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## *In The Land of Blood and Honey*

### *What's Fair or Just in Love and War Crimes? Lessons for Transitional Justice\**

Carrie Menkel-Meadow

In 1990, the University of California at Los Angeles (UCLA) held a conference on "Probing the Limits of Representation: Nazism and the Final Solution" during which leading international scholars of history, literature, cultural studies, philosophy, critical theory, arts, language, sociology, and psychology explored the question of whether the mass atrocities of Nazism and the Final Solution to exterminate all European Jewry could be represented in anything other than "factual" historical documentation and narrative (Friedlander 1992; White 1992; LaCapra 1996). This was some years after the first documentaries and "fictionalized" films on the Holocaust had appeared, after *Judgment at Nuremberg* (Kramer 1961), but before *Schindler's List* (Spielberg 1993) and after various cultural critics had said such things as "there can be no poetry after Auschwitz" (attributed to Theodor Adorno), and no morally acceptable artistic representation could be made of the Shoah (Friedlander 1992). The conference explored what were then called "limits to representation" of certain "truths," so reprehensible, so mass and, at the same time, so specific or so exceptional (the "German" problem; Maier 1988), that no genre could fully, morally, or "accurately" depict either the systematic evil or the mass pain, death, and injury that is the Holocaust.

As the child of Holocaust survivors, I attended that conference as both scholar and one generation removed "victim," having spent a lifetime listening to my family's stories and seeing many visual images of both their own stories and the larger international one that was World War II.

I could watch some Holocaust movies (*Schindler's List* and *Sophie's Choice*, Pakula 1982) and had to turn away from others (*Life is Beautiful*, Benigni 1998), as I experienced the tension of what representations, in what genres, were "true" to the horror of the experience and what was said or depicted about humanity, in all its horrors, resistances, adaptations, and bravery. I began a lifelong interest in what artistic, documentary, and now digital and other media, can depict about man's inhumanity to man (and woman and child) and for what purposes—redemptive, retributive, documentary, educative, punitive, reconciliative, restorative, or offensive and propagandist.

### REPRESENTATIONS OF WAR CRIMES AND DOING JUSTICE

Whatever scholars may think and analyze about the visual depiction of human atrocities and crimes, filmmakers and filmgoers now have created a vast portfolio of documentaries, "true-story" films, fictionalized accounts, short subjects, and even cartoons<sup>1</sup> and graphic novels (*Maus*, Spiegelman 1986), showing the worst of acts that human beings commit against each other—mass murder, rape, torture, beatings, beheadings, assault, injury, burnings, property theft and destruction, and other horrible crimes. Some films depict the acts themselves; others the pain and consequences in their aftermath or after death and destruction; still others depict the now familiar genre form of trials, confrontations, truth telling, and legal sanctions, or the depiction of less lawful acts of revenge and counter-atrocity, now also shown in the dystopias so common in the violence of our modern media world.

As the artistic genres have expanded and proliferated, subject to creative morphing of familiar themes and formats, the law and legal processes, designed to deal with the many ways (new and old) human beings have developed to be cruel to each other, have also expanded, developed, and diversified, to include not only more substantive efforts at policing the boundaries of international crimes (The *Rome Treaty* creating the International Criminal Court) (1998, 2002 in force), but also creating new legal tribunals and different processes which attempt to deal with crimes against humanity, both with more punishment and sanction, but also with more "alternative" genres of processes which hope to reconcile and "restore" nations comprised of perpetrators, victims, and bystanders.

In this chapter I explore what one film, *In the Land of Blood and Honey* (Jolie 2011), has accomplished in demonstrating what popular culture can do to deepen our understanding of international crimes against humanity (by, among other things, depicting specific crimes against women) in their most human and real forms, and what this film suggests we think about

when we consider what forms of retributive, reparative, restorative, or transitional justice we should pursue. As popular culture appeals both to the masses and to the individual (telling individual and specific stories), justice and law must also speak to the general polity (the citizens of the world and particular nation-states), as well as to the needs of the specific people, groups, cities and nations affected by criminal acts of inhumanity, whether or not contained by a knowable boundary. Can or should films and other popular cultural forms encourage us to be citizens of the world, responsive to and responsible for the criminal acts that we (both far-away strangers, and closer to home kinsmen) commit against each other? What is the relationship of cultural production to legal or social justice and individual and collective responsibilities?

### IN THE LAND OF BLOOD AND HONEY

*In the Land of Blood and Honey* (a film written, produced, and directed by actress and UN Advisor, Angelina Jolie) is a powerful, painful, sad, brave, and strangely beautiful, filmed representation of so many of the issues raised above. There are and were controversies about the “shooting” of the film, the story it told, the representativeness of the film to the actual events of the Bosnian War, the uses to which it might and could be put, and whether or not it properly educated about and represented reactions to war; ethnic cleansing; rape; war atrocities; Serbs; Bosniaks (Bosnian Muslims); the international (inactive) community; the role of national, subnational, and international law; and myths or stereotypes about all of the above. Heralded and applauded by many (including victims of the rapes and other atrocities depicted) and criticized by others (some victims groups, many Serbs, some women’s groups, and many film critics), this film well-illustrates virtually all of the issues in filmic representation of modern atrocities.

This compelling and moving film, using a *Romeo and Juliet* (Shakespeare 1597) forbidden love story in the midst of the Bosnian ethnic cleansing war of 1992–1995, raises the harrowing question of how could these horrific events (rapes, murders, concentration camps, burnings, property destruction, firing squads, and genocides) possibly be happening in 1992–1995 (a modern, post-war, international, anti-genocide legal treaty, and “United Nations” world), after so many legal, cultural, and human claims of “Never Again!”<sup>2</sup> Jolie was reported to have been motivated to make this film by similar incredulity that this horrible war could occur in the modern (and European) post–World War II reality and thought that her film would bring greater attention, both to the horrific events, and to the inaction of the world community, obligated by modern treaty

imperatives (*Convention on the Prevention and Punishment of the Crime of Genocide*, 1948) to take action against genocides. The making of the film produced individual and group enmity, opposition by at least one women's victims group, and a halt to filming in Bosnia, as contesting groups argued about its significance and portrayal of perpetrators and victims before, during, and after the film's "shooting" (how ironic a process in a war film!) (Hopkins 2011).

The film tells the (improbable?) story of a relationship between a Bosniak (Muslim) woman, Ajla (Zana Marjanovic), who is a gentle painter, and Danijel (Goran Kostic), a Serbian male police officer, son of the harsh Serbian general, Nebojša (Rade Serbedzija), who becomes her captor and protector as the Bosnian war (conducted 1992–1995) leads to mass murders, firing squads, rapes, ethnic cleansing, detention and concentration camps, and massive property destruction. Estimates of the actual harm of this war include over 100,000 dead, a single massacre of eight thousand mostly male Muslims, and displacement of thousands of women and children (Srebrenica 1995), and anywhere from twelve thousand to fifty thousand rapes (Pégorier 2013). The film is located in and around Sarajevo and was filmed on location until the protests of one victims group led to the Bosnian government withdrawing permission for filming and the film moved to Hungary for completion. All of the actors were local, and, remarkably, Jolie (as both writer and director) had the film shot in both English and in local (Serbo-Croatian and Bosnian) languages (by the same local actors) so it could be seen locally and internationally. (This effort at parallel language versions for local and international viewership and "participation" is an exemplar of how parallel international, local, and hybrid tribunals could, but so far, have not, operated. See, e.g., Stromseth, Wippman, and Brooks 2006.)

