrocities (Ostojic 2007). Probably this is why restorative discourse is understood as 'soft' and as such opposed and unacceptable for those CSOs who use a 'hard', i.e. security discourse (Blagojevic and Milenkovic 2004, Putnik 2004).

This, however, does not mean that CSOs, whose main discourse can be considered as security discourse, do not use a restorative justice discourse at all. The fact is that the restorative justice discourse is used by these CSOs (mostly as stressing importance of dialogue and tolerance) as well, but they use it only sporadically and with less vigour than the security one, so that it stays invisible and not recognised publicly (e.g. examples quoted in Popovic 2005 and Putnik 2004, Fond za humanitarno pravo 2006).

However, organisations, who in their everyday activities are more inclusive and oriented toward rebuilding relationships and reconciliation between people from different ethnic groups, i.e. different conflict parties and stakeholders, also usually cannot imagine efficient dealing with interethnic conflicts without trials and punishment (Nikolic-Ristanovic and Srna 2008, Petrovic-Ziemer 2011). This also includes victims and veterans organisations. However, these organisations' discourse often appears as contradictory. On the one side they value reconciliation as an inclusive and open process, including also an encounter of the perpetrator with victims and explanation of his/her motives to them. In addition, they are interested in learning about the place of the crime in the wider

context of perpetrator's life, including particularly the connection between previous war victimisation in perpetrator's own family and his/her later victimisation of others. But, on the other side, when interviewed within recent research, representatives of both victim and veteran organisations linked the justice primarily to war crime prosecutions. Moreover, one of the interviewed detention camp survivors stressed that without trials and sanctions he cannot forgive anyone, while veterans stressed that criminal justice is crucial for victims and their healing (Petrovic-Ziemer 2011).

It is, however, interesting that, although suggesting that punishment of perpetrators is 'an imperative', victim organisations do not consider that taking revenge on perpetrators in terms of inflicting them the same kind of violence as they inflicted to victims, would be healing for victims. It is worth mentioning also that victim and veteran organisations highly value some of the main restorative approaches toward the past in Serbia, such as the Third way approach developed within Victimology Society of Serbia (Nikolic-Ristanovic and Srna 2008, Petrovic-Ziemer 2011), in which they also took part and contributed substantially. Both victims and veteran organisations are in favour of or are actively participating in interethnic and/or intra ethnic dialogue activities, which included representatives of various parts of the society. Moreover, in their answers to interviewers in recent research, they were also quite critical towards the nationalistic security discourse which still is quite widespread and which they consider as the strong obstacle to reconciliation. They particularly argue for abandoning victim hierarchy and competing over the victimhood status (Petrovic-Ziemer 2011).

5.1.2.2. Activities of civil society organisations

CSOs have been dealing with interethnic conflicts through various activities, which can be classified into the following groups[37]: awareness raising activities; monitoring and advocacy; research and publications; education; support and assistance; mediation; interethnic group activities; activities that include interethnic and intra-ethnic dialogue; culture and art (films, exhibitions, literature, theatre, street performances); and religious events, such as regular prayers for peace.

5.1.2.2.1. Awareness raising

Awareness raising activities include various activities which include presentation/dissemination of documentation about war crimes, the International Criminal Tribunal for the former Yugoslavia, human rights as well as minority rights violations. These activities include public panels in different cities, including those in multiethnic parts, seminars and workshops for young people, TV spots about war crimes, billboards, exhibitions, publications, theatres, films, street performances, etc.

These activities often include the request to the state to reveal the truth and face the past, to cooperate with the ICTY, or ask citizens to see (recognize) the crimes or human rights violations (e.g. marking the anniversary of Srebrenica massacre by placing billboards and sending postcards throughout Serbia; exhibitions of photographs, travelling film festival and related panels). These activities are done in different way by different organisations.

Some of these activities done in different ways by different organisations clearly show the potential of restorative approach to open difficult topics while preserving safety of citizens. On the other side, doing them in an exclusive way

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[37] This classification is based on findings of available research (Blagojevic and Milenkovic 2004, Petrovic-Ziemer 2011, Rosandic, Milenkovic and Kovacevic 2005), as well as on the basis of information obtained from CSOs materials and interviews with CSOs representatives.

