

BOSNIA-HERZEGOVINA: HUMAN RIGHTS CODE

by

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INTRODUCTION

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The idea of writing a book concerning human rights in Bosnia-Herzegovina crystallized in my mind during my stay in Geneva in the summer of 1993, where as a member of the B-H delegation I participated in negotiations at the International Conference on the Former Yugoslavia. During that time I visited the UN Library where I conducted serious research in the field of human rights.

Due to the legal inconsistencies and nonsenses contained within international legislation concerning human rights, the UN and European Union experts created dilemmas which I tried to dispel. Along with the purely decorative role of international law, the international community imposed on Bosnia and Herzegovina its own narrow interpretation of human rights, largely renouncing the Western tradition of human rights legislation.

My first visit to the UN Law Library provoked in the librarians both unconcealed surprise and unusual hospitality. I was the first participant in the Conference to seek additional knowledge in this prestigious library.

This bizarre detail is a good indication of the degree of interest for knowledge about human rights on the territory of the former Yugoslavia, namely in the internationally recognized states after its dissolution. These assessments, briefly stated, may sound unjust, but even by disseminating ignorance about human rights, their ideological instrumentalization is carried out.

Every promotion of human rights, as a "great idea of our time", is ultimately ungratefully received in Bosnia, where, after World War II, the darkest pages in European history were written, where the requiem for human rights was played and where the degradation of human dignity was taken to its furthest limits.

Genocide and crime are the metaphor for the manner of Bosnia's existence at the end of the Twentieth Century.

After the holocaust in Bosnia, after the failure to fulfil the promises and obligations assumed under the UN Charter, trust in the whole system of the UN and European Community was betrayed. We have almost stopped believing in the reasons for their existence.

In Bosnia, the West has continuously fallen prey to its own moral disorientation and insistence on equating the aggressor with the victim, denying the victim his or her universally recognized right to self-defence. Those responsible for committed crimes are

not only the perpetrators but also those who passively looked on. This neutrality worked against the victims and only helped the criminals.

In the great wars of this Century, two destructive and one Cold, western democracy overcame the challenges of fascism and communism, but with its selective humanism and dual standards in Bosnia it only began to corrode. Underneath the image of an undivided Bosnia lay the sanctioning of the realpolitik of the cold division. The price of abstention from intervention at the appropriate time in Bosnia will be colossal.

In Bosnia, as a live simulation, is a spilling over of war to the rest of the world and a clash of civilizations possible?

Every signing of peace accords brought to Bosnia new mass graves, devastated homes and transformed Bosnia into a homeland for Cain's children. People have been educated by war, but deceived by peace. Bosnia has become a land without people, and Bosniaks a people without land.

In the meantime, under the guise of religious human rights the West was hiding a modern and sentimental alibi for its intellectual and political irresponsibility. Waiting far too long for the end of genocide and crimes, the world patiently exposed itself to disturbing themes of the Bosnian apocalypse. The interests of governments had priority over human rights even when the highest ideals of democracy and freedom of the modern world were at stake.

The fictitious and unrealistic provisions of all the agreements concerning the unification of the country have always been less respected than those concerning the division of the country. The Dayton Accord equally ensured the survival and the disappearance of one internationally recognized state, which remained half united and half divided. The legal connections holding the state together are thin and cannot survive serious political trials, as a consequence of which the future of Bosnia remains uncertain. Despite everything, however, the Dayton solutions remain the least evil which the West has imposed on Bosnia to date.

The realization of peace and respect for human rights in Bosnia-Herzegovina is the precondition for new security structures in Europe. Through the Washington and Dayton Agreements, behind the curtain of human rights, the international community has again conceptualized Bosnia and the idea of Bosnia. This raises the question of how to bring universal human rights values to Bosnia, and how to bring Bosnia towards universal values. This is where the idea of human rights has come to a crossroads between reality and utopia, fear and hope. How does one make desperate people believe again in justice and the possibility of peace, after numerous mass executions, tortures, rape, mass deportations, and the disappearance of so many people? Who defended the rights of the victims? Can the screams of Srebrenica be heard?

By shamelessly flirting with the heavily armed aggressor and at the same time humiliating the helpless victims, the West has lost its morality in Bosnia, and with it, its reason and notion of peace. Contradictions between the words uttered and actions committed have reached the point of absurdity, while the future of Bosnia has been placed under mortgage. The hypocrisy which has been displayed in Bosnia has created new forms of cold war and conflict in Europe and the rest of the world.

Meanwhile, international law has been given a decorative role in resolving the Bosnian crisis, and forms of international crisis management have betrayed the tradition of its own legislation. The West has committed a kind of coup d'état against

international law, creating incomprehensible precedents which will in the end turn against them like a juridical boomerang.

The breath of the authors of this war has been felt in the Dayton agreement. Eight months after the Agreement was signed, the war criminals return to the scene of the crime more easily than refugees to their homes.

This book introduces certain "heretical messages" concerning the reconstruction of Bosnia on the basis of justice. Until this moral message is unveiled, the legal message is the basis of its survival, because the law is one of the greatest civilizational accomplishments of humanity. The source of human rights does not lie in legal standards only, but in the customs and moral standards from which civil society and the state of law are founded. Only by implementing the rule of law, the development of democracy and respect for human rights, can we oppose "states" with their nationally exclusive tendencies. This is where the national construction on the one hand and the non-national construction on the other are contested by blood, where the universal character of human rights is effectively opposed by discriminating legislations of national exclusivities and hegemonies.

Human rights in Bosnia-Herzegovina should not be restricted by violence and authoritarian behaviour, even where aggression and violence are equated with truth. We have to enable the proper functioning of just legal institutions in Bosnia in order to prevent the strong from oppressing the weak, and in such a way as to undermine force as the primary law.

Stable peace can be achieved only on the basis of justice and truth.

As an integral part of the European culture and destiny, Bosnia is a unique cauldron of civilizations and religious circles, and it is there that bridges of new meanings and precedents in the human rights field will be built: especially when the phrase *Ex Occidente lex - Ex Oriente lux* finds its true meaning in the Bosnian unity of differences and difference of unity.

With this book we work to subvert the intentions of the political minds who try to prevent members of society from learning what can benefit them.

Although I entirely assume responsibility for the contents of this book, I hereby renounce any missionary role in advance.

Introduction from:

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