

# The ICTY Library: War Criminals as Authors, Their Works as Sources

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## Abstract

The purpose of this contribution is to shed light on the literary output of persons indicted or sentenced for war crimes in the International Criminal Tribunal for the former Yugoslavia (ICTY). Over one hundred books—autobiographies, studies, collections of documents, and even novels and poetry have been generated by no less than 22 persons in the detention unit of the ICTY in The Hague since 1993. Although some of these works did cause an occasional stir, as of yet there is no detailed overview of the entirety of this literary output. In order to fill this gap, this article assembles a full collection of works produced by ICTY inmates and analyzes this genre, the motivations of its authors, and the implications of their work. Examined as sources, these works can be used to study the collapse of the former Yugoslavia, the work of the ICTY, and its perception by the accused. I conclude by examining the corrosive role these works play in the process of coming to terms with the troubled past of the region.

## Keywords

prison literature, ICTY, war criminals, wars in the former Yugoslavia

Academic work on the International Criminal Tribunal for the former Yugoslavia (ICTY) rightfully notes the richness of literature on the ICTY. In contrast, works that emerged in the ICTY, more precisely at its detention unit, have not been the subject of detailed scrutiny. It is therefore not a matter of public knowledge that at least 119 books were written by indicted or convicted war criminals detained there and in other prisons where they serve time. Although this or that book written behind the ICTY bars made a splash, the extent of their production evades even most of the specialists interested in the ICTY. Therefore, an investigation into these works is in order to determine its scope, genre, and content. They are also examined as historical sources, both for the war in the former Yugoslavia and for the trials over the crimes committed during the hostilities. Lastly, as motivation of their authors is analyzed, their impact on flawed process of societal

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reckoning with the legacy of war crimes in the former Yugoslavia is considered (Gordy, 2013; Mihajlović-Trbovc & Petrović, 2017; Petrović, 2017; Subotić, 2009).

## Writing Behind the Bars: Place of the “ICTY Library” Within the Prison Literature Corpus

Although lately described as “a distinct literary genre which has gradually emerged in recent decades” (Wu & Livescu, 2011, p. 1), prison literature is certainly not a new phenomenon. It actually features works as canonical as Plato’s dialogue *Phaedo*, situated in prison of ancient Athens, or *Consolation of Philosophy*, written by Boetius in jail in Pavia, and enlists authors as diverse as Marco Polo, Girolamo Savonarola, Martin Luther, and Thomas More. These isolated examples grew into a recognizable trend in the modern period (Freeman, 2009), findings its way to works of Miguel de Cervantes and Hugo Grotius, Marquise de Sade, and Fyodor Dostoyevski. Closer to our times, philosophical reflections from behind bars come from Oscar Wilde, Ludwig Wittgenstein, and Bertrand Russel, as well as politically engaged works of Vladimir Iliyich Lenin, Jawaharlal Nehru, and Alexander Solzhenytsin. Prison experience also produced influential hybrid subgenres of memoirs morphed into political testament, as in the case of Napoleon writing in exile from Saint Helena, or into a blueprint for action, like Adolf Hitler’s *Mein Kampf*. On the opposite side of the political spectrum, one encounters prison works of Martin Luther King or Nelson Mandela. Lastly, an intersection of mass literacy and mass incarceration led to an exponentially growing production from contemporary incarceration facilities all around the world, most thoroughly studied in the United States (Franklin, 1998; Gaucher & Frigon, 2005).

Without a doubt, incarceration offers a number of incentives for literary production. For some, prison writing could be a testament of a life-changing experience, an attempt to leave the mark or to keep oneself sane. For others, the motivation could also be as simple as avoiding boredom, improving one’s financial situation or imitating others. Given the vast range of contexts in which prison literature emerges, it is difficult to describe it adequately. Still it comes clear that those imprisoned for political offenses are more likely to perceive writing as continuation of their political activities through other means. Their impact is particularly strong when they are tightly clustered and connected, as in case of religious dissenters of early modern England (Ahnert, 2013) or political dissidents across the Eastern Bloc during the Cold War (Segel, 2012). However, as such clusters are rare, the genre of prison literature still comes across as unstable and somewhat elusive.

It is therefore as exceptional as interesting to encounter a sizable body of works written by the inmates of the same institution, incarcerated for similar reasons, who all wrote their works around the same time and in similar conditions. Spandau prison, which hosted convicts of the Nuremberg International Military Tribunal, offers one such example. It hosted only seven inmates, four of which (Erich Raeder, Baldur von Schirach, Karl Dönitz, and Albert Speer) turned to writing (Goda, 2007, pp. 93–219), introducing hence a subgenre of war criminals’ literature. Although a tiny fraction of the prison population on a global scale, due to their peculiar position, they could expect a captive audience. In the case of the ICTY, a similar phenomenon occurred on a much larger scale, resulting in 119 volumes written by 22 inmates, making it a gem within a corpus of prison literature. Undoubtedly, a literary scholar could and should analyze this work as a sort of collective workshop of the detainees, given that they wrote in similar circumstances, mostly knew each other in person, and have heard about each other without exception. As a historian who stumbled across this literary production, I rather limit myself to an overview of their production, examination of its value for the study of the past, and investigation into the role they play in contemporary memory wars in the post-Yugoslav space.

