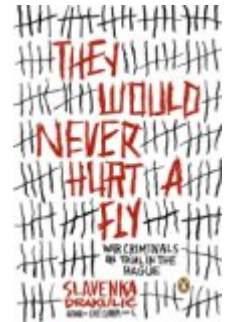


Slavenka Drakulić. *They Would Never Hurt A Fly: War Criminals on Trial in The Hague*. New York: Penguin Books, 2004. 207 pp. \$15.00, paper, ISBN 978-0-14-303542-8.



Reviewed by Sheri Rosenberg

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Slavenka Drakulić illuminated post-communist Eastern Europe with personal insight and accessible writing in her books *How We Survived Communism and Even Laughed* (1992) and *Café Europa: Life after Communism* (1996). In her new book, *They Would Never Hurt a Fly, War Criminals on Trial in The Hague*, Drakulić examines alleged Yugoslavian war criminals who are currently living together peacefully in Scheveningen prison while on trial in The Hague at the International Criminal Tribunal for the Former Yugoslavia (ICTY).

In *They Would Never Hurt a Fly, War Criminals on Trial in The Hague*, Drakulić, in her characteristically forthright and refreshing style, seeks to understand the nature of the individuals who committed heinous crimes during the wars that destroyed the former Yugoslavia from 1991-1995. Were they "ordinary people like you and me—or monsters" (p. 6)? This is clearly pressing for Drakulić, who, born and raised in Croatia, is burdened by the question "why didn't we see the writing on the wall" (p. 6)?

For Drakulić, questions concerning the nature of the criminals and the Yugoslav peoples' apathy are inseparable. Like others who have asked similar questions after historical events "shocked the conscience" and "boggled the mind," Drakulić was disturbed after attending the 1993 trial of Borislav Herak, a Serb from Bosnia who was sentenced to life imprisonment by a court in Sarajevo for sixteen rapes and the murder of thirty-two civilians, only to learn that Herak did not look like, act like, or speak like a monster. As Drakulić discusses in the last chapter of her book, it is far easier to see them as evil and to see evil as outside of humanness. Then we can say that monsters did this and because we are not monsters we could not have committed such crimes. But if they are not monsters, what might this tell us about ourselves?

As journalist, social critic, and novelist, Drakulić does not seek to answer these questions by way of a linear, academic tome. Rather, she searches for answers by taking us through a series of other important questions that, for the most part, remain unanswered but form the foundation for her inquisitive book. The book weaves

its way back and forth in time and between personal and public narrative. For instance, she asks how these war criminals—all housed together in prison and who ostensibly killed in the name of ethnicity—now "play nice" with one another? What does it mean that these men are condemned war criminals to the world and national heroes at home? How has history conspired in the process that led up to the war? And no, she does not give time to the theory of "ancient ethnic hatreds" that we have heard far too much about in reference to Bosnia and Herzegovina (BiH), and that contemporary scholars fortunately have debunked.

The book is written in a series of reports and is divided into thirteen short chapters. The first chapter finds Drakulić asking, "Why The Hague?" In the second chapter, Drakulić goes to The Hague and discovers that trials are boring and war criminals do not look evil. The third and fourth chapters find Drakulić in Croatia following the life of one Croatian man whose search for the truth led to his demise. In chapters 5-9, Drakulić reports from The Hague following the trials of Dragoljub Kunarac, Goran Jelicic and Radislav Krstic, Drazen Erdemovic and Slobodan Milosevic. There she explores the contours of what Hannah Arendt describes as the "banality of evil" and the character or identity of the individual in communist societies.[1] In chapters 10, 11, and 12 she writes about Mirjana Mira Markovic (Slobodan Milosevic's wife), Ratko Mladic, and Biljana Plavsic. Drakulić concludes in chapter 13, by trying to make sense of everything she has just absorbed, and attempting to answer the questions posed at the beginning of the book. Through her explorations she touches essentially on the themes of the "banality of evil," the meaning of memory and historical record, the limits of international criminal law, and individual responsibility and collective guilt.

Much ink has been spilled applauding the proliferation of war crimes tribunals and the end of impunity. The evolution from Nuremberg to the

ad hoc tribunals for Rwanda and the former Yugoslavia, as well as the Special Court in Sierra Leone and the International Criminal Court are important steps in the development of the rule of law. In fact, the predominant mechanism for responding to mass atrocities focuses on individual perpetrators of war crimes being brought to justice in international criminal courts.[2] While scholars have praised these judicial mechanisms, far less has been written about the limits of international justice. Transitional justice scholars posit justifications for international criminal tribunals such as the need to punish the perpetrator, respond to the needs of the victims, promote the rule of law, and discover and publicize the truth. Yet, as Drakulić explores, there are limits to assigning individual culpability to mass atrocities and it is unclear that these tribunals can accomplish their lofty goals.

