

Report on the October 7, 2012 Local Elections in Srebrenica, Bosnia and Herzegovina

Introduction

I served as a credentialed International Observer for the municipal elections in Srebrenica, in Bosnia and Herzegovina, on October 7, 2012. There was something profoundly important at stake in the municipal elections in Srebrenica in 2012. An amendment to the election law in 2008 allowed those who were Srebrenica residents in 1991, but who had been expelled by the genocide in 1995, to vote in the municipal elections. In 2012, however, the amendment was not renewed. As a result of the genocide, the majority of residents in Srebrenica today are Bosnian Serbs. Thus it appeared as the elections approached that a Bosnian Serb candidate, whose political party leadership denies the genocide, would be elected Mayor of Srebrenica. I found this anticipated outcome to be morally unacceptable.

Because of what was at stake I resolved to go to Srebrenica during the election to be there in solidarity with the survivors and in remembrance of the victims. Last July, when I was lecturing for the Summer University Srebrenica at the Potočari Memorial Center, I stated my intention to be in Srebrenica for the election. Hariz Halilović, a survivor and refugee who was coordinating the Summer University, and who has become a good friend over the years, asked me to become an official International Observer.¹ At his suggestion I applied and was credentialed to be an International Observer in Srebrenica by the Central Election Commission. I was sponsored by my University, Southern Connecticut State University, in New Haven, Connecticut, and I am grateful to the University and to the University Foundation for their support of my work in Srebrenica.

Report

I arrived in Srebrenica on October 4, 2012, in advance of the election to attempt to gather as much information as possible about the process and about the local conditions.² I was fortunate to be invited to attend a very helpful and detailed pre-election briefing led by Gulden Yeroz, Head of the Srebrenica office of the Organization for Security and Cooperation in Europe (OSCE). I was also welcomed in the office of *Glasaću za Srebrenicu* (I Will Vote for Srebrenica), a voter registration initiative. The activists in the office provided me with a general outline of their extraordinary efforts. I met as well with local friends who I have made in Srebrenica over the years in the course of my research and listened carefully to their perspectives.

As a result of my service as an International Observer I found myself primarily motivated to report on aspects of the political culture that I observed within “Republika Srpska” (“Serb Republic”).³ Srebrenica municipality lies within the borders of Republika Srpska, one of the two main entities established in Bosnia and Herzegovina by the Dayton Peace Agreement in 1995. I was indeed concerned, for example, by the campaign slogan of the political party, “Alliance of Independent Social Democrats” (SNSD), the party of Milorad Dodik, the President of Republika Srpska. The slogan, which could be seen on posters all over Srebrenica, was “Српска кућа до куће” (“Srpska, kuća do kuće”), meaning “Serb, from house to house.” (We are probably also meant to “hear” the word “Srpska” as “Republika Srpska.”) At any rate, the unfortunate implication is that the

political ideology of the SNSD and its candidates entails an ethnically homogeneous Republika Srpska, leaving no room for any non-Serbs. Given the historical context of the genocide that led to the founding and legitimization of Republika Srpska, the political slogan, "Serb from house to house," can be interpreted as a continuation of the intention to exclude non-Serbs from Republika Srpska through such means of persecution and psychological intimidation.

An additional concern was that the "Serb Radical Party of Vojislav Šešelj" was on the local ballot. In other words, one could vote for the Serb Radical Party of Vojislav Šešelj as well as for members of the party for the local municipal council. The presence of Šešelj's party on the ballot seemed to sanction the atrocities committed in his name, or in the name of his ultranationalist and exclusionary policies as part of the aggression that took place from 1992-1995, when he was a vigorous proponent of uniting "'all Serbian lands' in a homogeneous Serbian state."⁴ It is probably not sufficient to simply state, by way of explanation, that Šešelj is on trial for war crimes from Croatia to Bosnia and Herzegovina. It is more accurate to say that his name has become synonymous with those very war crimes, as well as with the continuation of a political culture of intimidation and exclusion directed against non-Serbs throughout Republika Srpska. In fact, Šešelj has only recently been convicted for a second time of "Contempt of the Tribunal," this time "for disclosing confidential information pertaining to protected witnesses."⁵ Hence, I found the presence of his party and of his name on the local ballot highly problematic.