Ajla and Danijel open the film in a pre-credits prologue with a romantic dance at a seemingly peaceful multicultural bar/café in what we are told is a culturally diverse and peaceful community, before a bomb explodes. Like many scenes in the film, there are clear references to that iconic romance across conflict zones, Shakespeare's *Romeo and Juliet* (1597) (the opening ball where the young lovers meet, act I, scenes 4 and 5, and the dance at the gym in the twentieth-century *West Side Story*, film version, Wise and Robbins 1961). Like the tragic-comedy of *Romeo and Juliet*, scenes of enmity, rivalry, and death in *In the Land of Blood and Honey* alternate with tender scenes of love (and sex) and artful elegance. The bomb shatters the peace of the town and the budding romance of Ajla and Danijel (who is seen dancing with his police epaulets to signal his "official" position), as the lovers are represented as painter and policeman/soldier (art/humanity; softness and femininity; and life vs. order, war, duty, and probable death). Ajla has been seen babysitting for her

baby nephew Adi, who will later be killed by Serbian soldiers who toss the baby out of a many-storied modern apartment building (corresponding to the death of Mercutio in *Romeo and Juliet*?). The juxtaposition of the modern (apartment living quarters, color on the walls, in Ajla's paintings, in the women's clothes and jewelry, cars, modern European café life) to the scenes of destruction and war that follow is Jolie's directorial *cri de coeur*—how can this be happening in a post-World War II, modern world?

For those who remember the real scenes of exodus of refugees from the many Balkan wars covered contemporaneously on television news, here are people of the late twentieth-century being killed and tortured and removed from their homes in track and running suits, sneakers, colorful scarves, high heels, holding on to electronics, toys, and what little they can carry from their otherwise normal lives. (I was a tourist in Yugoslavia in 1975 and saw many of the historical and modern buildings later seen damaged or destroyed on the evening news in the 1990s. My Serbian friend at UCLA in the early 1990s complained that the U.S. media were covering only Serbian destruction and not what "the others had done and were doing.") Jolie was criticized for taking a partisan side against the "brutish Serbs" (Hopkins 2011).

In a remarkable set of short sequences, the "history" of conflict in Bosnia-Herzegovina is narrated by one character to another. Danijel's father, the great and merciless general, Nebojša Vujovich, recounts the five hundred years of Serbian war with the Turks, the 1914 war, the "one million Serbs who died fighting against Hitler and the Bosniak and Croat enemies,"<sup>3</sup> and the need to "cleanse" the Muslims who "hid their faces" under Tito. There is much talk of oppressive Turk/Muslim rule and later "regaining" 80 percent of some vague territory the Serbs claim as theirs. Though not part of this movie, Nebojša also refers to the Battle of Kosovo (1448), to remind us how far back all of this enmity goes. Later Nebojša personalizes this history by telling Ajla "her" people (Turks/Muslims) murdered his mother who had worn and dirty hands from working in the fields so that Ajla's women relatives could wear "fine silks." Danijel's grandmother and three uncles were mercilessly killed in a field, while the implication is that the "higher class" Muslim women of their village (Ajla, who has "lady's hands" and is a painter, whose work is on display in the Sarajevo Museum of Art) enjoyed an easy life, at the expense of the lower class and oppressed Serbs. Before the bomb blast which opens the film, Ajla's relatives and friends are seen enjoying a modest middle-class life with beautiful things. Ajla later spends a secretive "night in the (partially destroyed) museum" educating Danijel about art and the beauty of quiet and "empty spaces," reminiscent of the few secret meetings of Romeo and Juliet or Tony and Maria before their respective tragedies (foretelling,

for those who know those stories, what is likely to happen to Danijel and Ajla).

The trashed museum and devastated buildings shown in the film (and commonly reported and shown on the nightly news during the Balkan conflicts) vividly portray the complexity of the uses, abuses, and manipulations of the various “pasts” as each group attempts to destroy the artistic, architectural, and religious achievements of its enemies. Using the artistic signs and references of *Romeo and Juliet*, Jolie positions Danijel and Ajla at forbidden windows, escaping and communicating across enemy and prison lines and “borders.” Will these lovers be able to transcend the borders of enmity between their people and escape the familiar plot lines of those older stories of forbidden love, while those around them seek to destroy each other’s (ethnic) families?

These constant juxtapositions of long-suffering resentments and tribal hostilities in the often narrated cultural/ethnic/national histories, interspersed with interpersonal connections and love scenes, as well as fellow-feeling, are referred to often in many film sequences. In one scene, a brutish Serb soldier interrogating a captured Bosniak (who has just rescued Ajla from her own captivity) recognizes the Bosniak, a baker, as one who “made the best pastries in the town.” In another scene, captured Bosniaks cry “we are all Bosnians,” hoping to appeal to a higher humanity, rather than to a to-be-slaughtered ethnic and “different” form of being. Ajla tells General Nebojša that her father was a Partisan (in World War II fighting against Hitler) and taught her “there were no differences among Serbs, Croats and Muslims.” When asked if she is Danijel’s enemy she says no—though we see this as both her love and desire for him, and the coerced loyalty he can silently enforce as her lover/captor.

The vast sweep of conflict and history is deftly (in my view) displayed in both battles in the woods, and destroyed cities, and in the interpersonal pain seen in the eyes and cries of the protagonists. Who cannot cry with Ajla’s sister, Lejla (Vanessa Glodjo), when her baby is found on the cold snowy ground on which he seems to have been thrown? Who cannot wince when snipers expertly cut down single people walking on a road to escape? The horror of war, and, worse, genocide, when people kill their neighbors and steal their children, wives, and lovers, as well as housing and property, is conveyed in scenes alternating with the ardent love-making of Danijel and Ajla and the all too human honey-colored flesh, surrounded by the red and black blood of wounds inflicted by guns, whips, and grenades.

*In the Land of Blood and Honey* is a specific tale of the Bosnian war, but it is also one of the first films about such ethnic conflicts and war to put women’s particular suffering at its center. Though firing squads, snipers, bomb blasts, and formal modern battles punctuate the film, the horror of



rape, beating, and humiliation of women is at the core of this film. At a Christmas celebration of the soldiers, the oldest Muslim women are humiliatingly asked to strip in front of laughing soldiers and their tarted up prostitute escorts—women enjoying the humiliation of other women. In the opening sequences of the film Serbian soldiers select the youngest and prettiest women to be sent to a detention camp to be their servants, cooks, and rape victims. The lines of choice and prisoner selection echo the horrors of the Holocaust's concentration camps and its now vivid depictions in other films, *Sophie's Choice* (Pakula 1982) and *Schindler's List* (Spielberg 1993), to name a few, a now familiar trope of cinematic mimesis for the horrors of ethnic sorting and family separation—lines of (temporarily) spared lives, or torture, beatings, death, forced labor, rape, exploitation, and inhumanity. In an early scene, one woman who volunteers to sew and help the men in order to save her life is asked “do you fuck?” and then is publicly raped in front of the rest of the women, dramatizing what human rights lawyers have fought for for decades—recognition of this specific inhumanity against women. Rape is now a war crime and this war has led to the first formal legal convictions (Franke 2006; Pégorier 2013). Perhaps another “border” has been crossed—formal legal recognition of women's suffered harms in war, but only after we can really *see* it, as in such films.

