

**LEGAL AND POLITICAL REHABILITATION OF
DRAGOLJUB MIHAILOVIĆ AND THE YUGOSLAV ARMY IN THE HOMELAND**

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Abstract

This thesis addresses the problems of legal rehabilitation in Serbia and its implementation by looking at the Rehabilitation Acts of 2006 and 2011 and the completed rehabilitation cases. The second aim of the research was to analyse legal rehabilitation of Dragoljub Mihailović, the leader of the Yugoslav Army in the Homeland. This research intends to offer new perspectives on the topic by arguing that legal rehabilitation of Mihailović and the Yugoslav Army in the Homeland represents a symbolic act, because the rehabilitation cases have been processed by the 2006 law which does not define retribution and because of ongoing political rehabilitation the Chetniks. Reevaluation of the Chetniks has been present in Serbian Society in last 30 years, but it became more prominent after 2000. The thesis looks at legislation, commemorations, media projects and textbooks which have been in the service of the political rehabilitation of the Chetniks and puts it in the wider context of restorative history politics with the purpose of delegitimization of post-1945 Yugoslavia.

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Introduction

"Who controls the past, controls the future:

*Who controls the present, controls the past"*¹

Since the fall of communism, most countries in Central and Eastern Europe have employed history politics focused on criticizing the communist period. Another important topic of the restorative history politics has been the interwar period and the Second World War, especially that the war was a legitimizing tool of the communist regimes in the region. Mark argues that the idea that communism was a historical period which had to be dealt with by the democratizing societies was not immediately present in the post-1989 years. This idea came later, when the thought that the separation from communism had not been completed grew stronger². This is what he calls "the unfinished revolution", a realization that the communist period was problematic and needs to be revisited in order to be completely overcome³.

In countries such as the Baltic States, Hungary or Poland, the process of "finishing the revolution" started in the nineties. Serbia has had a different experience, due to the wars in the nineties which followed the dissolution of Yugoslavia and Slobodan Milošević's regime which persisted throughout the nineties and was perceived as a continuation of the communist regime. That is why the notion of the "unfinished revolution" and a need to revisit the communist past and the Second World War appeared in Serbia much later, after the fall of Milošević in 2000.

¹ George Orwell, *1984*, (London: Penguin, 2008), 37

² James Mark, *The Unfinished Revolution: Making Sense of the Communist Past in Central-Eastern Europe*, (New Haven and London: Yale University Press, 2010), xiv

³ Ibid, xv

Restorative history politics in Serbia and the reevaluation of the Chetnik movement

The restorative history politics in Serbia since 2000 has been based on the Second World War period and questioning of the historical policies of the Yugoslav state, which were based on the glorification of the Partisans and the liberation of the country. Similar as the reevaluation of the Organization of Ukrainian Nationalists and the Ukrainian Insurgent Army in Ukraine since the nineties, revisiting the Second World War in Serbia includes the positive reevaluation of the Yugoslav Army in the Homeland (the Chetniks) and their leader Dragoljub Mihailović, among other things.

During the Second World War, the Chetniks engaged in the collaboration with the German and Italian forces and were responsible for war crimes and ethnic cleansing, mostly in Bosnia. Their wartime activities also included constant clashes with the Yugoslav Partisans, which is also why they were labeled as traitors and war criminals by the Yugoslav regime after the war. Many members of this movement, including Dragoljub Mihailović, faced post-war trials and were sentenced to death or long prison time, while their property was taken by the state. The same happened to many supporters of the Chetniks.

However, one factor which makes the Chetniks easier to be officially rehabilitated and reevaluated than the similar movements in other post-communist countries is the fact that they were officially on the side of the Allies until 1943. The reevaluation of the Chetniks is present in the textbooks, state-funded media projects, publishing, public discourse but also in the legislation. The National Assembly of Republic of Serbia adopted a change to the Veteran Law in 2004, which recognized the Chetniks together with the Partisans as an antifascist movement which was active in the territory of Serbia during the Second World War, granting them the right to pension.

Another law as a part of the Serbian restorative history politics, the Rehabilitation Act, was first adopted in 2006 by the National Assembly of Serbia and refers to the legal

rehabilitation of the people sentenced or killed for political or ideological reasons after 1941. The new Rehabilitation Act was adopted in 2011 which made the rehabilitation of the people who engaged in the collaboration with occupation or war crimes during the Second World War impossible, what had not been specified in detail in the 2006 version of the law. The requests filed before 2011 are processed according to the law of 2006 and there had been thousands of requests filed between 2006 and 2011. That is also the case with the rehabilitation process of Dragoljub Mihailović, who had been sentenced to death after the trial in 1946, which started at the High Court in Belgrade in 2010 and is still going on. Although the Yugoslav Army in the Homeland committed war crimes and collaborated with the German and Italian occupation, the formulation of the 2006 law makes the rehabilitation of its members possible on the basis of ideological or political reasons for their persecution by the Yugoslav regime.

There has been a debate about the legal rehabilitation in Serbia. Some authors, who had been hoping for the rehabilitation legislation before the law was adopted, see the law as a crucial way of coming to terms with the authoritarian past and criticize only the lack of the legislation on economic retribution which should be included in the rehabilitation process in Serbia⁴. Although they recognize the weaknesses of the Rehabilitation Act, they focus more on its significance. None of these authors tackled the aspect of the Rehabilitation Act of 2006 which allows the rehabilitation of the quislings and the people who committed war crimes.

⁴ Nebojša Šarki, "Potreba Donošenja Zakona o Rehabilitaciji" (Need to Pass a Law on Rehabilitation). *Hereticus, Journal for Reexamination of the Past*, 2/2004, (Belgrade: Center for Advanced Legal Studies, 2004), 2; Aleksandar Jugović, "Društveni i Moralni Značaj Rehabilitacije Žrtava Političke Represije" (Social and Moral Significance of the Rehabilitation of the Victims of Political Repression), *Hereticus, Journal for Reexamination of the Past: Controversies about the Rehabilitation in Serbia*, 2/2008, (Belgrade: Center for Advanced Legal Studies, 2008); Jovica Trkulja, "Rehabilitacija kao Mera Pravnog Savladavanja Autoritativne Prošlosti" (Rehabilitation as a Measure of a Legal Overcoming of the Authoritarian Past), *Hereticus, Journal for Reexamination of the Past: Controversies about the Rehabilitation in Serbia*, 2/2008 (Belgrade: Center for Advanced Legal Studies, 2008). Most of the other historians and legal experts who publish their works in the *Hereticus* journal of the Center for Advanced Legal Studies in Belgrade have the similar opinion about the rehabilitation.

Others⁵ criticize the Rehabilitation Act for its formulation which makes the rehabilitation of the war criminals and quislings possible, describing it as a legal aspect of historical revisionism and restorative memory politics in Serbia. However, the authors cited do not go into detail in the analysis of the law and most of the works had been written before the new version of the law was adopted in 2011. By comparing the rehabilitation laws of 2006 and 2011 and connecting them to the case study of the rehabilitation process of Dragoljub Mihailović, this thesis will add to the existing knowledge and offer a deeper perspective on the problem of rehabilitation.

There have been few academic works dealing with the rehabilitation process of Dragoljub Mihailović, because it is recent and ongoing. The research done by Dulić, Sekulović and Rakić-Vodnelić⁶ deals with the wartime activities and crimes of the Yugoslav Army in the Homeland, the issue of the command responsibility of Mihailović, the trial in 1946 and the testimonies by the historians in the process of the rehabilitation. Although these are all very important aspects of the rehabilitation of Dragoljub Mihailović and questioning its legitimation and they connect these topics with the ongoing process of the rehabilitation of Mihailović, they do not engage in a wider analysis of the questions I will address in the thesis.

⁵ Milan Radanović, “Zakonodavna Politika Vlade Republike Srbije u Službi Revizije Prošlosti i Njena Primena kao Paradigma Istorijskog Revizionizma u Srbiji” (Legislative Policy of the Republic of Serbia (2004-2011) in the Service of the Revision of the Past and its Implementation as a Paradigm of Historical Revisionism in Serbia), in *Antifašizam Juče i Danas*, (Novi Sad: Association of Antifascists of Serbia, 2012); Vladimir Vodnelić, “Zakon o Rehabilitaciji: Tužna Priča sa Možda Srećnim Krajem” (The Rehabilitation Act – Sad Story with a Possible Happy End), *Hereticus, Journal for Reexamination of the Past*, VI, 2/2008, Belgrade: Center for Advanced Legal Studies; Vesna Rakić-Vodnelić, “Rehabilitacija Dragoljuba Mihailovića kao Političko Suđenje” (Rehabilitation of Dragoljub Mihailović as a Political Trial), in *Ne Rehabilitaciji: Javna Reagovanja* (No to the Rehabilitation: Public Reactions), (Belgrade: Association of the Antifascists of Serbia, 2013)

⁶ Tomislav Dulić, “Sentenced "for Political and Ideological Reasons"? The Rehabilitation of Dragoljub Draža Mihailović in Serbia“, *Sociologija*, 54 (4), (2012); Aleksandar Sekulović, “O Pravnoj Valjanosti Suđenja Draži Mihailoviću 1946. Godine i o Pravnoj Valjanosti Postupka za Njegovu Rehabilitaciju” (On the Legal Correctness of the Trial of Dragoljub Mihailović in 1946 and of the Process of his Rehabilitation), in *Ne Rehabilitaciji: Javna Reagovanja* (No to Rehabilitation: Public Reactions), (Belgrade: Association of the Antifascists of Serbia, 2013); Vesna Rakić-Vodnelić, “Rehabilitacija Dragoljuba Mihailovića kao Političko Suđenje” (Rehabilitation of Dragoljub Mihailović as a Political Trial), in *No to the Rehabilitation: Public Reactions*, (Belgrade: Association of the Antifascists of Serbia, 2013)

In this thesis, I intend to answer the following questions: What problems arise in the implementation of the Rehabilitation Acts? What is the significance of legal rehabilitation in light of the already completed political rehabilitation of the Yugoslav Army in the Homeland and Dragoljub Mihailović? I will argue that the weaknesses of the 2006 Rehabilitation Act are not only in the formulation itself which does not question whether someone who was a collaborator or war criminal could be rehabilitated. The issues which arise in the implementation come from the fact that the law does not provide any instructions or limitations to the courts, leaving everything to a judge in charge for a particular case. The Supreme Court decided later that rehabilitation cases should be processed by using non-contentious proceeding, which means that there cannot be another side in the process, which would oppose rehabilitation. Another issue is that there is no financial retribution defined, which makes the rehabilitation cases processed according to the 2006 law only symbolic. My research will fill the gap in the existing knowledge about legal rehabilitation in Serbia, because the works cited and analyzed here do not offer a thorough analysis of different aspects of the Rehabilitation Acts and their implementation. With this research, I would like to add also another aspect to the discourse about the rehabilitation of Dragoljub Mihailović, which is the fact that his rehabilitation would only represent a legal formality, because Mihailović and the Yugoslav Army in the Homeland have been already politically completely rehabilitated. My argument is that this legal measure is a symbolic act which reflects the official history politics in Serbia, which I intend to support with the analysis of the official culture of remembrance in Serbia since 2000 and the state funded projects and text books.

The case study of the rehabilitation of Dragoljub Mihailović is the subject of this research because it shows why the implementation of the rehabilitation laws is problematic in the practice and it is a good case study for the relation of the legal rehabilitation to the official

historical narrative on the Second World War in Serbia. Another important argument which supports my choice of this case study is that it is about the legal rehabilitation of one of the most prominent historical figures in the Second World War in Serbia.

This case is also an example of competing historical narratives in Serbia and reflects the larger context of a separation from and delegitimization of post-1945 Yugoslavia and Titoism, whose purpose is legitimation of Serbian nationalism. The events of the Second World War and the role of the Yugoslav Partisans are questioned, especially because the Partisans provided legitimacy to Tito and Yugoslavia. This further implies a focus and construction of another resistance movement, the Chetniks, which had a nationalist and anti-communist ideology. One factor which makes the Chetniks easier to be officially reevaluated and rehabilitated than more controversial people such as Milan Nedić or Dimitrije Ljotić, is that they were officially on the side of the Allies until 1943. However, looking at the tendencies in other post-communist countries, it has to be noted that there would have been reevaluation of the Chetniks in Serbia even if they had not fought on the side of the Allies, and this fact makes it just easier.

The Rehabilitation Act of 2006 is highly problematic because it does not specify any conditions of the rehabilitation except if someone was sentenced or killed based on political or ideological reasons and it does not give any instructions regarding the actual court processes. It leaves space for manipulation and rehabilitation only on the basis of political or ideological reasons, no matter whether the individual committed war crimes or collaborated with the Axis forces. By analyzing the process of the rehabilitation of Dragoljub Mihailović and referring to some other cases which have been completed, we will see how problematic this law can be in practice.

I will look at the transcripts from the proceedings and use the method of critical content analysis to look at the testimonies of historians. The same method will be used also in

looking at the reactions in the Serbian media surrounding the rehabilitation process of Dragoljub Mihailović. Besides the two regional media, Dnevnik and Radio Television Vojvodina, I selected the articles published in the most prominent newspapers such as Politika, Večernje Novosti and Blic. The reactions these proceedings caused in the regional media, among intellectuals and in the civil society and the complaints and law suits filed contribute to this process being a permanently relevant topic in Serbia. I will also look at the court decisions of the completed rehabilitation cases in order to provide more context for the implementation of the Rehabilitation Act. The method of comparative analysis will be used for looking at the two versions of the Rehabilitation Act, in order to understand what the problem is and what was improved by the 2011 law. For the purpose of the analysis of the sources mentioned here, I will offer my translation to English, as all sources exist only in Serbian language.

In the first chapter, after giving the historical and theoretical background which will put the thesis topic in the context of historical revisionism in Serbia, I will look at the Rehabilitation Acts in Serbia from 2006 and 2011. I will analyze them separately and then compare them, in order to see what kind of problems there are and if the 2011 law solved some issues and, if so, in which way.

In the second chapter, the focus of the thesis will move to the rehabilitation in practice with case study of the rehabilitation process of Dragoljub Mihailović and it will consist of three sub-chapters. First, I will look at the implementation of Rehabilitation Acts in Serbia. Besides the analysis of the problems regarding rehabilitation, the sub-chapter will include an analysis of a few completed rehabilitation cases. Second, I will look at the court case of the rehabilitation of Mihailović and look at the transcripts and the choice of the witnesses.

Finally, I will briefly look at the reactions in the media following the rehabilitation which come from the region, civil society and historians.

The third chapter will go back to the wider context and look at the official memory politics about the Second World War and Yugoslavia in Serbia since 2000. I will put the Rehabilitation Acts in this context in order to show how they fit the Serbian national narrative. I will also analyze the official culture of remembrance, state funded media projects and text books which are also published by the state, in order to show that the Yugoslav Army in the Homeland has been already politically rehabilitated and normalized in Serbian society.

CHAPTER I. The History Politics on the Second World War in Serbia

The main topics of the history politics in Serbia are the interwar period, the Second World War and the Yugoslav period. The Second World War has been politically instrumentalized in the region since it ended and has represented one of the most important topics for social identification. For the Yugoslav regime, the war was the main legitimizing historical point and it employed history politics based on the victory of the Yugoslav Partisans and the liberation of the country. That is why the separation from communism involves questioning and the separation from the historical narratives the communist state was founded on.

This chapter will put the issues of rehabilitation legislation in Serbia and the rehabilitation process of Dragoljub Mihailović in the theoretical context of historical revisionism in Serbia and the change of the view on the Second World War which started in the eighties. Before that, it is necessary to introduce the theoretical background of the use of history and the difference between historical revisionism and revision as a method in history and historiography.

1.1. The Change of the Culture of Remembrance

Yugoslav historiography was based on the remembrance of the National Liberation Front as the foundations of the country were laid in the antifascist resistance in the Second World War. That was special because the resistance movement was authentic and the country was not liberated by a foreign force like the Red Army. The Yugoslav regime together with the associations of veterans worked on the creation and maintenance of the common historical memory which was supposed to be shared by all Yugoslav nations. Yugoslavia was

founded on the myth of "the common struggle against the occupier and the domestic traitors during the Second World War" and historiography was put in the service of revolution⁷.

Yugoslav official historiography would have needed revision with debates, opening the relevant archives and dialogue between the historians from all republics. Instead, historiography became focused more on creating national histories and a change of the perspective on the movements and people condemned by the Yugoslav regime in the seventies already, but it became the most obvious in the eighties as the country was going towards the dissolution.

The Yugoslav Army in the Homeland was officially on the side of the Allies and they were fighting together with the People's Liberation Army (the Partisans) at the beginning of the war. However, as the Partisans were getting stronger rapidly, they started engaging in collaboration already in 1941 by first demanding arms from German forces, which continued throughout the war, fighting often against the Partisans⁸. They also committed war crimes against the non-Serbian population, mostly in Bosnia, which, together with the fact that they were collaborating with the Italian and German forces, made the Allies abandon the support for them and at the Teheran conference in 1943 the decision was made to support the People's Liberation Army instead. King Petar II made a call to all Chetniks to join the Partisan forces, which is what many of them did not do. After the war, the Yugoslav Army in the Homeland was considered a collaborationist and criminal movement and Dragoljub Mihailović was sentenced to death for war crimes and collaboration in 1946. Many other members of the Chetniks who had not emigrated from Yugoslavia faced persecution as well.

The perspective on the Yugoslav Army in the Homeland started more notably

⁷ Jasna Dragović-Soso, *'Saviors of the Nation': Serbia's Intellectual Opposition and the Revival of Nationalism* (London: Hurst & Co, 2002), 70

⁸ Milivoj Bešlin, "Četnički Pokret Draže Mihailovića: Najfrekventniji Objekat Istorijiskog Revizionizma u Srbiji" (The Chetnik Movement of Draža Mihailović: The Most Frequent Subject to Revisionism in Serbia), in: *Politička Upotreba Prošlosti: O Istorijiskom Revizionizmu na Postjugoslovenskom Prostoru* (Political Use of Past: About Historical Revisionism in the Post-Yugoslav Space, ed. Momir Samardžić et al, (Novi Sad: AKO, 2013), 87

changing in the eighties, changing the perception about the role the Chetniks had in the Second World War and representing them as the antifascist movement which occasionally collaborated with the occupation in order to protect the Serbian people from repression⁹. Bešlin argues that the delegitimization of the communist paradigm based on the antifascist values started then, together with the perception of the war of Yugoslav historiography¹⁰. During Slobodan Milošević rule in the nineties, the reevaluation and commemorations of the Chetniks mainly came from the opposition and some institutions. The Serbian Renewal Movement started organizing commemorations and gatherings at Ravna Gora, where they built the memorial museum and church. The leader of this party, Vuk Drašković, wrote a book about Dragoljub Mihailović, “Noć Đenerala”¹¹, which was shortlisted for the NIN's Book of the Year award in 1994. The Serbian Orthodox Church started organizing commemorations for Dimitrije Ljotić, Milan Nedić and Dragoljub Mihailović already in 1991. On the other hand, the regime had an ambiguous way of looking at the past, not wanting to deal away with the Yugoslav historical politics and still reevaluating the Chetniks¹², but it did not tackle these topics at the official level so much, in commemorations, monuments, media projects or publishing. Radanović claims that it was the ambiguous attitude of the Milošević regime towards defining history politics what prepared and caused the turn in overcoming the past in Serbia after 2000¹³.