(suggesting non disputable, objective truth, and using accusatory language and/or pressure to face the past, etc) lead to negative reactions and conflicts with those who felt provoked. Good illustration for this are different ways of organising exhibitions of war photographs of the American photographer Ron Haviv about atrocities done in the former Yugoslavia, which were organised during 2002. After several unsuccessful attempts of organising it in an exclusive way that produced conflicts and violent incidents, CSO Vojvodjanka, within the project called VIVISECT, organised the same exhibition using an inclusive approach with high restorative potential. They allowed different interpretations, views etc. to be expressed, and, in contrast with previous ways of organising the same exhibition, set the ground for a non-violent communication between people belonging to different groups and having different conflict experiences.

VIVISEKT project

Having in mind the violent incidents that followed the previous exhibitions of the American war photographer Ron Haviv, CSO Vojvodjanka from Novi Sad devised a new concept of both the exhibition and supporting programme whose goals were: To encourage the public discussion of the wars in former Yugoslavia; To present the truth about the wars as a mosaic comprised of different elements, which only when put together, can offer a relatively complete picture of the tragedy that a part of Yugoslavia went through; To point at the necessity of knowing the facts about war in every society; To provide the chance for everyone to deliver one's opinion with respect for other people's views of the events from our recent past. In order to avoid incidents that took place in other towns, it was decided that the photographs be exposed for eight days without the name of the author. The intention was to enable the visitors to write their commentaries or give their own titles to photographs on the basis of what they have seen. Every photo had blank sheets and pencils beside it. *The book of impressions* and a special space within the exhibition, a 10 meters long wall, were to offer alternatives for the visitors who could there display their own photos or documents related to the 1991-1999 conflict. Within the programme of the exhibition in Novi Sad, two panel discussions and four documentary films screenings took place. Through this concept the organisers enabled the visitors of the exhibition to be not only the passive observers, but also active participants in the process of confrontation with the truth about the wars in the former Yugoslavia. It's very important to highlight that the exhibition was organised in cooperation with the institutions of the provincial and city administration in Novi Sad and in cooperation with the regional and city representatives of Ministry of Internal Affairs. The visitors of the exhibition and the follow-up programmes in

Novi Sad belonged to all age, social, national and religious groups that live in this city. On the screenings of documentaries there were mostly young people, whereas middle aged and older people tended to visit the panel discussions. There were those who visited the exhibition several times, as well as the people who visited the exhibition every day on a regular basis. Since the organisers of the exhibition offered the visitors an opportunity to bring photos and documents that refer to the war period in the former Yugoslavia, the exhibition gained new elements every day. The written messages that people left beside the photos of Ron Haviv, especially attracted attention and were read as 'a novel on sequels'. A special form of communication was established during the ten days of the exhibition, which managed to channel a wide range of emotions and impressions (from the extremist and aggressive attitudes to a reasonable and objective attitude), when it comes to the question of facing the truth and the consequences of wars on the territory of former Yugoslavia. No violent incidents occurred. The exhibition was seen by 5000 people and the material that was collected during the exhibition was transformed into a short documentary entitled VIVISECT and the commentaries that the visitors left beside the photographs of Ron Haviv were published in the book of documents (based on description in: Nikolic-Ristanovic 2006).

There were also other exhibitions, films and TV programmes that simply showed victims and perpetrators from different ethnic groups, without taking sides, accusations or pressure to the audience to accept it as a truth. These awareness raising activities proved to be also good examples of restorative ways of dealing with conflicts.

5.1.2.2.2. Monitoring and advocacy

Monitoring and advocacy activities include monitoring human rights violations and state responses, as well as requesting the state to take concrete steps for facing the past, to accept responsibility, and to protect and compensate victims.

The largest part of monitoring and advocacy is related to criminal prosecution for war crimes, human rights violations and related political crime in Serbia, and includes trial monitoring and reporting, pressing charges, testifying and providing relevant documents and evidences to legal institutions, release of media statements about trials, advocacy for punishment, various initiatives and street actions, etc. These activities are mostly done by several largest and best funded human rights organisations, which are also recognised by a larger public as anti-Serb and pro-Hague, and which mostly use a security discourse. Their

discourse makes results of their activities often counterproductive, leading to deepening of the divisions and conflicts, rather than to acceptance of their proposals and constructive dialogue with state and other stakeholders.

There is also advocacy lead by CSO Igmanska inicijativa.[38] Their advocacy addresses the political elite in these countries, asking them to cooperate with the ICTY with the aim to allow individualisation of responsibility and normalisation of relationships between the states that participated in conflicts.