Like many drawn to the senselessness of group conflict, Jolie uses the device of a “cross-border” love story (Montagues-Capulets, Jets and Sharks, Israeli and Palestinian, Northern Irish Catholic and Protestants [Andrew Lloyd Weber's *The Beautiful Game* (2000), a musical which never made it to the screen]) to show how the human connection of love can sometimes transcend such profound group hatred. But here, too, Jolie has modernized the story. Ajla certainly feels something for Danijel—a powerful sexual attraction, and tenderness, but we never really know if she truly loves him—she is his captive, servant, and portrait painter, he is her (sometimes) protector, though he eventually kills her when he thinks it was her sister who betrayed him (see figure 4.1). (Once again borrowing the tropes of *Romeo and Juliet* and the denouement of *West Side Story* where Anita, Maria's sister, does betray the Jets when a few of them rough her up [a “softer” rape for the 1960s theater and film public?]). Ajla and Danijel have passionate sex, he feeds her, she paints him, she teaches him about art, but all the same she is protected from further abuse only because he has told his men “she is my property!” Like women for thousands of years of human history, Ajla is “protected” as chattel and when Danijel doesn't “get rid of her” as his father orders, she is raped and defiled by one of Nebojša's men. At first Danijel can't decide if he has been betrayed by Ajla—who can be trusted in these times of war and conflict?—but eventually he uses his own form of justice—he kills her



**Figure 4.1.** Captive, Prisoner, or Lover? *In the Land of Blood and Honey*. Image in the public domain, optimized by Susan Gilbert.

rapist, while the rest of his men continue to abuse Ajla's friends, family, and other women.

Ajla wears the colors of female passivity and beauty, yellow, while in the detention center serving as cook and private servant and later (amazingly, still delicate and clean), she wears white shifts and floating night-dresses, all while being kept in a white room, conjuring up the unreality of the story as a captive princess, a painting (talented) beautiful "ethnic" Rapunzel. Ajla is a captive prisoner of war, and does what she can to survive (who wouldn't?, we seem to be asked) as women have done for thousands of years.

Though some film critics accused Jolie of painting too harsh a picture of the Serbs, Danijel emerges as a complex figure, seen to save a few individuals by refusing to shoot, a reluctant warrior unless he has to fight or is seen by his soldiers, almost, but not quite helpless, before his commanding father, challenging his overly harsh ways, but still seemingly loved by his men, and brutal when he needs to be. Jolie uses these characters to explore the tensions between groupthink and obedience to orders (Danijel is a soldier) and individual choice. Though Ajla spends some time reunited with her "people" in hiding, she does nothing to sabotage her captors when she is recaptured, and is seen lollygagging in relative luxury in her confinement. If the fairytale has a slightly Hollywood shine to it, I prefer to see the fairytale stories of the Brothers Grimm—Ajla occasionally seems a protected princess but she dies a brutal and bloody death at the hand and gun of her lover. The film craftily uses color and beautifully framed scenes to communicate the paradoxical relations of love (honey) and death (blood).

To conclude the film with its anticipated Shakespearean end, Jolie importantly reminds us it is 1995, not 1595, and the law of war and in-



tergroup conflict has changed. Danijel, having killed his lover (having himself been mortally wounded by a bomb sent into a Christian church in which he was hiding), staggers across a bridge or no-man's land to a U.N. peace officer and declares, as he falls to his operatic death, "I am Daniel Vukojovich, I am a war criminal!" Jolie had consulted with Richard Holbrooke, chief negotiator of the Dayton Accords which brought an end to the violence of the Bosnian War, as well as with others who monitored or covered the war for the United Nations, United States, and various media outlets, and so was legally and diplomatically advised in her scriptwriting to conclude the film with a reference to an acknowledged international criminal law declaration of confession and guilt. Is this a filmic version of a "truth" commission that has not occurred in real life?

Some film critics also accused Jolie, who has served as a U.N. Human Rights Advisor for some years, of making a U.N. "anti-war propaganda" film, or worse, a "war-porn" film. Other critics, and some victims, have criticized the film for its improbability or lack of reality or "truth," or cultural exaggeration or stereotyping. Yet, when the film was shown to survivors and victims of the war, many cried or vomited with recognition and the re-living of their experiences; including a group of Bosnian rape victims who thanked her for telling their story (Hopkins 2011).

The film, its pre- and post-production, and as shown by reactions to it, painfully demonstrates just how contested the terrain (both literally and figuratively) is in the "representation" of war crimes and human rights violations. The conflicts about the film parallel many disputes in the fields of international criminal law, transitional justice, and human rights activism—how much should the stories and experiences of individuals be told, shown, acknowledged, and remediated? Do individual stories (testimonies) tell the larger collective "truth"? How do individual stories emerge from group harms and atrocities and collective guilt in trial testimonies, truth commissions, documentaries—should there be room for defenses—individual or collective? Can individual stories depart from the collective truth that emerges in prosecutions, trials, truth and reconciliation commissions, and the many layered international, national, and local justice processes? Must all individual stories conform to a single narrative of guilt and wrongdoing or are more complicated stories of complicity, collaboration, and ethically comprised survival actions permitted to be told? When individual and collective stories about who began the aggression and who is engaging in "self-defense" differ, whose story is allowed to dominate the narrative? (Luban 2015). Does telling the story of individual or group harm encourage human empathy and motivation for reconciliation, or judicially authorized punishment, or does it empower and justify those seeking revenge, or those who glorify

or simplify “victimhood” (Fletcher and Weinstein 2016)? Can one victim’s story ever tell the whole truth? How much punishment is required to prevent further crimes? What is the role or possibility of “honey” or forgiveness, apology, reconciliation or simple, difficult, but nonviolent, co-existence in the aftermath of such mass atrocity?

As international law practitioners and scholars debate and practice with an ever-increasing set of new processes and institutions, films like *In the Land of Blood and Honey* can help us see the dilemmas and multiple layers of truth and meaning, and emotions that complicatedly inhabit the multiple realities of such complex stories.

### CONFLICT IN THE FORMER YUGOSLAVIA: BOSNIA HERZEGOVINA AND THE LAND OF “BLOOD AND BELONGING”

The events depicted in *In the Land of Blood and Honey* are a smaller, but brutal, part of the larger conflict of the post-1989 fall of the Soviet Bloc and disintegration of the former Yugoslavia. The indicted, but dead-before-finally-convicted at the International Criminal Court, dictator Serbian Slobodan Milošević, had planned a successor state to the former Yugoslavia, in which he hoped to be the new Tito, a new nation, dominated by ethnic Serbs, in a land comprising much of what is now Serbia, Bosnia-Herzegovina, Kosovo, and portions of Croatia. Milošević was known to have masterminded many of the Serbian-committed atrocities in the Balkan wars of the 1990s, including the first conflict between Serbs and Croats (1991–1992) (Ignatieff 1993), the Bosnia conflict partially depicted in this film (1992–1995), and the later conflicts in Kosovo (1998–1999) (Hagan 2003). In the communist days of Tito’s rule it was illegal to call oneself a “Serb,” “Croat,” “Slovenian,” or “Bosnian”—a punishable crime of “nationalism” and “chauvinism”—all citizens were communist Yugoslavs. With the fall of the Berlin Wall and the demise of the Soviet bloc (and Tito’s earlier death in 1980), the forced “unity” of Yugoslavia returned to ancient and enduring nationalisms of the Orthodox Serbs, identifying with the Byzantine, sometimes Turkish and also Slav, identifying often with the Ottoman Empire; the Croats calling themselves Catholic and European (and identifying with the Austro-Hungarian empire); and the Bosniaks, a smaller Muslim community in its loyalty. The Balkans were the fissure points for the older rivalry of the Ottoman and Austro-Hungarian empires, supposedly put down by the post-World War I, new boundaries drawn by victors of that war, but undermined two decades later in complex loyalties to different sides of the Allied-Axis powers of

World War II (calling each other genocidal Croat “Ustashe assassins” and Serbian “Chetnik [pro-Hitler] beasts”).