## *The Authors: Their Background and Output*

Regarding the scope of the literary output of the ICTY detainees, mere numbers are striking. Since its foundation in 1993, the ICTY has indicted 161 persons, of which all but 20 had spent some time in its detention unit. As its gates are closing slowly, the statistics are not definite, but unlikely to change dramatically either—the ICTY detainees leave behind no less than 119 published volumes. However, the distribution of this production among its authors is uneven. Not all the inmates are writers, but 22 of total of 141 inmates count as authors. Remarkably so, that means that almost one in every six inmates of this prison wrote at least a book. Actually, some wrote many more. Most prolific is Vojislav Šešelj, who authored 63 volumes, and Slobodan Praljak with 18 bibliographical entries. They are followed by five works of Stojan Župljanin, four by Vinko Pandurević and Veselin Šljivančanin, three by Slobodan Milošević and Rasim Delić, and two by Biljana Plavšić and Momčilo Krajišnik. Valentin Ćorić, Sefer Halilović, Ramush Haradinaj, Radovan Karadžić, Milan Lukić, Zoran Kupreškić, Ratko Mladić, Dragoljub Ojdanić, Nebojša Pavković, Momčilo Perišić, Jadranko Prlić, Duško Tadić, and Simo Zarić wrote a single book.

Who are our authors? Fourteen identify themselves as Serbs, four as Croats, two as Bosniaks, one as Albanian, and one as a Yugoslav. Such composition loosely corresponds to the ethnic distribution of the persons indicted by the ICTY, 68% of which are Serbs, 21% Croats, 4% Bosniaks, 4% Albanians, and 1% Macedonians, whereas 2% are unknown (Ford, 2013, p. 69). They are well educated. All the officers except Haradinaj completed the military academy training and postgraduate studies, whereas some obtained additional doctorate in social sciences (Pandurević) or completed several universities (Praljak had a Bachelor of Arts in electrical engineering, philosophy, and film). Civilians are also well educated. Milošević, Župljanin, and Šešelj graduated from law; Valentin Ćorić from engineering; and Radovan Karadžić was specialized as a psychiatrist. Plavšić, Prlić, and Šešelj obtained doctorates in biology, economy, and law, respectively, and have held academic positions. Only three remained at a secondary level of education.

This distribution is consistent with their wartime role. Whereas seven detainees occupied mid- to high-level positions during wartime, in the police, military, or political apparatus (Stojan Župljanin, Veselin Šljivančanin, Vinko Pandurević, Zoran Kupreškić, Milan Lukić, Valentin Ćorić, and Simo Zarić), only one (Duško Tadić) can be counted as a rank and file. However, as a first person to stand a trial in front of an International Criminal Tribunal since Nuremberg, his biography is by no means ordinary. In years to come, he was joined by much more prominent detainees. Among them, we find both recognized and self-proclaimed heads of states—Slobodan Milošević was a President of Serbia (1989–1997) and Federal Republic of Yugoslavia (1997–2000), and Radovan Karadžić was a President of Republika Srpska (1991–1996). Biljana Plavšić succeeded him on that post, whereas during the war she was his vice president. In the same period, Momčilo Krajišnik served as a Speaker of Parliament of Republika Srpska, and Jadranko Prlić was Prime Minister of Croatian Republic of Herzeg-Bosnia. Vojislav Šešelj was and still is a President of Serbian Radical Party, once the largest political organization in Serbia. He was a Vice President of the Government of Federal Republic of Yugoslavia (1998–2000) and is currently an MP in the Serbian Parliament. The writers therefore belong to the upper crust of their prison community. The higher they were positioned, the likelier they were to turn to writing. All in all, these are people with tales to tell.

## *The Works: Tales to Tell*

So what did they decide to tell us? The first feature of the ICTY library is the striking versatility. Of its 119 detected published works, eight belong to the field of fiction, 22 to nonfiction, whereas 89 are compiling documentary material.

Let us examine these subgenres. What is documentary material, and why is it so prevalent? It consists of rearranged splinters of legal cases against the accused—fragments from indictments, opening and closing statements, evidence, and segments of transcripts and judgments. The key for its proliferation is its easy availability. A vast number of documents are disclosed to the defendants by the prosecution in a pretrial stage, in order to maintain the equality of arms and facilitate the timely preparation of the defense (Zappalà, 2004, pp. 620–630). The defendant is consequently sitting on a huge pile of electronically available evidence, available in both original Yugoslav languages and translation to English and French. It is hence fairly easy to mold these elements into a sourcebook, whose documentary form appeals at objectivity, whereas the selection process inherently creates wide opportunities to spin the story the author's way.

Two of the most prolific ICTY writers, Vojislav Šešelj and Slobodan Praljak, mastered this skill early on. Well known for their political exhibitionism much before their transfer to The Hague, they adjusted their style to the new circumstances. Praljak (2017) particularly developed an interest in the documents which he carefully stored on his website. Their wide range served to fortify his image of a knowledgeable participant, enhancing his defiant defense which culminated in a public suicide in November 2017 during the reading of his sentence. He left behind no less than 18 works, for the most part smaller targeted booklets (e.g., *The Truth about Political Positions of the Republic of Croatia Towards Bosnia and Herzegovina* or *Facts About the War in Bosnia and Herzegovina 1991–1995*—Praljak, 2014a, 2014b). Other defiant authors showed a preference for publishing their opening statements under suggestive titles such as *A Lion's Struggle*, *J'accuse*, *A Contribution to the History of the 20th Century* (Milošević, 2008, 2009, 2012), or *Eternal Truths about Bosnia* (Karadžić, 2016). More inventive are the volumes by Pandurević (2015a) and Halilović (2009), which combine different parts of the trial transcript, whereas Šljivančanin (2014) sprinkled selected parts of his indictments and judgments with his personal account and comments.