The official culture of remembrance of the Second World War underwent a great

⁹ Ibid, 89; Ivo Goldstein and Goran Hutinec, "Neki Aspekti Revizionizma u Hrvatskoj Istoriografiji Devedesetih Godina XX Stoljeća" (Some Aspects of Revisionism in Croatian Historiography in the Nineties), in: *Revizija Prošlosti na Prostorima Bivše Jugoslavije* (Revision of the Past in the Space of Former Yugoslavia), ed. Vera Katz, (Sarajevo: Institute for History, 2007), 191

¹⁰ Ibid

¹¹ Vuk Drašković, *Noć Đenerala* (Belgrade: Srpska Reč, 1994)

¹² Dubravka Stojanović, "Revizija Revizije: 1941. u Udžbenicima Istorije u Srbiji" (Revision of the Revision: 1941 in History Textbooks in Serbia), in *Kultura Sećanja 1941: Povijesni Lomovi i Svladavanje Prošlosti* (Culture of Remembrance 1941: Historical Clashes and Overcoming the Past), ed. Sulejman Bosto et al. (Zagreb: Disput, 2008), 159

¹³ Milan Radanović, "Istorijska Politika u Srbiji posle 2000" (Historical Politics in Serbia after 2000), in *Izgubljeno u Tranziciji: Kritička Analiza Procesu Društvene Transformacije* (Lost in Transition: Critical Analysis of the Processes of Social Transformation), ed. Petar Atanacković et al, (Belgrade: Rosa Luxemburg Stiftung, 2011), 263

change after the fall of Slobodan Milošević and the change of regime in Serbia in 2000. It has three main characteristics which I have identified based on my previous readings and research in this field. First of all, it rejects Yugoslav historiography as manipulated by the regime and strives for the creation of a new national history where the non-national movement led by the Communist Party does not fit. Milošević explains that historical revisionism in the post-Yugoslav space minimizes the historical significance and criminalizes the socialist past and Yugoslav experience, emphasizing the “suffering of the nation under the communist terror”¹⁴. Second, this new history politics in Serbia reevaluates the people and movements judged as negative during Yugoslavia for their collaboration. This includes not only historiography and academic discourse, but also the legislation on veterans and rehabilitation, remembrance policies such as commemorations, the official calendar and monuments. It is also present in the text books, written and published by the Ministry of Education. Finally, the role of the Partisan in the liberation of the country is minimized and replaced by the Chetniks, who the legislation, textbooks and academic and public discourse consider an antifascist movement. The state representatives participated in the celebrations of anniversaries of the Yugoslav Army in the Homeland and although there is no consensus among the politicians in power about this topic, it represents the official history politics of the state. The purpose of the changed culture of remembrance on the Second World War and the state strategies of restorative history politics have a purpose of delegitimizing Yugoslavia and its ideology and replacing it with suitable historical narratives.

¹⁴ Srđan Milošević, "Istorijski Revizionizam i Društveni Kontekst" (Historical Revisionism and Social Context), in *Political Use of Past: About Historical Revisionism in the Post-Yugoslav Space*, ed. Momir Samardžić et al, (Novi Sad: AKO, 2013), 23

1.2. Use of History and Historical Revisionism

The use of history for different purposes and history politics are not new phenomena. History and the perception of history have always been related to nation and nationalism and dealing with the past has been an important part of the creation and existence of every nation and state. Suny explains that from antiquity through the renaissance and to the present time, history has often been in the service of politics or morality, rather than being a completely objective search for the truth and it has been considered useful for the moral understanding of political legitimization¹⁵. Especially since the appearance of the modern nation in 18th and 19th century, narratives about the past have been used to provide legitimacy for these new political constructs¹⁶.

The past and its use are not related only to remembering, but also forgetting. Renan explains that “forgetting is a crucial element in the creation of the nation”¹⁷ which could be applied to many countries, especially those which had been part of communist regimes until the end of the eighties and which started with nation- and state building and new national histories again after more than half of the century. Billig also argues that the collective memory of every nation involves forgetting, especially forgetting violence or wars which brought that nation in existence and revisionist historians engage in this process by remembering ideologically convenient facts of the past, while those which are not appropriate are overlooked¹⁸.

In a similar way, Smith calls the collective memory of a nation “ethno-history”, which represents the memories of the members of an ethnic community and their understanding of

¹⁵ Ronald G. Suny, „History“, in *Encyclopedia of Nationalism: Fundamental Themes*, ed. Alexander j. Motyl (San Diego: Academic Press, 2001), 336

¹⁶ Ibid, 336

¹⁷ Ernest Renan, „What is a Nation?“, in *Nation and Narration*, ed. Homi J. Bhabha (London: Routledge, 1990), 11

¹⁸ Michael Billig, *Banal Nationalism* (London: Sage Publications, 1995), 36

their own past, which is far from an objective analysis by professional historians¹⁹. It can, however, enter the historical discourse and become a part of official historiography. Stojanović claims that the historical discipline and education has had a function of a rather pre-military training than a discipline of critical thinking in the Serbian experience. According to her, historical discipline and education has been used in order to adjust the past to the needs of the present, to change it in order to justify the present and to put the present motives in an appropriate, although not realistic, historical context²⁰.

History and historiography as disciplines are subjects to constant revisions and, as Tucker states, in that way all historians are revisionists because historiography is a dynamic discipline capable of revising and improving itself²¹. Tucker defines this as "revised historiography" or "historiographic revision", as opposed to "revisionist historiography". This revisionist historiography is based on therapeutic cognitive values, which, among other things, include the denial of the historical guilt of a nation, the promotion of self-respect through national myths and the elimination of a sense of alienation and absurdity²². Tucker explains that the persistence of revisionist historiography in society is based on the strive of "the people and their institutions to promote, read or hear therapeutic accounts of their collective"²³.

According to Kuljić, who uses the term "historical revisionism", which is the term I will be using as well, in the narrow sense of the word means not merely reinterpreting and reexamining the historical facts, but also "twisting their meaning and contract them outright"²⁴. He also distinguishes the reexamination of facts as a method in historiography

¹⁹ Anthony Smith, *Myths and Memories of the Nation* (Oxford: Oxford University Press, 1999), 16

²⁰ Dubravka Stojanović, "Revizija Revizije: 1941 u Udžbenicima Istorije u Srbiji" (Revision of the Revision: 1941 in History Textbooks in Serbia), 157

²¹ Aviezer Tucker, "Historiographic Revision and Revisionism", in *Past in the Making: Historical Revisionism in Central Europe after 1989*, ed. Michal Kopecek (Budapest: Central European University Press, 2008), 1

²² Ibid, 5

²³ Ibid, 7

²⁴ Todor Kuljić, "Revised History and New Identity in Eastern Europe", *Journal for Politics, Gender and Culture*, Vol. 4, No. ½ (2005):64

and revision, which is motivated by the clear or hidden intentions of justification of political objectives²⁵. He argues that historical revisionism attracts the most attention with different interpretations of massively condemned historical protagonists and their crimes and that the weakening of the criticism of fascism at the end of the twentieth century is connected to revived nationalism²⁶.

Forgetting is an important aspect of the current culture of remembrance on the Second World War in Serbia. The same as the Yugoslav historical policy was forgetting the post-war crimes, executions and policies of the newly founded Yugoslav regime, the Serbian official culture of remembrance forgets or neglects the crimes committed by the Chetniks during the war. The term "historical revisionism" is chosen in this thesis in the case of Serbia because it is not an objective revision of the Yugoslav historical policies but is also motivated by political and ideological purposes of creating national history.

1.3. Historical Revisionism in Serbia

Although Tito's death opened the doors not only to questioning and revising this part of history, but also to attacks on it, common Yugoslav historiography and its projects had been in crisis since the beginning of the seventies, but became more present in Serbia in the eighties²⁷. The military forces of the Second World War, which had been judged as collaborators and traitors by the Yugoslav regime as Chetniks in Serbia and Ustasha in Croatia became the subject of justification and relativization by historians and intellectuals in general. In both Serbia and Croatia, this tendency started in diaspora, in the works written by those who fled Yugoslavia at the end or after the war or their descendants but it later became

²⁵ Ibid, 64

²⁶ Todor Kuljić, "Historiographic Revisionism in Post-socialist Regimes", in *Balkans Rachomon: Historiography and Literature on Dissolution of SFRY*, Helsinki Files 11 (Belgrade: Helsinki Committee for Human Rights in Serbia, 2002), 10

²⁷ Ibid, 21

a part of the academic discourse among intellectuals in these countries as well.

The first work in Yugoslav historiography which introduced a new perspective on the Second World War and the Chetniks was Veselin Đuretić's *The Allies and the Yugoslav War Drama*, published in 1985. Đuretić's thesis of two antifascist movements and Chetnik antifascism is based on the argument that the Chetniks collaborated with occupation because of anticommunist compromises and protection of the Serbian people from repression²⁸. Bešlin argues that this book did not introduce significant new facts or research methods, but it incorporated known facts into a new ideological concept – rising Serbian nationalism. This book is significant because it created a road map for the future revisionists, which further elaborated, reproduced and built on Đuretić's theses²⁹.

It was not until the fall of Milošević and the government change in Serbia in 2000 that historical revisionism became a part of the official historical policy of the state and present in the textbooks, legislation and official culture of remembrance. Bešlin explains that the interpretation of the 5th of October as a turning point of throwing down communism created conditions for reaffirmation of the Serbian nationalist project and bringing the revisionist wave and reinterpretation of the Chetnik movement to the peak³⁰. Stojanović claims that the regime which came to power after Milošević in Serbia in 2000 had a key goal of making a clear cut with the communist past, which was supposed to make them liberators of Serbia from communism, as Milošević was referred to as the last European communist and it suited the anticommunist climate in Serbia at the time. The reason why the Second World War has been a subject of new interpretation is because it is considered as a place of “ the mythical

²⁸ Veselin Đuretić, *Saveznici i Jugoslovenska Ratna Drama* (The Allies and Yugoslav War Drama), (Belgrade: SANU, Narodna Knjiga, 1985), 191-193; 176

²⁹ Milivoj Bešlin, "Četnički Pokret Draže Mihailovića: Najfrekventniji Objekat Istorijskog Revizionizma u Srbiji" (The Chetnik Movement of Dragoljub Mihailović: The Most Frequent Subject to Revisionism in Serbia), 90

³⁰ Ibid, 96

birth of the communist regime”³¹. The changes of official holidays, laws, monuments, memorials, street names and text books which followed were in the service of building a new culture of remembrance. However, although the Second World War was revisited, the myths of historical destiny and the victimization of the Serbian nation from the nineties remained untackled.

Končar argues that there are different interpretations of the Second World War in Yugoslavia. As only a liberation war, the accent is only on the Partisans and the liberation of the country which was present in Yugoslav historiography. The interpretation as a civil war between the Partisans and Chetniks appeared in the eighties since the works by Veselin Đuretić and Branko Petranović. Finally, the Second World War can be interpreted as both a liberation and civil war and as a socialist revolution. His argument is that the war primarily focused on the liberation and the fight against occupation, but it also had characteristics of a civil war, because of the constant clashes between the Partisans and the Chetniks, which is not based on their ideological differences so much as on the stance these movements had towards the occupation³².

Kamberović argues that all existing models of the revisionism of the recent and distant past can be noticed in the post-Yugoslav space, which are present in historiography, public discourse and media. He recognizes that the revision of the common Yugoslav past is what all former Yugoslav states have in common, although at different levels. The purpose of the revision of the Yugoslav period strives for a clear discontinuity with it, in order to construct the pre-Yugoslav period in a better view and find the historical arguments for strengthening the new nation-states and the ideologies in power in them. Kamberović stresses

³¹ Dubravka Stojanović, “U Ogledalu Drugih” (In the Mirror of the “Other”), in *Novosti iz Prošlosti: Znanje, Neznanje, Upotreba i Zloupotreba Istorije* (News from the Past: Knowing, Not Knowing, Use and Abuse of History), ed. Vojin Dimitrijević (Belgrade: Belgrade Center for Human Rights, 2010), 17

³² Ranko Končar, “Nekoliko Zapažanja o Karakteru Rata u Jugoslaviji 1941-1945” (Some Remarks on the Character of The War in Yugoslavia 1941-1945) in *Antifašizam Juče i Danas* (Antifascism Yesterday and Today), (Novi Sad: Association of the Antifascists of Serbia, 2012), 7, 13

that the historiography in Serbia and Croatia has gone the furthest in that process³³.

Kuljić tracks the beginning of this process of "ideological historical revisionism" in former Yugoslavia back to much before the disintegration of Yugoslavia, in the revisionist controversies which were part of the Croatian Spring, the Linguistic Debate and the Memorandum of the Serbian Academy for Sciences and Arts³⁴. The only change which appeared after the dissolution of Yugoslavia is that revisionism started to manifest itself more openly in public and became accepted by the newly-founded nation-states. A strong anti-communist and anti-totalitarian rhetoric, as a part of revisionism, is used as a mask to hide the dark periods of history in an attempt to normalize and justify it³⁵.

Radanović identifies the main characteristics of historical revisionism in Serbia as ignoring the achievements of post-war Yugoslav historiography, the demonization of socialism, a relativization and denial of the People's Liberation Army and the Yugoslav antifascist movement, the normalizing of quislings and the victimization of collaborators who were killed by the Partisans or sentenced in the post-war trials³⁶. Similarly to Kuljić and Kamberović, he also recognizes that rewriting history in Serbia and some other former Yugoslav republics is in the service of strengthening the foundations of the nation-states which came out of Yugoslavia's disintegration. He points out that the normalization of the quislings like the Chetniks also has a purpose of national reconciliation and the representation of Yugoslavia in only a negative light should lead to normalization of the many negative aspects of the new nation-states³⁷.

Milosavljević explains that the reason the Second World War and the Yugoslav period are the subject of reevaluation is that the Second World War was the foundation of the

³³ Husnija Kamberović, "Između Kritičke Istoriografije i Ideološkog Revizionizma" (Between Critical Historiography and Ideological Revisionism), in *Revizija Prošlosti na Prostorima Bivše Jugoslavije* (Revision of The Past in Former Yugoslavia), ed. Vera Katz, (Sarajevo: Institute for History, 2007), 12

³⁴ Todor Kuljic, "Historiographic Revisionism in Post-socialist Regimes", 21

³⁵ Ibid

³⁶ Milan Radanović, "Istorijska Politika u Srbiji posle 2000" (Historical Policy in Serbia afer 2000), 260

³⁷ Ibid, 262

legitimacy of the Yugoslav state³⁸. She sees the role of history in Serbian society as being in the service of identity politics, that is supposed to offer arguments which prove that the previous state of Yugoslavia and its society were artificial and that continuity should be looked for in the time before, in the interwar Yugoslavia and even in the Serbian kingdom before the First World War³⁹. The connection between the far past and present is constructed by using the collaborators of the Second World War, which are supposed to be the new national heroes, ignoring the fact that they were collaborators⁴⁰.

Most authors cited in this chapter agree that the revisions of history in the Yugoslav republics, primarily in Croatia and Serbia, started much before the dissolution and they only became prominent in the eighties due to the rise of nationalism and crisis of the regime in Yugoslavia. In Croatia, it was in the nineties during the time of Franjo Tuđman, that restorative history politics was the strongest, but in Serbia, this tendency at the official state level started seriously after 2000.

1.4. Legislation in the Service of History Politics

The legislation on veterans and legal rehabilitation is an important aspect of the restorative history politics and revisionism in Serbia. Bešlin argues that legislation in the West has a purpose of limiting radical revisions of the past as an instrument of prevention of crime denials and offending the memory of war victims, while legislation and courts in Serbia approve the revisionist perspective on the past⁴¹. The laws adopted by the National

³⁸ Olivera Milosavljević, "Geschichtsrevisionismus und der Zweite Welt Krieg" (Historical Revisionism and The Second World War), in *Mythos Partizan: (Dis-)Kontinuitäten der jugoslawischen Linken: Geschichte, Erinnerungen und Perspektiven* (Mythos Partizan. (Dis)Continuities of the Yugoslav Left: History, Remembrance, Perspectives), ed. Tomic Djordje et al (Münster: Unrast Verlag, 2013), 227

³⁹ Ibid, 225

⁴⁰ Ibid, 227

⁴¹ Milivoj Bešlin, "Četnički Pokret Draže Mihailovića: Najfrekventniji Objekat Istorijskog Revizionizma u Srbiji" (The Chetnik Movement of Dragoljub Mihailović: The Most Frequent Subject to Revisionism in Serbia), 85

Assembly of the Republic of Serbia concerning the Second World War are the change of the Law on the Rights of Veterans, Military Invalids and Members of their Families adopted in 2004 and the Rehabilitation Act of 2006 and 2011.

The Serbian National Assembly adopted a change of the Law on the Rights of Veterans, Military Invalids and Members of their Families in 2004, which defines the conditions for the fulfillment of the rights of the veterans from the People's Liberation War and earlier wars for the liberation of the country. In the second act the law defines that "the members of the Yugoslav Army in the Homeland and Ravna Gora Movement from April 1th 1941 until May 15th 1945 have the status of the veterans of the People's Liberation War⁴². This status grants them the same rights as to the Partisan veterans. The law uses the Yugoslav term "People's Liberation War", which used to describe exclusively the Partisans and their liberation war but now including the Chetniks.

When talking about the Chetniks, the law encompasses all members of this movement of the period from 1941 to 1945, although the Chetniks were no longer officially on the side of the Allies from 1943. Another problem is that the law does not specify any procedures to determine if someone really participated in the liberation war. This issue is very important, especially that after King Petar invited the Chetniks to join the Partisans, many members indeed joined the liberation war, while others continued collaborating with the occupiers and fighting against the Partisans.

The Rehabilitation Act of 2006 defines "the rehabilitation of the people who lost their lives, freedom or other rights, without or with the court or administrative decision, because of political or ideological reasons starting from April 6 1941 until the day of the adoption of the

⁴² *Zakon o Pravima Boraca, Vojnih Invalida i Članova Njihovih Porodica (Law on the Rights of Veterans, Military Invalids and Members of their Families)*, Službeni Glasnik Republike Srbije, No. 137/2004 (Belgrade: Službeni Glasnik, 2004), Act 2

law and who had residence in the territory of Republic of Serbia"⁴³. The law further specifies the rehabilitation procedure without addressing who can and who cannot be rehabilitated and if the person committed war crimes or fought on the side of the German or Italian forces. Also, the law encompasses the time from 1941, which includes the period of the Second World War and the definition of the rehabilitation of the people who were sentenced or killed without an administrative decision, makes it possible to file requests for people who were killed by the Partisans while fighting against them. The law is a two-page document and does not specify retribution either, stating that "the right on retribution and regaining confiscated property of the rehabilitated people will be defined by a special law"⁴⁴. However, there was no law on retribution to the rehabilitated people adopted after the Rehabilitation Act.