As Michael Ignatieff recounts in his field-defining book and TV series, *Blood and Belonging* (book 1993; BBC TV Series 1993), the Freudian “narcissism of small differences” helped define identity politics of the region, so that one was a Croat by “not being a Serb” and vice versa: “Without hatred of the other, there would be no clearly defined national self to worship and adore” (Ignatieff 1993, 22). In fact, over fifty years of ethnic peace had reigned in the post-World War II country of Yugoslavia. Many historians insist that the civil wars of the 1980s and 1990s are fabricated or “refabricated” versions of Western European–bred ethnic and nationalist myths, borrowing from more ancient and contested battles, symbols, and religious differences, many which lay fallow and irrelevant to other problems and issues under Tito’s enforced unity regime. Milošević was successful in stirring up a latent Serbian nationalism to counteract the Tito dictatorship which had attempted to accommodate, unify, and dominate the different ethnicities scattered within different areas of the nation’s boundaries. The Balkans may be said to be “Balkanized” in part because the relevant land areas had more diverse, rather than totally homogenous populations, living together in complex geopolitical space. Civil wars developed in part because in each area “minority” groups have cohabited with whatever self-styled “majority” group controlled different areas.<sup>4</sup> Economic resentment fueled ethnic animosity as the richer Slovenian and Croatian regions believed themselves to be paying for the more “backward” Serbs and Bosnians (note here that similar economic resentment fuels a so-far more peaceful set of conflicts between Flemish and Walloon ethnic groups in Belgium) (Mnookin and Verbeke 2009).

For some commentators, the second modern Balkan war, the Bosnia-Herzegovina conflict, began as a continuing proxy of the Serbian-Croatian civil war (1991–1992) which led to the division of those two regions into two separate countries, “at the expense of the Bosnian Muslims” (Ignatieff 1993, 28), the war which is featured in *In the Land of Blood and Honey*. The territories comprising Croatia, Serbia, and Bosnia-Herzegovina saw some of the worst partisan and World War II fighting. Conflicts over numbers killed in concentration camps which imprisoned and murdered Jews, Roma (Gypsies), Serbs, and Communists continue to this day. From 1992 to 1995 the region saw the worst violence since World War II as “minority” Serbs fought both Croats and Bosniak (Muslims) for territory, possible unification with Serbia, and committed heinous crimes, including mass murders, rapes, assassinations, genocides, dislocations and removals, kidnapping, separation of families, detention in concentration camps, and massive property destruction (accounting for more than 90 percent of the war crimes charged and prosecuted at the International Criminal

Tribunal for the Former Yugoslavia, though a smaller group of Croatians and Bosniaks were also prosecuted) (Waller 2002). Proxies and outside fighters, including some German and Austrian neo-Nazis on the Croatian side, Greeks and Russians on the Serb side, and Muslims on the Bosniak side, fueled local devastation as an arms embargo supported by Europe and the UN tended to favor the Serbs, still armed by the former Yugoslav army resources.

The war finally ended after NATO and U.S. intervention (unilateral cessation of arms embargo to those fighting the Serbs) in 1995 with the conclusion of the Dayton Accords, negotiated by Assistant Secretary of State for the United States, Richard Holbrooke, with land partition, U.N. peacekeeping forces, and an uneasy peace, still reflected in complex political and on-going conflicts. Prosecutions for war crimes (of genocide, crimes against humanity, and for the first time, "mass or genocidal" rape) in the newly created International Criminal Tribunal for the former Yugoslavia (located in the Hague) began even before the hostilities were concluded. International lawyers and scholars still debate whether the conflict should be classified as a civil war or international war (depending on how the roles of sovereign Serbia and Croatia and their respective leaders are analyzed). For those who died, were brutally harmed, became refugees, or lost their physical and mental health, these international law categories may matter little. Many claim impunity continues and others claim disparate, discriminatory, and targeted prosecutions, and are used in the continuing politics of the new nations created by the conflicts.

Thus, film may more accurately depict the reality of human harms and pain, which law may not be able to fully remedy with its legal rules, evidentiary and categorical demands, and limited human and material resources. *In the Land of Blood and Honey* is only one of many films made about this war, including other American-made films, *The Peacemaker* (Leder 1997), and *The Hunting Party* (Shepard 2007); British productions, including *Welcome to Sarajevo* (1997), part of the BBC's popular *Prime Suspect* series, part 6 (Hooper 2003); and the Bosnian directed and Oscar-winning *No-Man's Land* (2001), a tragic-comedic look at the absurdities of war, man-made boundaries, and humanitarian law. Documentaries have been made, both about the events of the war, and some of the activity of the International Criminal Tribunal for the Former Yugoslavia in The Hague, and memoirs and books continue to be written about the war and its ongoing human tolls, see, for example *Zlata's Diary* (Filipović 2006) and Frederick Forsyth's *The Avenger* (2003).

The land depicted in the film is surely a land soaked with blood for decades at a time. It is also a land soaked with stories, both true and false, of different versions of the partisan versus fascist and now communist versus nationalist pasts. Lands soaked in conflicts will continue to tell dif-

ferent stories of the past to motivate present conflicts and violence, with the hope of literally “cementing” the future. (Consider the conflicting origin stories of Palestine-Israel and the “facts on the ground” of illegal settlements in the West Bank.)

The devastating violence of the Balkan Wars has many geopolitical explanations. There is the failure of Tito to build a successful succession; a weak single-party communist succession failed here as elsewhere in the former Soviet bloc. A potential democracy never took hold as the failed, multi-ethnic state imploded (despite the fact, that here, as in the similarly, but more quickly devastated, Rwanda, there was plenty of intermarriage, as suggested by the opening scene of *In the Land of Blood and Honey*—Ajla’s sister helps her get ready for her date with a Serb, so dating and the promise of marriage in the future seem possible). The failure to attend to economic inequalities allowed demagogues like Milošević to substitute identity politics for a more differentiated problem-solving politics. Western euphoria over the fall of communism failed to take sufficient account of the consequences of the very “self-determination” and nationalist principles written into the founding documents of the post-World War II period, including the U.N. Charter (thus accounting for delay in interventions to prevent the genocides also prohibited by the treaties of the new world government). Political critics suggest that the United States and other Western powers were too obsessed with their own economic success in the early 1990s, and the continued memory of the losses of Vietnam to make good on antigenocide promises in modern treaties. The documentary *Ghosts of Rwanda* (Barker 2004) and the only slightly fictionalized *Hotel Rwanda* (George 2004), collect, in one PBS-produced documentary and a Hollywood film, the repeated and shameful attempts of Secretary of State Madeline Albright, President Clinton, and the various U.N. representatives to avoid using the “g” word (“genocide”), which might require them to take action as promised in the Genocide and Geneva Convention treaty-based obligations. American and European politicians, international law and foreign policy leaders, and academics struggled over the meanings and obligations of newer doctrines of “humanitarian intervention” (Gibbs 2009) and the “responsibility to protect,” all as nightly news coverage, documentaries, and “fictionalized” films like *In the Land of Blood and Honey* (made later, after the carnage was more or less completed, but not yet fully accounted for) made all too real the human costs of wars and conflicts in the era after war was thought to be a thing of the past (Fukuyama 2006).