Advocacy for the rights of refugees and war veterans is also undertaken. However, this advocacy is mostly done by victim and veteran organisations and a small number of other civil society organisations that support their activities and cooperate with them in other ways. These organisations are mostly underfunded, less visible and often do not coordinate well their activities, which also results in a low efficiency of their advocacy initiatives.

Advocacy is also done for building monuments on the sites of war crimes, both in Serbia and in other parts of the former Yugoslavia. For example, CSO Centre for Nonviolent Action (CNA) initiated and organised war veterans' visits of atrocity sites in Bosnia and Herzegovina, as well as advocacy for their marking. This activity is in close link with the trainings CNA organise regularly for war veterans so that the groups are mostly consisted of previous training participants.[39] War veterans from all armies that participated in the 1990s war in Bosnia and Herzegovina joined together to visit war crime sites and established good cooperation with local authorities consisted of representatives of all three ethnic groups.

The approach used by CNA and war veterans groups seems as a good example of the approach that has a high potential for building trust and

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[38] This is the association of 145 civil society organisations from the countries that signed the Dayton agreement (Serbia, Bosnia and Herzegovina, Croatia and Montenegro).
[39] Training topics include: "establishment of dialogue between former combatants from different warring sides; sensitization for different views and opinions about events from the wartime past; development of empathy; trust building; and building of a 'platform' for future joint activities." (Centre for non-violent action 2010, 12).

increasing feeling of safety among people from ethnic groups that were in war earlier.

Joint visits of war veterans to sites of atrocities in Bosnia and Herzegovina, *7-29.11.2010*

From the 27th to 29th of November 2010, CNA had organized joint veteran visits to towns of Derventa and Brod and nearby villages, where they had meetings with the local veteran organizations and within which they visited atrocity sites and monuments from the wars of the 1990s. The initiative for these visits was launched at the training for war veterans that took place during June and July 2010.

A group of twenty-five persons that took part in this visit consisted of veterans from Bosnia and Herzegovina (Tuzla, Gornji Vakuf, Brcko, Odzaci, Prnjavor and Zavidovici), Croatia (Zupanja, Vinkovci) and Serbia (Novi Sad, Belgrade, Vlasotince). These veterans were members of the following military formations (during the war): Army of Bosnia and Herzegovina, Croatian Defence Council, Croatian Army, Army of Republika Srpska, Republic of Serbian Krajina Army, and the Yugoslav Army. Thus, the participants were members of all armies involved in the wars of the 1990s in the territory of Bosnia and Herzegovina and Croatia.

Among the most important was the visit to Sijekovac as a place of important symbolic significance for interethnic reconciliation. Organisers considered the fact that Bosnian and Croatian veterans visited this place and paid respect to the victims very important, because for many people it is the symbol of Serb suffering in the war. An important moment during the course of this visit was when veterans were joined by an older woman who was a direct witness of the events and whose family was killed in Sijekovac. The veterans had the opportunity to hear her immediate testimony, which made a very emotional impression on them.

At the places visited, veterans paid respect to the victims with prayerful silence, and in Sijekovac and Cardak veterans from Croatia, Serbia and Bosnia and Herzegovina laid the wreaths together with the hosts. The participants kept stressing that the visit to the memorial room in Brod was very emotional because in it they could see hundreds of photographs of killed persons, a thing that is impossible not to cause nausea and disgust over the war tragedy.

The encounter with the local authorities was particularly significant. The local authorities supported this visit and had an open conversation with the war veterans. In addition, the representatives of the local authorities are simultaneously representatives of all three constitutive peoples, which was important since the conversation was initiated about the return of Croats to

Derventa (which was a predominantly Croat municipality prior to the war and now only a small number of Croats live in it). The political representative of Croats in the Derventa municipality pointed out that it is of great importance to him that we initiated the aforementioned topic and that this visit is important to him in the context of a support to Croats to return to their homes (based on description in: Center for non-violent action 2011, 78-79)

5.1.2.2.3. Support and assistance

Many organisations, including victim and veteran as well as human rights and victim advocacy organisations, have been involved in humanitarian aid, psychosocial support and legal aid activities to those suffering from interethnic conflicts. This includes legal representation of victims at court, witness support and support/protection of families of witnesses from other countries/ethnic groups during the trial in Serbia. Support has been offered as well by SOS hotlines and counselling services for women, shelters and other victim support services to women abused by war veterans or whose abuse is otherwise connected with interethnic hostilities (Cetkovic 1998, Nikolic-Ristanovic 1998). These services have been particularly important in ethnically mixed border areas, which suffered very much from overall worsening of interpersonal, including family, relations of people with different ethnic origin.