Regardless of the outcome of the election in Srebrenica, it seems that the dehumanizing culture of intimidation and exclusion in Republika Srpska, a culture which has the intention of discouraging Bosniaks from returning to their former homes, will continue unabated unless it is addressed by the international diplomatic community in an effective manner.

It would also be important to note that the conditions prior to the elections in Srebrenica were less than optimal for a Bosniak candidate for Mayor, or for the Bosniak candidates for the Municipal council. As a result of the genocide in Srebrenica in 1995--ruled as such by two international Courts⁶-- the demographics of the municipality had shifted dramatically. While in 1991 Bosniaks constituted approximately 75 percent⁷ of the population, estimates are that today Bosniaks constitute approximately 35 percent⁸ of the population in the municipality. To further complicate matters, due to changes to the election law this year --as mentioned above-- former Bosniak residents of Srebrenica, who were displaced by the genocide in 1995 and who had taken up residency elsewhere in the Federation of Bosnia and Herzegovina, were no longer allowed to vote unless they re-established their residency in Srebrenica. Given the above conditions, it appeared highly likely that a Bosnian Serb candidate, whose party leadership openly denies the genocide and demeans Bosniak culture, would be elected Mayor of Srebrenica.⁹ Holding an election under these circumstances was unseemly in the sense that, as a result of the genocide, the outcome would be predetermined in a way that would seal, as it were, the completion of the genocide, bringing about no less than a second betrayal of Srebrenica. Further, holding the elections under these conditions seemed an objectionable imposition

upon the survivors, returnees and refugees, if one can even speak of “surviving” such a violent catastrophe. Perhaps one manages to endure such a trauma and then finds a way to bear the uprooting from one’s home and the devastation of one’s world. At any rate, imposing an electoral contest that would be fought principally along ethnic lines in a way that would revive the trauma for those who suffered it most intensely, did not seem an advisable path to achieving justice in a post-conflict society.

In the final analysis, the Bosniaks did not ask for this fight, but when confronted with the nonrenewal of the amendment to the election law, as well as with the artificial demographic imbalance that had been caused by the genocide, they rose to the challenge. Survivors and activists launched and coordinated the *Glasaću za Srebrenicu* (I Will Vote for Srebrenica) voter registration campaign. The campaign registered new voters and encouraged the participation of some former residents who, although displaced by the genocide, were still eligible to vote. On the one hand, these eligible voters included refugees within Bosnia who never established an alternate residence elsewhere (“Internally Displaced Persons”), and, on the other hand, the eligible voters included refugees in countries around the world. The *Glasaću za Srebrenicu* activists exemplified a dedication to a vision of a Bosnia to which we can all aspire, namely, as a fully participatory and open democratic society with respect for human rights and operating under the rule of law.

The official “Established Election Results” of the election that were posted on a public website of the Central Election Commission on October 23, 2012, showed that the Independent Bosniak candidate for Mayor, along with the votes of newly registered voters, had received 1,170 absentee ballots, and had won the election by 792 votes. The efforts of the *Glasaću za Srebrenicu* (I Will Vote for Srebrenica) campaign had clearly made the difference. But the election was even closer than it seemed at first glance. The Independent Bosniak candidate for Mayor received 4,455 votes and the leading Bosnian Serb coalition candidate received 3,663 votes. However, there was a second independent Bosnian Serb candidate on the ballot who received 1,340 votes, thereby splitting the vote. In other words, hypothetically, a lone Bosnian Serb mayoral candidate might have received 5,003 votes and would have won the election by 548 votes. So the value of the efforts of the *Glasaću za Srebrenicu* activists is readily apparent.