Whatever the causes of the many recent post-Cold War conflicts (I have always been a multicausal scholar and citizen), the advent of modern film, TV, cell phone, and digital photography, such as YouTube postings, has captured the horrors of wars, crimes against humanity, and human rights

violations with an immediacy and vividness beyond even the newsreels of World War II<sup>5</sup> and Vietnam,<sup>6</sup> in my view, playing an integral role in the modern human rights movement's successful campaign for international legal and extralegal actions and reforms. Although the modern "transitional justice" movement was initially born out of the end of the South American dictatorships in Chile, Argentina, Brazil, Uruguay, Bolivia, and Paraguay (Teitel 2000; 2014), the terrible conflicts of Eastern Europe and Africa (particularly, but not exclusively the Rwandan genocide), and the more peaceful end to apartheid in South Africa (Gibson 2004), led to the development of new institutions for retributive justice and criminal prosecutions (the International Criminal Tribunal for the former Yugoslavia 1993; the International Criminal Tribunal for Rwanda 1994; and, eventually, the International Criminal Court 2002 (as yet unratified by United States), as well as more varied transitional justice processes in truth and reconciliation commissions (Hayner, 2011) and indigenous, local, as well as hybridized, courts (combined international and local courts, e.g., in Timor Leste, Cambodia, and Sierra Leone), and indigenous community processes (Stromseth 2003). These new institutions and processes have now produced a rich practical and scholarly literature for assessing their claims and controversies, which has begun to be documented in both reality-based and fictionalized films.

Some of the material presented in *In the Land of Blood and Honey* can help us understand the aspirations (in individual connections) and dangers (in collective grudge holding and uses of past histories) of both these formal prosecutorial justice institutions and the more informal and differently motivated truth and reconciliation commissions and other restorative processes. In fact, as the power of film and differently told stories demonstrates, to know the past is not to prevent its repetition (cf. Santayana 1905 "those who cannot remember the past are condemned to repeat it")—the uses of the past can be harnessed for punishment and deterrence, but also for revenge and retribution (Subotić 2009). The challenge is to determine what can be accomplished for both individuals and collectivities in not forgetting, but knowing and memorializing the past (Buckley-Zistel and Schäfer 2014), while victims, survivors, and successor polities have to decide what can be forgiven, what must be punished, and what must be done to heal, reconcile, or at least move forward with some hope for peaceful cohabitation.

### LESSONS FOR AND FROM TRANSITIONAL JUSTICE IN POST CONFLICT SETTINGS

The tensions presented in *In the Land of Blood and Honey* between individual cross-ethnic love stories and collective atrocities reflect many of



the controversies in the field of transitional justice today. The war crimes committed during the Balkan wars led to the establishment of the first international criminal tribunal, following the military tribunals of World War II in Nuremberg and Tokyo. Though many human rights advocates had argued for a permanent International Criminal Court earlier, the politics of the Cold War made the development of such an institution impossible (Goldstone and Smith 2008). The Rome Treaty of 1998 has now established an International Criminal Court with jurisdiction over defined war crimes, crimes of genocide, and crimes against humanity and aggression (now including rape and violence against women, thanks to the efforts of advocates following the Balkan wars, Bassiouni 1996; Nikolić-Ristanović 1999; Bell and O'Rourke 2007; Koenig 1994; Stiglmayer 1994; Yarwood 2013), but the United States is not a party, having not ratified the treaty.

When the atrocities of the actions in the former Yugoslavia came to light, even Russia and China joined the Security Council resolutions that led to the establishment, first of the International Criminal Tribunal for the Former Yugoslavia (1993) and then one year later after the Rwandan genocide (1994), the establishment of the International Criminal Tribunal for Rwanda (located in Arusha, Tanzania). The motivations behind these courts (which share a common appeals tribunal) were to use formal trial procedures (a hybrid of common law and civil law procedures and rules) to make public evidence of war crimes and crimes against humanity (genocide, ethnic cleansing, rape, targeted killings, kidnappings, forced deportation, serious bodily harm, imprisonment, torture, and other defined crimes) for international publicity, knowledge, and punishment, with the purposes of both retributive justice and deterrence. Today as these courts begin to transfer their activities, after twenty years of multinational and international legal prosecutions, to local courts, they are often criticized for their complexity, their enormous costs, and their inability to totally eliminate the impunity of crimes against humanity, as civil wars continue, especially in many African nations. (The ICC is now often criticized for indicting only African war criminals.) Appeals have been won, releasing some defendants, and reducing sentences for other Yugoslav war criminals. Milošević, denouncing the "victor's justice" of the tribunal in an unruly act of self-representation, managed to die before he was convicted, thus leaving no formal public adjudication of his responsibilities for many of the atrocities in the Balkan wars. Many of the worst perpetrators of war crimes remain at large, both in the former Yugoslavia, and in various African states. Furthermore, the effects of a court located in another country (the Netherlands or Tanzania), rather than near the scenes of the crimes, have permitted political exploitation of a critique of claimed "international elite victor's justice" with ongoing

political conflicts at home (fueling continued Serbian nationalism and appeals to victimhood and discrimination in several of the new countries with Serbian populations). Most importantly, the international criminal tribunals, while recognizing crimes against, and committed by, groups of people, have continued the individualization of wrongdoing, through the cult of personality (both in defendants and legal leadership). In many cases, denial of culpability by individuals for their actions belies what many in the international human rights community feel are collective wrongs. At least modern international criminal law now allows actions against groups and organizations, as well as the now precedented indictment of sovereign leaders (a modern departure from sovereign immunity doctrine).

The end of the Balkan wars (more or less) coincided with at least four other major developments in global (dis)ordering—the end and increasing democratization of countries with former military dictatorships (1970s–1980s) in much of Southern and Central America (Argentina, Bolivia, Brazil, Chile, Paraguay, Peru, Uruguay, Guatemala, El Salvador, and Honduras, among others), the more or less peaceful end to apartheid in South Africa, the end of the political genocide of the Pol Pot regime in Cambodia, and a repetitive cycle of violent civil wars and struggles in Africa. A fifth global political earthquake in the “Arab Spring” now also raises significant issues of transitional justice (see *The Square*, Nou-jaim 2013). These varied historical developments, all with their own documentary and filmic portrayals (see appendix A: Filmography for a sample) spawned the new legal field of “transitional justice” (Teitel 2000; U.N. Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies, Secretary-General Report 2004), with different processes and institutions to deal with movements away from violence into a new (if not clearly defined) “transitional” political order, including truth and reconciliation commissions (Hayner 2011; Gibson 2004; Minow 1998); hybrid international and local courts (Stromseth 2003) and use of indigenous “justice” and restorative healing processes, such as *gacaca* in Rwanda and *ubuntu* in Southern Africa (Menkel-Meadow 2007).