CSO Group 484 carried out evidence based advocacy for the rights of refugees, coalition building for advocacy with active participation of refugees and displaced people (Rosandic, Milenkovic and Kovacevic 2005). Within its victim support service and informal initiative the Joint Action for Truth and Reconciliation, Victimology Society of Serbia created a supportive and empowering environment for people experiencing war in different ways, including victims of both interethnic and connected political intra ethnic violence in Serbia as well as war veterans.

Also, some organisations offer medical and psychological support to war veterans. Recently, in the southern part of Serbia, from where a lot of men went to fight in Kosovo, self-help groups and programmes for prevention of domestic violence in veteran's families are established as well.

There are two main approaches of CSOs to victims. CSOs among whom the security discourse prevails limit their support to witness support or otherwise support related to criminal prosecution. Their requests about perpetrators have the central place in their activities of dealing with the past. Dealing with victim issues is primarily related to the establishment of perpetrators' accountability and no serious effort is made for healing, empowerment and reintegration of victims. There is a belief that punishments alone will bring to re-establishment of the balance disturbed by crimes and that it will lead to victims' satisfaction as well as to the re-establishment of the order in the society (Nikolic-Ristanovic 2008). One of the most striking negative effects of this kind of approach is maintenance and intensification of victim's identity, which, apart from other negative consequences, may contribute to the development of vengeance and hate (for similar developments in other societies see: Huyse 2003, 64). Moreover, this approach does not take care at all of reintegration of perpetrators in the society but rather only sees a solution in their exclusion.

On the other hand, victim and victim support organisations, as well as war veteran organisations, support and assist people according to their needs, regardless of their relation to criminal prosecution. Focus is on empowering support and reintegration of victims regardless of their appearance as witnesses in criminal procedure. Moreover, reintegration of ex-combatants/perpetrators is taken care of as well. There is also one CSO that offers support to people who are victims of false accusations and sentences for war crimes in other countries of the former Yugoslavia.

Organisations who offer concrete forms of support and aid according to victims' needs were particularly growing at the beginning of 2000, when consequences of the 1990s were fresh and international donors were interested in funding support programmes. However, nowadays these organisations share the overall problem that exists in Serbia with this kind of activity. Many highly experienced and enthusiastic grassroots organisations, in particular war victim organisations, had to cease their activities because neither state nor international donors are willing to finance and otherwise support them (Nikolic-Ristanovic 2011b). Moreover, some larger CSOs, who previously were able to support war

victim organisations, cannot do so anymore since they themselves are facing financial difficulties and struggle to survive.

5.1.2.2.4. Non-violent conflict resolution and mediation

Education for non-violent conflict resolution and mediation as a form of informal education was initiated by certain civil society organisations already in the 1990s. Some of these educations in the meantime became part of regular education in primary and secondary schools, while the others got recognition of the Government through accreditation and are offered as trainings to teachers. Part of the programmes still has the form of informal education. Most of these programmes are run by peace organisations committed to restorative approaches to solving interethnic conflicts.

In that regard, activities and the approach of MOST: association for cooperation and mediation in conflicts are of special importance. MOST is a leading CSO in peace education in schools as well as in trainings for mediators. Of special importance is its work on development of practice of intercultural and interethnic understanding in schools, which also included multiethnic regions in the south and south-west of Serbia. Since 1999, together with several other organisations, MOST runs a peace studies programme which aim is education in peace activism and conflict resolution. The programme particularly offers practical knowledge and skills connected to non-violent communication and conflict resolution, and includes, among other, seminars on dealing with prejudices and discrimination, negotiation, mediation and multicultural understanding. MOST also organises seminars on dialogue and understanding of ethnic conflicts in the region.

MOST is also a rare CSO that offers mediation to people in conflict on their request, although it is part of their commercial activities, and, thus, available only to those who can pay. Moreover, MOST is, as stated on their web site[40], committed to intercultural and interethnic education and society (living together)

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[40] http://www.most.org.rs/, accessed on 26 December 2012.

rather than to multicultural/multiethnic one (living beside each other). This, together with the above mentioned, shows a clear commitment of this organisation to both restorative justice discourse and activities.