It is important to note that the *Glasaću za Srebrenicu* (I Will Vote for Srebrenica) activists reportedly faced harassment during the course of their work in Srebrenica and continue to face intimidation and persecution from the authorities in Republika Srpska. It has been reported in the news media that, following the election, they have been summoned for questioning in the Srebrenica Police Station by the District Prosecutor's Office.¹⁰

There are 25 polling places in the Srebrenica municipality. On October 6, 2012, the evening before the election, the activists at the *Glasaću za Srebrenicu* (I Will Vote for Srebrenica) office asked me if I would be willing to observe a polling place where they expected fraudulent activity. I consulted with two other observers who had received other assignments and I accepted this assignment to observe at the Petriča polling place. On

October 7, 2012, I arrived at the polling place at 6:30 a.m. and remained until approximately 10:30 p.m. for the voting and the counting of the ballots. During the day, I positioned myself next to the person who was checking the identity (ID) cards against the list of registered voters for the specific polling place so that I could see every ID card that was presented throughout the day as well as count the actual number of voters. The polling committee at the Petrića polling place seemed well trained and highly professional. The committee was multi-ethnic. Ethnicity could be determined by whether a person's nametag was in Cyrillic letters (Serbian) or Latin letters (Bosniak). The only potential for fraud I noted was that approximately 15 percent of the voters who presented themselves to vote were not on the list as being registered for that polling place so they had to be turned away. Sometimes the voter would press the issue with committee members or with the head of the committee before leaving the polling place.

According to the reports of the two other observers, things went less smoothly at their polling places. At the Cultural Center [*Dom Kulture*] in the center of Srebrenica, there were confrontations (at least one of them was televised) in which Serbian voters from Serbia presented themselves with stamped certificates indicating that they were allowed to vote. According to the briefing I attended at the OSCE office, these voters had already been a recent source of controversy since they only first appeared after the deadline for registration. As I understood it, the Central Election Commission made a decision to allow them to vote. The expectation was that there would be four hundred voters in this category who would present themselves with these certificates and then cast "provisional" ballots. In the end, the actual number of provisional ballots appeared to be far fewer than 400. On October 23, 2012, the official Established Election Results listed 133 "confirmed ballots," a number that had also been quoted to me the day after the election by the OSCE. However, during the day of the election, due to the confusion and the confrontations at the Cultural Center polling place, voting was temporarily suspended as the committee in charge considered how to proceed. Peter Lippman, a respected Balkanist and human rights activist who served as an International Observer at the Cultural Center, told me of the crowding and yelling at the polling place and characterized the scene as being one of "extended chaos." Eventually there was a second suspension of the voting as the day wore on.

Another International Observer was posted to Skelani, a town on the border of Serbia with a bridge across the river to Serbia. He reported a similarly tense situation, and in this case noted observing buses and cars from Serbia in the area. He mentioned that some certificates and provisional ballots were also presented and accepted there, and in at least one case a voter presented himself without any identification whatsoever. The voter was turned away and one wonders if that would have been the case in the absence of the International Observer.

Given the problematic political culture described above, as well as the historical context, it is noteworthy that a Bosniak who survived the genocide when he was 16 years old --Mr. Ćamil Duraković-- stood for election this year as an Independent candidate for Mayor of Srebrenica with the backing of a broad coalition of parties. I met with Mr. Duraković, who was serving as interim Mayor prior to the election, in his office in the municipal

building the day after the election along with Dirk Planert, a free-lance journalist and humanitarian from Dortmund, Germany. We did not really discuss the election. He told us about how he survived the genocide as a 16 year-old and eventually reunited with his family before moving to the United States to attend High School and College. Duraković also spoke of his hope for economic development in Srebrenica that would benefit all of its citizens, but he lamented the fact that “local communities in Republika Srpska do not control their own resources.” He explained that, “economic development will require a change in jurisdiction,” and added for emphasis, that “Banja Luka blocks everything.” In response to the roadblocks to development, he has been negotiating with companies abroad to bring their businesses to Srebrenica in order to create jobs. Duraković also spoke of offering the international community a “third chance” in Srebrenica, a chance “to invest in the nineteen local communities within the Srebrenica municipality.” Each of the nineteen local communities includes numerous villages within them, all with their own development needs. Along with the development plans Duraković has a vision for refugee return. For the most part the journalist (Mr. Planert) and I listened. At some point I explained my hope that genocide denial would end, that the Bosnian Serbs would confront the past honestly, and that Bosnia would find a way to transcend a discourse of ethnicity. Mr. Duraković immediately asserted that he shared my hope. He was very thoughtful and hospitable in spite of the fact that a news crew was waiting in the hallway.