Thousands of requests were filed right after the law was adopted, including the rehabilitation requests for Milan Nedić, Dimitrije Ljotić and Dragoljub Mihailović⁴⁵, and 1300 people were rehabilitated only between 2006 and 2009⁴⁶. For example, Dragiša Cvetković, the Prime Minister of the Kingdom of Yugoslavia who had signed the Tripartite Pact in 1941, was rehabilitated in 2009 with the argument that he was just trying to protect the Serbian people and to make sure that Yugoslavia stayed neutral and protected from destruction. As in this example, the interpretations of intentions and reasons behind some actions of the people during the Second World War are used in the court in order to justify rehabilitation, which can be questioned because of the lack of contemporary witnesses and the fact that the people proposed for rehabilitation are also no longer alive.

⁴³ *Zakon o Rehabilitaciji (The Rehabilitation Act)*, Službeni Glasnik Republike Srbije, No. 33/2006, (Belgrade: Službeni Glasnik, 2006), Act 1

⁴⁴ Ibid, Act 8

⁴⁵ These are probably the most prominent people from the Second World War period in Serbia which are controversial because of their collaboration with German and Italian occupying forces. The only rehabilitation case which started in the court is the case of Dragoljub Mihailović. The request for rehabilitation of Milan Nedić, the Prime Minister in occupied Serbia, was rejected by the High Court in Belgrade in March 2014 because the request and the documents attached to it were not complete. The request for rehabilitation of Dimitrije Ljotić, the leader of the quisling movement Zbor, was filed but the process has not started.

⁴⁶ Tatjana Tagirov, "Rehabilitacija u Srbiji" (Rehabilitation in Serbia), *Vreme*, 955 (April 2009), <http://www.vreme.com/cms/view.php?id=862140>, last accessed on November 17, 2013

After many complaints, the Rehabilitation Act was revised in 2011 and it goes into detail in defining the conditions, procedure and consequences of rehabilitation. The 2011 law does not define the time frame after the April 6th 1941 as the 2006 law did and it expanded the reasons for persecution on "political, religious, national and ideological" and if the court or administrative decision was against the standards of a legal state and human rights and freedoms⁴⁷. As opposed to the 2006 law, the 2011 law defines the establishment of the Commission for the Retribution and the conditions for returning property and money to the people rehabilitated or their families in the case of death of the person concerned.

The second act of the 2011 law defines that members of the occupation forces or quisling formations who committed or participated in the war crimes cannot be rehabilitated, including those who were killed in the Second World War as members of occupation or quisling forces. It further states that those sentenced as war criminals or participants in the war crimes by any courts under control of the National Committee of the Liberation of Yugoslavia, by courts and other institutions of the Democratic Federative Yugoslavia and Federative People's Republic of Yugoslavia and by the State Commission for the Determination of the Crimes of the Occupiers and their Helpers also cannot be rehabilitated⁴⁸. Nevertheless, the law makes the rehabilitation possible for those for who it can be determined that they were not committing or participating in the war crimes during the rehabilitation process. This part of the law was included after the complaints of the Hungarian community in Serbia because there were people forced to join the Hungarian occupation forces and were sentenced after the war, but did not participate in the war crimes.

The Rehabilitation Act of 2011 solved the issues of the 2006 law which was too vague and not defining anything except that the possible rehabilitation for all the people sentenced, killed or persecuted because of political or ideological reasons and that any person can file

⁴⁷ *Zakon o Rehabilitaciji, (The Rehabilitation Act)*, Službeni Glasnik Republike Srbije, No. 92/2011, (Belgrade: Službeni Glasnik, 2011), Act 1

⁴⁸ *Ibid*, Act 2

the request for anyone. With this law, it is not possible to file rehabilitation requests for the members of quisling and occupation forces and sentenced war criminals and it would make it impossible to rehabilitate Dragoljub Mihailović and many other people whose requests have already been filed. However, the Rehabilitation Act of 2011 also defines that all requests filed before 2011 and processes which have already started will be processed according to the 2006 law, so the rehabilitation issue has not been completely sorted out.

1.5. The Debate about Rehabilitation

There has been a debate about legal rehabilitation in Serbia. Some authors who had been hoping for the rehabilitation legislation before the law was adopted see the law as a crucial way of coming to terms with the authoritarian past and criticize only the lack of the legislation on economic retribution which should be included in the rehabilitation process in Serbia. Although they recognize the weaknesses of the Rehabilitation Act, they focus more on its significance. Others criticize the Rehabilitation Act for its formulation which makes the rehabilitation of war criminals and quislings possible, describing it as a legal aspect of historical revisionism and restorative memory politics in Serbia.

A part of the Serbian scholarship puts an accent on the importance of the legislation on rehabilitation in Serbia, arguing that it is necessary in order to overcome the authoritarian past and considers the lack of regulations on the financial retribution as the biggest problem of the Rehabilitation Act. Although the rehabilitation of the victims of political repression is a very important part of transitional justice, none of these authors has tackled the aspect of the Rehabilitation Act of 2006 which allows the rehabilitation of the quislings and the people who committed war crimes.

In that way, Šarkić claims that it is a obligation of democratic societies to deal with the injustices done to their citizens during the previous regimes and those injustices have to be first specified and then corrected. That is why the rehabilitation of those politically or

ideologically sentenced has a great importance for the Serbian society⁴⁹. Similarly to Šarkić, Jugović considers this law equally important for the moral and legal confrontation of a society with the violent past and the consequences of the non-democratic authoritarian regime. The process of rehabilitation should delegitimize a normalization of political violence and point out to a violent and criminal character of the regime⁵⁰.

The other authors focus on the shortcomings of the Rehabilitation Act, while emphasizing its importance and successful implementation. Lazarev argues that although the Rehabilitation Act has its weaknesses, the important thing is that it was adopted and it has been successfully implemented. Although there were issues in the implementation of the law in the beginning, the courts are improving their work on processing of the requests. He considers this law as a foundation for the national reconciliation and democracy building, as it is the first law since the Second World War which tackles the crimes of the victors. Furthermore, he argues that the only problem of the law is the lack of legal measures on retribution, which would make the rehabilitation of the victims of the regime complete⁵¹. Trkulja also admits that the law was not written very well and that there are many legal and technical issues such as the lack of the additional laws about opening of the archives of the secret service and denationalization. However, he also argues that the law has been implemented relatively successfully which is proved by the hundreds of successful rehabilitation cases. The same as the other authors, he considers the Rehabilitation Act as an

⁴⁹ Nebojša Šarkić, "Potreba Donošenja Zakona o Rehabilitaciji" (Need to Pass a Law on Rehabilitation), *Hereticus, Journal for Reexamination of the Past*, 2/2004, (Belgrade: Center for Advanced Legal Studies, 2004), 2. <http://www.hereticus.org/arhiva/2004-2/potreba-donosenja-zakona-o-rehabilitaciji-politickih-osudenika-i-kaznjenika.html>, last accessed on April 28, 2014

⁵⁰ Aleksandar Jugović, "Društveni i Moralni Značaj Rehabilitacije Žrtava Političke Represije" (Social and Moral Significance of the Rehabilitation of the Victims of Political Repression), *Hereticus, Journal for Reexamination of the Past: Controversies about the Rehabilitation in Serbia*, 2/2008, (Belgrade: Center for Advanced Legal Studies, 2008), <http://www.hereticus.org/arhiva/drustveni-i-moralni-znacaj-rehabilitacije-zrtava-politicke-represije.html#more-627>, last accessed on April 28, 2014

⁵¹ Gojko Lazarev, "Zakon o Rehabilitaciji: Dve Godine Kasnije" (The Rehabilitation Act: Two Year After), *Hereticus, Journal for Reexamination of the Past: Controversies about the Rehabilitation in Serbia*, 2/2008, (Belgrade: Center for Advanced Legal Studies, 2008) <http://www.hereticus.org/arhiva/zakon-o-rehabilitaciji-%E2%80%93-dve-godine-kasnije.html>, last accessed on April 28, 2014

Lazarev is a judge in the Regional Court in Sabac, which is a court deciding fastest and mostly positively about the rehabilitation requests.

important step in coming to terms with authoritarian past⁵².

Several authors have identified other weaknesses of the Rehabilitation Act from 2006 in a more detailed way. One of the most prominent critiques of the following authors is that the formulation of the law does not specify a lot except the political and ideological reasons for which someone was sentenced or killed. This is what Radanović criticizes, arguing that the way it is formulated makes it possible that many requests were filed for the rehabilitation of people who participated in collaboration with the occupation in the Second World War and committed many crimes but who were either killed by the Partisans or sentenced at the post-war trials⁵³.

Sekulović also questions the way in which the law is written, arguing that there should be a condition added that the person in question did not commit crimes, in order for the law to make more sense. Without that, the law is focused only on the question if someone's sentence was based on political or ideological motives, which Sekulović finds very problematic. He gives an example of other post-war trials such as the Nuremberg trials or those in France, Norway or Netherlands, where the people involved in fascist and national socialist regimes and forces were sentenced or executed by the people opposed to them also in ideological and political terms. A law such as the Rehabilitation Act in Serbia which is based only on criteria of political and ideological reasons would make the rehabilitation of them also possible⁵⁴.

⁵² Jovica Trkulja, "Rehabilitacija kao Mera Pravnog Savladavanja Autoritativne Prošlosti" (Rehabilitation as a Measure of a Legal Overcoming of the Authoritarian Past), *Hereticus, Journal for Reexamination of the Past: Controversies about the Rehabilitation in Serbia*, 2/2008 (Belgrade: Center for Advanced Legal Studies, 2008), <http://www.hereticus.org/arhiva/rehabilitacija-kao-mera-pravnog-savladavanja-autoritarneproshlosti.html>, last accessed on April 28, 2014

⁵³ Milan Radanović, "Zakonodavna Politika Vlade Republike Srbije u Službi Revizije Prošlosti i Njena Primena kao Paradigma Istorijskog Revizionizma u Srbiji" (Legislative Policy of the Republic of Serbia (2004-2011) in the Service of the Revision of the Past and its Implementation as a Paradigm of Historical Revisionism in Serbia), in *Antifašizam Juče i Danas (Antifascism Yesterday and Today)*, (Novi Sad: Association of Antifascists of Serbia, 2012), 157

⁵⁴ Aleksandar Sekulović, "Pravni i Drugi Aspekti Rehabilitacije Draže Mihailovića" (Legal and Other Aspects of the Rehabilitation of Draža Mihailović), in *Antifašizam Juče i Danas (Antifascism Yesterday and Today)*, (Novi Sad: Association of the Antifascists of Serbia, 2012), 135

Although a supporter of the rehabilitation, Vodnелиć also expresses criticism that the criteria for rehabilitation are non-specific enough and the law does not clearly identify who could and could not be rehabilitated. The law misses an important aspect of determining if a person would be anyway sentenced in the same way in some other court, according to the human rights and fair legislation and court process⁵⁵. He goes further in the critique, arguing that another problem of the law is that it goes back to 6th April 1941, which means that it includes the war time when there were no state led trials, but it makes it possible to rehabilitate people who were killed by the Partisans who did not form the state power yet⁵⁶.

Rakić-Vodnелиć looks at the wider context and stresses that the problem is that rehabilitation in Serbia is perceived as an ideological and not a legal measure and court decisions on the rehabilitation of political convicts are represented and seen as a legitimization of ideologies and national politics which they represented and also as a revision of history and not as correction and removal of legal mistakes from the past⁵⁷.

The supporters of rehabilitation see the 2006 Rehabilitation Act as a tool of transitional justice and way of overcoming the totalitarian past, whose shortcomings could be overcome in the practice. On the other side, those who criticize the Rehabilitation Act and its adoption come from the Left and see the possibility of rehabilitating collaborators and war criminals as the most important issue. All of these works were written before the 2011 law was adopted, so they engage only with the 2006 law and there have been no works analysing both laws. It would be interesting to see how the debate on rehabilitation would continue with taking the 2011 law into notice and if the arguments of the authors would change.

⁵⁵ Vladimir Vodnелиć, “Zakon o Rehabilitaciji: Tužna Priča sa Možda Srećnim Krajem” (The Rehabilitation Act – Sad Story with a Possible Happy End), *Hereticus, Journal for Reexamination of the Past*, VI, 2/2008, Belgrade: Center for Advanced Legal Studies:45

⁵⁶ Ibid, 45

⁵⁷ Vesna Rakić-Vodnелиć, “Rehabilitacija Dragoljuba Mihailovića kao Političko Suđenje” (Rehabilitation of Dragoljub Mihailović as a Political Trial), in *Ne Rehabilitaciji: Javna Reagovanja” No to the Rehabilitation: Public Reactions*, (Belgrade: Association of the Antifascists of Serbia, 2013), 119

1.6. Rehabilitation of Dragoljub Mihailović

The rehabilitation process of Dragoljub Mihailović started in 2010 at the High Court in Belgrade and it is still ongoing. It caused many reactions from the former Yugoslav republics where the Yugoslav Army in the Homeland had been active, a great attention in the media and many protests. The process was on hold since October 2013 because of the request of a couple of organizations to include two more historians as expert witnesses, but it was again postponed after one proceeding in December.

There were four historians as expert witnesses including three historians who had been supporting the rehabilitation and only one opposing it, which is why the objectivity of the case has been considered problematic in civil society. The Helsinki Committee for Human Rights, Women in Black and the Association of Antifascists of Serbia filed a charge against the two historians, Bojan Dimitrijević and Kosta Nikolić, for giving false testimonies and historical facts during the proceedings, which is the reason why the process is on hold at the moment. These historians have been supporters of the rehabilitation of Mihailović for years and they have participated in the legislative processes dealing with the Second World War, writing textbooks and state-funded biographies of Mihailović and have been members of official commissions for investigations of the circumstances of the death of Mihailović.

There have not been many academic works dealing with the court case of the rehabilitation of Dragoljub Mihailović, as it is recent and ongoing. The research articles done by Dulić, Sekulović and Rakić-Vodnelić deal with the wartime activities and crimes of the Yugoslav Army in the Homeland, the issue of the command responsibility of Mihailović, the trial in 1946 and the testimonies by the historians in the process of the rehabilitation. Their works not only relate to and provide context for this research, but also bring up some important observations about history in the courtroom and the issues in the rehabilitation case of Dragoljub Mihailović such as if the rehabilitation is justified and would Mihailović be

sentenced anyway by some other court.

One of the issues surrounding the rehabilitation cases is the relation between historiography and legislation in Serbia and the issue of discussing and rewriting history in the courtroom. Dulić identifies the reasons for dealing with the past through legislation in the previous experience with the "courtroom history" in Serbia, through the trials after the Second World and the International Criminal Tribunal for Former Yugoslavia dealing with the wars in the nineties⁵⁸. When discussing Mihailović's rehabilitation case, Dulić emphasizes weaknesses of the 2006 Rehabilitation Act, claiming that the rehabilitation of Mihailović would have been denied if the request had been filed after the law in 2011 was adopted and that there is no doubt that Mihailović would have been found guilty also by the International Court of Justice, ICTY or any war crimes court today⁵⁹. He points out that it will depend on the court if the law from 2006 is taken literally and that the court is limited only to determining if the proceedings from 1946 were violating the contemporary standards of the rule of law and human rights, in order to avoid political manipulation and secure its legitimacy⁶⁰.

One of the problems of "courtroom history" in rehabilitation cases is that a recreation of the original trial or discussion and investigation about the guilt of those concerned can lead to speculations and manipulations of historical facts, which are not based on the achievements in historiography or not including or differently interpreting primary sources. Sekulović argues that the court has to go into the reexamination of history in order to determine whether a person in question committed crimes, so that they can see if the original court decision was wrong or politically or ideologically manipulated. He stresses that the problem is that the court could not do this properly more than 60 years after the trials,

⁵⁸ Tomislav Dulić, "Sentenced "for Political and Ideological Reasons"? The Rehabilitation of Dragoljub Draža Mihailović in Serbia". *Sociologija*, 54 (4), (2012):627

⁵⁹ Ibid, 644

⁶⁰ Ibid, 630

because the witnesses are no longer alive in most of the cases, the original documentation is often missing and the attempt to recreate the trial can lead to speculations and a manipulation of history⁶¹.

Another issue is that the post-war trials in Yugoslavia were not unique phenomenon and the people suspected of collaboration were put on trial in many non-communist European countries and those court decisions are not being questioned today. Rakić-Vodnelić has done a comparison of the post-war trials in France, United Kingdom, Norway and Yugoslavia and concluded that the only great difference between the trial of Quisling in Norway or Joyce in United Kingdom with Mihailović's trial in Yugoslavia is that the Yugoslav state was communist and the others which were conducting these trials to collaborators were not⁶². Thus, in legal terms, the approach to rehabilitation is directed to the questioning of the possibilities to revise history and not to the examination of the legal norms and human rights.

⁶¹ Aleksandar Sekulović, "O Pravnoj Valjanosti Suđenja Draži Mihailoviću 1946. Godine i o Pravnoj Valjanosti Postupka za Njegovu Rehabilitaciju" (On the Legal Corectness of the Trial of Dragoljub Mihailović in 1946 and of the Process of his Rehabilitation), in *Ne Rehabilitaciji: Javna Reagovanja (No to Rehabilitation: Public Reactions)*, (Belgrade: Association of the Antifascists of Serbia, 2013), 172-173

⁶² Vesna Rakić-Vodnelić, "Rehabilitacija Dragoljuba Mihailovića kao Političko Suđenje" (Rehabilitation of Dragoljub Mihailović as a Political Trial), 132

Chapter II. Rehabilitation of Dragoljub Mihailović

Legal rehabilitation in Serbia is defined by the Rehabilitation Acts of 2006 and 2011. Although the law of 2011 annulled the 2006 law, the requests filed before 2011 are processed according to the law of 2006, which is the case with the rehabilitation of Dragoljub Mihailović. This is why the law of 2006, its shortcomings and the issue of rehabilitation in practice will be addressed in this chapter before looking at the case of Dragoljub Mihailović.

2.1. Rehabilitation in Practice

The Rehabilitation Act of 2006 is a document consisting of only nine short acts which failed to address many important issues, most notably the regulation of retribution and implementation of the law in court. The implementation of the law was regulated a few months after the law was adopted in 2006 by the Supreme Court of the Republic of Serbia, which decided that the court process which would be used in rehabilitation cases was non-contentious proceeding. This means that there are no two sides in the court process, but only the party which requested rehabilitation and a judge or a commission formed by three judges.