The undisputed champion of this discipline, however, is Šešelj (2005a, 2005b, 2006, 2009a, 2011), whose staggering 63 volumes include both trial transcripts, selected documents, and random personal reflections almost invariably published under offensive or grotesque titles such as *A Suit against Prosecution and False Witnesses of The Hague Tribunal*, *The Chetnik Vojvoda in Front of The Hague Tribunal*, *The European Union is Satan's Creation*, *A Banana for Kofi Annan*, and *The Sex Maniac of Washington Bill Clinton*. Such approach is in line with Šešelj's scandalous defense strategy, aimed to delegitimize the proceedings and mobilize the Serbian public around his case (Steflja, 2017). To that end, he also maintains Internet visibility through video clips, which enjoy unusual popularity in Serbia. More surprisingly, they are widely viewed in the entire region, perhaps due to their vulgar content, one in particular exceeding 1,300,000 views as of the time of writing (Šešelj, 2009b).

However, the popularity of this genre is inverse to its heuristic value. In principle, thematic volumes of documents, especially if annotated, could offer a useful shortcut through the millions of pages of transcripts and documents generated by the trials. However, it must be assumed that the authors are at best highly selective with their documentary base, and in extreme examples, downright forgery cannot be excluded. Such situation occasionally presents interesting methodological challenges. Some of the published documents were not introduced in trials and are therefore not accessible via judicial database. For example, in order to help him prepare his defense, Šešelj was given access a sizable collection of sensitive documents by a Serbian government (Vasić, 2010). Instead of deploying those in his defense, he promptly published four huge volumes, under the title *Police file* (Šešelj, 2010). They contain striking evidence on the scope of surveillance conducted by the Serbian police, its role in overseeing the paramilitarization and the position of many personalities in this shady matrix. However, having no original to compare, one can only speculate about the authenticity and the choice of these documents. It is telling that only a few incriminating documents in this huge bundle pertain to Šešelj, but all too many implicate his political opponents. These

documents are simply too important to be omitted but require cautious use and a high level of corroboration. Therefore, a simple measure of precaution is warranted—tracking the documents and trial transcripts back to their original and reliable source, ICTY Court Records (ICTY, 2017).

The situation is much different with the ICTY fiction. These works, which consist of four novels, two books of poetry, one book of aphorisms, and even one apocryphal book, do not aim to document but to reflect and profess. Lion's share of this production is a work of a single inmate, Stojan Župljanin (2012, 2013, 2014, 2015), a wartime senior official of the Bosnian Serbs police. He authored all the four novels (*The Lord Himself Must Have Sent Him*, *Hope dies Last*, *Mother's Curse*, and *A Hearth has a Hearth*) and has reflected on all the stages of his imprisonment in a book of poetry entitled *Through the Bars of The Hague Prison: Poems* (2011). Everyday life in the ICTY was also a topic of a collection of verses, *Poems from The Hague*, written by General Momčilo Perišić (2013), a wartime first soldier of the Federal Republic of Yugoslavia. The book of aphorisms is written by Valentin Ćorić (2016), once minister of interior of the Croatian Republic of Herceg Bosna, under his pen name Pomet. Subtitled "One can see better through the keyhole than through the open doors," these aphorisms reflect both on the recent past and on the contemporary Croatian politics. Also didactic is an apocryphal book called *Battle for Serbia*, a sort of a blueprint for survival for Serbian people in the 21st century, attributed to General Ratko Mladić (2011) but unofficially published and distributed over the Internet.

Nonfiction is thematically equally versatile, consisting of memoirs written by Biljana Plavšić (2005–2006), Krajišnik (2011), Šljivančanin (2012a, 2012b, 2014, 2015), Lukić (2011), and Ojdanić (2016); diaries of Tadić (2010), Zarić (1999), N. Pavković (2015), and Kupreškić (2002); speeches and interviews of Ramuš Haradinaj and Delić (2004); and studies of Delić (2009) and Pandurević (2004, 2011, 2015b). Unlike the volumes of trial documents, which are essentially reproducing the material available elsewhere, fiction and nonfiction books from Scheveningen present an undisputable primary source. However, like all resources, they yield results only when asked the right questions. Among many, two general themes stand out: What can they tell us about the war and what can they tell us about war crimes trials?

## **ICTY Library as a Source for Understanding the War in the Former Yugoslavia**

The perspective of autobiographical narratives on the war produced in the ICTY is largely derived from the wartime position of the accused. This scrutiny therefore follows the chain of command from the top down, beginning with the writings of the highest officials and supplementing these with microhistorical accounts written by their subordinates. Granted, there are gaps in this method. Ranked at the very top among the accused, Milošević (2008, 2009, 2012) and Karadžić (2016) did not leave comprehensive accounts of the conflict in the former Yugoslavia. Representing themselves in court, they opted instead to publish their opening statements, presenting one sided takes on the collapse of the country, the emergence of war and the crimes of which they are accused. Other high-ranking officials, like General Ratko Mladić, chose not to publish at all. However, he was turned into a writer against his will: Among his personal belongings, seized and transported to the ICTY was his voluminous diary. It became a key exhibit in a number of cases implicating both him and others accused (Balkan Insight, 2009). Aware of such possibilities, their attorneys are likely to advise ICTY detainees to refrain from writing, and in particular from publishing until their cases are completed. The most disciplined in this respect are Milošević's spymaster, Jovica Stanišić, and his deputy Franko Simatović who remain true to their secretive calling and leave no written trace behind.