These new institutions and processes have often pitted conflict resolution and peace-seeking practitioners and scholars against, or in some conflict with, human rights and international criminal law advocates. Several new nongovernmental organizations (NGOs), such as Alliance for Peacebuilding and the Public International Law and Policy Group in Washington, DC, work in both fields and seek to “mediate” some of the issues in the controversies between formal prosecutorial accountability (seeking justice), and less formal and varied peace seeking reconciliation processes (seeking peace, cessation of violence or gentler reparative processes). The Balkan conflicts have actually spawned very little in the

way of informal reconciliation processes. *In the Land of Blood and Honey* suggests that peace and reconciliation will not come easy to these lands (now comprising many different countries with continued heterogeneous populations). It would be interesting to compare intermarriage rates from the former Yugoslavia to the new countries of Serbia, Croatia, Bosnia-Herzegovina, and Kosovo (and Montenegro). How many Ajla and Danijel couplings have been successful, outside of the magic world of film?

This important new field of international criminal law and transitional justice now has its own set of competing goals, purposes and controversies (Leebaw 2008; Olsen, Payne, and Reiter 2010; Menkel-Meadow 2015), as one tries to imagine which of these might be useful or appropriate in the killing fields of Bosnia, including:

- *Prosecutions (international as in ICTFY, national—Bosnian courts or hybrids, as in special courts in Cambodia)*: Establishing “truth” and documenting mass harms and atrocities, whether by formal trial and evidentiary rules or
- *Truth and Reconciliation processes and commissions*: Acknowledgement of pain and suffering through victim testimonies in more informal “truth” commissions, in order to establish
- *Accountability* (individualized or collective): Identification of and naming of perpetrators, those responsible for actions, with either
- *Apology*: Formal verbal or written statements of perpetrators to victims and larger public acknowledging guilt and often narrating detailed information about crimes committed not known or acknowledged before and expressing regret, or
- *Amnesty*: Formal agreement not to prosecute (either through formal legal enactments, as in Chile and Argentina, now withdrawn in many cases, (Lessa, Olsen, Payne, Pereira, and Reiter 2014), or through process of TRC, following apology, as in South Africa) or with
- *Punishment*: Formal sanction, including detention (no more than thirty years and no death penalty in modern international tribunals) or
- *Lustration, purging, or “vetting”*: Removal of perpetrators and guilty from ongoing governmental functions, with hopes of
- *Deterrence and prevention* of similar acts in the future (“never again”), and
- *Individual healing* (through cathartic/psychological/therapeutic and emotional processes, whether confrontational or narrative, either in formal tribunals or through individual psychiatric or social work, paid by the state) and
- *Reconciliation and collective healing* with varying degrees of

- *Forgiveness*: Actions by victims to understand and provide a moral “pardon” to the perpetrator. Forgiveness does not require “forgetting” the acts but allows victims and perpetrators to reconcile and co-inhabit the same society without ongoing and potentially explosive animosity; whether nonvictims or witnesses or other members of the harmed society, can or should “forgive” is a continuing issue (Margolit 2004); and
- *“Resolution”*: of ongoing conflicts (or at least peaceful “management” and prevention of ongoing conflicts), with varying degrees of
- *Restoration and “remediation”* of physical, economic and emotional well-being, including both “*restorative justice*” and “*reparative justice*,” with varying degrees of economic, property or other compensation and
- *Memorialization* of past harms and education for prevention of future harms, through museums, memorials, artistic expressions, commemoration events, celebrations, holidays, street, and property naming and
- *Peacebuilding* efforts, through formal UN and international forces or civil society, NGO and local peace groups, with
- *Reformulation and reframing* of national/group narratives and histories, through both formal historical and narrative projects or NGO and civil society activities; and more controversially,
- Development of “*rule of law*” (rather than rule *by* law) in new constitutional commitments, new governmental structures, with more formal accountability and judicial independence (too often modeled on western “path dependence”), and
- *Democratization* and increased participation of all groups within the political order, in hopes of
- *Prevention of future mass atrocity and systemic violence* through both individual and collective learning and “*re-integration*.” (assuming there was prior “integration”).

These varied and many goals of transitional justice contain obvious tension points and potentially conflicting purposes: Can there be punishment and reconciliation, remembrance and forgiveness, compensation and remediation, and reintegration, all at the same time? Will all victims of the same atrocity or harm want the same processes (trials and punishment, truth and reconciliation commissions, healing circles) or outcomes (compensation, apology and forgiveness, or retribution)?<sup>7</sup> How can any restorative process fully compensate for destroyed lives, seized land and property, and changed boundaries? Can transitional justice offer a more complex menu of choices for new nations and for diverse victims, often

with very different religions, social, political, and psychological value systems and needs?

Transitional justice has been unable to avoid the challenges of “distributive” scarce sum conflicts with limited resources (land, money, water, jobs, and positions), with continued allegiance to zero-sum identity conflicts, rather than focusing on future, multicultural, and regenerative or integrative new narratives and collaborative conditions on the ground. The claimed goals of some forms of transitional justice are, in fact, potentially in opposition to each other: Can there be a single “truth” in any contested conflict, without shared adjudicators or witnesses? Might accountability, lustration, and punishment lead to more waves of revenge seeking, rather than to reconciliation and healing? Will collective accountability prevent or encourage individual responsibility taking? Will efforts at “memorialization” lead to more, not fewer, conflicts as the past is revisited and partisanly retold, rather than transcended?

*In the Land of Blood and Honey* raises these issues, without resolving them, for the educated student of transitional justice theory and practice:

- Does knowing the past (Battle of Kosovo, Partisan vs. Fascist fighting in World War II, as told by those in conflict) explain, exacerbate, or pacify the differences among peoples? Knowing the past seems to perpetuate conflict here.
- Does group suffering build walls of hurt, wound, and insularity of group victimhood to prevent the connections of individuals from different groups? (Why does the *Romeo and Juliet/Tony and Maria/Ajla and Danijel* story get told in so many group conflict stories for so many centuries?)<sup>8</sup> When does reconciliation beyond the individual levels of love and even intermarriage between groups really happen? Was the Yugoslavian period under Tito really an “integrated” society? Could it ever be again after what we have witnessed and seen here?
- Will the particular suffering of women in war zones and crimes against all of humanity, including women and children (now finally recognized in international law [Franke 2006; Fineman and Zinsstag 2013]) be fully accounted for and redressed in formal justice institutions or not (Andrews 2012; Brown and Ni Aoláin 2014)? Is a female filmmaker’s intervention in filmmaking enough to make up for the continued gendered structure of both formal and informal transitional justice (in theory and practice), as many have argued? (Charlesworth and Chinkin 2000; Copelon 1994). Does seeing these transgressions against women in the film encourage outrage and activism in response or depressed passivity and hopelessness?

- Does the tragedy of massive devastation and individual pain (and the “star-crossed lovers” deaths) inspire us to prevent, repair, restore, and reconcile in conflict zones or to despair that human beings will ever learn to simply live and let live?
- Can individuals ever escape their chosen or imposed group identity?
- What is the relationship of individual to group agency in the commission of acts of grievous wrongs or kind and generous acts of humanity and empathetic fellow-feeling? (Menkel-Meadow 1992).

