MAPPING COMMEMORATIVE CULTURES, BEST PRACTICES AND LESSONS LEARNED

CASE STUDY: Croatia

AUTHOR: YOUTH INITIATIVE FOR HUMAN RIGHTS CROATIA

On the evening of December 7th, 1991, three members of the Zec family – Mihajlo, Marija, and their 12-year-old daughter Aleksandra – were killed in Zagreb, Croatia. Despite the fact that the perpetrators, members of state forces, confessed the crime, they were set free. Appalled by the injustice done to this family on the basis of their Serb ethnicity, the state’s responsibility for the crime, and the lack of dealing with this past responsibly, civil society has been speaking up about the Zec family through artistic productions, organizing annual commemorations on the anniversary of their death, and advocating for a more permanent memory in the shape of a public space named after the Zec family members. The politics of memory related to the killing of the Zec family members illustrate the tension between the official commemorative practices, which fail to address the responsibility for crimes committed in the name of the Croatian people, and alternative commemorative practices, which serve as examples of good practices grounded in dealing with the past responsibly – by recognizing human rights violations, emphasizing accountability, and seeking to create a culture of peace. Civil society’s continued efforts have led to some change toward greater official recognition of the crimes committed against the members of the Zec family, offering a glimpse of hope that the institutions will finally take responsibility for crimes committed against the members of the Serb national minority and cultivate the politics of memory grounded in truth,
justice, reparations, and guarantees of non-recurrence. To investigate commemorative practices through the case study of the Zec family, a brief context will be offered, followed by the description of the official and alternative narratives with respect to the Zec family case, and extrapolation of good practices evident in civil society efforts, namely remembering those victims whom the state neglects, while advocating towards the state to interrogate its own responsibility for crimes with the aim of preventing their repetition.

1. Background

The killing of the Zec family took place during the War of Croatian Independence in the context of the dissolution of Yugoslavia. Following the end of the Second World War, Croatia was part of the Socialist Federative Republic of Yugoslavia alongside other present-day states, including Slovenia, Serbia, Bosnia and Herzegovina, Montenegro, Kosovo, and North Macedonia. Growingly dissatisfied with the state of affairs in Yugoslavia, Slovenia and Croatia declared independence in 1991. However, not all Croatian citizens were in favor of this arrangement, and Serbs in Croatia formed autonomous provinces. Together with the Yugoslav National Army (JNA), they waged a war against the Croatian armed forces. In 1995, the Croatian forces ended the war in their favor through the military operations Flash and Storm.1

Today’s official narrative in Croatia depicts its role in this war through the frames of victimhood and heroism. Tamara Banjeglav, an independent researcher explains that “the governing elites built two versions of Croatia’s identity: that of a heroic victim, which was attacked by rebel Serb forces and the JNA, and that of a victorious hero, which needed to defend itself and, in the end, won the war”.2 Framing the war in this way lends itself to a narrative that Croatia “was only defending itself and therefore the Croatian side could not have committed any crimes”, which “has generated an atmosphere of denial of any human rights violations by the Croatian side”.3 Hence, the official interpretation of the past emphasized Croatia’s defense, while concealing crimes for which members of its armed forces are responsible, such as the killing of the Zec family, a case study that we zoom in on to explore Croatia’s politics of memory.

On the evening of December 7th, 1991, members of the reserve unit of the Ministry of the Interior of the Republic of Croatia, Munib Suljić, Siniša Rimac, Nebojša Hodak, Igor Mikola, and Snježana Živanović, came to the house of the Zec family in Trešnjevka, a neighborhood of Zagreb. As Mihajlo tried to escape, Rimac shot him twice. He then noticed that Mihajlo’s daughter Aleksandra had witnessed the killing and ordered Mikola to bring the van to take
Aleksandra and Mihajlo’s wife Marija away. Aleksandra’s younger siblings, Dušan and Gordana, hid at their grandparents’ home nearby. The group brought Marija and Aleksandra to Sljeme, a hill above Zagreb, and tied them to chairs in a mountain lodge. Živanović showed the group a landfill nearby, where they dig up a pit. Once Mikola brought Marija to the site, Suljić turned his head away and shot Marija once in the head. Mikola then took the rifle out of his hand and shot her a few more times. Rimac, Mikola, and Živanović then brought out Aleksandra. According to Rimac’s testimony, he had turned his head away and heard six shots, after which he saw the rifle in Suljić’s hand. They heard a rattle from the pit and Mikola shot at the bodies again. They then buried the bodies and cleaned up the site.4