For example, as mentioned, transitional scholars argue that transitional societies need to discover and publicize the truth. The reasoning goes that just as individuals become mired in the past, so do societies. Knowing and exposing the truth will liberate a society from its brutal past, and creating an authoritative record during trials provides a "history" capable of withstanding historical revisionism. The idea seems to be that once a society sees this record, individuals in that society will understand their past and take responsibility. Then society as a whole will heal and move on.

But what does this mean empirically?[3] When an alleged war criminal is found and extradited to the Hague, the international community is self-satisfied. Another step toward social reconciliation in the Balkans has been made. But while the international community condemns these men as war criminals, they are often considered war heroes at home (p. 5). One wonders: are these international tribunals Trojan horses or has a society learned or repented if it is forced into accepting its historically marred past?

Recently, Ante Gotovina, a former general from Croatia was captured while having dinner at a four-star restaurant in the Canary Islands and hustled off to The Hague to stand trial for alleged crimes he committed during military operations against Serbian forces and civilians in 1995. As reported by the *New York Times*, Gotovina is viewed at home as a hero of Croatia's war of independence.[4] Drakuli? explains that many in Croatia feel that judging a war hero is humiliating, a betrayal of national interests and in the end these "show trials" are simply manipulated vengeance by the West.

The book sharply illustrates the depth of such feelings through the story of the fate of Milan Levar, a Croatian war veteran from Gospic and public witness to war crimes who was murdered on August 28, 2000. Milan Levar was the first witness for the ICTY to be killed in revenge. In 1991, Milan Levar witnessed Serbian civilians taken by truck to locations outside of Gospic where they were executed by military police squads and buried in hidden mass graves. Thereafter, he witnessed the plunder of their homes. Levar reported the crimes at the time they occurred. Nothing was done. So he left the military. He pursued the charges after the war in Croatia. When the courts in Croatia did nothing, he testified at the ICTY.

In a 1996 interview in the independent weekly of Split, the *Feral Tribune*, Levar said: "Lika [the region of Gospic] today is ruled by fear. In order for this fear to disappear, people have to, finally, account for their deeds. It has to be established who killed and who stole, and everyone has to bear the consequences. Because in this way those who committed crimes, by keeping all power in their hands, turned us into prisoners and are treating us as slaves" (p. 32).

But the problem is that the government itself is part of a conspiracy to hide the truth and the people of Gospic are caught up in their own conspiracy of silence. The government had political reasons for the cover up. It would not look good

for a burgeoning independent state to be exposed for war crimes against Serbs. The people have deep personal reasons for not wanting to know that they as a society are responsible for war crimes--after all, they were fighting for independence like they fought during the Second World War. Further, many profited from ethnic cleansing in big and small ways and those who did not profit did not protest either. They did not want to know. Not many people came to Levar's funeral. There were no representatives from the military, no politicians, no human rights groups, and no one from the media. "Their absence was more significant than their presence would have been" (p. 36).

Ultimately, Drakuli? comes to terms with this "conspiracy of silence" and the fact that for many Croats the trials mean the opposite of justice--injustice brought upon all of Croatian society. But this is precisely where Drakuli? believes in the value of the historical record that will be made at the ICTY. Drakuli?, however, does not address the question of how the "truth"--of the historical record created at the ICTY--will be absorbed by a country that sees war heroes not war criminals, even ten years after the end of the war. Perhaps, the answer lies in the ultimate success of the ICTY. The record created at the Nuremberg trials--though still debated by some as "victors' justice"--has been useful in rebuilding German society and contributes to the undeniability of the Holocaust.

This brings us to a second theme of this book, namely the use and abuse of history in Yugoslav society and how, according to Drakuli?, revisionist history--among other things--allowed the war to happen. "In totalitarian societies, where there is no true history, each person has in his own memory a collection of such images, and it becomes dangerous if he has nothing more" (p. 11). Her father, who fought for four years as a Partisan under the command of Josip Broz Tito in World War II, never wanted to speak about this time in his life. It is the silence of men like her father, combined

with the official version of the historical events of 1939-1945, that Drakuli? believes allowed the latest war to happen. On the one hand individuals in the former Yugoslavia grew up with images gathered from movies, books, and family stories told by some—like the story of Drakuli?'s grandmother entering a house deserted by Chetnicks and finding a baby roasted in the oven—that created personal memory (p. 9). On the other hand they had their official history textbooks that manipulated history to suit Communist Party ideology. Their history books were filled, not with facts, but with legends. The fascists were bad and the anti-fascist Partisans were good. In the absence of history it is easy for political leaders to stir up emotions and build hatred upon it. Extrapolating from prior experience, Drakuli? finds the contemporary "conspiracy of silence" and lack of a search for the truth very frightening.