5.1.2.2.5. Interethnic group activities

Interethnic group activities are particularly widespread. They include various ways of meeting people from different ethnic groups with the main aim to decrease ethnic distance and mutual prejudices as a way of preventing future conflicts. These activities include particularly inter-ethnically mixed groups of young people, such as organising joint excursions of young people from different parts of former Yugoslavia, preparation of young people for visits of sites of crimes in Croatia and Bosnia and Herzegovina, intercultural exchange of young people, as well as various cultural and sport activities of young people from different ethnic groups living in Serbia as well as those from different countries of the former Yugoslavia. However, similar meetings also sporadically included politicians from different ethnic groups, brought together into mediated dialogue by international organisations (Burg 2007).

Also, the meetings and workshops which are part of cross-community and cross-border cooperation projects, often including young people, became especially widespread. Quaker Peace and Social Witness has run many training events, including those for young people from the entire region, with the purpose to build friendship and reduce mistrust, fear and hatred (Bubalo, quoted in Liebman 2007, 376). These activities have been especially widespread in multiethnic areas near borders with Croatia, Bosnia and Kosovo.

5.1.2.2.6. Activities that include interethnic and intra-ethnic dialogue about ethnic conflicts (cross-border and cross-community)

Activities that include interethnic and intra-ethnic dialogue about ethnic conflicts are very important since they mostly have been attempts either to open difficult topics about the past or to work toward creating suitable models of discovering

truth or repairing broken relationships and achieving trust and reconciliation within the community. Activities of this kind have been quite widespread but they vary regarding the scope and structure of participants as well as the discourse and methodology used.

On the one side there are large conferences, as well as public panels and public victim hearings that include large number of participants. A considerable part of these public events was devoted to the discussion about the International Criminal Tribunal for the former Yugoslavia and the importance of the cooperation of Serbia with it. Victims often take part in these activities and they are put in front of large audiences to speak about their painful experiences. On the other side, there are various small group meetings and discussions, with and without presence of the public.

Some of the dialogue activities include members of one group in terms of war experience, type of activity or other feature, such as war veterans, members of families of missing persons (Nikolic-Ristanovic 2008a), as well as representatives of civil society or state institution, young people etc., who belong to one or different ethnic groups. Good examples of a restorative approach are found in dialogue activities with war veterans implemented by the Centre for Nonviolent Action (CNA).

CNA forums with war veterans

Three forums organised during October and November 2003 in Serbia is an attempt to affirm the wish and recognised need of CNA to contribute to the opening of space in order to start conversations about past and the events that followed. The title of the forums was "FOUR VIEWS – from the past: WHAT WAS I DOING IN WAR? Towards future: HOW TO ACHIEVE PERMANENT PEACE? Four former war participants from the former Yugoslavia spoke at these forums. The participants were not representatives who spoke in the name of their nations or states, but individuals with all the identities they carry and deem important (religious, national, political or any other).

Thus, direct carriers and protagonists are former soldiers, participants of wars in the former Yugoslavia during the 1990s, who rarely have an opportunity to speak publicly about their war experiences, motivations and views regarding the future of their states and societies, as well as about the obstacles in the way towards permanent peace in the region. It is a very numerous group in the society which

is often stereotypically seen as one that is expected to speak about the war, but not about peace. CNA's intention was precisely to step out of that stereotypical image and to create an activity which will enable former warriors to recognise their own capacities for peace, to reconsider their personal responsibility, but also to call for a serious and comprehensive deliberation of societal and collective responsibility for the past and the future.

The goal of CNA was not to search for the culprits or crimes in this process. This is left to the courts. They did not want to present some 'great truths', because they think that the truth is a very subjective category. CNA assumes that "sincere stories of these men are the truth for itself (it can be completely different from another man's story) and represents a piece of a great mosaic which could be finished only if we could all tell our 'truths', views and experiences. A story imagined in this manner has the aim to create a small shift: in the understanding that these questions are intended only for a certain few intellectuals; in the understanding that every conversation on the subject of recent wars necessarily determines one side (one nation) as the exclusive culprit which implies that there is an exclusive victim; in the understanding that it is best to forget everything that has happened"...[41]

The other dialogue activities include various stakeholders, either only from Serbia (e.g. Joint Action for Truth and Reconciliation; workshops of CSO Hajde da, that include war veterans and young people), or from different countries of the former Yugoslavia who were at war (e.g. consultation meetings within initiative for establishment of regional commission for the identification and public disclosure of facts about the war crimes known as Coalition for RECOM). Some of these activities have a clear restorative approach while for others it is not clear, or seem not to be the case.