While the bodies and the weapons were found seven days later, the direct perpetrators of the crime were not held accountable. After finding the evidence of the crime, Rimac, Hodak, Mikola, and Suljić were apprehended. On December 20th, 1991, the four of them, joined by Živanović, admitted the murders in front of the investigators. The President of the County Court considered that the presence of a lawyer was not necessary, which was contrary to legal practice. Although the perpetrators confessed to the crime, the records of the investigation could not be considered evidence because they were obtained without the presence of a lawyer. This procedural mistake became “the main stumbling block” for determining the guilt of the accused.5 During the trial, the accused defended themselves with silence. Ballistics confirmed that the members of the Zec family were killed using the found weapon and that the fibers in the vehicles of their unit matched the fibers of clothes that Aleksandra and Marija wore. Nevertheless, the Zagreb District Court acquitted the suspects, and the State Attorney missed the opportunity to issue an appeal.6

While the direct perpetrators were never held accountable, in 2012, the County Attorney’s Office indicted Tomislav Merčep, a former adviser at the Ministry of the Interior who commanded a reservist battalion nicknamed the ‘Merčepovci’ (‘Merčep’s Men’). He was indicted for crimes that included the killing of the Zec family, based on command responsibility, or the fact that “he did not prevent the unit under his command from abducting, torturing, and killing civilians”.7 In 2016, Merčep was sentenced to five and a half years in prison for crimes, which included the crimes committed against the members of the Zec family, while a year later the Supreme Court increased the sentence to seven years.8

Beyond these criminal proceedings, the question of perpetrators’ confessions was reopened in 2004 within a civil proceeding when the lawyer Anto Nobilo, on behalf of Aleksandra’s siblings Dušan and Gordana Zec, as well as their grandmother Bosa, filed a claim for compensation to the Republic of Croatia. In the claim, it was argued that the members of the Croatian armed forces “undoubtedly caused the harmful event”.9 Nobilo requested that the report from the investigation in which the suspected confessed to the murder be considered. While the State Attorney’s representative objected to the request, the Municipal Court judge permitted the use of confessions as evidence considering that in civil proceedings, contrary to criminal ones, there is no inadmissible evidence.10 After the members of parliament called the Government to pay compensation to the Zec family, the government granted one-time assistance in the amount of 1.500.000 kunas to the surviving members of the Zec family, after which the family’s lawyer withdrew the claim.11 Oliver Frljić, a theater director whose work on remembering the Zec family will be referenced later in the text, criticizes such a turn of events for “eliminating the possibility that the confessions of Aleksandra Zec’s killers finally become valid evidence” and for failing to grapple with state responsibility, given that the Government’s announcement of the one-time assistance responds to the fact that “the surviving members of the Zec family as minors were left without caretakers and any sources of livelihood” while failing to address why that was the case.12
2. Crimes Against the Members of the Zec Family Within the Official Narrative

The serious shortcomings of the criminal justice processes in the Zec family case correspond to an official narrative that neglects the victims for whom the Croatian political and military leadership is responsible. This crime, whose direct perpetrators were not held accountable, is not officially commemorated. In that context, we read the official narrative from the state’s approach to the perpetrators and unpack the tropes of the official narrative: heroism, victimhood, and innocence. Oliver Frlić comments on the lack of accountability in the case of the Zec family by claiming that the armed forces “have decided for themselves a priori, as we have heard countless times in the past twenty years, that they cannot commit a war crime because they are waging a defensive war”. In this comment, he is connecting the official narrative’s insistence on an innocent defense to the lack of accountability in a case that directly opposes that narrative. Other acts by the state demonstrate how the official narrative manifests in the Zec family case too. Siniša Rimac was awarded four presidential medals of honor, which emphasize heroic acts and honorable service. While President Mesić took away these awards following his conviction for crimes in Pakračka Poljana, the fact that a person affiliated with the Zec case was presented the awards reflects the ways in which the state not only failed to secure criminal justice but also contributed to the reinterpretation of this case in line with the official narrative. While the official approach to the Zec family case is marked by a failed criminal justice process and a disregard for this crime within its memory politics, artists and human rights organizations work to preserve the memory of the Zec family.