The non-contentious proceeding is used in many cases, mostly in cases concerning property issues, cases of pronouncing missing persons and deaths, taking or returning working ability and parenting rights, issuing marriage licenses etc.⁶³ However, in the case of rehabilitation, the use of non-contentious proceeding means that there cannot be another side, represented by the state or a party, to oppose the claims of the requesting side, so the decision is left to the commission or only one judge based only on the materials and claims filed by the requesting party. The court can also request materials from archives or other institutions if necessary, and if there are no materials or proofs to justify request for rehabilitation, those

⁶³ Tatjana Tagirov. "Rehabilitacija u Srbiji" (Rehabilitation in Serbia), *Vreme*, No. 955, 23.04.2009, <http://www.vreme.com/cms/view.php?id=862140>, last accessed on November 17, 2013

requesting rehabilitation should hand in “a description of persecution or violence with the data which could serve to identify the person and event more closely”⁶⁴.

Another problem is the financial aspect of rehabilitation. The law specifies that retribution will be defined by another law which was not adopted by the time of the adoption of the 2011 Rehabilitation Act which defined retribution and return of property. As the requests filed before 2011 have been processed according to the 2006 law, it remains unclear whether those rehabilitated by the 2006 law will have a right to retribution or return of property, unless they start another court process requesting it. The lack of retribution after rehabilitation defined by the 2006 law makes legal rehabilitation in Serbia symbolic, especially when we consider the fact that most people concerned are no longer alive.

Retribution would also represent a great financial difficulty to the budget of the Republic of Serbia. Slobodan Homen, the state secretary in the Ministry of Justice from 2008 to 2011, estimated that Serbia would need between 110 and 250 billion euros in order to compensate the taken property only and the current capacity of Serbia for this purpose is around 500 million per year⁶⁵. Although many people sentenced in the post-war years lost their property and the numbers estimated by Homen are very high, the retribution would burden the state budget even more.

There were a little around one thousand people rehabilitated between 2006 and 2009, out of 1500 requests filed⁶⁶. Cvetković explains that the rehabilitation is differently implemented and with different speed, depending on will and mood of certain judges and the social-political milieu where the court is working. The courts in Belgrade and Šabac have

⁶⁴ Ibid

⁶⁵ P. Vasiljević, A. Palić, "Vlada Spretna Da Formira Komisiju" (Government Ready to Establish Commission), *Večernje Novosti*, 01.09.2009, <http://www.novosti.rs/vesti/naslovna/aktuelno.290.html:244125-Vlada-spremna---da-formira-komisiju>, last accessed on May 10, 2014

⁶⁶ Srđan Cvetković, "I Loš Zakon Bolji je Ni Od Kakvog" (Even Bad Law is Better than None), *Politika*, 14.10.2009. <http://www.politika.rs/rubrike/Sta-da-se-radi/I-losh-zakon-bolji-je-ni-od-kakvog.lt.html>, last accessed on April 6, 2014

rehabilitated almost 60 percent of all rehabilitated in Serbia, while the number of those rehabilitated in relation to the number of requests is 100 percent in Šabac and 45 percent in Belgrade and significantly lower in other cities⁶⁷. According to Cvetković, it is a common case that people from regions where rehabilitation is processed slowly solve that issue by applying for residence in the region where a judge decides faster⁶⁸.

There were dozens of thousands of convicted people in Serbia from 1945 to 1985⁶⁹ whose convictions or executions may be considered as based on political or ideological reasons, but they are not so clear in every case, especially in the cases of the people accused for war crimes and collaboration in the Second World War. However, legal rehabilitation in Serbia is not only about the people such as Dragoljub Mihailović and the members of the Chetnik movement, but also for the victims of purely political or ideological trials.

2.1.1. Analysis of rehabilitation cases

The rehabilitation processes are different depending on the case and the court which is responsible for it. In some cases, the court demands only one document proving death of the person concerned and in others, the court requests documents from different archives. Another issue is the duration of rehabilitation procedure. The analysis of 10 rehabilitation cases presented at the website of the High Court in Belgrade, which is responsible for rehabilitation, showed that the court makes decisions after only one proceeding. However, it can take years between the request and the court decision. In the cases analyzed, the shortest period was one year, but only in the case of rehabilitation of Dimitrije Stanojević and the

⁶⁷ Ibid

⁶⁸ Ibid

⁶⁹ Cvetković claims that there were more than 50 000 people executed without court decision plus dozens of thousands who were sentenced by administrative or court decision, <http://www.politika.rs/rubrike/Sta-da-se-radi/I-losh-zakon-bolji-je-ni-od-kakvog.lt.html>; Milikić argues that the number of all politically convicted or executed is around 50 000 "according to the unofficial sources", http://www.danas.rs/danasrs/drustvo/dosad_rehabilitovano_2000_nevino_osudjenih.55.html?news_id=246572

others vary from two to five years (three years in four cases, in two cases more than five years). The examples of some rehabilitation cases completed at the High Court in Belgrade will be listed below.

The writer Borislav Pekić, who was sentenced to 10 years of work imprisonment in 1948 and confiscation of property, was rehabilitated in 2007. He was arrested in 1948 because he was a member of the Association of Democratic Youth of Yugoslavia. Another similar case is the rehabilitation of Dimitrije Stanojević in February 2012 by the High Court in Belgrade. Stanojević was arrested at age 16 because he belonged to the same Association of Democratic Youth as Pekić, after propaganda materials of the Association had been found at his home. He was sentenced to one year of work imprisonment according to the Law on Criminal Acts against the People and State⁷⁰.

Emilijan Milan Kalafatić, who was sentenced to years of forced work at Goli Otok because he expressed the opinion at a party meeting that Yugoslavia should not break the relations with Soviet Union but seek compromise, was rehabilitated in 2012. The facts causing prolonging of his sentence were that he had gone to a party school in Moscow and had married a Russian woman and that he participated in the Spanish Civil War and was a member of the French Resistance did not help him⁷¹.

Some of the ethnic Germans imprisoned or persecuted by the Yugoslav regime were also rehabilitated. Such is the case of Nol Franz, who was imprisoned in the Knićanin camp from 1945 until 1948 with his family and then moved to a farm where he had to work for three more years, while all his property was taken away by the state. In this case, the court used as many as nine different archives and could not find any reason for the imprisonment of Franz so the decision of the Yugoslav regime to take the property of him and imprison the whole family was decided to have been based on political and ideological reasons by the

⁷⁰ Court Decision, No. 35/11, 24.02.2012. High Court in Belgrade, available on: <http://www.bg.vi.sud.rs/lt/articles/o-visem-sudu/rehabilitacija.html>, last accessed on April 4, 2014

⁷¹ Court Decision, No. 296/10, 07.02.2012, High Court in Belgrade

High Court⁷². Franz wrote in his request that he also expected his property back, but as his rehabilitation request was processed by the 2006 law, he would have to file another request for restitution. That is the same for other cases cited, because although the proceedings were often held after the 2011 law was adopted, the requests had been filed during the validity of the 2006 law.

2.1.2. Rehabilitation of Bogdan Lončar and Milenko Braković

The first case which had a symbolical significance and attracted a lot of attention in Serbia is the rehabilitation of Bogdan Lončar and Milenko Braković, rehabilitated by the Regional Court in Šabac in 2008. They were police officers in the occupied Serbia, killed by the Partisan Žikica Jovanović Španac on the 7th of July 1941. The court decided that

"The shots from the gun of a brand "Steier", with which the communist Žikica Jovanović Španac killed police sergeant Bogdan Lončar and corporal Milenko Braković in Bela Crkva on the 7th of Jul 1941, did not mark the beginning of the uprising against the German occupation. The members of the Partisan movement shot the victims of persecution and violence because of the political and ideological reasons affecting their right to live⁷³".

7th of July was pronounced as the Day of Uprising of the People of Serbia by the Yugoslav regime after the Second World War and it was removed from the official calendar by the Serbian National Assembly in 2001. Žikica Jovanović Španac had the title of a People's Hero in Yugoslavia and the Yugoslav state made statues in his honor in the region around Bela Crkva where the incident had happened with many schools and streets carrying his name. This also changed much before the official rehabilitation of Lončar and Braković and while the streets and schools which had been named after Španac got new names, the statues of Braković and Lončar were set up in the yard of the Orthodox Church in Bela Crkva in 2000 and 2002. On the statue of Braković it is written "so that it never happens again that a

⁷² Court Decision, No. 113/10, High Court in Belgrade, 07.02.2012

⁷³ The court decision quoted in: Miroljub Mijusković, "Žandarmi iz Bele Crkve Žrtve Ideološkog Terora" (The Police Officers from Bela Crkva Victims of Ideological Terror), *Politika*, 05.01.2009, <http://www.politika.rs/rubrike/Drustvo/Zandarmi-iz-Bele-Crkve-zrtve-ideoloshkog-terora.lt.html>, last accessed on April 5, 2014

Serb kills a Serb"⁷⁴.

The idea of a replacement of the narrative of the beginning of the Serbian uprising by the narrative of the civil war and "Serbs killing Serbs" was also expressed by the judge Gojko Lazarev, who was in charge of this rehabilitation case. One month after the court decision, he made a statement for the media:

"Unfortunately, a Serb killed a Serb on the 7th of July, which marked the beginning of the civil war in Serbia. It was an uprising against the state with a clear goal of changing the system completely. The sergeant and the corporal were murdered by the members of the Partisan movement for ideological and political reasons. During the next four years, an overturn took place. The Serbian royalists were replaced by the Yugoslav communists. The irony is that the Germans had a small or almost no role in it"⁷⁵.

Although the Yugoslav state's choice of the 7th of July to be the official Day of Uprising could be questioned, the rehabilitation of two police officers who were in the service of occupation faced many critiques and support as well. The historian Đorđe Stanković explained that there is no doubt that on that day, Serbia had been under German occupation for three months already and the Serbian authorities put themselves in the service of the occupation, the same way as the two police officers did. He further explains that on the day of the incident, the officers wanted to prevent the gathering in the village, which was according to the German law on banning public gatherings in occupied Serbia. What the court and media missed in the research and discussions is the fact that all witnesses and documents from the time clearly state that the police officers took out their arms first and the Partisans reacted to it by firing their guns and killing them⁷⁶. Another historian, Srđan Cvetković, argues that the rehabilitation represents a new view on the historical events which

⁷⁴ "Da se više nikad ne dogodi da Srbin ubije Srbina", Milan Radanović, "Sudsko Brisanje Antifašizma" (Court Deleting of Antifascism), *E-Novine*, 7.7.2012, <http://www.e-novine.com/drustvo/67670-Sudsko-brisanje-antifaizma.html>, last accessed on April 6, 2014

⁷⁵ A. Delić, "Španac Pucao u Nedužnog Čoveka" (Spanac Shot an Innocent Man), *Večernje Novosti*, 07.01.2009, <http://www.novosti.rs/vesti/naslovna/reportaze/aktuelno.293.html:229557-Spanac-pucao-u---neduznog-coveka>, last accessed on April 6, 2014

⁷⁶ Đorđe Stanković, "Zemlja Nesrećnih Mrtvaca" (The Land of the Unhappy Dead), *Politika*, 21.02. 2009, <http://www.politika.rs/rubrike/ostali-komentari/Zemlja-nesrecnih-mrtvaca.lt.html>, last accessed on April 6, 2014

is not ideologically influenced, and the murder of the two officers was now demystified, not representing a heroic act anymore⁷⁷.

Kosta Nikolić, an expert witness of this rehabilitation case, stated that celebrating the killing of Lončar and Braković caused long term negative consequences and prevented the process of national reconciliation and coming to terms with the ideological divisions which are still strong. He explains that their rehabilitation represents an important contribution to the Serbian society facing its totalitarian heritage, which still stands in the way of a full modernization and democratization of Serbia⁷⁸.

The rehabilitation of Bogdan Lončar and Milenko Braković is significant for four main reasons. First, the legal rehabilitation represented a formal epilogue of already changed culture of remembrance on the 7th of July 1941, which was removed from the official calendar after 60 years in 2001. The police officers in question had been already commemorated in a positive way by the statues and the Yugoslav glorification of Žikica Jovanović Španac and his act of killing them was demystified years before the rehabilitation. Second, this rehabilitation case reflects the tendency of the delegitimization of Yugoslavia, because it officially reevaluated the day which had been one of the foundations of the Yugoslav regime and its narratives. Third, the rehabilitation case is contested in the same way as in the debates on other events and people from the Second World War in Serbia, where one side claims that it is historical revisionism and the other side argues that it is an objective view on the historical events which serves overcoming of the authoritarian past. Finally, this court case was important because it was the first rehabilitation case where historians participated as expert witnesses in order to offer an interpretation of the events and substitute

⁷⁷ I. Mićević, "I Heroj i Terorista" (Both Hero and a Terrorist), *Večernje Novosti*, 09.01.2009, <http://www.novosti.rs/vesti/naslovna/aktuelno.293.html:229712-I-heroj-i-terorista>, last accessed on April 7, 2014

⁷⁸ Kosta Nikolić, "Uloga Seoskog Vašara u Srpskoj Istoriji" (The Role of a Village Faire in Serbian History), *NIN*, No.3028, Belgrade: 08.01.2009, <http://www.nin.co.rs/pages/article.php?id=42180>, last accessed on April 6, 2014

direct witnesses.

2.2. Rehabilitation of Dragoljub Mihailović

The rehabilitation case of Dragoljub Mihailović resembles the case of Lončar and Braković and it has been processed according to the 2006 law. This sub-chapter will give an overview of the proceedings and the statements which have been made by the witnesses in order to analyze the main issues concerning this rehabilitation case. The court process caused a lot of negative reactions in Serbia and region, which will be analyzed in order to put the court case in the context of contestation.

2.2.1. The first proceedings

The request for the rehabilitation of Dragoljub Mihailović was filed in 2006 by his grandson Vojislav Mihailović, supported by the Serbian Liberal Party and Kosta Čavoški, the Association of the Members of the Yugoslav Army in the Homeland, the Association of Political Convicts and Victims of Communist Regime and professor Smilja Avramov. They requested the annulment of the court decision of 1946 which sentenced Mihailović to death, claiming that Mihailović had not had a right to defense and that he had not seen his lawyer until the trial started.

The court proceedings started in September 2010. At this proceeding, Vojislav Mihailović's lawyer made a statement to the court about the reasons for filing the rehabilitation request, followed by Kosta Čavoški, who explained that the 1946 trial and its decision had been politically motivated because Mihailović had not had freedom of communication with his legal representative or a right to appeal. The head of the court council in this case, Aleksandar Ivanović, announced that Rista Vuković, a veteran of the People's Liberation Army, had filed a request to testify and that the court would decide about

it until the next proceeding. The representatives of the group which had filed the rehabilitation request protested against it, because the Rehabilitation Act did not define two sides in the rehabilitation proceedings.

Rista Vuković's request to testify was rejected at the proceeding of 29th of October, 2010. Aleksandar Ivanović stated in media that his testimony would not contribute to the determination of the truth in the rehabilitation process, which is about the 1946 trial and not about historical events⁷⁹. Vuković's representative, Bajo Smiljanić, explained that Vuković thought that the court decision had not been political and that Mihailović's guilt had already been proved, so his testimony would not be about guilt⁸⁰. At the proceeding where Vuković's request was rejected, the court accepted the request for a testimony of Milton Friend, a USA Air Force veteran. The court stated that he could testify because the American pilots had not testified at the 1946 trial⁸¹. Milton Friend talked about the 1944 event when his plane had crashed in Serbia and they had been found by the Chetniks, with who they spent 40-50 days, after which they were transported to Italy. He also explained that the group of pilots had wanted to go to Yugoslavia to testify in 1946, but that "the communists had not accepted that, claiming that the wartime crimes Mihailović had been responsible for had been so hard, that the testimonies of the pilots in his interest would have not changed his guilt"⁸².

The following two proceedings of November 2011 and March 2012 consisted of the testimony of Slobodan Marković, president of the State Commission for the Secret Tombs of Those Killed after 9th of September, 1944 and member of another state commission for the investigation of the circumstances of Dragoljub Mihailović's death. Marković's testimony was focused on the 1946 trial and the results of the search for Mihailović's grave. He provided the

⁷⁹ "Rehabilitacija Draže: Sud Odbio Svedočenje Partizana" (Rehabilitation of Draža: Court Rejected Partisan's Testimony), *Radio Televizija Vojvodine*, 09.12.2010, www.rtv.rs/sr_lat/news/print/227398, last accessed on May 11, 2014

⁸⁰ Ibid

⁸¹ Transcript of the Proceeding of 29th of October, 2010, The High Court, Belgrade, 2

⁸² Ibid, 4

court with a report of the commission which had investigated the death of Mihailović and documents from Yugoslav and British sources, which supported the argument that the trial had not been conducted according to legal standards. According to the testimony where Marković quoted his sources, it had been ordered to the lawyer Dragić Joksimović to represent Mihailović and he had met Mihailović only five times and had been often interrupted during the trial⁸³. Furthermore, he repeated during both proceedings that the guards had been giving alcohol to Mihailović while waiting for and during the trial, which could explain his disorientation in the courtroom, but there were no assumptions of someone actually forcing Mihailović to drink⁸⁴.

At the second proceeding, Marković provided the court with a biography of Dragoljub Mihailović, written by two expert witnesses of this case, Kosta Nikolić and Bojan Dimitrijević, which was issued by the state publishing house for textbooks⁸⁵. This book represents Mihailović in only positive light, not denying, but leaving out the issues of war crimes and collaboration. Marković further talked about the attitude of the Allies towards Mihailović, mentioning the medals Mihailović had received from Charles de Gaulle and Harry Truman. Marković also explained that out of 24 Chetniks in higher positions who were supposed to face charges together with Mihailović with some of them actually sentenced, the majority had stayed in emigration in the United States and Great Britain and they had not been extradited, although these countries had had good relations with Yugoslavia⁸⁶.

Marković did not talk about war crimes or collaboration of the Chetniks where Mihailović could have been responsible as a commander, but he explained the attitude Mihailović must have had about collaboration by describing an example of 1944, when the

⁸³ Transcript of the Proceeding of 30th of November, 2011, The High Court, Belgrade, 4

⁸⁴ Transcript of the Proceeding of 30th of November, 2011 and 23rd of March, 2012, The High Court, Belgrade, 6

⁸⁵ Kosta Nikolić, Bojan Dimitrijević, *General Dragoljub Mihailović 1893-1946: Biografija (General Dragoljub Mihailović 1893-1946: Biography)*, (Belgrade: Zavod za Udžbenike, 2011)

⁸⁶ Transcript of the Proceeding of 23rd of March, 2012, The High Court, Belgrade, 5

Chetniks had executed some of the collaborators from their units⁸⁷. He also put an accent on the Chetniks' fights against German forces and the attitude German commanders had had about Mihailović as a enemy, which is again the data coming from research done also by Kosta Nikolić and Bojan Dimitrijević, for the commission for the investigation of the circumstances of Mihailović's death.