It proved much more difficult to keep fallen politicians from delving into memoirs. A special place belongs to two such authors—both Momčilo Krajišnik and Biljana Plavšić from the leadership

of the Bosnian Serbs. “I decided,” writes Krajišnik, the prewar Speaker of the Bosnian Parliament, “to describe efforts to stop the war, as this was the period in which the seed of discord was planted which bore fruit afterwards.” Krajišnik (2011) aspires to

tell the truth for the sake of many lovely people, young and old, who each in their own way sacrificed for the creation of Republika Srpska. In this way, I wanted to lift the anathema imposed by Serbian enemies, who suggest that its creation was a crime, a consequence of aggression and ethnic cleansing. (pp. 5–7).

To those ends, in a book entitled, *How Republika Srpska Was Born* (and subtitled *Writings from The Hague Prison*), Krajišnik dwells on the political crisis in Bosnia and Herzegovina during the 1980s and devotes particular attention to its deterioration in 1990 and 1991. The book culminates with the breakaway of Serbian deputies from the Bosnian Parliament and the creation of their own assembly, over which he presided until the end of the war. It is an homage which attempts to leave an untarnished account of him and his associates, united around a just cause. Therefore, it comes across as ironic that one of the greatest obstacles of such endeavors are the writings of Biljana Plavšić, the wartime Vice President of Republika Srpska, a long-standing colleague and coaccused of Krajišnik.

The only woman indicted and tried by the ICTY, Biljana Plavšić, was among the first to publish her recollections, under the title, *I Testify*. Written in two volumes, with a cover page featuring her portrait and a caption, *A Book Written in Prison*, her story runs from 1993 to 1998 (Plavšić, 2005, 2006). Her stated motivation is

to show responsibility by submitting a report as an obligation to a wider or smaller audience, and present knowledge and experience which cannot be owned by an individual or a narrow circle. Ultimately, it is an obligation toward the nation as well, since “Serbs are not silent.” (Plavšić, 2005, p. 4)

However, key to reading her memoirs is her unspoken motivation—Plavšić actually demonstrated that she will not be silenced. During the war, Plavšić considered herself sidetracked by Radovan Karadžić and Momčilo Krajišnik and reduced to insignificance. This frustration resulted in a highly critical account. The book is sprinkled with examples of corruption and political abuse conducted by the Karadžić–Krajišnik tandem, including unusually detailed accounts on the wartime economy of theft, presided over by Krajišnik, and the bizarre lifestyle of Karadžić, including his gambling addiction and open nepotism (Plavšić, 2005, pp. 214–215). Insisting on their subservient attitude to Slobodan Milošević, Plavšić clearly attempted to dissociate herself from this inner core and to maintain the image of incorruptible “Iron Lady,” as she was once dubbed by the wartime press.

Handled with care and apprehension, Krajišnik and Plavšić memoirs (2017) offer valuable insights into dynamics within the Serbian wartime elites if properly corroborated. In scope though, they are recently outdone by Prlić (2017), with over 2,000 pages of his memoirs out of print just in time to be mentioned, but not scrutinized. Possibilities for corroboration are readily available in other source materials stemming from the ICTY, such as Mladić’s notebooks, Koljević’s diary (2008), and the stenographic notes from the highest decision-making bodies (Nikolić, 2011; Nikolić & Petrović, 2010). Cross-checking with witness statements and testimonies of a number of top political and military figures among Bosnian Serbs who testified in the ICTY and also consulting available literature on the matter (Caspersen, 2010; Gow, 2003; Petrovic, 2014; Popov & Gojković, 2000) is highly recommended.

Moving from politicians to soldiers, one encounters hectic writing activity among the ICTY top brass. Whereas General Sefer Halilović (2009), the first wartime Chief of General Staff of Bosnia and Herzegovina, left a volume about his case under the suggestive title, *Not guilty: The Story of a False Indictment and The Hague Trial*, his successor, General Rasim Delić (2004), was an ardent public speaker, whose speeches are collected in two volumes, *It is an Honor to Defend Bosnia*.

Additionally, he collected short anecdotes from the war in a book called, *101 Story* (Delić, 2009). Lastly, he also authored a massive two-volume study *Army of Republic of Bosnia and Herzegovina: Emergence, Developments and Defence of the Country* (Delić, 2007). As he was among the founders of these armed forces, he is eminently well placed to write about this topic but hardly impartial. His account can be compared with the equally voluminous study from the Bosnian Serb General Vinko Pandurević (2015a), as their views on the emergence of the armed forces which fought the war in Bosnia are thoroughly opposed. They clash over a fuzzy distinction between the regulars and paramilitary. For Pandurević (2004, p. 90), Bosnian units such as *Zelene beretke* and *Patriotska liga* are “paramilitary formations organized on a principle of a political party,” whereas Delić (2007, pp. 170–171) describes them as “patriotic forces, which contributed greatly to the defence of Bosnia and Herzegovina.” One can only speculate if they had an opportunity to exchange their views on legitimacy and warfare while locked in the same detention unit in The Hague.