ALTERNATIVE NARRATIVES RELATED TO THE ZEC FAMILY

The key efforts to remember the Zec family, which will be explored in this paper, include Oliver Frlić’s theater production “Aleksandra Zec”, annual commemorations held by the Antifascist League of the Republic of Croatia, and memorialization advocacy efforts of the Youth Initiative for Human Rights (YIHR). Information about these efforts is gathered through desk research, interviews with those who participated in the initiatives, and YIHR’s internal documents which archive our efforts.

THE PLAY “ALEKSANDRA ZEC”

Through the production of the play “Aleksandra Zec”, Frlić brings attention to this case neglected by the state, thereby fostering an alternative narrative. The play was performed at the Croatian Cultural Center in Rijeka in 2014. Frlić explains that the play emphasizes “what cannot be found in official historiographical narratives, what children do not learn about in schools and for which there are still no monuments and places of special reverence”. The play serves as a “revival of recent wrongs, that remain covered up in Croatia” and “an act of mourning, grieving in the public for the victim for whom grief is prohibited”. It specifically deals with the issue of “state patronage over war crime” in reference to the awards that Rimac received and “state silencing”. At the same time, it opens the question of “societal
responsibility for being passive bystanders” and tests the ability of the Croatian public “to come to terms with inhumanity” for a crime committed in the name of the Croatian people. It actively challenges the official narrative of victimization and innocent defense by creating a theatrical production about the Zec Family case and raising the questions of state and societal responsibility for the crime and its aftermath.

ANNUAL COMMEMORATIONS ORGANIZED BY THE ANTIFASCIST LEAGUE
The Antifascist League of the Republic of Croatia, an association of civil society organizations and individuals from Croatia, has been organizing annual commemorations of the Zec family on the anniversary of their killing. Considering that the crimes took place at night, the commemorations are organized in the evening hours and take place on the Sljeme hill at the Adolfovac mountain lodge where Marija and Aleksandra Zec were killed and buried. They include speeches and laying down flowers on the site of the crime. During some of the anniversaries, they organized artistic installations with the aim of commemorating the victims too. The commemorations are visited by the members of the Antifascist League, civil society representatives from Croatia working in human rights, including the YIHR Croatia, as well as the wider public. Each year, the Antifascist League sends an invitation to the Zagreb Mayor, the Government, and the President to join the commemoration. In 2020, Deputy Prime Minister Boris Milošević joined the commemoration for the first time, while Mayor Tomislav Tomašević became the first mayor to attend the commemoration in 2021. Zoran Pusić, the founder of the Antifascist League, explains that they started these commemorations in order to stand in solidarity with the victims, as well as to oppose and condemn the state that has acted in a shameful way by protecting the perpetrators. According to Zoran Pusić, their commemorations are intended to illustrate “that it is not normal” that the institutions such as the judicial system are staying silent about the Zec family case, and that they are covering up, instead of prosecuting the perpetrators.