*In the Land of Blood and Honey* does not answer these questions; indeed, its sad conclusion with the death of the lovers and mass destruction and murder, with continued conflict, seems only to lead to a sense of helplessness and despair that human beings will ever really be able to get over their differences. Yet, I think Angelina Jolie made this film to contribute to the struggles for international human justice. Her hope (and mine), I believe, is that if we use film to depict human depravity and injustice (Blum 2004), we will work for its end—whether through formal legal accountability in international tribunals or through the less formal and “softer” versions of human contact, connection, and even forbidden love. We continue to tell and film these stories of conflict-ridden, ill-fated love affairs, and human relationships for their emotional power and hope they will spur action and response; at the same time as those of us who are lawyers continue to search for and design new legal and social processes for accountability, and hopes for reconciliation and new legal orders. If we can learn from seeing the human costs of violent conflict through film and other media representations, as I believe we can, from many different “truths” and points of view, then I think that popular representations of human rights violations and war atrocities are, in fact, another way to represent the continuing quest for legal, as well as human, justice. Jolie’s film helps to represent the particular harms suffered by women in conflict zones, in a manner that is compelling and cathartic for some of its victims, as well as inspirational for those human rights advocates who seek to make real, as well as dramatize, the pain and loss that real people feel, across the globe, to many of us who may not read law books, watch the news, or who, fortunately, will never endure these crimes. It is possible, indeed, it is necessary, to “represent,” in popular culture, great harms and pictures of man’s inhumanity to man, so we can see them with our own eyes, and hopefully take action to end them forever. Each filmic and popular cultural representation of these criminal acts is another effort to make “Nunca mas!” or “Nie wieder Krieg!” a more likely reality for future generations.



## APPENDIX A: FILMOGRAPHY

**Some Transitional Justice/Human Rights Films***Africa*

- Attenborough, Richard (director). 1987. *Cry Freedom* [Motion Picture]. United Kingdom: Marble Arch Productions.
- August, Bille (director). 2007. *The Color of Freedom* [Motion Picture]. United States: Banana Films.
- Barker, Greg (director and producer). 2004. *Frontline: Ghosts of Rwanda* [Documentary]. United States: Frontline PBS.
- Boll, Uwe (director). 2009. *Attack on Darfur* [Motion Picture]. United States: Event Films; Pitchblack Pictures.
- Caton-Jones, Michael (director). 2005. *Beyond the Gates* [Motion Picture]. United Kingdom, Germany: BBC Films; CrossDay Productions Ltd.
- Chadwick, Justin (director). 2010. *The First Grader* [Motion Picture]. United Kingdom: BBC Films; UK Film Council.
- (director). 2013. *Mandela: Long Walk to Freedom* [Motion Picture]. United Kingdom and South Africa: Videovision Entertainment; Distant Horizon; Film Afrika Worldwide.
- Cohen, Rebecca Richman (director). 2010. *War Don Don* [Motion Picture]. Netherlands: Racing Horse Productions.
- George, Terry (director). 2004. *Hotel Rwanda* [Motion Picture]. United States: Lions Gate Entertainment; United Artists.
- Gibson, Angus and Menell, Jo (directors). 2014. *Mandela* [Motion Picture]. South Africa and United States: Clinica Estetico; Island Pictures.
- Hoffmann, Deborah and Reid, Frances (directors). 2000. *Long Night's Journey into Day* [Motion Picture]. Australia: Reid-Hoffmann Productions.
- Hormann, Sherry (director). 2009. *Desert Flower* [Motion Picture]. Germany: Desert Flower Filmproductions.
- Laufer, Erez and Laufer, Miri (directors). 2012. *One Day After Peace* [Motion Picture]. Israel: Erez Laufer Films.
- Lipper, Joanna (director and producer). 2014. *The Supreme Price* [Motion Picture]. United States: Vertunmus Productions.
- MacDonald, Kevin (director). 2006. *The Last King of Scotland* [Motion Picture]. United Kingdom and Germany: DNA Films; Film 4.
- Noyce, Phillip (director). 2006. *Catch a Fire* [Motion Picture]. France: StudioCanal.
- Zwick, Edward (director). 2006. *Blood Diamond* [Motion Picture]. United States and Germany: The Bedford Falls; Virtual Studios; Initial Entertainment Group.

*Anti-War (General)*

- Ashby, Hal (director). 1978. *Coming Home* [Motion Picture]. United States: Jerome Hellman Productions.
- Coppola, Francis Ford (director). 1979. *Apocalypse Now* [Motion Picture]. United States: Zoetrope Studios.

- Ignatieff, Michael (director). 1993. *Blood and Belonging* [Motion Picture]. United Kingdom: BBC Television.
- Weir, Peter (director). 1981. *Gallipoli* [Motion Picture]. Australia: Associated R&R Films.

### Asia

- Annaud, Jean-Jacques (director). 1997. *Seven Years in Tibet* [Motion Picture]. United States and United Kingdom: Mandalay Pictures.
- Attenborough, Richard (director). 1982. *Gandhi* [Motion Picture]. United Kingdom, India, United States: Goldcrest Films.
- Besson, Luc (director). 2011. *The Lady* [Motion Picture]. France: EuropaCorp.
- Briski, Rana and Kauffman, Ross (directors). 2004. *Born into Brothels: Calcutta's Red Lights Kids* [Documentary]. United States and India: Red Light Films.
- Forster, Marc (director). 2007. *The Kite Runner* [Motion Picture]. United States: Sidney Kimmel Entertainment; Participant Productions; Paramount Classics.
- Hansen, Renè Bo (director). 2009. *Eagle Hunter's Son* [Motion Picture]. Germany, Sweden, Denmark: Stomberg Productions; Eden Film.
- Joffé, Roland (director). 1984. *The Killing Fields* [Motion Picture]. United Kingdom: Goldcrest.
- Lemkin, Rob and Sambath, Thet (directors). 2009. *Enemies of the People* [Motion Picture]. Cambodia and United Kingdom: Old Street Films.
- Nosheen, Habiba and Schellmann, Hilke (directors). 2013. *Outlawed in Pakistan* [Motion Picture]. Pakistan and United States: H2h Films.
- Oppenheimer, Joshua and Cynn, Christine (directors). 2012. *The Act of Killing* [Motion Picture]. Norway, Denmark, United Kingdom: Final Cut for Real.

### Europe

- Gavras, Costa (director). 1969. *Z* [Motion Picture]. Algeria and France: Office National pour le Commerce et l'Industrie Cinématographique.
- Goldberg, Andrew (director and producer). 2006. *The Armenian Genocide* [Documentary]. United States: Oregon Public Broadcasting.
- Jolie, Angelina (director, writer, and producer). 2011. *The Land of Blood and Honey* [Motion Picture]. United States: GK Films.
- Kondracki, Larysa (director). 2010. *The Whistleblower* [Motion Picture]. Canada, Germany, United States: Samuel Goldwyn Films.
- Sakler, Madeleine (director). 2013. *Dangerous Acts Starring the Unstable Elements of Belarus* [Motion Picture]. United Kingdom: Great Curve Films.
- Sheridan, Jim (director) 1993. *In the Name of the Father* [Motion Picture]. Ireland, United Kingdom, United States: Hell's Kitchen Films.
- Tanović, Danis (director). 2001. *No Man's Land* [Motion Picture]. France: Noé Productions.
- Winterbottom, Michael (director). 1997. *Welcome to Sarajevo* [Motion Picture]. United Kingdom: Damian Jones; Channel Four Films; Miramax.