2.2.2. *Historians as expert witnesses*

Jellison summarized the main issues concerning historians testifying in courts, arguing that the main issues are objectivity and honesty. If a historian provides an honest representation of historical facts, there should be no problem. However, in the courtroom context, scholars as expert witnesses are dealing with interpretation, rather than pure facts and she explains that this is where problems appear⁸⁸. Evans, who was an expert witness himself, warns that there has been a "judicialization of history" since the nineties, forcing historians and their work into the service of moral and legal forms of judgment which are alien to the historical discipline and harm "the subtleties and nuances of the historian's search for truth"⁸⁹.

The proceedings in Dragoljub Mihailović rehabilitation case since June 2012 have been based on the testimonies of historians. At the proceeding of 20th of June, the already mentioned Kosta Nikolić and Bojan Dimitrijević were invited as witnesses, together with another historian, Veselin Đuretić. Đuretić is also a supporter of Mihailović's rehabilitation and thus is important for this topic, because it was in his book in the eighties that the justification of collaboration of the Chetniks appeared for the first time in Serbian scholarship, as well as the thesis of the Chetniks as a resistance movement more dedicated to

⁸⁷ Ibid, 8

⁸⁸ Katherine Jellison, "History in the Courtroom: The Sears Case in Perspective", *The Public Historian*, Vol.9, No. 4, 1987, 13

⁸⁹ Richard J. Evans, "The Historian as Expert Witness", *History and Theory*, Vol. 41, No. 3, 2002, 326

the protection of the Serbian people than the Partisans⁹⁰.

Bojan Dimitrijević was the only historian to give testimony at the June proceeding while the other testimonies were postponed. The topics of his testimony were the circumstances of the 1946 trial and historical facts concerning the subject of the trial. In the first part of the testimony, Dimitrijević talked about the trial, stating that it had not been balanced, because some witnesses from the Allies had not been invited, including the members of the US Air Force who had been saved by the Chetniks. Furthermore, he discussed three documents which had been used at the trial and which had been falsified according to Dimitrijević. Those are letters to Ante Pavelić and Alojzije Stepinac which had been supposed to prove the cooperation of the Chetniks and the Ustasha and the letter to the commanders in Montenegro in 1941, ordering the killing of communists and non-Serbs. Dimitrijević also dismissed an issue of command responsibility, which had been used in the trial against Mihailović similarly to the Nuremberg trials, but it had not been defined in the Yugoslav legislation⁹¹.

Dimitrijević focused on the Chetniks' wartime activities in the second part of the testimony. He explained with the actions of German forces in Serbia against the Serbian population with a high number of victims why Mihailović had stopped the anti-occupation fights in 1941 and had turned to fighting against the Partisans instead. However, Dimitrijević continued by analyzing German sources which had recognized the Chetniks as a resistance movement and explained that "Mihailović's forces actively participated in fights against the German units in 1941"⁹², which is opposed to the previous statement about no fights against the occupation in 1941. Dimitrijević went through meetings of the Chetniks and German commanders, the meeting between Mihailović and Milan Nedić, arguing that there had been

⁹⁰ Veselin Đuretić, *Saveznici i Jugoslovenska Ratna Drama (The Allies and Yugoslav War Drama)*, (Belgrade:Narodna Knjiga, 1985), 201-208

⁹¹ Transcript of the Proceeding of 20th of June, 2012, The Hight Court, Belgrade, 5

⁹² Ibid, 6

no real collaboration. He justified the placement of some Chetnik units under the command of Nedić ("the legalization") in 1943-44 and Mihailović's tolerance of it, that Mihailović had known that it had been the only way to protect his people⁹³. Dimitrijević acknowledged that Mihailović had known about his commanders collaborating with the German or Italian forces, but "he had not approved this cooperation personally, nevertheless seeing it as a possibility for his movement to destroy the Partisan movement in some territories, to stop their progress and eventually get arms"⁹⁴. This is what Mihailović admitted at the trial, namely that he had known that the largest part of his commanders who had fought against the Partisans had to cooperate with Italian, German, Slovenian and Nedić's forces⁹⁵. Dimitrijević also justified the collaboration with the NDH and occupation forces in the territories of Croatia and Montenegro, pointing out that there had been different contexts in occupied Yugoslavia which had led to differently motivated and justified collaboration⁹⁶.

Veselin Đuretić was invited by 12 organizations which continued the tradition of Ravna Gora movement to be an expert witness, as a historian of contemporary age who had dedicated many books to the Chetnik dimension of the resistance in Serbia⁹⁷. His testimony at the proceeding of 22nd of November 2012 is a one page document, as the witness did not testify, but provided the court with a book he wrote especially for the rehabilitation case and his written opinion about the rehabilitation of Mihailović. He stated that the book and the document he handed in provided enough information so that he did not want to testify⁹⁸. Đuretić explained that his book dealt with a historical role of Dragoljub Mihailović in a wider context as having been at the crossroads of "two models of Yugoslav organization"⁹⁹. He described these two models as "ethnic-linguistic and pro-western based, represented by

⁹³ Ibid, 8

⁹⁴ Ibid, 9

⁹⁵ Ibid, 9

⁹⁶ Ibid, 9

⁹⁷ Transcript of the Proceeding of 22nd of November, 2012, The High Court, Belgrade, 2

⁹⁸ Ibid, 3

⁹⁹ Ibid, 2

Mihailović, and the one which destroyed Serbian lands and harmed Yugoslavia, pragmatic retrograde greater-Croatian and greater-Albanian, personified by Josip Broz Tito"¹⁰⁰.

Kosta Nikolić testified at the same proceeding, shortly repeating the arguments given before by Marković and Dimitrijević about the nature of the 1946 trial and the perception of the German command that the Chetniks had been a resistance movement. He supported the common argument that the letters to Stepinac and Pavelić presented at the trial had been fake and the thesis that Mihailović had had a lot of signed blank papers, which had been found and filled out and used as an evidence against him¹⁰¹.

Nikolić also interpreted the 1946 court decision, stating that the main reason for sentencing Mihailović had been the betrayal of the People's Liberation War and contribution to the extermination of Yugoslav people in the region, as the criminal act of genocide had not been defined yet. Nikolić added that Mihailović had not been sentenced for command responsibility and that there had been no evidences that Mihailović had personally given commands for executions¹⁰².

The Association of the Veterans of the People's Liberation War (SUBNOR) in Serbia sent an request to the court that a historian Branko Latas should testify and the court accepted it. Latas had worked in the Military Historical Institute in Serbia where the archives include documents about the Chetniks from Yugoslav, British, American sources and those which belonged to the Chetnik movement. Latas has been researching and writing about the Chetniks for decades, but from another angle than the other expert witnesses, which is why he was requested by SUBNOR. One month before Latas testified in November 2013, a group of people and organizations had filed a request that historians Miodrag Zečević, Antun Miletić and Aleksandar Sekulović should be also considered as expert witnesses. The request was signed by 53 people, including 18 descendents of the victims of the Chetniks, who stated

¹⁰⁰ Ibid, 2

¹⁰¹ Ibid, 5

¹⁰² Ibid, 4

that there was a need to hear the other side, as the only expert witness invited to testify about the Chetnik crimes had been Branko Latas, while the other four witnesses were long-time supporters of the rehabilitation of Mihailović¹⁰³.

The testimony of Branko Latas was completely opposed to the testimonies of the previous historians. He stated right away in the beginning that the Chetnik movement had been "collaborationist and not antifascist"¹⁰⁴. Latas described the meeting of Mihailović with the German command in Divci 1941, adding the content which had not been mentioned before at the court, that Mihailović had presented his proposal to the Germans, saying that he would not fight against them or attack them, separating his army from the Partisans. He explained that he had used foreign and Yugoslav sources in his research on the Chetniks, including the archives in Washington, Vienna, Munich and Freiburg. The court asked Latas whether he had found any proofs of the collaboration and crimes against the Muslims in the British and American sources and he gave a positive answer, presenting the examples. He acknowledged that the Chetniks had saved a lot of American pilots, but added that they had also killed or given to the German forces some pilots¹⁰⁵.

Helsinki Committee for Human Rights in Serbia, Women in Black, the Association of Antifascists of Serbia and some other organizations filed a lawsuit against Bojan Dimitrijević and Kosta Nikolić in August 2013, stating that they "had presented non-correct facts and false statements, although they had been aware as historians that their testimonies had not fit the material truth"¹⁰⁶. They provided the court with 1000 pages of materials, together with analyzed testimonies of the historians from the transcripts of the proceedings. The Public

¹⁰³ "Proces Rehabilitacije Draže Mihailovića: Antifašisti Traže da se Saslušaju Novi Svedoci" (The Rehabilitation Process of Draža Mihailović: Antifascists Demand Hearing of New Witnesses), *E-Novine*, 30.10.2013, <http://www.e-novine.com/drustvo/92947-Antifaisti-trae-sasluaju-novi-svedoci.html>, last accessed on May 16, 2014

¹⁰⁴ Transcript of the Proceeding of 25th November, 2013, The High Court, Belgrade, 2

¹⁰⁵ Ibid, 4

¹⁰⁶ Lawsuit, available on http://www.helsinki.org.rs/serbian/doc/krivicna%20prijava%20hos%20sept_17_2013.pdf

Prosecutor's Office in Belgrade rejected the lawsuit in February 2014 with the right to appeal, which is what the organizations did. However, the appeal was also rejected in the end of March.

2.2.3. *The issues in the rehabilitation process*

There was only one more proceeding in the process of rehabilitation of Dragoljub Mihailović on 25th of December 2013, where the court decided to postpone the process for 45 days until the court decision was made about the charges against Bojan Dimitrijević and Kosta Nikolić for giving false historical facts in their testimonies. At the same proceeding, the adviser of the President of Serbia, Oliver Antić, appeared and demanded from the court council that they decide about the rehabilitation as soon as possible. However, there has been no continuation or any announcement from the High Court about the rehabilitation of Dragoljub Mihailović until today, although it was supposed to be continued in February and the decision about the charges against the two historians has been made.

The main issues in the case of the rehabilitation of Dragoljub Mihailović are the choice of witnesses and their testimonies. The problem of the choice of witnesses reflects the issues of the 2006 Rehabilitation Act. As the law defines non-contentious proceeding as a way of implementation of rehabilitation in courts, there cannot be another side in the case. In the case of Mihailović, that means that those who support the rehabilitation are invited as witnesses, with an exception of Branko Latas, who was included because of the pressure by the Serbian civil society and media. This implies that the interpretations of the witnesses are not questioned and conflicted with the opposed arguments of historians. As the rehabilitation of Mihailović reflects the tendency of delegitimization of Yugoslavia and its narratives of the Second World War, the historians who consider that Mihailović had been guilty for collaboration and war crimes and oppose the rehabilitation are perceived as a continuation of the Yugoslav narrative, which is why they have not been included in the case.

An important remark is that all witnesses except Đuretić and Latas are members of the state-funded commissions for investigation of the circumstances of Mihailović's death and long-time supporters of the rehabilitation. Although Đuretić is not a member of any state-funded project, he is an important witness, as the justification of the wartime activities of the Chetnik movement first appeared in his works in Serbia. His dedication to the rehabilitation could be seen from the fact that he had written a book which was supposed to serve the court in the rehabilitation case.

The court stated that the purpose of the rehabilitation case is not dealing with the activities of the Chetniks during the Second World War, which was the argument used in order to reject Rista Vuković as a witness. The aim of the rehabilitation is annulment of the court decision of 1946 which sentenced Mihailović to death and whether the trial was conducted properly or politically and ideologically manipulated. However, all historians who were expert witnesses discussed the period of the Second World War and not only the 1946 trial. Latas and Đuretić did not even mention the trial, but talked only about the circumstances of the Second World War in Serbia. This is why not only choice of particular witnesses is problematic, although according to the 2006 law, but the choice of historians as expert witnesses. In order to discuss the legal issues, there would have to be experts for the law and court practice of Yugoslavia, to determine what was wrong at the trial and if it was conducted according to the legal standards. Another question which would have been answered by the legal experts is whether Mihailović would have been sentenced anyway if there had not be any proofs of war crimes or collaboration.

2.3. Contestation

The rehabilitation of Dragoljub Mihailović has been a contested subject. External negative reactions came from countries in the region such as Croatia and Bosnia and Herzegovina, involving politicians and the associations of veterans of the Second World War.

The main examples of the reactions from the region will be given in this sub-chapter. The reactions were the strongest in 2012, because the Serbian media and High Court in Belgrade expected Mihailović to be rehabilitated by the end of the year.

The strongest opposition to the rehabilitation of Mihailović in Serbia has been in the civil society led by the Helsinki Committee for Human Rights. The debate about the rehabilitation has also involved Serbian historians who have been strongly divided on this issue.

2.3.1. Reactions in the region

The strongest external reactions on the rehabilitation came from Croatia. In March 2012, the political party Croatian Democratic Union (HDZ) requested the withdrawal of the Croatian ambassador from Serbia because of the rehabilitation of Dragoljub Mihailović. Frano Matošić, a HDZ representative in the Croatian parliament and observer at the European Parliament stated that HDZ would react harshly against the Croatian government and Serbia if rehabilitation of the Chetniks happened. He appealed to Croatian political leaders, demanding that the government and president had to come clear publicly where the withdrawal of ambassador would be the least they could do, and that the rehabilitation must not happen, because it was about war criminals¹⁰⁷. The President of Croatia, Ivo Josipović, expressed his disagreement by calling Mihailović a war criminal in the media, and the Minister of Foreign Affairs, Vesna Pusić, stated that the rehabilitation process made her sad and that the rehabilitation of quislings and Nazi collaborators was dragging all the countries of the region back¹⁰⁸.

Interest increased after the talk show *In Medias Res* on Croatian national television

¹⁰⁷ "Povući Ambasadora Zbog Draže" (To Retreat the Ambassador Because of Draža), *B92*, 28.03.2012, http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=03&dd=28&nav_id=595105, last accessed on April 8, 2014

¹⁰⁸ V.C. Spasojević, "Rehabilitacija Draže: Hrvati Spremni Samo na Mržnju" (Rehabilitation of Draža: Croats Ready for Hate Only), *Večernje Novosti*, 31.03.2012, <http://www.novosti.rs/vesti/naslovna/aktuelno.290.html:373403-Rehabilitacija-Draze-Hrvati-spremni-samo-za-mrznju>, last accessed on April 8, 2014

(HRT) where the main theme was the rehabilitation of Mihailović. Besides the guests from Croatia¹⁰⁹, a historian and former director of the Historical Archives of Serbia, Jovan Pejin, joined the discussion from Belgrade. Pejin talked about the Chetniks as a liberation movement and Dragoljub Mihailović as a leader who had not accepted the capitulation of Yugoslavia and had led its army against the occupation. Furthermore, Pejin changed the topic to the war crimes of the Ustasha and NDH and then to the war in Croatia in the nineties, calling Vukovar "a Serbian city"¹¹⁰. The host of the talk show, Petar Vlahov, invited Pejin because of his former position as director of the Historical Archives and membership in the Serbian Radical Party. However, Pejin's statements were far from objective expert testimony of a historian, which caused further negative reactions in Croatia, especially in tabloids.

The Croatian President, Ivo Josipović, gave a moderate statement after complaints of some local officials in Croatia that the attempt to rehabilitate Dragoljub Mihailović was not a good move of the Serbian state, but Croatia would wait with the official reaction until the final court decision. He also pointed out that there could be no reaction other than official protest, because the rehabilitation of Mihailović is an internal issue of the Republic of Serbia¹¹¹. He explained that everyone knew which crimes had been committed by the Chetniks in Croatia and other parts of former Yugoslavia and that he could not remember any fight against the occupation, but could recall many cases when the Chetniks had fought together with Germans and the Ustasha against the Partisans¹¹².

The reaction to the Croatian disagreement with the rehabilitation in Serbia came from the supporters of the rehabilitation of Mihailović, using discourse similar to that in the

¹⁰⁹ Ivan Tepeš from The Croatian Party of Rights (Hrvatska Stranka Prava), MP Damir Kajin from the Istrian Democratic Party (Istarska Demokratska Stranka), Marijo Jareb from the Croatian Institute for History and historian Zdravko Tomac

¹¹⁰ https://www.youtube.com/watch?v=yd48Q_4sQIo, last accessed on April 8, 2014

¹¹¹ "Rehabilitacija Mihailovića: Poraz Čovječnosti" (Rehabilitation of Mihailović: Defeat for Humanity), *E-Novine*, 16.03.2012, <http://www.e-novine.com/region/region-tema/60978-Rehabilitacija-Mihailovica-poraz-ovjenosti.html>, last accessed on April 8, 2014

¹¹² Ibid

eighties between Croatian and Serbian intellectuals. They pointed out to the Ustasha movement, accusing Croatia for having equalized them with the Partisans in the nineties and stressing the difference between the Chetniks and the Ustasha, although none of the statements of the Croatian politicians had included the thesis about the equalization of the Chetniks and Ustasha.

The State Secretary in the Ministry of Defense in Serbia, Slobodan Homen, responded that the question of the rehabilitation of Dragoljub Mihailović was an internal issue of the Republic of Serbia and Croatia had the least right to comment on it, because it equalized the quislings with the Partisans already in the beginning of the nineties. Furthermore, he called the Independent State of Croatia (NDH) "a Nazi puppet state of the Tripartite Part" whose politics did not fit the Allies, while the United States, England and France recognized the Chetniks as comrades. He added that "there were surely war criminals on the Chetnik side, but they were not and will not be rehabilitated"¹¹³.

Another response came from The Serbian Renewal Movement (SPO), a political party which has been organizing commemorations of the Chetniks since the nineties. Their main argument was that Croatia did not have a moral or historical right to comment on the rehabilitation of Mihailović and discuss "antifascist and anti-Nazi rules", as the "genocidal NDH" and the members of the Ustasha regime had been rehabilitated by the Croatian parliament in 1993 and the veterans received pensions higher than the Partisans' and Serbia had never responded to it¹¹⁴. SPO argued that it was the judges and not the politicians and "the street" deciding about the rehabilitation of Mihailović, based on the historical facts, and

¹¹³ V.C. Spasojević, "Rehabilitacija Draže: Hrvati Spremni Samo za Mržnju" (Rehabilitation of Draža: Croats Ready for Hate Only"), *Večernje Novosti*, 31.03.2012, <http://www.novosti.rs/vesti/naslovna/aktuelno.290.html:373403-Rehabilitacija-Draze-Hrvati-spremni-samo-za-mrznju>, last accessed on April 8, 2014

¹¹⁴ "Povući Ambasadora zbog Draže" (To Retreat the Ambassador Because of Draža), *B92*, 28.03.2012, http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=03&dd=28&nav_id=595105, last accessed on April 8, 2014

that the process had been conducted according to European standards¹¹⁵.