YOUTH INITIATIVE FOR HUMAN RIGHTS ADVOCACY
Apart from joining the commemorations organized by the Antifascist League, YIHR Croatia has been leading an advocacy campaign for years to name a public space in Zagreb after the Zec family. On the 20th anniversary of the crime, in 2011, we contacted the Board for Naming Settlements, Streets, and Squares of the City of Zagreb with the initiative to name a public space after the Zec family, but without success. In 2014, this advocacy ask became part of a broader effort to establish a Block of Memory, which sought to name different public spaces after the Zec family and others who were killed or oppressed in the 1990s and 2000s. Beyond the Zec family, the Block of Memory was envisioned to be named after Josip Reihl-Kir, Milan Levar, Slobodan Budak, and Vladimir Primorac. This initiative strategically targeted public spaces which were not named yet and built on the tradition in Zagreb to have thematic names within neighborhoods. Specifically, the initiative advocated giving the Zec family name to a park that was located close to the former Zec family home and across the street from the primary school that Aleksandra attended. Despite the fact that the initiative was presented to the relevant Board and backed by close to 100 prominent public figures, this initiative too was unsuccessful. Additionally, YIHR collaborated with an initiative from Bosnia and Herzegovina, the Unmarked Atrocity Sites, to temporarily mark the Poljanička street where Mihajlo was killed, as well as the location in Slijeme, to commemorate this atrocity within the public space.
While these advocacy efforts were largely unsuccessful, in 2022 YIHR made progress in these efforts to affect memory politics. At the end of 2021, on the 30th anniversary of the killing of the Zec family, we sent a proposal to the Board for Naming Settlements, Streets, and Squares of the City of Zagreb to add the name of the Zec family to the fund of names for naming public spaces. This proposal came after an unsuccessful attempt to do so in 2017. A few months after the 2021 submission, the Board came to an affirmative decision and the name was added to the fund. This decision represents the first step toward naming a public space after the Zec family as our decade-long advocacy goal. The reasoning behind this goal is articulated in the submission to the Board, which explains that naming a public space after the Zec family would serve as a reminder and a warning that it should never happen again that people are killed just because of their nationality, and that those responsible are left unpunished. As part of the submission, we emphasized that Aleksandra Zec's life was cut short and that she did not have an opportunity to achieve certain successes that would deem her “worthy” of having a space named after her. In doing so, our advocacy sought to challenge the notion that public spaces only ought to celebrate and affirm individuals; as communal spaces, they need to include the aspects of the past that upset us precisely to work against such history ever being repeated.

3. Lessons Learned and Good Practices

Described civil society efforts exemplify good practice in dealing with the past by keeping the memory of the Zec family alive in a context where the official historical narrative excludes this event. Speaking about society’s approach to the Zec family case, Frljić states the following:

“Although even the most rigid Croatian chauvinist will mutter a few phrases about how, when we talk about the murder of twelve-year-old Aleksandra Zec, it is a terrible tragedy, (...) such hypocritical lamentation (...) will always be accompanied by a reminder of ‘our victims’, not dealing with them and a repertoire of similar accusations.”

In this statement, Frljić criticizes how the Zec family case is buried under the attention given to the victims of Croatian ethnicity. Examining the theater scene in Croatia specifically, he further disapproves of the fact that it kept quiet about this case. In that context, he is motivated to bring the facts of the crime against the Zec family and its aftermath to the public space through his theatrical production with the aim of inviting a critical reflection on the state and societal responsibility. Similarly, when speaking about the motivation for organizing annual commemorations, Zoran Pusić from the Antifascist League claims that the commemorations stem from a sense of moral duty to speak up and stand against the injustices committed to the Zec family. Furthermore, he points out that it is important to “absolutely deal with and unequivocally condemn” the general attitude of the state towards the crimes committed in its name considering that, over the past 30 years, politicians have generally failed to take
responsibility for the crimes and their aftermath. YIHR’s work, too, focuses on dealing with the difficult pasts, particularly because they are neglected by the state, “to promote the perspectives on what is just, what stems from the victims’ needs, and is based on international standards”, in the words of the program director Branka Vierda.

In that context, civil society efforts model responsible approaches to dealing with the past, which may be adopted by the institutions. Frljić points out that his play is meant to address what is missing from historiographical narratives, education, and monuments. In that sense, he is pointing out the opportunity for the state to be addressing the crimes committed against the members of the Zec family through such avenues. Similarly, while pursuing the goal to name a public space after the Zec family, YIHR’s action in collaboration with the Unmarked Atrocity Sites, whereby the sites of the crimes against the Zec family were temporarily marked, serve as examples to the institutions of what they could be doing to commemorate the crime. When it comes to the annual commemorations, Zoran Pusić explicitly states that the Antifascist League wants their commemorative approach “to become the behavior of the country, society, for people to admit and recognize [what had happened to the Zec family]”. In addition to supporting the commemorations organized by the Antifascist League, ahead of the 2021 commemoration Youth Initiative for Human Rights sent the Mayor of Zagreb a handbook “Inclusive Memory: Recommendations for the Commemoration of Civilian War Victims for the Representatives of Local Authorities in the Republic of Croatia”, thereby offering concrete direction for an institutional dealing with the past.