*Latin America*

- Campanella, Juan José (director). 2009. *El Secreto De Sus Ojos* [Motion Picture]. Argentina: Tornasol Films; Haddock Films; 100 Bares.
- Farnsworth, Elizabeth and Levertón, Patricio Lanfranco (directors). 2008. *The Judge and the General* [Motion Picture]. United States: West Wind Productions and Independent Television Service (ITVS).
- Gavras, Costa (director). 1982. *Missing* [Motion Picture]. United States: PolyGram Filmed Entertainment.
- Kreuzpaintner, Marco (director). 2007. *Trade* [Motion Picture]. United States: VIP Medienfonds 4; Centropolis Entertainment.
- Larraín, Pablo (director). 2012. *No!* [Motion Picture]. Chile: Fabula; Participant Media; Canana
- Polanski, Roman (director). 1994. *Death and the Maiden* [Motion Picture]. United States, United Kingdom, France: Capitol Films; Channel Four Films (based on a play by Ariel Dorfman).
- Puenzo, Luis (director). 1985. *The Official Story* [Motion Picture]. Argentina: Historias Cinematograficas Cinemania.
- Toledo, Sérgio (director). 1991. *One Man's War* [Motion Picture]. United Kingdom: Channel 4.
- Zeka, Alessandra and Kahn, Holen Sabrina (directors). 2014. *A Quiet Inquisition* [Motion Picture]. United States: Adrenaline Films.

*Middle East*

- Abu-Assad, Hany (director). 2005. *Paradise Now* [Motion Picture]. Palestine, France, Germany, Netherlands, Israel: Augustus Films.
- Avni, Ronit and Bacha, Julia (directors). 2006. *Encounter Point* [Motion Picture]. United States: Just Vision Films.
- Barbeau-Lavalette, Anaïs (director). 2012. *Inch'Allah* [Motion Picture]. Canada: micro\_scope.
- Bolado, Carlos, Goldberg, B. Z., and Shapiro, Justine (directors). 2001. *Promises* [Motion Picture]. United States: Promises Film Project.
- Daccache, Zeina (director and producer). 2013. *Scheherazade's Diary* [Motion Picture]. Lebanon: Catharsis.
- Doueiri, Ziad (director). 2012. *The Attack* [Motion Picture]. Lebanon, France, Qatar, Belgium: 3B Productions.
- Fox, Eytan (director). 2004. *Walk on Water* [Motion Picture]. Israel: Israeli Film Fund.
- Ghobadi, Bahman (director). 2004. *Turtles Can Fly* [Motion Picture]. Iran, France, Iraq: Mij Film Co.; Bac Film.
- Hood, Gavin (director). 2007. *Rendition* [Motion Picture]. United States: Anonymous Content; New Line Cinema.
- Labaki, Nadine (director). 2011. *Where Do We Go Now?* [Motion Picture]. Lebanon: Les Films Des Tournelles.
- Mayer, Michael (director). 2012. *Out in the Dark* [Motion Picture]. Israel: M7200 Productions.

- Noujaim, Jehame (director) Karim Amer (producer). 2013. *The Square* [Motion Picture]. Egypt and United States: Noujaim Films.
- Nowrasteh, Cyrus (director). 2008. *The Stoning of Soraya M* [Motion Picture]. United States: Mpower Productions.
- Riklis, Eran (director). 2008. *Lemon Tree* [Motion Picture]. Israel: Heimatfilm.
- Villeneuve, Denis (director). 2010. *Incendies* [Motion Picture]. Canada: micro scope.

### *Legal Processes*

- Stevens, Barry (director). 2011. *The Prosecutor* [Motion Picture]. Canada: White Pine Pictures.

### *World War II—Holocaust*

- Gavras, Costa (director). 1989. *Music Box* [Motion Picture]. United States: Carolco Pictures.
- Kramer, Stanley (director). 1961. *Judgment at Nuremberg* [Motion Picture]. United States: Roxlom Films, Inc.
- Pakula, Adam J. (director). 1982. *Sophie's Choice* [Motion Picture]. United States: ITC Entertainment.
- Spielberg, Steven (director and producer). 1993. *Schindler's List* [Motion Picture]. United States: Amblin Entertainment.

## NOTES

\*With thanks to Aleksander Danielyan for research assistance and Robert Meadow for comments and good counsel.

1. As I complete this chapter, twelve cartoonists at the Paris based *Charlie Hebdo* publication have been murdered for their satiric depictions of religious and political material, demonstrating that the “borders” of representation and reality have in fact dissolved in a cruel and inhumane act. Representations clearly have “real” in the world consequences and no art form, including cartoons, humor, satire, is safe from the consequences of its expression. Destruction of lives and representations and “speech” as well as bodies is a particularly modern form of man’s inhumanity to man. The UN Council on Human Rights is currently exploring investigations of specific cases for further development of international standards for the human right of freedom of expression and opinion ([www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx](http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx)).

2. “Never again” (“nunca mas”) has been the mantra, post-World War II and following the end of the military dictatorships in South America of the 1970s and 1980s, to express the international cry that genocides, mass killing, and war atrocities should never happen again, after what we have learned from the atrocities

of the Holocaust and the international legal machinery established by the United Nations and now the International Criminal tribunals, as well as the many Truth and Reconciliation Commissions (Hayner 2011), following modern conflicts. Actually pacifist movements since before World War I have used the phrase. The German artist Käthe Kollwitz was famous for her harrowing anti-war drawings (she lost a son in war), “nie wieder Krieg”—never again war! (de.wikipedia.org/wiki/K%C3%A4the\_Kollwitz).

3. This is likely an inaccurate statement. According to Michael Ignatieff, many Serbs fought on Hitler’s side; see Michael Ignatieff, *Blood and Belonging: Journeys into the New Nationalism* (1993) at 19.

4. Recall that India, separated from Pakistan, for religious reasons, still has one of the largest Muslim populations in the world. In absolute numbers there are almost as many Muslims in India as Pakistan, though as a percentage of the population Muslims are less than 15 percent of the population in India and over 95 percent of the population in Pakistan. Many regions of the world share the issues of nonhomogenous majority-minority cohabitation. If we do not solve the problem of intergroup (multiple identity) peaceful co-existence, we are doomed. See Amartya Sen, *Identity and Violence* (2007).

5. The classic genre of the international criminal trial, *Judgment at Nuremberg* (1961) included film clips of the liberation of German concentration camps in 1961 for viewing by a whole new generation who had not seen newsreels contemporaneously with the end of World War II.

6. *Apocalypse Now* (Coppola 1979), *The Deer Hunter* (Cimino 1979), and *Coming Home* (Ashby 1978) were probably the first films to bring the Vietnam War cost home to Americans on both sides of the debate about the legitimacy of the war and likely contributed to the growing reluctance in the American polity to “intervene” in other regions of the world.

7. The Ariel Dorfman play and film, *Death and the Maiden* (Polanski 1994; Luban 1998) is a superb rendition of how individual desires for retribution and punishment may not align with a successor state’s need to “move on,” trying to account for the past, create a new just regime and reconcile the nation’s past with its future. Though a “fictional” story, the text is clearly rooted in the issues faced by both the Chilean and Argentinean truth and reconciliation, and now much delayed prosecution stories (see Lessa, Olsen, Payne, Pereira, and Reiter 2014).

8. In a new twist to the different group love story, a recent Israeli film portrays the (fatal) love story of two gay male lovers from both sides of the Palestine/Israel divide, *Out in the Dark* (Mayer 2012).

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