Savo Štrbac, the director of the Serbian documentation and informational center Veritas, said that Croatia had been founded on the rehabilitation and propaganda of the Ustasha movement and had been under the pressure of the crimes committed by the Ustasha, which is why they attempted to equalize the crimes of the Ustasha with the Chetniks. He explained that "the Croats had waited for their five minutes to attack Serbia in order to clean their own conscience and minimize their own guilt for the war crimes"¹¹⁶.

The reactions were strong in Bosnia and Herzegovina as well, especially considering the fact that there had been a revival of the Chetnik movement during the war in the nineties, and that there had been a statue of Mihailović built in Dobrunska Rijeka (called Draževina) near Višegrad and that the supporters of the Chetnik movement had been organizing gatherings and even marches around the anniversary of the Srebrenica genocide. Similarly to HDZ in Croatia, the Bosnian Patriotic Party (BPS) demanded from the Presidency that Bosnia and Herzegovina breaks diplomatic relations with Serbia because of the possibility that Mihailović could be rehabilitated. Although it did not happen, the opinions about the rehabilitation in Bosnia were very negative.

The vice president of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina Denis Bećirović sent an open letter to the president of the Serbian National Assembly, Slavica Đukić-Dejanović, stating that ending the process of legalization of the Chetniks and their ideology in Serbia was not solely an internal issue. He explained that it affected Bosnia and Herzegovina, Croatia and Montenegro by legalizing the Chetnik project of a creation of Greater Serbia at the expense of other countries in region¹¹⁷. Bećirović

¹¹⁵ Ibid

¹¹⁶ V.C. Spasojević, "Rehabilitacija Draže: Hrvati Spremni Samo za Mržnju" (Rehabilitation of Draža: Croats Ready for Hate Only)

¹¹⁷ "I BiH Protiv Rehabilitacije Draže" (BiH Against the Rehabilitation of Draža as well), *B92*, 22.03.2012, http://www.b92.net/info/vesti/index.php?yyyy=2012&mm=03&dd=22&nav_category=12&nav_id=593345, last accessed on April 8, 2014

had already discussed the issue of the equalization of the Partisans and the Chetniks by the 2004 veteran law with the former president of Serbia Boris Tadić and the president of the National Assembly during his official visits to Serbia and he reminded Đukić-Dejanović about that problem in his letter as well.

The president of the Montenegrin parliament, Ranko Krivokapić, sent an open letter of support to Bećirović, stating that the rehabilitation of Dragoljub Mihailović had an effect on all countries in the region because it is a dangerous attempt of revising the history of the Yugoslav wars in the nineties. Krivokapić explained that "the war in Croatia and especially in Bosnia and Herzegovina were a practical realization of the goals of the Chetnik movement. He continued by saying that ethnic cleansing and genocide against the non-Serbian population were a central part of the Chetnik project and the legitimization of Draža Mihailović legitimized the crimes of his followers in Bosnia and Herzegovina"¹¹⁸.

Similarly to the officials, the Bosnian intellectuals agreed that the rehabilitation of Dragoljub Mihailović could seriously affect Bosnia and Herzegovina. The director of the Institute for History in Sarajevo, Husnija Kamberović, argued that the rehabilitation was a threat to the sovereignty of Bosnia because it included the rehabilitation of the ideology of the Chetnik movement. He explained that it was a problem because "[w]e know that this ideology sought to create Greater Serbia where there was no place not only for Bosnia, but also for certain people who live in it"¹¹⁹. Smail Čekić, the director of the Institute for Researching Crimes against Humanity and International Law, stated that the Bosnian intellectuals would keep protesting against the rehabilitation, because it was not only a

¹¹⁸ "Glas iz Crne Gore Protiv Rehabilitacije Draže Mihailovića" (Voice from Montenegro against the Rehabilitation of Draža Mihailović), *Moje Vijesti*, 05.04.2012, <http://www.mojevijesti.ba/novost/119289/Glas-iz-Crna-Gora-protiv-rehabilitacije-Draze-Mihailovića>, last accessed on April 8, 2014

¹¹⁹ "Reakcije u BiH: Rehabilitacija Draže Mihailovića Zanemaruje Zlodjela" (Reactions in BiH: Rehabilitation of Draža Mihailović Neglects the Crimes), *Nezavisne Novine*, 28.03.2012, <http://www.nezavisne.com/novosti/bih/Reakcije-u-BiH-Rehabilitacija-Draze-Mihailovića-zanemaruje-zlodjela-134429.html>, last accessed on April 7, 2014

historical and scientific issue, but also a moral one, as the rehabilitation falsified historical facts and conducted an ideological and political revision of history. Čekić said that, by recognizing the high number of victims of the followers of Mihailović, the Bosnian state and its antifascists and especially Serbian antifascists had to raise their voices and not stay silent about such initiatives¹²⁰.

The former President of the Presidency of Yugoslavia Raif Dizdarević argued that the problem is the rehabilitation of the movement which had committed the worst crimes in Bosnia and Herzegovina, which could be compared to those of the Ustasha. He made it clear that if a person who had been the leader of such a movement, politics and crimes would be rehabilitated, it would mean the rehabilitation of everything that was fascism¹²¹.

Ivo Goldstein, a historian from Croatia, summarized the reactions in the region by saying that the rehabilitation of Mihailović could only make the situation in Bosnia worse and that ideas such as rehabilitation of Mihailović would cause a new wave of historical revisionism. He argued:

Liberal-democratic public, in Serbia, BiH and Croatia, is appalled by the rehabilitation and it is against it. The extremists in each of these states will achieve something with this. Those who are supporting Draža, will glorify him and those who are radically against him and actually promote some other extremism, their time will come too and they will be promoting their own "heroes". We are entering a vicious circle of accusing each other and I am afraid that we are going back to some old times from 15-20 years before, for which we thought that we overcame them¹²².

¹²⁰ "Bošnjački Intelektualci Protiv Rehabilitacije Draže Mihailovića" (Bosniak Intellectuals against the Rehabilitation of Draža Mihailović), *Blic*, 04.04.2012, <http://www.blic.rs/Vesti/Politika/315661/Bosnjacki-intelektualci-protiv-rehabilitacije-Draze-Mihailovića>, last accessed on April 5, 2014

¹²¹ "Reakcije u BiH: Rehabilitacija Draže Mihailovića Zanemaruje Zlodjela" (Reactions in BiH: Rehabilitation of Draža Mihailović Neglects the Crimes)

¹²² Marija Arnautović, "Reakcije u BiH: Rehabilitacija Mihailovića Vodi u Istorijski Revizionizam" (Reactions in BiH: Rehabilitation of Mihailović Leads to Historical Revisionism), *Slobodna Evropa*, 27.03.2012, http://www.slobodnaevropa.org/content/bih_rehabilitacija_Mihailovića_je_opasna/24527913.html, last accessed on April 8, 2014

2.3.2. Reactions of civil society

The rehabilitation of Dragoljub Mihailović was opposed most strongly by the civil society in Serbia, mainly by the Helsinki Committee for Human Rights Serbia and the organizations gathered around it. Their activity has been based on appealing to the international community, organizing protests, and they sued two historians who are expert witnesses for deliberately giving false testimonies.

The first big protests of civil society happened in March 2012, at the same time as the reactions in Croatia and Bosnia and Herzegovina appeared in media, as the proceeding of 23rd of March was approaching. The Helsinki Committee issued a press release in the name of a few organizations¹²³ on 19th of March, expressing their disagreement with the rehabilitation of Dragoljub Mihailović and the Chetnik movement. The press release addresses the manipulation of public opinion in the court process of rehabilitation, and that it is the rehabilitation of a leader of the movement responsible for crimes against humanity. They claim that the rehabilitation annuls the antifascist struggle of Serbian and Yugoslav people and that it excludes Serbia from Europe's antifascist forces¹²⁴. Other than that, the organizations claimed that the rehabilitation of Mihailović and the Chetniks "would only incite neighboring countries' distrust in Serbia having waged the 1990s wars practically for the same ideology" and it would harm the feelings of many families of Chetnik victims¹²⁵.

Two days after the press release, under the name of "NO to Rehabilitation Campaign", the organizations cited published a call for protest in front of the High Court in Belgrade on 23rd of March, when the next proceeding was scheduled to take place. The call was published in the media and it referred to the crimes of the Chetnik movement and the significance of the rehabilitation of Mihailović as not only the normalization of a clearly negative historical

¹²³ League of Antifascists of Serbia, Lawyers Committee for Human Rights, Civil Initiatives, Women in Black and President of the Coordination Committee of the Fourth Vojvodina Convention Živan Berisavljević

¹²⁴ "Partners in Crime", Press Release (Belgrade: Helsinki Committee for Human Rights Serbia, 19.03.2012), http://www.helsinki.org.rs/press_t46.html, last accessed on April 8, 2014

¹²⁵ Ibid

figure, but the complete rehabilitation of the ideology and practice of the Chetnik movement¹²⁶. The call included the list of the crimes and numbers of the victims of the Chetnik movement in the territory of Serbia, Montenegro and Bosnia and Herzegovina. The protest in front of the court gathered representatives of 14 organizations carrying the banners with slogans depicting Mihailović as a criminal and expressing disagreement with rehabilitation. The protesters faced another protest on the other side of the street, gathering the supporters of the rehabilitation of Mihailović and members and veterans of the Ravna Gora movement, with members of the far right organizations *Obraz* and *Dveri srpske* carrying the portraits of Dragoljub Mihailović and Ratko Mladić.

In July 2012, the initiative against the rehabilitation published an appeal to the international community, its signature showing that more organizations joined the initiative¹²⁷. The initiative appealed to embassies to inform their governments and public in their countries about the process of rehabilitation which could affect Serbian society and Serbia's relations with the neighboring countries and the international community. The appeal reminded of the moral and political rehabilitation of the Chetniks movement which would "soon culminate in a judicial rehabilitation of the movement's leader Dragoljub Mihailović"¹²⁸. The text also gave an overview of the wartime activities of the Chetnik movement and the significance it had during the wars in the nineties.

Another aspect of the activities of the Helsinki Committee and the other organizations in the initiative against the rehabilitation of Mihailović have been series of public lectures about the wartime activities of the Chetniks during 2012 and 2013. The Association of

¹²⁶ "Ratni Zločinac Draža Mihailović" (War Criminal Draža Mihailović), *Peščanik*, 21.03.2012, www.pescanik.net/2012/03/ratni-zlocinac-draza-mihailovic/, last accessed on April 5, 2014

¹²⁷ Alliance of Antifascists of Vojvodina, Antifascist Action Novi Sad, Youth Initiative for Human Rights, Center for Cultural Decontamination, Foundation "Biljana Kovačević Vučo", Group "Spomenik", Policy Center, Belgrade Center for Human Rights, Independent Journalists' Association of Vojvodina and Center for Euro-Atlantic Studies

¹²⁸ "Appeal to the International Community", July, 2012, www.helsinki.org.rs/press_t47.html, last accessed on May 9, 2014

Antifascists of Serbia published a book "No to the Rehabilitation: Public Reactions" in 2014 which gathers critical reactions in media on the rehabilitation of Mihailović.

2.3.3. *The division among intellectuals*

Serbian historians have been divided about the topic of the rehabilitation of Dragoljub Mihailović and the debate has been taking place in media, rather than in academic publications. Their opinions resemble the general contestation of this topic in Serbian society where one side considers the rehabilitation as a correction of a historical and legal injustice, while the other side sees the rehabilitation of Mihailović as a culmination of revisionist history politics in Serbia. The examples of a few most common opinions about the rehabilitation from media will be listed below.

The comments supporting the rehabilitation were mostly made by the expert witnesses and other historians who were also members of the state-funded commissions for investigation of the crimes of Yugoslav regime and the circumstances of Mihailović's death. Their main argument is that the 1946 trial was manipulated and that injustice was done to Mihailović, which should be corrected by rehabilitation. Besides that, they deny Chetnik collaboration in their media statements and insist on the antifascist nature of the Chetnik movement. Kosta Nikolić, the expert witness and author of the biography of Mihailović, has been one of the main supporters of Mihailović's rehabilitation. He stated in 2007, after the request had been filed, that Mihailović should be rehabilitated because it was important that the historical injustice against Mihailović was corrected. He claimed that the best way would be repeating the trial of 1946, arguing that those who opposed the rehabilitation had forgotten that it had been a typical manipulated political trial and that they had used to live in the system of one party dictatorship¹²⁹. Nikolić talked about rehabilitation when the process has

¹²⁹ Nada Kovačević, "Ispravljanje Istorije: Da li će biti Obnovljen Sudski Proces?" (Correcting History: Will

already started, pointing out that Mihailović had been not convicted as a war criminal or a traitor of the Serbian people, but as a traitor of the People's Liberation War and for alleged collaboration with Germany. He put an accent to the fact that Mihailović had wanted to protect the Serbian people which was the reason he had waited with fight against occupation, as the German policy in Serbia had been killing 100 civilians for one dead German soldier. Nikolić also said that Mihailović had never collaborated with Germans¹³⁰.

Another expert witness, Bojan Dimitrijević, commented on the rehabilitation and Mihailović in an interview:

Respect really must be paid to Mihailović, by rehabilitating him and giving him the place he deserves in Serbian history of the twentieth century. I think this is a good model and that there is a wish of the Serbian state to deal with this. The state institutions helped our commission enormously, which has been researching the documents about execution of Mihailović and his remains, so I suppose that the result will be positive and Mihailović will be finally put in the place which belongs to him in history. The fact which worries me is that the National Assembly equalized the Partisans and the Chetniks but nothing special has happened, because there is still misunderstanding in Serbia, shared by intellectuals and citizens, that belonging to anti-communism was opposite to antifascism¹³¹.

Dimitrijević responded to the critiques that the rehabilitation represent revision of history and the turn in the culture of remembrance where the Partisans are replaced by the Chetniks by saying that a revision was necessary in order to reach a fair relation to the people who had been victims, often innocent. He emphasized that if something had had an ideological notion, it had been the trials of the communist time and not what was done today¹³².

The Trial Be Repeated?), *Politika*, 16.01.2007, www.politika.rs/rubrike/Drustvo/tl17254.lt.html, last accessed on May 9, 2014

¹³⁰ Vuk Z. Cvijić, "Istoričar: Rehabilitacija Mihailovića – Evropska Obaveza" (Historian: Rehabilitation of Mihailović – European Duty), *Blic*, 22.11.2012, <http://www.blic.rs/Vesti/Drustvo/354377/Istoricar-Rehabilitacija-Mihailovića-evropska-obaveza>, last accessed on May 10, 2014

¹³¹ "Bojan Dimitrijević: Mihailovića Rehabilitovati i Vratiti u Zaslužno Mesto u Srpskoj Istoriji" (To Rehabilitate Mihailović and Give back a Deserved Place in History to him), *Glas Srpske*, 25.09.2010, <http://www.glassrpske.com/plus/teme/Bojan-Dimitrijević-Mihailovića-rehabilitovati-i-vratiti-mu-zasluzeno-mesto-u-srpskoj-istoriji/lat/46153.html>, last accessed on May 9, 2014

¹³² Ljudmila Cvetković, "Rehabilitacija Kvislinga: Odriče li se Srbija Antifašizma?" (Rehabilitation of

Srđan Cvetković, a historian who has been a member of the State Commission which searches for the tombs of those executed after 1944, stressed that the claim that the Chetniks had been an anti-European and fascist movement could not be supported by historical facts, because Mihailović had been internationally accepted as an antifascist and there were facts which proofed it. He further pointed out that "London or Washington do not have anything against returning of honor and reputation to Mihailović, but only the countries of the region"¹³³. Cvetković did not ignore the fact that there was "a bloody civil war" in Serbia at the time where the separated Chetnik units over which Mihailović had no control committed crimes, but the problem was that they had paid for their crimes, as opposed to the Partisans¹³⁴.

The opponents of the rehabilitation mainly stress the collaboration and that the rehabilitation of the leader of the Chetnik movement represents politically motivated revision of the past. Dragoljub Petrović explained that he was against the rehabilitation of Mihailović, arguing that it would be necessary to repeat the trial in order to proof formally and legally that Mihailović was unjustly sentenced and that would be "a precedent in the world". He added that there was a lot of documentation proofing that Mihailović had collaborated with the occupiers and that the foreign representatives and media had been present at the public trial, which could be compared to the Nuremberg processes and in the same way, should not be questioned¹³⁵.

Todor Kuljić put the rehabilitation in the context of historical revisionism where the nationalist interpretations of the past are dominant, claiming that the revisionism had started

Quislings: Is Serbia Disowning Antifascism?), *Slobodna Evropa*, 23.03.2012, http://www.slobodnaevropa.org/content/rehabilitacije_kvislinga_odrice_li_se_srbija_antifasizma/24525465.html, last accessed on May 10, 2014

¹³³ V.C. Spasojević, "Rehabilitacija Draže: Hrvati Spremni Samo za Mržnju" (Rehabilitation of Draža: Croats Ready Only for Hate)

¹³⁴ Ibid

¹³⁵ Nada Kovačević, "Ispravljanje Istorije: Da li će biti Obnovljen Sudski Proces?" (Correcting History: Will The Trial Be Repeated)

much before the rehabilitations. He also warned that the post-war court decisions had been progressively annulled, causing a decreasing number of war criminals from the Second World War in Serbia and that the courts were politically motivated and serving the government. However, in the case of Mihailović, he stated that he could not define if it was about political use of the past or independent work of the court until final decision was made¹³⁶.

Similarly to Kuljić, Milivoj Bešlin describes that the Rehabilitation Act and its implementation leads to imposing false perception about certain historical events, people and processes, calling it an act of violence against critical historiography. He claims that during the rehabilitation of Mihailović, and in the court decisions to rehabilitate Pavle Karađorđević, Dragiša Cvetković, Momčilo Janković and others, a quasi-historiography of Yugoslav state and society in the 20th century was written, which has nothing to do with real investigated history¹³⁷.

Although the critiques about the rehabilitation of Dragoljub Mihailović were coming from the state officials of Croatia, Bosnia and Herzegovina and Montenegro, they were not addressed at the official level in Serbia. The only responses given were to Croatian critiques and came from the Serbian Renewal Movement and some individuals, where the main topics were accusing Croatia for rehabilitating the Ustasha and insisting on the difference between the Chetniks and the Ustasha. If Mihailović is to be rehabilitated, it could cause problems in the relations of Serbia with the countries in the region and the Serbian officials would have to address the critiques.

As stated in this chapter, the reactions were the strongest in 2012, because it was

¹³⁶ Ljudmila Cvetković, "Rehabilitacija Kvislinga: Da li se Srbija Odriče Antifašizma?" (Rehabilitation of Quislings: Is Serbia Disowning Antifascism?)