Finally, the leitmotif of the book is the question: who are these war criminals? As Hannah Arendt observed while watching the Eichman trials, "The focus of every trial is upon the person of the defendant, a man of flesh and blood with an individual history, with an always unique set of qualities, peculiarities, behavior patterns, and circumstances." [5] The rest forms the background and conditions under which the defendant committed his acts. Drakuli? explores the personal history of the individual defendants she examines, placed in societal context, in an attempt to comprehend how and why they committed their heinous crimes. For example, she notes that Jelacic was described by friends of all ethnicities before the war as gentle and kind and contrasts this to the crimes he committed during the war. "There was, in fact, nothing pathological about his life and behavior before the war. The image of him drawn by the witnesses for his defense makes you wonder if they are really describing the person on trial for murder" (p. 74). Drakuli? wonders if her son-in-law, gentle and kind and in the same peer group as Jelacic could have been Jelacic.

Radislav Krstic, general of the force of Republika Srpska was the first war criminal sentenced for genocide by the ICTY, for the crimes committed in Srebrenica between July 13 and 19, 1995. During his trial he spoke nostalgically of his days in Sarajevo where the spirit of unity was particularly pronounced. How then could a man with little signs of ethnic hatred before the war become indicted and convicted for genocide? He is not unlike Eichmann who proclaimed to have no animosity toward the Jews. Erdemovic was an unwilling executioner and Milosevic is nothing more than a bore.

Hannah Arendt received much criticism when she published her report on the Eichmann trial in 1963. Some accused Arendt of bad taste and triviality and some argued that her analysis exonerated Eichmann and blamed the victims. Further, many people were uncomfortable because if these war criminals were not outright evil, if they were humanized, then they were human just like you and me. This begs the question, who among us is capable of such atrocities? More recent interpretations laud Arendt's analysis as groundbreaking. Drakuli?'s book is another step along the path laid out by Arendt of trying to understand the perpetrator while at the same time not condoning his actions. And this is important for us as members of common humanity, in order to understand how we may prevent future crimes. As Martha Minow discusses in her book *Between Vengeance and Forgiveness*, in the process of responding to mass atrocity, "we should resist the temptation to dehumanize the perpetrators and instead seek to confirm the humanity of everyone; [a]ffirming the common humanity does not mean turning the other cheek or forgetting what happened." [6]

Drakuli?'s book tackles several important questions in few pages. Thus, on one level it is dissatisfying and caricatures drawn of certain individuals, such as Mira Markovic's fashion sense, seem out of place. Moreover, one does not neces-

sarily come away with any unified theory of how these individuals were capable of such atrocities. But the book works on a second level. If read closely, it is a deep and searing book that pushes the reader to understand that we must not dehumanize the victim in the process of seeking social harmony. We should realize that the conditions that allowed the individuals she reports on to murder are similar to the conditions that allowed others to stand by in silence. There is individual guilt--punishable in court--and collective guilt we all share through our apathy and an inability to face our past.

Drakuli?'s personal knowledge and understanding of Yugoslav culture is invaluable and her personal narrative is packed with immediacy and emotion. This book is a must read for those interested in the former Yugoslavia (particularly if one does not speak Bosnian and thus does not have access to many other writers from the region). But this book must be understood also in the broader context. The book is important for those interested in questions of restorative justice and/or post-conflict reconciliation in the Balkans and elsewhere. Precisely because Drakuli? writes as a journalist and a keen social commentator from the region, the questions she raises are not explored by many others and are crucial to our analysis of the limits of justice.

#### Notes

[1]. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books, 1964), p. 252.

[2]. Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice* (New York: New Press, 1999).

[3]. A primary weakness of writings of transitional justice scholars is the paucity of empirical evidence to substantiate claims about how criminal trials achieve their goal of "setting the record straight." See Laurel E. Fletcher and Harvey M. Weinstein, "Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation"

*Human Rights Quarterly* 24, no. 3 (2002): pp. 573, 587-588.

[4]. *New York Times*, December 13, 2005, A6.

[5]. Peter Baehr, ed., *The Portable Hannah Arendt* (New York: Penguin Classics, 2000), pp. 377-378.

[6]. Martha Minow, *Between Vengeance and Forgiveness* (New York: Beacon Press, 1998), p. 146.

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