Of special importance for dealing with interethnic conflicts in a restorative way are small group discussions where people from various backgrounds and views, often including victims, join together to discuss difficult topics and speak about personal experiences in a space which they perceive as secure, and without being exposed to an outside public. The good examples of this kind can be found in activities of the Victimology Society of Serbia conducted within its search for the appropriate model of truth and reconciliation for Serbia. The activities include small group discussions, workshops and seminars with various

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[41] Based on the description of activities with war veterans presented by the Centre for non-violent action. From the article "How I found myself in the war?", *Danas,* 21 November 2003.

stakeholders, as well as large distribution of leaflets with a questionnaire addressed to general public and the release of a public call to citizens, who are asked to suggest ways of dealing with the past that will not lead to resolution of existing conflicts without provoking new ones. The call for proposals was open to every citizen of Serbia regardless of his/her ethnic, religious, political or any other orientation.

From remembering the past towards a positive future

The major part of the Victimology Society project *From remembering the past towards a positive future/What type of truth and trust/reconciliation is the most suitable for Serbia?* was a series of small group discussions organised during 2003 and 2004 in 12 towns in Serbia. The total number of participants was 149. The participants were: members of NGOs and humanitarian organisations; representatives of the associations of prisoners of war, refugees, displaced people from Kosovo, and the associations of kidnapped and disappeared persons; the combatants; journalists; members of political parties; representatives of local authorities; individuals of different professional background; students and unemployed individuals.

The panels usually started with introductory speeches of experts, with a showing of a VIVISECT film, and then the discussion among participants would take place. The discussion was moderated so as to enable the presentation of positive and negative personal experiences and reflections on the topic of truth, remembrance of the past, ability to establish trust, model of reconciliation, problems that go with the reconciliation etc. The format of small group discussion provided a relaxed atmosphere, with emotions being put in the background. Participants were encouraged to listen to each other, bring out their personal experiences and be constructive in discussions. Moderators pointed at similarities of experiences, richness and importance of the ideas that were put forward and summarised in the end of every panel discussion. (based on description in: Nikolic-Ristanovic, 2006).

Joint action for truth and reconciliation

Development of the association Joint action for truth and reconciliation is an original project inspired by the experiences worldwide. It is initiated and coordinated by Victimology Society of Serbia. Members of Joint action are individuals and organisations who accept and promote a third way in dealing with the past. Males and females of various ages, direct victims of conflicts, war veterans, NGOs activists, researchers, journalists, psychotherapists and others communicate actively and equally, exchange experiences and information, as well as cooperate and implement joint activities. According to their socio-

demographic characteristics, war experience and regions where they come from, they tend to adequately represent the population of Serbia.

The aim of workshops organised within seminars in three Serbian towns (in south, north and central Serbia) was capacity building for dealing with truth and reconciliation issues as well as joint development of both the Association and the idea of the third way. Workshops were conceptualised as action research, meaning that data collection was done at the same time for educational purposes and development of the ideas, actions and organisational framework. In this way, all members participated in the process of self-research and self-education and they have all chance to develop – individually and as a group as a result. Moreover, apart from research and (self) education, this process encompassed the work on oneself in much broader sense, including a therapeutic dimension.

The best ways for communication and binding people in one heterogeneous group are tested in the group consisting of various individuals. Participants explored psychological experiences of injury and responsibility, while also simultaneously re-evaluating own attitudes in practice. Using experiential learning methods, participants set out to find out whether approaches used can in reality bring the change and become resource and not obstacle to reconciliation. Victims, as well as other participants are supposed to take an active role and the overall process is meant to be supportive and had empowering effect on all those who need support and recovery from traumatic experiences (based on description in: Nikolic-Ristanovic and Srna 2008, 10).

There is also another group of activities which also has a very strong restorative dimension. For example, the Centre for War Trauma from Novi Sad organises workshops and theatre performances in which war veterans are involved, who, in that way, communicate and share their experience with the public and try to contribute to their own integration into society but also to changes in overall attitudes toward the past in post-war Serbia.

Consultation meetings within very important initiative for establishment of regional commission for the identification and public disclosure of facts about the war crimes (RECOM) and public hearings of victims organised by the Humanitarian Law Centre are criticised by participants as non-democratic, non-participatory, non-transparent and not open to different views. Also, concerns are shown in relation to atmosphere of social pressure, where decision not to join the campaign is interpreted as a statement against dealing with the past processes. Particularly critical were war veterans who showed high levels of mistrust and

fear of their statements being misused for initiating criminal charges against them. Many critics relate to the treatment of victims which lead to their passivity, retraumatisation and isolation, which decreases even more their chances for reintegration (Petrovic-Ziemer 2011).