Unlike their Serbian and Bosnian colleagues, Croatian Generals were not so keen on writing themselves. Perhaps inhibited by the knowledge that the book, *All My Battles*, written by Croatian wartime Chief of the General Staff Janko Bobetko (1996) revealed important evidence which contributed to his indictment, his younger colleagues, Generals Mladen Markač and Ante Gotovina were careful not to follow that path. Their side of the story is presented in collections of articles, interviews, and segments of trial material compiled by Mladen Pavković, who did the same for Dario Kordić, wartime Vice President of Croatian Republika Herceg Bosna (M. Pavković, 2005; 2011; M. Pavković & Piplica, 2011). A similar approach was taken by Ramush Haradinaj from Kosovo, whereas his archenemy General Nebojša Pavković (2015) opted to publish a wartime diary he kept throughout 1998 as commander of the Priština corps. These publications are of interest to military historians and enthusiasts, particularly since this is an understudied area, with the only comprehensive overview called *Balkan Battlegrounds* and compiled by the Central Intelligence Agency (2003). It would also be advisable to consume this material alongside a number of voluminous reports generated by expert witnesses in the ICTY such as Christian Nielsen, Richard Butler, Ferenc Vegh, or Reynaud Theunens. Available on the ICTY Court Records database (ICTY, 2017), they offer an important counterbalance and add nuance to the accounts of the defendants.

Some of the military personnel left more personalized accounts on their evolution. Such imputes come from all levels. A Chief of Yugoslav General Staff Dragoljub Ojdanić (2016) laid out his entire life in a voluminous book, entitled *From the Village of Ravno to The Hague: A Biography*. He is outmatched though by one of his subordinates, Šljivančanin (2012a), whose book, *Son, Be a Man*, also covers his entire life with an emphasis on his wartime experience. “I am Veselin Šljivančanin,” opens the book of this security officer from the Guard Brigade: “raised to be a man, taught to love my Fatherland, trained to defend her with my life (. . .) this book is my voice (p. 6).” With this voice, Šljivančanin tells his coming-of-age story, from early childhood to the downfall of Vukovar. Although accused of the massacre after the fall of the city, Šljivančanin remains assured of his moral superiority. His certainty, no matter how erratic, resulted in an interesting source, which gives a number of insights into otherwise impenetrable military system. The revision of his judgment, which reduced his sentence to 10 years, paralleled the success of his writings, which are expanded in two subsequent volumes—*Honey and Bile* (2014) and *In the Service of the Fatherland* (2015). In Serbia he is, as Katarina Ristić observes in this special edition, undoubtedly a “superstar” among ICTY convicts, and promotions of his books are occasional battlegrounds for memory wars described by Orli Friedman in this issue.

Lastly, those interested in how civilians become war criminals and rationalize retrospectively would benefit from reading the recollections of Duško Tadić and Milan Lukić. The former was a karate trainer and pub owner from Kozarac who became the first person to stand an international war crimes trial since Nuremberg. The latter was a waiter from Switzerland who returned to Bosnia once the war started, to become a head of one of the most infamous paramilitary groups. Although they

cut strikingly different figures, they both present themselves as victims of an international judicial system. Milan Lukić was convicted for life by the ICTY of various atrocities including burning people alive. He flatly denies his crimes in his book, portraying himself as a larger-than-life heroic figure (Lukić, 2011, p. 172). Tadić (2010) is more modest but equally vehement in professing his innocence, attributing his arrest to a conspiracy of their wartime comrades whose corrupt interest he was threatening to expose (p. 4). Juxtaposed with the evidence presented in the course of their trials, most arguments from their books come across as both self-serving and factually incorrect. However, a critical reader might find it worthwhile to examine their accounts, and distil some insights into the local dynamics of conflict in Western and Eastern Bosnia. Therefore, they join the already existing body of wartime recollections written from the bottom up (Jovanović, 2003; Loyd, 2001), which presents a sobering contrast to the armchair approach of their superiors.

## A Last Oasis? ICTY Library as a Source for Understanding the War Crimes Trials

ICTY library offer interesting glimpses into their authors' trials, in particular, their obscure aspects. Whereas the process of their indicting, arresting, judging, and sentencing attracted considerable scholarly attention (Holá, 2012), we do not know much about their life in the ICTY detention unit (Penrose, 2000, pp. 563–572). Hosted by the Scheveningen prison, this unit was purposefully arranged to accommodate indicted war criminals, boasting highest standards in the realm of incarceration, offering exercise room, cable TV access, outdoor recreation, language classes, painting, and craft classes (ICTY, 2010). Interviews with prison authorities reveal great care to prevent any violence among the detainees (Institute for War and Peace Reporting, 2013; Radio Free Europe, 2013), based on the assumption that they might continue their wars under the prison roof. Therefore, it came as a huge surprise that the prisoners were maintaining good relations across the ethnic lines, regardless of their wartime animosities. So good, in fact, as to border surrealism on occasion. Consider a friendship between Goran Jelisić, nicknamed Serbian Adolf, and Esad Landžo, a Bosnian guard from the notorious Čelebići camp. Jelisić not only testified on his behalf in 1998 but also used an opportunity to raise his concerns about the process of reconciliation in the region of former Yugoslavia. He concluded, “We achieved peace among us here, but I am asking myself if they are going to be able to do that down there” (Šormaz, 2011, 0:40). Over the course of this testimony, a poem was read in the courtroom, written by Simo Zarić, a Bosnian Serb wartime security official, also detained at the ICTY:

If somebody asks you, we are small but honest band, hero after hero, all fighters (...)  
 We are two dozen here, could be hundred, also thousands, if joined by our real leaders.  
 At this point we are just guineapigs.  
 It hardly matters what happened back home, it is more important how we are doing here.  
 There is quite some harmony between us, one would say like in the good old days.  
 They say we are war criminals, whereas we are here just like youngsters. (...)  
 If our people back home knew how good we live here,  
 They would lay on their back and trade their rifles for peace.  
 To that end this poem sends a message to all honest people,  
 As there is unity here in The Hague, just follow our lead and we will all be fine.

This poem, entitled *The Hague Truth*, dates back to 1998, and was displayed through informal newsletter of the detention unit. It actually stands as one of the earliest examples of the ICTY literary production. Its bizarre content steered the attention of the regional media and scandalized the public in the former Yugoslavia, which apparently shared the expectation of prison authorities that their

former leaders will continue waging their wars in Scheveningen. It was therefore utterly confusing to get occasional glimpses from the news into their former leaders' everyday life in detention, cooking for each other, playing sports together, or trading anecdotes, well described in Drakulić's (2004) book, *They Would Never Hurt a Fly* (pp. 131–134). It was surprising enough to note that Duško Tadić and Nebojša Pavković excelled in painting or to read about the everyday life of detainees in the poetry of General Momčilo Perišić (2013), who “depicted a segment of the atmosphere in the Scheveningen detention unit, to ease the monotony to my commiserates” (p. 59). It was equally difficult to keep a track of new unlikely friendships: “He would give me advice as if I were his son,” wrote Lukić (2011), a vicious murderer of Bosniak civilians, about none other than Rasim Delić, commander of the Army of Bosnia Herzegovina (p. 181). Photos also emerged featuring Milošević fraternizing not only with Serbian inmates but with infamous Croatian and Bosnian warlords Mladen Naletilić Tuta and Naser Orić (Nikolić-Đaković, 2008). The culmination was probably an obituary to Milošević, published in a Belgrade daily after, captioned “last salute to our fellow fighter from The Hague,” signed mostly by Serb inmates but also by others. Among the mourners was also the Croatian General Ante Gotovina, an undisputed public enemy in the eyes of Serbian public opinion (Grujić, 2006).

Describing sarcastically the detention unit as “the last oasis of brotherhood and unity of Yugoslavs,” a Serbian journalist recently quizzed recently released Nikola Šainović, the former Serbian prime minister and ICTY detainee on this matter, asking him about companionship with other war criminals. His response was as sobering as revealing: “It’s a jail (. . .) God forbid that anybody gets into such position. However, once there, some minimum of existence needs to be created in order to survive” (Goli Život, 2017, 19.00). He suggested that the key to understanding is in surpassing the trivia of their everyday life and delving instead into the tactical nature of their cooperation. That includes the displays of ethnic solidarity among the detainees: “They all respect each other like brothers,” wrote Župljanin (2011) in his poem (p. 109). Duško Tadić (2010) even visualized this harmony in one of his painting, entitled *Unusual Meeting of the Serbs in The Hague* (p. 188). The painting portrays Momčilo Krajišnik, Vojislav Šešelj, and Ratko Mladić seated in prison with a priest, under the pictures of Radovan Karadžić and Slobodan Milošević hanging from the wall and a crucified Christ between them.

Such idealized narratives are debunked by the very writings of prisoners, which reveal powerful animosities, typically appearing exactly among detainees of the same ethnicity. Seemingly paradoxical, such pattern makes perfect sense—while standing a trial for crimes motivated by ethnic hatred, it would be very unhelpful to display that same sentiment toward inmates of other ethnic groups. Additionally, some quarrels between the detainees were inherited from their previous lives. For example, when General Momčilo Perišić, former chief of staff of Milošević who turned against him, was transferred to the detention unit, Milošević greeted him with “Momo, what goes around, comes around, huh?,” whereas Perišić replied, “Mr. President, if you were listening to my advices, neither of us would be here” (Živanović, 2015). Lukić (2011) also showed enmity toward Vinko Pandurević, reflecting a tension between the paramilitary and professional officers: “I do not want to talk about him, let the history be the judge of his actions” (p. 183). Vojislav Šešelj and Veselin Šljivančanin were in similar relations—Šljivančanin perceiving Šešelj as a rabid nationalist, Šešelj labeling Šljivančanin as a deluded Titoist (Šljivančanin, 2012a, p. 127). However, one should not overestimate these old feuds, some of which were actually resolved in detention, paling in the presence of a new enemy which most inmates have in common—ICTY’s office of the prosecutor.