¹³⁷ "Milivoj Bešlin: Nenaučena Lekcija iz Istorije nas Može Puno Koštati" (Not Learned Lecture from History May Cost us a lot), *Dnevnik*, 14.12.2013, www.dnevnik.rs/print/63438, last accessed on May 8, 2014

expected that it was a matter of time when Mihailović would be rehabilitated. During 2013 and 2014, the only aspect of contestation left is within civil society, where the initiatives have been trying to fight the rehabilitation with protests, public lectures, and publishing books and through lawsuits. The interest of media for the court process has also decreased since 2012, which could be also explained by a very long duration of the rehabilitation case, which caused that it disappears from the media focus. The court process has also changed. In the first two years the proceedings were scheduled very often, but since 2012, it has even happened that a year passed between two proceedings. One of the explanations for this are the actions and appeals of different initiatives, which made the work of the court slower and more difficult but also the mentioned lack of a positive attention of media for this case. Even the newspapers such as Večernje Novosti, which were obviously supporting the rehabilitation and published articles on this topic almost every day, no longer publish any articles about Mihailović and his rehabilitation.

Chapter III. The Official Culture of Remembrance on the Yugoslav Army in the Homeland

Legislation represents only one aspect of the restorative history politics in Serbia. The equalization of the Partisans and the Chetniks by the 2004 Veteran Law and the Rehabilitation Acts followed by the rehabilitation of many Chetniks, such as Dragoljub Mihailović, reflect the other top-down actions of the Serbian state. This chapter will deal with these actions which are initiated or supported at the official level, most importantly the establishment of commissions, commemoration practices, textbooks and media projects. This chapter will focus on the examples concerning the Chetniks and Dragoljub Mihailović.

3.1. The Political Parties and History Politics: Chronology

The first government under which the changes in the history politics took place was the government under the leadership of Zoran Đinđić from 2001 to 2003, during which the majority in the parliament was formed by the Democratic Opposition of Serbia (DOS)¹³⁸, the Serbian Radical Party and the Socialist Party of Serbia. During this government, there was an initiative of changing the street names, where hundreds of streets around Serbia named after the People's Liberation War got new names¹³⁹. The Minister for Culture, Branislav Lečić, was promoting the theatre play *Noć Denerala*, made by a book by Vuk Drašković. The Ministry of Education approved the history textbook which will be analyzed later¹⁴⁰, where the first serious revisions of the Second World War were included and the national public broadcaster RTS financed and showed the series *Ravnogorska Čitanka* in 2002.

During the two mandates of the government of Vojislav Koštunica (DSS), from 2004

¹³⁸ Coalition including the Democratic Party (DS), the Democratic Party of Serbia (DSS), New Serbia (NS), Christian Democratic Party of Serbia (DHSS), League of Social Democrats of Vojvodina (LSV), Social Democracy, Social Democratic Union, Civil Alliance of Serbia, Movement for a Democratic Serbia, Sandžak Democratic Party, Democratic Centrer etc.

¹³⁹ Milan Radanović, "Istorijska Politika u Srbiji posle 2000" (Historical Policy in Serbia after 2000), 297

¹⁴⁰ Kosta Nikolić et al. *Istorija za 3. i 4. Razred Gimnazije (History for the 3rd and 4th Grade of High School)* (Belgrade: Zavod za Udžbenike, 2002)

to 2008, parliament's majority was formed by the Serbian Radical Party, The Democratic Party, The Democratic Party of Serbia /New Serbia and the Serbian Renewal Movement. Boris Tadić (DS) became the President of Serbia in 2004, which position he had until 2012. During this time, the changes in the Veteran Law and Rehabilitation Act were adopted and the government participated in the Ravna Gora gathering in 2005. Another criticized textbook was approved by the Ministry of Education during this mandate.

The recognition of the Chetniks as an antifascist movement and their equalization with the Partisans won the majority of votes in the Serbian parliament in 2004. The Serbian Renewal Movement (SPO) and New Serbia (NS) filed the proposal for changes of the Veteran Law. The changes were adopted in the Serbian National Assembly in December the same year, with 176 representatives voting for it and 24 against at the proceeding moderated by Vojislav Mihailović, the grandson of Dragoljub Mihailović and a member of the SPO. The parties which were against were the Socialist Party of Serbia and the Social Democratic Party, while the Democratic Party, the Democratic Party of Serbia, the Serbian Radical Party and the others voted in favor of the changes¹⁴¹.

The 2006 Rehabilitation Act also had the majority of the parliament voting in favor of it. Out of 130 present representatives, 107 voted in favor and 21 against. The Socialist Party of Serbia voted against the law and the Serbian Radical Party was not present. Tomislav Nikolić, who was at the time the head of the SRS group in the parliament, said that he was more interested in that, how many factories would be open the next day or how much bread would cost, than in correcting something from more than 70 years ago¹⁴². Ivica Dačić of the SPS explained that the socialists supported the law on rehabilitation in principle, but they

¹⁴¹ "Četnicima Isto Sto i Partizanima", (The Same to the Chetniks as to the Partisans), *B92*, 21.12.2004, http://www.b92.net/info/vesti/index.php?yyyy=2004&mm=12&dd=21&nav_id=158391, last accessed on May 29, 2014

¹⁴² "Podeljeni Stavovi o Predlogu Zakona o Rehabilitaciji" (Divided Opinions About the Proposal of the Rehabilitation Act), *Slobodna Evropa*, 04.04.2006, <http://www.slobodnaevropa.mobi/a/664932.html>, last accessed on May 29, 2014

considered it as a logical consequence of the legal equalization of the Chetniks and Partisans, so for them it would represent revision of history¹⁴³.

During the government led by Mirko Cvetković (DS), the majority in the parliament was formed by DS and SRS, followed by DSS, NS, SPS etc. During this mandate, the government established the commissions for investigating the circumstances of Dragoljub Mihailović's death and searching the graves of those executed in the post-1945 years. The State Commission for the Investigation of the Circumstances of the Execution of Dragoljub Mihailović was established by the Government of Serbia, with the Deputy of the State Public Prosecutor Slobodan Radovanović as president. The State Commission for Finding and Marking All Secret Tombs with the Remains of Those Killed after the Liberation 1944 was founded in 2009 by the Government of the Republic of Serbia and it is under the jurisdiction of the Ministry of Justice.

3.2. Commissions

The truth commissions are an important step of transitional justice which is supposed to lead to reconciliation and overcoming the problematic past. The Republic of Serbia has established two commissions which deal with the Second World War or the post-war years. The State Commission for the Investigation of the Circumstances of the Execution of Dragoljub Mihailović was established in July 2009 followed by the State Commission for Finding and Marking All Secret Tombs with the Remains of Those Killed after the Liberation 1944 (in further text: The State Commission for the Secret Tombs). These two commissions joined together in the search for the Dragoljub Mihailović's grave in 2011. The Commission investigating Mihailović's death finished the search for new information in documents and archives by then and the search for Mihailović's remains belongs to the field of work of the

¹⁴³ Ibid

State Commission for the Secret Tombs, for which it can also provide equipment.

The questions are why a state would launch and finance the search for a grave of someone killed more than 60 years ago. If Mihailović's remains had been found, it would not have had an effect on his rehabilitation process, because it is known that he was shot after the trial. Radanović argues that "finding Mihailović's remains would permanently monumentalize his personality which has already gained a martyr character in the dominant media discourse". He warns that it could initiate search for the remains of other prominent controversial historical actors who died after the liberation¹⁴⁴. Kuljić sees the search for Mihailović's grave and his rehabilitation as the most important testimony of communist violence against the Serbian patriot where marking a key victim is more convincing than a faceless martyrology. He adds that the authentic remains would be a symbolic proof of Mihailović's suffering and it would turn into a place of remembrance on the greatest Serbian victim. He calls it "moral economy of the grave", where the graves have an important place in the economy of memory and new graves mark the changes in the historical memory and often a new identity¹⁴⁵.

The commission researching the circumstances of Mihailović's death was founded before the rehabilitation case started and it was supposed to help the process by providing new facts about his death. During the two year work, the Commission for the Investigation of the Circumstances of the Death of Dragoljub Mihailović did not find his remains or any especially significant new information, although the Commission's work was followed by sensationalist reports in the Serbian media. The members of the Commission raised media interest with statements announcing new discoveries and possible identification of

¹⁴⁴ Milan Radanović, *Institucionalna i Medijska Potraga za Grobom Generala Dragoljuba Mihailovića 2009-2011* (Institutional and Media Search for the Grave of General Dragoljub Mihailović, 2009-2011), <http://www.fpi.rs/blog/institucionalna-i-medijska-potruga-za-grobom-general-a-dragoljuba-Mihailovića-2009-2011/>, last accessed on May 22, 2014

¹⁴⁵ Todor Kuljić, "Klasno Društvo bez Klasne Borbe" (Class Society without Class Struggle), *Danas*, 26.10.2012, www.danas.rs/dodaci/vikend/klasno_drustvo_bez_klasne_borbe.26.html, last accessed on April 10, 2014

Mihailović's remains, but most of their announcements turned out to be false. The only notable contribution of this commission was that the historians¹⁴⁶ were provided with access to archives normally not accessible to researchers and the commission gathered substantial sources about the 1946 trial.

The Commission's first alleged discovery was an archive including information about the post-war trials and executions, where photos of Mihailović's execution were supposed to be, together with information about the place where he was buried. The news about this discovery first appeared in media, which was later confirmed by Slobodan Homen, saying that the archive was consisting of photographs and complete documentation about Mihailović's death was found and that it was completely new, because the archive had not been opened since 1946¹⁴⁷. The archive turned out to be non-existing.

The next discovery was found in the British archives, where the significant information about the place of death and burial of Mihailović was supposed to be revealed and this was also supported by the optimistic statements of Homen and other members of the Commission¹⁴⁸. However, the British archives did not contain any information concerning the search for Mihailović's grave or new insight on the circumstances of his death.

The State Commission for the Secret Tombs led by historian Srđan Cvetković joined the Commission for Investigation of the Circumstances of the Execution of Dragoljub Mihailović in 2011, after the commission focused on Mihailović's death had not provided any significant novelties in its report of April 2011. The following activities of these Commissions were focused on the search for Mihailović's remains at different locations in

¹⁴⁶ Bojan Dimitrijević and Kosta Nikolić, expert associates of the Commission. Other than them, the members were Sloboda Radovanović, Deputy of the Public Prosecutor of the Republic of Serbia, Slobodan Homen, the State Secretary in the Ministry of Justice, Momčilo Pavlović, director of the Institute for Contemporary History, Miladin Milošević, director of the Archives of Yugoslavia, Miladin Gavrilović, manager of the memorial complex at Oplenac and Dragan Vlahović, historian and journalist from the newspaper Politika

¹⁴⁷ "Grobnice Svuda po Srbiji", (Graves Everywhere in Serbia), *Press*, 07.06.2009, www.pressonline.rs/info/politika/67957/grobnice-svuda-po-srbiji.html, last accessed on January 20, 2014

¹⁴⁸ "Tajni Dosije o Dražinoj Smrti Otkriven u Londonu" (The Secret Record About Draža's Death Discovered in London), *Politika*, 23.06.2010, <http://www.politika.rs/rubrike/Drustvo/Tajni-dosije-o-Drazinoj-smrti-otkriven-u-Londonu.lt.html>, last accessed on May 20, 2014

Belgrade, which was also followed by media attention.

The most prominent discovery was found at Ada Ciganlija in Belgrade in June 2011, of which the Commission members thought that it was a mass grave where Mihailović had been buried with others. The Commissions found human bones and metal wires which were assumed to have been used as hand cuffs and this news was published in media without waiting for an expert's opinion about the discovery¹⁴⁹. Those who participated in the search made their assumptions public, so Srđan Cvetković said that the remains probably belonged to Mihailović, because, according to the witnesses, he was last to be killed. He continued by saying that "the discovery of the remains at the location where Draža and his comrades had been executed suggested that they had been not moved, but it had been a false information in order to hide the truth"¹⁵⁰. Cvetković said at the press conference later that the work of the Commission and police was done and everything was left to the Public Prosecutor¹⁵¹. Although some of the former Yugoslav officials said that it was impossible that it could be Mihailović, because Yugoslavia had followed the example of the Nuremberg processes where those executed had been cremated and their ashes scattered¹⁵², it did not have an effect on the euphoria in media. Slobodan Homen confirmed the other Commission members' assumptions, saying that

[h]e is happy that the results of the search confirmed the evidence found by the Commission for the Investigation of the Circumstances of the Execution of Dragoljub Mihailović, that the prison was at the place shown by the witnesses and that there was a hole where those shot were thrown. It is a mass grave of three times four meters where seven to nine people were buried, together with handcuffs. It is a proof that those are prisoners who were shot and the found traces of slaked lime and burnt bones show that there were attempts to destroy the traces.

¹⁴⁹ Milan Četnik, "Tajna Grobnica na Adi Ciganliji" (Secret Tomb at Ada Ciganlija), *Politika*, 19.06.2011, <http://www.politika.rs/rubrike/Drustvo/Tajna-grobnica-na-Adi-Ciganliji.lt.html>, last accessed on May 21, 2014; M. Paunković, "Kopanjem ka Nacionalnom Pomirenju" (By Digging to the National Reconciliation), *NIN*, 3156, 23.06.2011, 14; Veljko Milladinović, "Misterija Rešena Posle 65 Godina: Draža Pronađen na Adi" (Mystery Solved After 65 Years: Draža Found in Ada), *Press*, 1960, 19.06.2011, 4;

¹⁵⁰ Veljko Milladinovic, "Misterija Rešena Posle 65 Godina: Draža Pronađen na Adi" (Mystery Solved After 65 Years: Draža Found in Ada)

¹⁵¹ "Iskopane Kosti Đeneralove" (The General's Bones Excavated), *Vesti Online*, 20.06.2011, <http://www.vesti-online.com/Vesti/Srbija/145222/Iskopane-kosti-deneralove>, last accessed on May 21, 2014

¹⁵² Ibid

It is important to determine exactly to who these bones belong, because the highest representative of the state and generals ended up in this mass grave, according to the witnesses. Their families deserve to know the truth.¹⁵³

The news denying the claims that it could have been Mihailović's remains, proving that the bones were not even human came from the Institute for Forensics of the Medical University in Belgrade a few weeks after the discovery. The work of the commissions on the search for new documents or Mihailović's grave did not come to any important results or provide a new insight in the post-war events and Mihailović's trial and death. However, the daily presence of their work in the Serbian media with the repetition of the stories about the executions by the Yugoslav regime had an important effect, especially that it was happening at the same time as the beginning of Mihailović's rehabilitation court case. Its main purpose was the victimization of Dragoljub Mihailović, at the same time condemning the Yugoslav regime which not only killed people, but also did not let those executed have marked graves.

3.3. Commemorations

The gatherings at Ravna Gora in May every year celebrate anniversary of the 13th of May 1941, when Dragoljub Mihailović with a group of officers and soldiers formed the Yugoslav Army in the Homeland. These gatherings started in 1990, but the celebration in 2005 was the first supported and financed by the Government of the Republic of Serbia and Ministry for Culture.

The office of the Ministry for Culture which was in charge of the organization was the Organizational Board of the Government of Serbia for the Preservation of Tradition of the Liberation Wars led by the Minister for Culture. The Board gathers five Ministers in charge

¹⁵³ Vojislava Spasojević, "DNK Vodi do Draže Mihailovića" (DNK Leads to Draža Mihailović", *Večernje Novosti*, 22.07.2011, <http://www.novosti.rs/vesti/naslovna/aktuelno.69.html:334952-DNK-vodi-do-Draze-Mihailovića>, last accessed on May 22, 2014

of education, religion, defense, work and social politics and veterans. In recent years the work of the Board has been focused more on the First World War than the Second and commemorations of the deaths of King Petar I, King Aleksandar I, generals of the First World War and the most prominent battles. The Board is in charge of the official program of commemorations, cooperation with other institutions and promoting the preservation of the traditions of the liberation war, deciding about initiatives for building monuments and preservation of existing memorials and monuments¹⁵⁴. As the Board gives a final decision on the monuments and memorials in the territory of the Republic of Serbia, it has to be noted that there have been Mihailović statues erected since the Board was formed. In Ivanjica, there is one built in 2003 commemorating the 110th anniversary of Mihailović's birth, one commemorating 60 years since Mihailović's death was built in Lapovo in 2006 and another statue was put in Subjela in 2008¹⁵⁵.

The government representatives were present at the 2005 Ravna Gora celebration: Vuk Drašković, who was at the time Minister of Foreign Affairs, Dragan Kojadinović, the Minister of Culture and Vojislav Vukčević, the Minister for Diaspora. Vuk Drašković gave a speech in front of 15 000 people, saying that "Serbia will be truly recognized in Europe and the world only when it admits the truth to itself about general Mihailović and Ravna Gora movement without shame" and that there was no winner or loser in the torments of Serbia in the "brother-killing war" from 1941 to 1945¹⁵⁶. Although Vuk Drašković had always been an open supporter of the Chetnik movement appearing every year at Ravna Gora, the problem at the 2005 celebration was that he was present there as a state representative and Minister of

¹⁵⁴ "Decision about Forming of the Board for the Preservation of Traditions of Serbian Liberation Wars", *Službeni Glasnik of the Republic of Serbia*, br. 38/97, 46/2001, 46/2004 i 71/2007

¹⁵⁵ Jovana Gligorijević, Momir Turudić, "Draženje Srbije" (Drazification of Serbia), *Vreme*, No. 968, 23.07.2009, <http://www.vreme.com/cms/view.php?id=877757>, last accessed on May 20, 2014

¹⁵⁶ "Pred Više od 15000 Posetilaca Održan Ravnogorski Sabor" (Ravna Gora Gathering in Front of More Than 15000 Visitors), *B92*, http://www.b92.net/info/vesti/index.php?yyyy=2005&mm=05&dd=15&nav_category=11&nav_id=168465, last accessed on May 20, 2014

Foreign Affairs and not representing only his political party. The officials from Montenegro distanced themselves from this celebration, saying that it was a solely Serbian issue.

This caused the President of Croatia Stjepan Mesić to cancel his planned visit to Serbia and Montenegro. His office released the statement saying that

after the Chetnik gathering at Ravna Gora which was actively supported, organized and carried out by the Serbian government and where some prominent representatives of the government participated, the President Mesić thinks that there are no conditions to continue with preparations for his planned visit to Serbia and Montenegro under the given circumstances and in foreseeable future¹⁵⁷.

The Prime Minister of Croatia Ivo Sanader criticized the state's participation in the Ravna Gora celebration in the Croatian National Assembly, explaining that the Croatian government condemns this event and any attempts to rehabilitate the Chetnik movement. He pointed out that he would keep the relations with Serbia and Montenegro because there are also forces which perceive this movement the same way as he does. Sanader said that Croatia would follow the developments in Serbia and Montenegro very carefully and react, if necessary, with reintroducing the visa system¹⁵⁸.