On October 8, 2012, however, when I met with Mr. Duraković, the election was not over. The counting and confirmation of votes that were cast at polling places, votes that were mailed in, and absentee ballots, went on until the official Established Election Results were declared on October 23, 2012. However, political parties had 30 days from the election to file an appeal. When election results were confirmed on November 6, 2012, Srebrenica was not on the list because an appeal had been filed. Mary Ann Hennessey, the Head of Office of the Council of Europe in Bosnia and Herzegovina explained that by November 28, 2012, “The Central Election Commission had once again dismissed the request of the ‘Coalition for Republika Srpska’ and the ‘Alliance of Independent Social Democrats- Milorad Dodik’ (SNSD) for the annulment of the election in Srebrenica.” However, Ms. Hennessey also indicated that, “they could appeal once more -- within two days -- to an Appellate Division of the BiH State Court.”¹¹ The Central Election Commission delivered its decision to the Coalition for Republika Srpska and to the SNSD, on December 4, 2012. It was then that the parties had their two days to appeal to the Court, and, according to news reports, the Appellate Division of the Court of Bosnia and Herzegovina would have three days in which to render its judgment. Although it was not widely publicized, if at all, the Coalition for Republika Srpska and the SNSD did file an appeal, which was, in turn, denied by the Appellate Division of the Court of Bosnia and Herzegovina. Dr. Suad Arnautović, a member of the Central Election Commission of Bosnia and Herzegovina, reportedly stated, on December 11, 2012, that he could confirm that the Court had issued a decision on the appeal that had indeed been filed by SNSD and Coalition for Republika Srpska, a decision that would make it possible for the Central Election Commission to confirm the results of the elections in Srebrenica.¹² Then, on December 12, 2012, the Central Election Commission confirmed the results of the Srebrenica municipal election, thereby confirming Ćamil Duraković as Mayor of Srebrenica.¹³

Concluding Reflections

High Representative Valentin Inzko stated on November 13, 2012, that the elections in Srebrenica proceeded without “major incident.”¹⁴ To a certain extent this is a fair assessment. However, it seems to me that the siege of Srebrenica and the genocide of July 1995, along with the changes in the election law, could be identified as “major incidents” that could well have determined the outcome of the election this year as well as in the years to come. Hence, I continue to be concerned that there is a risk that administering an election under these conditions, however “professionally” or efficiently, could be a charade, since the perpetrators of the genocide will have, in a sense, already “stolen” the election.

Further, a question to be considered would be whether the electoral process that was imposed on Srebrenica for the municipal elections, an election that pitted ethnic groups against each other once again, thus resurfacing memories of a traumatic past, was the best strategy to help Bosnia emerge from the social and psychological effects of the genocide and the Dayton partition. Would it be better to grant Srebrenica a special status that would obviate the need for such an electoral contest? Local residents could be appointed with roughly equal representation to a municipal council that, with the establishment of shared principles, would forge a path to shared governance. Genocide denial and hate speech would be prohibited. Perhaps under such conditions a rotating Mayoralty, following the national model of the Presidency of Bosnia and Herzegovina, could be established. At any rate, one wonders if there would be a viable alternative to such a divisive electoral process, at least in the case of Srebrenica.

Finally, we should ask why, seventeen years after the Dayton Accords, the international diplomatic community continues to tolerate ultra-nationalist rhetoric, hate speech and genocide denial in Republika Sprska? It seems that the way we live should be at least as important as the way we vote. A moratorium should be declared on campaign or political posters that inflict psychological harm on the survivors. Moreover, the psychological harm caused by the posters, statues and ultranationalist gatherings should be seen as a form of persecution, that is to say, as a crime against humanity that should be prosecuted. The European Union apparently wants Bosnia to solve its own problems and develop its own political culture, free of imposition from the international community. However, the intimidation caused by the hate speech, as well as by secessionist and ultranationalist rhetoric, prevents refugees from returning to their former homes.¹⁵ If such divisive and hurtful rhetoric will not be addressed effectively, it is not reasonable to expect refugees to return, at least at the present time, and certainly not reasonable to blame them for not returning. In that case, a so-called democratic election, conducted in the absence of the refugees and on the graves of the victims, would be little more than a sham. On July 11, 2012, I helped bury three brothers from the village of Poznanovići, ages 21, 23, and 25, in the Potočari Memorial Cemetery. Those young men might well have voted this year, but for being murdered during the genocide in 1995. To allow elections to proceed under such conditions in the name of democracy, without addressing hate speech in all of its

forms, and without allowing all refugees to vote unimpeded, strikes me as no less than rewarding the perpetrators for a successful genocide, which should be absolutely unacceptable in a society operating under the rule of law and with respect for human rights.