One of the recommendations from the aforementioned document entails including diverse actors in the commemorative practices – another example of good practice embodied by civil society efforts described in this case study. International standards for commemorative practices encourage the inclusion of artists given their “capacity to shed new light on the past and to enhance the ability of people to “imagine” the other [which] enables artists to play a crucial role in memorialization processes.” Not only does Frljić’s play serve as the perfect example of the artistic role in commemorative practices, but this approach is adopted in YIHR’s methodology. Namely, we collaborated with a young artist, Isabell Radešić, who developed a conceptual design for the commemoration of civilian war victims in the form of a monument titled “Fragments”, consisting of shattered reflective surfaces. The virtual version of this conceptual design was utilized within the social media posts following the 2021 commemoration, thereby visually connecting the commemoration of the Zec family to the wider YIHR efforts to commemorate civilian war victims, with emphasis on those, like the Zec family, who are forgotten by the state and broader society. Another group of actors that YIHR involves in commemorative practices is the youth. First, we organize educational workshops about memory politics and facts about the particular crime given that they do not learn about these matters in school. Then, as was the case with the 2021 commemoration of the Zec family, we bring them to the commemorations. Finally, as has been emphasized before, civil society actors seek to engage and encourage politicians and institutions to deal with this past too. Progress achieved over the past few years in engaging political actors serves as a relevant lesson on the ways in which their involvement can have a large societal impact.

The fact that governmental representatives at the local and national levels attended commemorations of the Zec family during the last two years represents steps towards the establishment of official memory politics that would include the Zec family, and other similar cases, contrary to the current practice. During his speech at the commemoration in 2021, Mayor Tomašević recognized that the crime against the Zec family took place, but the
perpetrators were not held accountable. He lamented the fact that previous city leadership was not present at the commemorations and expressed his intention to preserve the memory of the Zec family in order to prevent such crimes from taking place again. The fact that Tomašević made these points in his speech holds considerable weight since, as Zoran Pusić argues, “the influence of a mayor on public opinion is incomparable to the impact of non-governmental organizations (...) When you are joined by politicians in relatively high positions with more regular access to the public, you can achieve something – that society does not accept such things as normal”. Furthermore, the city’s commitment to preserving the memory of the Zec family was noticeable a few months later when the Board for Naming Settlements, Streets, and Squares of the City of Zagreb included the Zec family name into its fund of names. In other words, Tomašević’s speech affects the official narrative, and the claims he made are making progress toward developing new memory politics that grapple with one’s own responsibility and approach victims in a more inclusive way.

The presence of politicians also adds to greater visibility of commemorations, meaning that the facts of a case that is normally marginalized reach more people. Branka Vierda from YIHR notes that media coverage of the 2021 commemoration when the Mayor was present was significantly higher than the years prior, which furthermore contributes to the “development of collective memory that includes the awareness that crimes were committed in the name of your people”. Gaining this awareness is important so that the “future generations acquire the relevant knowledge by learning from the mistakes of the previous generation”, as Zoran Pusić explains. Politicians’ presence at the commemorations of the Zec family represents the first steps toward including the Zec family within the official narrative, which has the potential to reshape memory politics in a way that would emphasize learning from the past and preventing future crimes. The push from civil society in this direction stems from a different conceptualization of one’s society and country.

Civil society’s efforts aimed at commemorating the Zec family demonstrate a different relationship to one’s state and national identity – a relationship that emphasizes accountability and commitment to human rights. Through the play “Aleksandra Zec”, Frlić seeks to completely reverse the understanding of “our victims”, which is based on ethnicity in line with the narratives of the victimhood of the Croatian nation. Instead, he conceptualizes “our victims” based on who holds the responsibility for the crimes. In the case of the Zec family, he states the following:

“They are ‘our victims’ because they were killed by members of ‘our army’ in ‘our country’, and those same ‘our killers’ were released by ‘our courts’, and some of them were awarded and amnestied by ‘our heads of state’.

And once they escaped the hands of selective Croatian justice, ‘our killers’ became ‘our fellow citizens’ again, wonderfully exemplifying one variant of national reconciliation in which the rest of society peacefully coexists with criminals because they are ‘our criminals’.”