There was no consensus about the state's participation and financing of the Ravna Gora gathering among the Serbian political parties. While the Democratic Party of Serbia (DSS) and G17 Plus supported this idea, some representatives of the Democratic Party of Boris Tadic did not agree with this. Also, the Socialist Party of Serbia and Tomislav Nikolić who was in the Serbian Radical Party at the time, opposed the official support for the Ravna Gora event. Ivica Dačić of SPS stated that Serbia and Montenegro would be the only state in the world which would have a celebration together with those who had fought together with fascists because of the Ravna Gora celebration, which was right after the Day of the Victory

¹⁵⁷ "Zagreb und Belgrad Streiten Über Tschetnik Bewegung" (Zagreb and Belgrade Fighting About the Chetnik Movement), *Deutsche Welle*, 18.05.2005, <http://www.dw.de/zagreb-und-belgrad-streiten-%C3%BCber-tschetnik-bewegung/a-1589409-1>, last accessed on May 20, 2014

¹⁵⁸ Ibid

against Fascism. Nikolić explained that the biggest problem was a creation of ideological differences among the citizens and not the financial support itself. He added that if the state did not want to finance the day which the Partisans celebrated as the day of uprising, then it should not finance the day which was celebrated by the Chetniks or the state should finance both¹⁵⁹.

There was a celebration of the 60th anniversary of the victory over fascism organized in Centar Sava in Belgrade in May 2005 where the President of Serbia Boris Tadić was speaking, among others. He publicly supported the thesis of the two antifascist movements in Serbia, saying that “the reconciliation of former enemies, the Partisans and the Chetniks and their descendants has to happen, because Serbia needs all her children today, regardless of their ideological, religious, political or national qualification”¹⁶⁰.

Already in 2006, the Serbian government did not participate in the Ravna Gora celebration at such level, probably due to the Croatian reactions and the opposition among the political parties. It is not known whether the state financed any of the following celebrations because there was no official statement separating the state from the Ravna Gora celebration but also no statement supporting it. The only government representative in 2006 was Vuk Drašković, but there were also representatives of the Democratic Party at the 2011 commemorations. Similarly to Drašković, Velimir Ilić from the New Serbia has been present at Ravna Gora every year, regardless if he has a government position or not.

Besides the anniversary of the foundation of the Yugoslav Army in the Homeland, there have been also commemorations of Mihailović's death held at Ravna Gora and by the Serbian Orthodox Church in July every year. In 2009, a delegation of the Serbian Renewal Movement, the Democratic Party and The Security Information Agency (BIA) came to Ravna

¹⁵⁹ "Četnički Praznik u Ruhu Države" (The Chetnik Holiday in the State's Clothes), *B92*, 10.05.2005, http://www.b92.net/info/vesti/index.php?yyyy=2005&mm=05&dd=10&nav_category=12&nav_id=168150, last accessed on May 20, 2014

¹⁶⁰ "Pobeda za Celi Svet" (Victory for the Whole World", *Večernje Novosti*, 08.05.2005, www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html, last accessed on May 25, 2014

Gora to lay flowers on Mihailović's statue on the 63rd anniversary of his death. There was a religious service conducted by three priests. At the same day, there was a commemoration in the Saint Marko's Church in Belgrade, where the Minister for Diaspora, Srđan Srećković, was present¹⁶¹. The commemoration service for Dragoljub Mihailović in the Serbian Orthodox Church is however not a recent phenomenon, because they have been organized for Mihailović, Nedić and Ljotić since the beginning of the nineties.

3.4. The Chetniks in the Post-2000 Textbooks

The textbooks for elementary and high schools in Serbia are issued by the state publishing house and approved by the Ministry for Education and Sport, representing the official history politics of the state. The state has a monopoly on textbooks, meaning that there is one textbook for each subject and grade with no alternatives from other publishing houses or authors.

During Milošević's rule, history textbooks kept glorifying Tito and the Partisans from the Yugoslav period, together with a positive representation of the Chetniks, depicted as another antifascist movement. History textbooks published after 2000 went further in the change of perspective on the Second World War, by criticizing the Partisans and creating a very positive representation of the Chetniks. Stojanović argues that the interpretations of the past in post-2000 Serbian textbooks came from a group of young historians who devoted their careers to a "historical cleansing" of the Chetniks and their role in the Second World War. She explains that these historians had supporters but no influence on historiography or the change of the perspective on the war before 2000. However, they got the opportunity to write new textbooks without a public call for authors¹⁶².

¹⁶¹ Jovana Gligorijević, Momir Turudić, "Draženje Srbije" (Drazification of Serbia)

¹⁶² Dubravka Stojanović, "Revizija Revizije: 1941 u Udžbenicima Istorije u Srbiji" (Revision of the Revision: 1941 in History Textbooks in Serbia), 158

Two history textbooks dealing with the 20th century are the books for the 8th grade of elementary schools and 3rd and 4th grade of high schools, written by the same group of authors and published in 2002 and 2006 respectively¹⁶³. Stojanović identifies three main issues in these textbooks which were subject to revision: the interpretation of the relations between the Chetniks and the Partisans, collaboration and the Chetniks' crimes against civilians¹⁶⁴. In both textbooks, the Chetniks are described as representing Serbian interests and the first to have started with antifascist resistance in Serbia, but betrayed by the Allies.

The 2002 high school book describes the Chetniks and the Partisans as two opposite movements. The Chetniks' goals are described as "prevention of imprisonment of the civilians, collecting arms and other equipment, organizing the cities and villages which would be base for the uprising" and doing it secretly with giving false information to Germans, in order to prevent losses¹⁶⁵. The Partisans' goals are explained as not only liberation, but also a social revolution, whose slogans were calling primarily for "fight against the traitor bourgeoisie"¹⁶⁶.

In the 2002 book there was no mention of collaboration, but after critiques, the 2006 book included this information, however justifying the Chetnik collaboration and emphasizing the collaboration of the Partisans and occupiers. The textbook implies that the Partisans' collaboration with German forces served their military interests and plans against the Chetniks and that it seriously endangered the plans of the Allies¹⁶⁷. The justification of Chetnik collaboration with Italians was that it was a better option than engaging in fights

¹⁶³ Kosta Nikolić et al. *Istorija za 3. i 4. Razred Gimnazije (History for the 3rd and 4th Grade of High School)* (Belgrade: Zavod za Udžbenike, 2002); Kosta Nikolić et al. *Istorija za 8. Razred Osnovne Škole (History for the 8th Grade of Elementary School)*, (Belgrade: Zavod za Udžbenike, 2006)

¹⁶⁴ Dubravka Stojanović, ""Revizija Revizije: 1941 u Udžbenicima Istorije u Srbiji"" (Revision of the Revision: 1941 in History Textbooks in Serbia), 159

¹⁶⁵ Kosta Nikolić et al. *Istorija za 3. i 4. Razred Gimnazije (History for the 3rd and 4th Grade of High Schools)*, 141

¹⁶⁶ Ibid

¹⁶⁷ Kosta Nikolić et al. *Istorija za 8. Razred Osnovne Škole (History for the 8th Grade of Elementary School)*, 154

against them and that the Italian occupation would be better than the Ustasha¹⁶⁸.

The 2006 textbook explains that the support given to the Partisans by the Allies and abandoning the Chetniks at the end of the war caused the unification of the Chetnik, Nedić and Ljotić forces together with German and Bulgarian units against the Partisans¹⁶⁹. The 2002 book claims that there was no unification, because of the political and ideological differences. Stojanović explains that the part about the unification against the Partisans, which implies the Chetnik collaboration with the followers of Nedić and Ljotić and German and Bulgarian forces, was put in the 2006 textbook with a purpose of showing that there was no collaboration before 1944¹⁷⁰.

The only context where the Chetnik crimes are mentioned are those against communists, but the crimes against civilians are not addressed¹⁷¹. The crimes of the Partisans are elaborated in detail in the 2002 book, describing the killings of civilians and fear which the Partisans and their ideology created among the people. This is followed by a short section about the Chetniks who were fighting only against the Partisans and their supporters, in order to extinguish communism in Serbia¹⁷².

The Chetniks and Partisans and the events of the Second World War are not the only problems in the content of the post-2000 history textbooks, criticized by numerous historians in Serbia¹⁷³. Beside the fact that all pupils in elementary and high schools in Serbia have to learn about 20th century history from these textbooks, they are also representing the official historical policy of the state, with all the issues they contain. Stojanović, who conducted a thorough analysis of Serbian textbooks, explains that the Serbian textbooks went far from

¹⁶⁸ Ibid, 153

¹⁶⁹ Ibid, 157

¹⁷⁰ Dubravka Stojanović, "Godina Okupacije: 1945 u Srpskim Udžbenicima Istorije" (Year of Occupation: 1945 in the Serbian History Textbooks), in: *Culture of Remembrance: 1945*, ed. Sulejman Bosto, (Zagreb:Disput, 2009), 268

¹⁷¹ Kosta Nikolić et al. *Istorija za 8. Razred Osnovne Škole (History for the 8th Grade of Elementary School*, 186

¹⁷² Kosta Nikolić et al. *Istorija za 3. i 4. Razred Gimnazije (History for the 3rd and 4th Grade of High Schools)*, 177

¹⁷³ Very problematic are also the interpretation of the Yugoslav wars, Kosovo and NATO bombing in 1999, among other things

their basic educational purpose and became a space for manipulation of the past, but also an important political argument. She gives the example of the answer Vojislav Koštunica gave when a journalist asked him about the scientific historical grounds for the equalization of the Partisans and Chetniks in the 2004 law, that it is a fact included even in elementary school textbooks¹⁷⁴.

3.5. Television Projects

There were two television series in the post-2000 period financed and shown by the Serbian public broadcaster, Radio Television of Serbia (RTS) dealing with the Second World War and more specifically, with the Chetniks. The first was the documentary series *Ravnogorska Čitanka* of 2002 and the second, *Ravna Gora* started showing in November 2013.

Ravnogorska Čitanka was shown in April and May 2002 and consisted of eight episodes following the Second World War in Serbia with the focus on the Chetniks as a resistance movement. The author, Uglješa Krstić, made the series of documentaries out of his book with the same title and historian Bojan Dimitrijević was an expert consultant for the television project. Krstić was a member of the Ravna Gora movement and the first promotions of the series were organized by this movement. The series shows the Chetniks as the only real resistance movement in Serbia, depicting them as the victims of the Allies' betrayal. Krstić explained that "the Germans had denazification and we should have decommunization and this series is a contribution to the decommunization of Serbian past"¹⁷⁵. RTS and Krstić's company announced that there would be a series about "red terror" in Serbia following *Ravnogorska Čitanka*, but it has not been shown yet.

¹⁷⁴ Dubravka Stojanović, "Revizija Revizije: 1941 u Udžbenicima Istorije u Srbiji" (Revision of the Revision: 1941 in History Textbooks in Serbia), 163

¹⁷⁵ Nenad Grujičić, "Četnici i Početnici" (Chetniks and Beginners), *Vreme*, No. 591, 02.05.2002, <http://www.vreme.rs/cms/view.php?id=313416%E2%80%8E>, last accessed on May 25, 2014

RTS started showing the series *Ravna Gora* in November 2013, which follows the events of the Second World War in Serbia with a central story of a Serbian family where one son joins the Partisans and the other joins the Chetniks. The episodes were shown during the prime time on Sunday nights from November 2013 until January 2014 and besides Serbia, they were also shown in the Republic of Srpska. The subtitle of the official Facebook page of the series says that "[t]he series does not favor or glorify one or the other side, but offers the possibility of understanding both"¹⁷⁶, because the series faced serious critiques for glorifying the Chetniks as soon as the trailer was released. The name of the series also refers to the Chetniks. The series was not just shown on RTS but it was made and financed in the cooperation of RTS and Contrast Studios. RTS as a public broadcaster is financed by the citizens of Serbia, with state subsidies. The filmed episodes cost 1.6 million euros and the average cost of one episode is 120 000 euros, out of which 90 000 comes from RTS¹⁷⁷.

So far, only ten episodes have been made and shown, following the events of 1941, as the first part of a trilogy which encompasses the whole war. The writer and director of the series, Radoš Bajić, announced in January 2014 that the *Ravna Gora* movie would be premiered on 13th of May 2014, on the anniversary of the day when Mihailović gathered the Chetniks at Ravna Gora¹⁷⁸. However, there has been no information about the movie ever since and the announced premiere did not happen. Bajić turned the series script into a book, which was published in December 2013.

The *Ravna Gora* series was announced as having the purpose of ending the divisions among Serbian people, thus leading to national reconciliation. Radoš Bajić explained that the series would help Serbian people to understand their past, which is important for their present

¹⁷⁶ www.facebook.com/ravnagora.tv, last accessed on May 24, 2014

¹⁷⁷ "Ravna Gora i Dalje Čeka Istinu" (Ravna Gora Still Waiting for the Truth), *Večernje Novosti*, 11.01.2014, <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:472798-Ravna-gora-i-dalje-ceka-istinu>, last accessed on May 26, 2014

¹⁷⁸ "Uskoro Film Ravna Gora" (The Ravna Gora Movie Soon), *Mondo*, 15.01.2014, <http://mondo.rs/a651821/Zabava/Film/Uskoro-Film-Ravna-gora.html>, last accessed on May 26, 2014

and future, because it represented the communist and Ravna Gora liberation movements how they had been, demystifying ideological misconceptions and correcting tragic historical injustices done to the patriotic part of the Serbian people who had been unjustly ideologically stigmatized and vilified¹⁷⁹. Although the project does not belong to the documentary genre, it was supported by the Institute for Contemporary History and the Balkanology Institute of the Serbian Academy of Sciences and Arts, which offered expert opinions on the content and historical facts. Radoš Bajić also received an award for "the contribution to creative freedom in the interpretation of recent Serbian history" from the Association of Playwrights of Serbia. The historical mistakes in the series were justified by the author and the Institute for Contemporary History as the author's creative freedom.

Even if we accept that *Ravna Gora* does not glorify the Chetniks, it certainly shows them and Dragoljub Mihailović in a very positive light, with no controversial issues. However, it has to be noted that the episodes shown so far only engage with the beginning of the war and it is to be seen how the engagement of the Chetniks in a bigger collaboration or their activities in Bosnia will be dealt with. Besides the support of the public broadcaster for the project and as opposed to many criticisms about the series, it is significant that Ravna Gora was seen by more than two million people in Serbia, making it the most viewed television series¹⁸⁰. Also, unlike *Ravnogorska Čitanka* which was a documentary, *Ravna Gora* is a feature series where historical facts do not have to be respected and the author is not known for historical television projects. However, the historians' statements and reviews which followed *Ravna Gora*, claiming that they were working on the series and that all historical facts are represented properly, gave credibility to the project.

¹⁷⁹ "Istorija je Porazila i Partizane i Četnike: Zato je Srbija Tu Gde Jeste" (History Defeated both the Partisans and the Chetniks: That is why Serbia is Where it is), *Blic*, 11.11.2013, <http://www.blic.rs/Vesti/Politika/418930/Istorija-je-porazila-i-partizane-i-cetnike-zato-je-srbija-tu-gde-jeste>, last accessed on May 26, 2014

¹⁸⁰ Katarina Đorđević, "Ravnu Goru Gledalo Više od Dva Miliona" (More Than Two Million Watched Ravna Gora), *Politika*, 12.11.2013, <http://www.politika.rs/rubrike/Drustvo/Ravnu-goru-gledalo-vise-od-dva-miliona-gledalaca.lt.html>, last accessed on May 26, 2014

The efforts put in the history politics by the Serbian state are important phenomena to look at, because they show the official state standpoint, even when there is no consensus among the officials, political parties or citizens. The Chetniks have already been legally defined as an antifascist movement equal to the Partisans, followed by the state's participation in the commemorations, financial support for television projects glorifying the Chetniks and their positive representation in textbooks published by the state. These actions show that the perception of the Chetniks has already been revised so that the legal rehabilitation of Dragoljub Mihailović would represent a symbolic act and a legal aspect of the ongoing tendencies.

Conclusion

History and memory are powerful agents of transition. Restorative history and memory politics with a purpose of coming to terms and overcoming the communist past has been present in all post-communist countries in Eastern and Southeastern Europe. History politics can include truth commissions, commemoration practices such as official holidays and commemoration events, changing names in the public space and museums, among other things. Legislation can also be a tool of history politics, especially legislation about rehabilitation.

In Serbia, different practices of history politics are employed with a purpose of delegitimization of Yugoslavia and Tito, which implies revision and questioning of the events and actors of the Second World War and the Yugoslav narratives about them, which represented a historical base of the state. The Yugoslav Army in the Homeland, opposite to the Yugoslav Partisans, has had a central place in Serbian history politics since 2000.

This research has tried to explain the problems which arise in the implementation of the Rehabilitation Acts and significance of legal rehabilitation in light of already completed political rehabilitation of the Yugoslav Army in the Homeland. The 2011 Rehabilitation Act defines in detail the conditions for rehabilitation, limitations, rehabilitation procedure and financial retribution and by it, it solves the problems of the 2006 law which did not define anything except that legal rehabilitation is possible for all who were killed or sentenced because of ideological or political reasons. However, all requests filed between 2006 and 2011 have to be processed according to the first rehabilitation law so the new version of the law, no matter how good, did not completely solve the problem.

The issues which appear in the implementation of rehabilitation come from the poor formulation of the 2006 law. These issues, as discussed in the thesis, are the lack of instructions or limitations in the law and no financial retribution defined. The law did not

define who could and who could not be rehabilitated, making it possible to file rehabilitation requests for people like Milan Nedić or Dimitrije Ljotić. The addition to the law that non-contentious proceeding has to be used in rehabilitation cases makes the rehabilitation cases in the court one-sided, without a possibility of contesting rehabilitation of some person in the court. Most importantly, the lack of financial retribution which would follow rehabilitation makes rehabilitation a symbolic act.

The Yugoslav Army in the Homeland and their leader, Dragoljub Mihailović, have been already reevaluated in Serbia before Mihailović's rehabilitation case in the court started, which can be seen from the examples offered in this research. Furthermore, as Mihailović's rehabilitation has been processed according to the 2006 law, if the court rehabilitates him, it will not change a lot for his descendants in legal or financial terms. The Veteran Law of 2004 already pronounced the Yugoslav Army in the Homeland as an antifascist movement and officially equalized them with the Partisans and legal rehabilitation reflects would reflect the interpretation of the Second World War in Serbia as it is today. Nevertheless, Mihailović's rehabilitation would effect the relations of Serbia with countries in the region, judging by the reactions the court case caused in Croatia, Montenegro and Bosnia and Herzegovina.

The changed perspective on the Yugoslav Army in the Homeland is not the only change in the culture of remembrance on the Second World War in Serbia. Also serving the purpose of delegitimization of post-1945 Yugoslavia, the Yugoslav Partisans are perceived much differently than in Yugoslavia and the "Partisan myth" is not the central narrative of the war anymore. A further research dealing with the change of the perception of the Yugoslav Partisans in post-2000 Serbia and looking at the parallel developments of reevaluation of the Chetniks and Partisans would be very interesting to conduct and it is what I intend to do with my PhD dissertation.

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