These are, at least, the preliminary reflections that I would like to offer on the basis of my service as an International Observer for the municipal elections in Srebrenica, on October 7, 2012.

Thank you.

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New Haven, December 12, 2012

NOTES

1. Dr. Hariz Halilović, a social anthropologist and writer, is a Senior Lecturer at Monash University in Melbourne, Australia. Dr. Halilović was born in the village of Klotjevac, within Srebrenica municipality.

2. I would like to thank Peter Lippman for “sharing notes” with me while in Srebrenica and for helping me in the final preparation of this report. Peter was also in Srebrenica as an International Observer.

3. Article III of the *General Framework Agreement for Peace in Bosnia and Herzegovina*, names “Republika Srpska” as one of the “Parties” to the Dayton agreement, and refers to it as an “Entity” with a “boundary demarcation.” *The Dayton Peace Accords, General Framework Agreement for Peace in Bosnia and Herzegovina*, December 14, 1995, accessed December 12, 2012,

<http://www.state.gov/www/regions/eur/bosnia/dayframe.html>.

Further, the official agreement to the “Inter-Entity Boundary Line” between the Federation of Bosnia and Herzegovina and “Republika Srpska,” as such, is addressed in Article I: “Inter-Entity Boundary Line,” of *Annex 2: Agreement on Inter-Entity Boundary Line and Related Issues*, December 14, 1995, accessed December 12, 2012,

<http://www.state.gov/www/regions/eur/bosnia/dayann2.html>.

4. *International Criminal Tribunal for the former Yugoslavia, Third Amended Indictment, Vojislav Šešelj* (IT-03-67), §9, December 7, 2007, accessed December 12, 2012,

<http://www.icty.org/x/cases/seselj/ind/en/seslj3rdind071207e.pdf>.

5. “Appeals Chamber affirms Vojislav Šešelj’s Contempt Conviction,” *International Criminal Tribunal for the former Yugoslavia, Press Release*, November 28, 2012, accessed December 12, 2012, <http://www.icty.org/sid/11158>.

6. The two Courts to which I refer are the International Court of Justice (ICJ) and the International Criminal Tribunal for the former Yugoslavia (ICTY). In the case of the ICJ see: *International Court of Justice, The Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Case 91, §297, The Hague, 26 February 2007, accessed December 12,

2012, <http://www.icj-cij.org/docket/files/91/13685.pdf>. In §297 of the ICJ judgment we read: “The Court concludes that the acts committed at Srebrenica falling within Article II (a) and (b) of the Convention were committed with the specific intent to destroy in part the group of the Muslims of Bosnia and Herzegovina as such; and accordingly that these were acts of genocide, committed by members of the VRS in and around Srebrenica from about 13 July 1995.” With respect to the ICTY see: *The International Criminal Tribunal for the former Yugoslavia, Judgement in the Appeals Chamber of Radislav Krstić* (IT-98-33-A) §37, 19 April 19, 2004, accessed December 12, 2012,

<http://www.icty.org/x/cases/krstic/acjug/en/krs-aj040419e.pdf>. In §37 of the Krstić case we read: “The Appeals Chamber states unequivocally that the law condemns, in appropriate terms, the deep and lasting injury inflicted, and calls the massacre at

Srebrenica by its proper name: genocide.”

7. Personal conversation with Mr. Ćamil Duraković, Interim Mayor of Srebrenica, October 8, 2012.

8. Personal conversation with Gulden Yeroz, Head of the Srebrenica office of the Organization for Security and Co-operation in Europe (OSCE), October 6, 2012. (There has been no Census taken in Bosnia and Herzegovina since 1991.)