Certainly, there is no love lost between the tribunal and its writer inmates. This is to be expected, given that in most of the cases they have been found guilty. However, they rarely see their judgments as justified “My foot never set in the camp (. . .) and the prosecutor charged me for organizing killings, torture and humiliation of the inmates,” writes Tadić (2010, p. 11). Many detainees doubt the ICTY’s fairness not only in their own case, but in general. General Perišić (2013) feels “charged

with a crime I never committed, whose real perpetrators were never charged” (p. 4). “It hardly matters who is guilty and who is innocent,” reads one of his poems: “They set the guilty free, do what they want, hold fake trials” (2013, p. 57). Trust hardly blossoms in this highly paranoid atmosphere, filled with suspicion. Tadić (2010) was certain that his lawyer was taking financial advantage of him (p. 162), whereas Lukić (2011) claimed he caught Naser Orić in an attempt to tap him with a recording device (pp. 171–172). “The war had been a market-place in which lives were traded,” concludes Milan Lukić (2011): “The Hague Court was a market-place where lives and souls were traded” (p. 174).

Consequently, true hostility is reserved toward those detainees who show readiness to cooperate with the prosecution, plea bargain, or commit a cardinal sin—testify against the other inmates. They are objects of despise, subjected to boycott and other forms of psychological pressure. In the forefront of such actions, one finds Vojislav Šešelj. “You are not going to lie against your god-brother, are you?” he asked Mitar Vasiljević who was preparing to testify in a case against Milan Lukić (2011): “If you do that, you are a crooked bastard” (p. 184). Šešelj went as far to even publicly delight in his role in a suicide of Milan Babić, the indicted Serbian politician from Croatia who repented and testified in the Milošević case: “I was telling him all sorts of things. I think I contributed significantly to his suicide. However, I have some respect for him since he killed himself, as other traitors did not even consider such a move” (Šešelj, 2017). Ominous relations are therefore lurking under the idyllic surface of the ICTY detention unit. Actually, detainees are exhibiting many traits typical for prison behavior such as exercising superficial solidarity, largely taking mutual innocence for granted, and presenting a seemingly unified front toward the authorities (Shoham, 2015, pp. 10–14). They are blended with additional elements derived from their specific circumstances. In some cases, their writings provide a clue for understanding of this peculiar microcosm. In others, another well-known prison rule prevails, and what happens in Scheveningen stays in Scheveningen.

## Conclusion: Regret Without Remorse

It is certainly tempting to conclude by extracting an overarching theme from this curious body of literature. However, the very size and scope of literary production of the ICTY detention unit, as well as the variety of motivations of its authors, makes this a very difficult task. Some authors are in it to legitimize their positions, reinvent their political identity, or influence historical record; others may be motivated by revenge, boredom, emulation, or profit. These motives also overlap; establishing them would require in-depth interviews with the authors. However, one need not venture to their detention unit to detect one disconcerting trait, which is as common as striking—an absence of remorse.

ICTY detainees certainly had ample time to reflect on their actions, and many experienced visible changes. A number of these predominantly devoted ex-Communists turned to faith—in the courtroom, General Tolimir was fashioning one of the largest imaginable crosses around his neck, whereas Dario Kordić became a self-professed “friend of Christ” (Đikić, 2016). Duško Tadić’s publisher is called Christian Thought; Milan Lukić framed his memoirs as confessions and had them presented in one of the prestigious objects of Serbian Orthodox Church in Belgrade. Yet despite the spiritual zeal throughout the detention unit, repentance is noticeably absent (Milikić, 2011). Describing a growing number of attendants of prison mass, General Momčilo Perišić (2013) captured their opinions in one of his poems: “Whether civilians, military or police, they all believe the same, that they are innocent martyrs” (p. 48). Indeed, they typically see themselves as victims, not perpetrators, as attested by an indicative title of Simo Zarić’s book, *Crucified by The Hague* or Duško Tadić’s religious paintings.

Writers of the detention unit are not evoking deities to atone for their sins but to gather strength in a fight against what they perceive as a judicial torment rivalled only by the Inquisition. In its most extreme form, this sentiment is captured in one of the poems of Župljanin (2011): “The Hague, o brethren, is a torment for the Serbs (. . .) Our entire nation is demonized there (. . .) Oh God, destroy the cursed Hague as Babylon, and deliver it to the Satan” (pp. 30–31). By delegitimizing the ICTY, most of the authors seek to maintain a narrative of their historical innocence, particularly in the eyes of their own communities. It is no coincidence that, with an exception of the Lukić memoirs, which are translated into English, and the Tadić book which for some reason was translated to Japanese, all the other works are written in the language spoken by former Yugoslavs. It is clear that they target the audience “back home,” building on the negative image of the ICTY in the region (Mihajlović-Trbovc & Petrović, 2017, pp. 149–151) to prepare their homecoming.