5.2. Civil society and present day conflicts in Serbia

Dealing with present day interethnic conflicts by civil society organisations is mostly done as part of the monitoring of interethnic incidents and lobbying for interethnic tolerance and minority rights, as well as against stereotypes, prejudices, discrimination, nationalism and for an appropriate hate crimes' policy. This also includes support for capacity building of local communities in establishing an institutional framework for dealing with interethnic conflicts, as well as legal aid and legal representation of victims by human rights organisations. There is an obvious connection and continuity of activities dealing with past and present conflicts, including dealing with both conflicts by the same organisations, but for analytical reasons, we had to separate them in this paper.

Particularly numerous are workshops and different forms of informal education, as well as other interethnic activities with young people which purpose is decreasing of ethnic distance, while also there were similar activities with women and other groups.

For example, Group 484 used to work with young people in ethnically mixed regions with the aim to teach them that differences are not only reason for conflict but may be enriching and lead to cooperation, and to prevent conflicts (Rosandic, Milenkovic and Kovacevic 2005, 74). They first started with involving teachers, then they included students and then the students motivated other young people to join. Young people who were involved later used their knowledge either within CSOs or in their work in schools and other institutions. The Group 484 later used the same approach within other projects as well. Also, for overcoming ethnic distances in Serbian-Hungarian relations some organisations in Vojvodina organised joint leisure time activities of adolescents, including

organising football matches and watching the film on living beside each other (Ilic and Kevezdi 2012).

A more clearly articulated restorative approach is identified in activities of CSO Hajde da... Their mission is to instigate real respect of differences and equality in the society, while their vision is of an intercultural society in which citizens actively contribute to development of democratic values and respect of human rights of all. Their activities include various forms of informal intercultural education about non-violence and tolerance, for children, adolescents and teachers. Their programme is recently recognised by the Government and became part of formal education.

Similar to the conflicts that occurred during the 1990s, in dealing with contemporary conflicts both restorative and security discourse are used, and the discourse is not always in accordance with approaches used in activities.

The restorative discourse is obvious in the inclusive way some CSOs are doing research and advocacy about solving contemporary interethnic conflicts in Vojvodina through dialogue and respect of rights, as well as in their talks about the need for young people from different ethnic groups to better know each other and to socialise (Centar za razvoj civilnog drustva 2006, Ilic and Kevezdi 2012, Stanojlovic 2005). Rare CSOs, such as the Centre for Development of Civil Society, also suggest that it is worth considering the possibility that state institutions appear as mediators between ethnic groups with a lot of violent incidents, as well as for solving some interethnic problems at the level of the local community (Centar za razvoj civilnog drustva 2006). The Centre for Development of Civil Society also calls for increasing ethnic tolerance and promotion of diversity, for the creation of joined Serbian-Hungarian civil society organisations in places with high ethnic tensions, like Temerin, and their joint participation in sport organisation. In this way, they promote mutual respect, trust building, development of interethnic relationships and cooperation, rather than reducing dealing with interethnic conflicts to criminal prosecutions and building multiethnic society, minority policy and tolerance, as it is done by some other CSOs (Beogradski centar za ljudska prava 2003, Domonji 2008).

The first approach can be considered to have a more restorative potential, while the latter comes more within security discourse, and relies on the 'us/them' binary (Bannerji 2000) and therefore can facilitate securitisation and further divisions within a multiethnic community. Or, as Pacini-Ketchabaw, White and Armstrong de Almeida (2006, 104) argue, the intention behind multicultural policies is to facilitate more thorough assimilation into the dominant culture by inviting people to feel secure in their ethnic origins. While tolerance "teaches us the negative (do not discriminate against each other), respect teaches us positive (embrace others as a way of enriching our own lives)" (Abramson 2002, 99). Both tolerance and respect contribute to equality of people of different race, national origin or religion. But, tolerance is more modest since it means that people accept others but do not respect and understand them. On the other side, respect means knowing and understanding each other, interacting and living together, not beside each other, and thus has stronger potential for overcoming divisions and conflicts.