9. The Bosnian Serb coalition candidate for Mayor, Vesna Kočević, appeared on campaign posters alongside Republika Srpska President Milorad Dodik. In a televised debate with Mr. Ćedomir Jovanović, President Dodik is quoted as insisting that “I never admitted that genocide was committed in Srebrenica and I never will.” “RS president, LDP leader spar in TV debate,” *B92*, February 1, 2012, accessed December 12, 2012, http://www.b92.net/eng/news/politics-article.php?yyyy=2012&mm=02&dd=01&nav_id=78573.

Further, in a June 1, 2012 interview titled “Republika Srpska's Dodik Says He's 'Only Supporting The Constitution',” President Dodik asserted, referring to Bosniaks, that “...the struggle of the Bosniaks for their national identity is completely tied to the idea of creating some kind of Bosnia-Herzegovina. The Bosniaks are a people that exist only in Bosnia-Herzegovina and only declared themselves a people sometime around 1993. They are stubbornly trying to prove their national identity.” In the same interview, President Dodik belittled the Bosnian language, stating that “I speak Serbian, but in Sarajevo they say that they speak Bosnian. But there is no Bosnian language. If we call the language Bosnian then they have to ask me, as a resident of Bosnia, if I agree to have my language identified as Bosnian. But I don't agree!”

Radio Free Europe Radio Liberty, June 1, 2012, accessed December 12, 2012, http://www.rferl.org/content/interview_milorad_dodik_bosnia_republika_srpska_politics/24360012.html.

10. For example, see “U.S. Embassy expresses concern over Emir Suljagic arrest,” *OSLOBODENJE*, November 27, 2012, accessed December 12, 2012, <http://www.oslobodjenje.ba/daily-news/us-embassy-expresses-concern-over-emir-suljagic-arrest>. Also, see “*MUP RS nastavio pozivati na saslušanje aktiviste Inicijative Glasacu za Srebrenicu*” *klix vijesti*, December 3, 2012, accessed December 12, 2012, <http://www.klix.ba/vijesti/bih/mup-rs-nastavio-pozivati-na-saslusanje-aktiviste-inicijative-glasacu-za-srebrenicu/121203040>.

11. Personal communications with Mary Ann Hennessey, the Head of Office of the Council of Europe in Bosnia and Herzegovina.

12. See “Arnautovic: Conditions Created for CECBiH to Confirm Election Results in Srebrenica,” *Federalna Novinska Agencija/Bosnia I Herzegovina*, http://www.fena.ba/Public2_En/Default.aspx, December 11, 2102 (15:36), accessed December 12, 2012. Also see, *SOURCE.ba, Vijesti*, <http://www.source.ba/clanak/1926445122444/vijesti/„Stekli%20se%20uvjeti%20da%20>

[CIK%20potvrđi%20rezultate%20izbora%20u%20Srebrenici](#)“, December 11, 2012, accessed December 12, 2012.

13. “Results in East Mostar, East Drvar, and Srebrenica Confirmed,” *Press Release, Central Election Commission, Bosnia and Herzegovina*, <http://www.izbori.ba/Default.aspx?Lang=6>, December 12, 2012, accessed December 12, 2012.

14. *OHR: Office of the High Representative, Press Office Press Release*, “Speech by High Representative Valentin Inzko to the United Nations Security Council,” http://www.ohr.int/ohr-dept/press/p/presssp/default.asp?content_id=47618, November 13, 2012, accessed December 12, 2012.

15. In his November 13, 2012 report to the United Nations Security Council, High Representative Valentin Inzko addressed, among other topics, the political culture of Republika Srpska. He lamented the “secessionist rhetoric emanating from the current RS [Republika Srpska] leadership.” He noted that the rhetoric “has intensified and worsened considerably during the last six months.” High Representative Inzko asserted moreover, that “It would be a mistake to dismiss these words as empty or election-driven rhetoric. They have been supplemented over the last several years by a comprehensive effort to erode and in some cases eliminate the functionality of the state and its institutions.” He called on politicians “to stop opening wounds that are still healing.” *OHR: Office of the High Representative, Press Office Press Release*, “Speech by High Representative Valentin Inzko to the United Nations Security Council,” http://www.ohr.int/ohr-dept/press/p/presssp/default.asp?content_id=47618, November 13, 2012, accessed December 12, 2012.