Even those who confessed their guilt in the framework of a plea agreement, like Biljana Plavšić, did their outmost to limit the scope and effect of that confession in their subsequent interviews and writings (Drakulić, 2009). Others, like Momčilo Krajišnik, were even more blunt: “Questioning often my conscience,” he writes, “I did not find my part of the guilt.” Furthermore, he feels the same about his colleagues, Radovan Karadžić and Nikola Koljević: “I do not know about any of their crimes, but I know of many humane acts they did to the members of two other nations.” Actually, Krajišnik (2011) even absolves all the ICTY detainees:

Crime is a crime, wherever it comes from. Nobody had the right to commit the crimes, and I am convinced through listening to the indicted in the ICTY, that the crimes were not ordered, on either of the three sides. Crimes are consequence of the ambiance created in war and hatred which, hidden during socialism, erupted in wartime circumstances. (pp. 7–8)

Trapped in confinement of their own wartime propaganda, the authors persistently deny any sort of personal responsibility. That limits the impact of their work, which will never come close not only to pinnacles of prison literature. They cannot even be compared to writings of Speer, a fellow war criminal sentenced in Nuremberg for two decades in prison. Besides his recollections of prison life, entitled *Spandau: The Secret Diaries* (1976), Speer wrote famous memoirs *Inside the Third Reich* (1970) left a lasting mark on the research of Nazi Germany, exactly due to the author’s ability for critical reflection. This Hitler’s favorite architect became an armament minister of the Third Reich in 1943, presiding over a huge industry built on slave labor. Once indicted, he assumed political responsibility for his actions in the courtroom of the International Military Tribunal, clashing with an unrepentant Hermann Goering. Goering was certain that lost war is the only reason that Nazi leadership landed in the Nuremberg dock and convinced that history will vindicate them (Petrović, 2017, pp. 60–62).

Such sentiment surely seems to prevail in the ICTY prison literature where substituting remorse with regret is a common trope. “All honorable men should mourn and bow in front of innocent victims at an entire region of the former Yugoslavia, as interethnic conflicts brought us only evil,” writes Šljivančanin (2012a, p. 261). However, only a couple of pages away, the limits of his empathy are clearly demonstrated in his description of the ending of the siege of city of Vukovar in Croatia, November 1991: “As an officer I was pleased that the Guard Brigade accomplished its task, disarmed Croatian paramilitaries, found and rescued its captured soldiers and officers, and unblocked the garrison and the city of Vukovar” (2012b, p. 231). Whoever saw an image of Vukovar in these days knows well that there was nothing to unblock; the city was almost completely leveled down by Šljivančanin’s forces.

In the face of such a lack of reflection, which runs as a thread that situates the ICTY library as a downright bizarre example of prison literature, one recalls Leo Tolstoy’s description of Napoleon in *War and Peace*. Tolstoy has the Emperor surveying the field after the battle of Borodino, rejoicing

as he counts more Russians than French among the dead. “And not for that day and hour alone were the mind and conscience darkened of this man, on whom the responsibility for what was happening lay more than on all the others who took part in it,” concludes Tolstoy, detecting a similarly merciless attitude in Napoleon’s memoirs: “Never to the end of his life could he understand the significance of his actions which were too contrary to goodness and truth, too remote from everything human, for him ever to be able to grasp their meaning” (Tolstoy, 2004, p. 547).

Our authors seem similarly hardened. However, Napoleon dictated his memoirs during a harsh lifelong exile without a trial or hope for pardon. The rocky, remote, and deserted island of Saint Helena was hardly the place to prompt ethical reckoning. The ICTY, on the other hand, was supposed to be just such a place, yet the outcome is bleak. Whereas around the world, penal systems are experimenting with prison fine arts programs, which seem to improve the social competences of inmates, ease rehabilitation, and reduce recidivism (Brewster, 2014), the writings of the ICTY detainees are an alarming document of the absence of such effects. As they are gradually regaining freedom and exiting their penitentiaries unrepentant, the time is upon us to reflect and consider, could something have been done differently? Certainly, one cannot coerce anybody into remorse (Proeve & Tudor, 2010, pp. 134–150), nor should the ICTY convicts be denied the right to feel innocent. Still, the manner in which they chose to profess their innocence results in a massive contempt for the court, and sometimes deteriorates into unsanctioned disrespect toward victims, which should have been timely addressed.

Neglect in this respect is an indication of a larger problem. The ICTY proved to be very inventive regarding the organization of everyday life for its detainees, enriching it with language instructions, arts and crafts classes, and indoor and outdoor recreation. In contrast, sentenced and shipped to serve their time, it showed much less interest in creating conditions for a serious rehabilitation of these war criminals. True, convicts of the ICTY are subjected to a scrutiny, in particular, when they file for early release. Their level of rehabilitation plays a role in making that decision. However, it is assessed by looking at their general conduct in prison, whereas showing remorse or accepting responsibility seems to be of very limited consequence (Kelder, Holá, & van Wijk, 2014, p. 1186), as further demonstrated by Holá et al. in this special issue. Resulting in an early release in all but exceptional circumstances, this automatized practice enables an inmate to return to his community after serving two thirds of full sentence with almost no attention paid to attitude toward the crimes he was convicted.

Were there a robust and imaginative program of rehabilitation instead, tailored to create reflexive space for war crimes perpetrators, the outlook of the ICTY detainees’ literature would have been dramatically altered, as its content would be an indicator in the assessment of their release potentials. Even now, some effect could be produced and further damage prevented with revision of early release practices. However, without an institutional incentive, it is no surprise that the ICTY convicts fail to find moral courage, intellectual strength, or even a pragmatic reason to come to terms with the consequences of their wartime actions and chose to fall back to their preexisting networks of support. Hailed by their enthusiastic readership, they strive to fulfill those expectations, closing hence a vicious circle which dramatically curbs the individual or collective transformative potential of their punishment. Therefore, as the tribunal closes its gates, the works of its detainees stand in front of us today as what they are—a striking testament to the shortcomings of transitional justice processes in the former Yugoslavia.

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