Part of the CSOs also use moderate retributive discourse as the dominant one, asking primarily for increasing reporting to the police and punishment of offenders (Centar za razvoj civilnog drustva 2005a).

However, all CSOs call for timely and efficient state reaction and overall dealing with contemporary interethnic conflicts, including criminal prosecutions and trails. They also call for the state to introduce prevention measures such as stronger monitoring of interethnic relationships during negotiations talks about Kosovo (Ilic and Kevezdi 2012), social measures to decrease frustrations and ethnic rivalry as well as other measures to decrease possibility of violence, regular public reactions to interethnic incidents, awareness raising of citizens etc. (Centar za razvoj civilnog drustva 2005b). This all may suggest a more nuanced discourse of civil society organisations regarding contemporary conflicts compared to interethnic conflicts from the past. Also, it is worth mentioning that a strong Serbian nationalistic discourse is still present and that it usually is revived every time something happens that is considered as treat to Serbian interests (e.g. as it was with the announcement of independence of Kosovo). It is especially important to have in mind the existence of nationalistic organisations and right

wing political parties which use every opportunity to instigate nationalism (Ilic and Kevezdi 2012). This is why the CSOs discourse is very important and may either lead to constructive solutions, or to even stronger nationalistic discourse and conflicts.

It is important to mention that there is not any specific victim support or victim advocacy organisation which deals with victims of interethnic conflicts or hate crimes. Although specialised and general victim support organisations can support victims of interethnic conflicts, there are no available research findings or other information whether, how often and in which way they do so in practice. In general, existing victim support organisations are not so numerous and, in particular, their number is far from being appropriate to respond to all victims' needs. Finally, apart from MOST, we did not identify any other civil society organisation that offers mediation in cases of interethnic conflicts.

6. Conclusion

Our analysis shows that in Serbia security of citizens requires dealing both with past and present interethnic conflicts as well as with their very complex interconnectedness. In spite of that, it seems that the unstable political context in Serbia with still strong nationalistic discourse did not create favourable conditions for dealing effectively with interethnic conflicts and their consequences. There is still a lack of a clear political will to deal with the responsibility for the interethnic conflicts and to speak openly about the role of the Serbian authority and the people that have been engaged in these conflicts. Moreover, nationalistic discourse together with penal populism and a lack of rule of law set fertile ground for political obstructions and misuse of the criminal justice system. This undermines existing efforts and achieved results in prosecuting and sentencing perpetrators. There is a permanent increase of repression in the name of protecting victims, but the effects of such a policy are not visible: conflicts still exit and they become even deeper. Victims are not

actively involved in conflict transformation. They are rather passive observers of the processes, particularly of the criminal justice procedure.

Another problem is the lack of the strong civil society movement as one that existed during the 1990s. Although civil society organisations contributed significantly to dealing with the past in Serbia, they were not able to send strong and convincing messages about the past to Serbian citizens. The security discourse of civil society organisations as the most visible one provokes resistance and hostile attitudes rather than contributing to the dialogue and resolving existing conflicts. Civil society organisations are not always paying enough attention to the agency and empowerment of victims, as well as to their need to be reintegrated into the society and to be included in solving the conflicts.

On the other side, institutional and legal frameworks have been developed, which may be a good basis for the development of more efficient criminal justice system as well as of the alternative conflict resolution model, based on restorative justice. The potential for non-violent conflict resolution and restorative justice is also evident in the civil society. This was particularly visible during peaceful demonstrations and peaceful change of the previous regime. Elements of a restorative justice approach are used by many NGOs including those who publicly mostly use security discourse.

It is obvious that the potential for restorative justice exists. However, restorative justice discourse and restorative activities are not visible and recognised enough both on the level of the state and civil society organisations. It is partly connected with a lack of awareness and knowledge on its potential. In this we could see the need for education of the representatives of both the state and the civil society organisations.

Our research so far does not give enough data on the use of restorative mechanisms in practice, particularly whether and in which way they are used by the citizens. This will be the focus of our further action research. Namely, through the action research we will try to find out how these restorative mechanisms function in practice, what is the position of victims in them, how do the citizens solve their conflicts and how do citizens perceive these mechanisms as well as their safety and their own role within the conflicts. Through the action research

in our case study we will work on raising awareness of the citizens and informing them on the possibilities of restorative justice in solving the conflicts. We hope that during our action research within the ALTERNATIVE project we will try to contribute towards the better use of restorative discourse/approach for the benefit of the security of the Serbian citizens.

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