In contrast to the official narrative which builds its identity on Croatian victimhood and heroism, Frlić calls for remembering even those victims who are not of Croatian ethnicity, especially given the responsibility of the state’s leadership for their suffering. He offers an interpretation of historical events that places emphasis on responsibility for the crime and conceptualizes victims in a more inclusive way, going beyond the ethnicized victimhood. Zoran
Pusić reiterates this claim when stating that “we need to deal with the crimes committed in our name and unequivocally condemn them, instead of placing those crimes into the foundation of a democratic state”. He introduces the notion of a “healthy patriotism”, which “does not allow its state to identify with the dark sides of its history (...), sweep them under the rug, keep quiet, or present them as either something that did not happen or is falsified”. Instead, healthy patriotism, according to Pusić, implies dealing with the past. Once again, we hear the claim that a state ought to grapple with its history instead of building its foundation on interpretations of that history that depict the nation in a merely positive light while simultaneously excluding and vilifying the other. Branka Vierda from YIHR agrees, reiterating the importance of opposing exclusive national myths of innocence, moral victory, and victimhood since such narratives “inevitably imply superiority of one nation above another”. What underpins all three efforts to memorialize the Žec family is a commitment to remembering the victims and holding one’s state accountable to deal with its past in order for future generations never to repeat such crimes.

4. Conclusion

The fate of the Žec family, as a family of Serb ethnicity from Zagreb, does not fit within the official narrative of Croatia, which emphasizes Croatian innocent defense against the JNA and local Serb forces. In that context, the perpetrators of the crime against the Žec family, members of Croatian forces, were set free. The work of Oliver Frlić, the Antifascist League, and the Youth Initiative for Human Rights, as well as other civil society actors and interested individuals in the public sphere, take a clear stance against the injustices and preserve the memory of the Žec family. In doing so, we cultivate a different approach to the past: one that emphasizes accountability and taking responsibility for the crimes committed “in our name”. From this standpoint, we encourage an approach to the past, which seeks to grapple with one’s own responsibility in order to understand the complexity of war and conflict and build a culture that would prevent such crimes from happening again. Our continued efforts have led to the attendance of local and state politicians at the annual commemorations, who held significant speeches contributing to the official recognition of the crimes for which the Croatian state is responsible. Furthermore, we have achieved progress towards the goal of naming a public space after the Žec family, as a way to more permanently preserve their memory. These achievements offer a glimpse of hope that the official narrative might shift towards a more inclusive memory grounded in truth, justice, reparations, and guarantees of non-recurrence. We hope that this case study offers insight into the practices that might prove useful in other contexts that are grappling with past human rights violations.
NOTES


5 Opačić, 41.

6 As part of the same judgment, but for a different crime, Suljić and Rimac were convicted to prison sentences in the duration of one year and seven months respectively. The defense appealed the case, bringing down the sentences for Suljić and Rimac to ten months and six months respectively. Furthermore, for crimes committed in Pakračka Poljana, Suljić, Rimac, and Mikola were sentenced to ten, eight, and five years in prison respectively (Opačić, “Aleksandra Zec.”).


9 Opačić, “Aleksandra Zec,” 89.

10 Opačić, 11.

11 Opačić.

12 Opačić, 11.

13 Opačić, 11.

14 Opačić, 70-71.


18 Blanuša, 188.


20 The play “Aleksandra Zec” is the second in a trilogy that includes plays “Bakhes” and “Croatian Theater.” For more, see Blanuša, Ballay, and Židek.


22 Josip Reihl-Kir was the commander of Osijek police who tried to reconcile his fellow citizens. Milan Levar testified at the International Criminal Tribunal for the former Yugoslavia about war crimes in Gospić, and was killed in a bomb attack. Slobodan Budak resigned from his position as a state prosecutor to avoid prosecuting students and dissidents during the 1970s. He founded the Croatian Helsinki Committee. Vladimir Primorac, a judge, refused to convict students and dissidents. For this, he was expelled from the judiciary and went on to fight for human rights as a lawyer.


24 At the moment, the handbook “Inclusive Memory: Recommendations for the Commemoration of Civilian War Victims for the Representatives of Local Authorities in the Republic of Croatia” is only available in the Croatian language here: https://yihr.hr/system/publication/document/1/inkluzivno-sje%C4%87anje-Preporuke.pdf


26 Isabell Radešić’s conceptual design “Fragments” is available in the appendix of the publication “Inclusive Memory” referenced under note 25.