Aesthetic Contestation and the Archive: Vladimir Miladinović’s *The Notebook*

# Archival Power

The power of the archive lies in its ability to determine the contours of what constitutes legitimate knowledge. Since their emergence in Ancient Greece, archives have performed a crucial role in the governance of society, helping produce a sense of a shared past, and rendering different subjects knowable and hence governable. It is for this reason that archives have always been closely linked with nationalist projects. It is telling, in this respect, that national archives sprung up across Europe in the mid-nineteenth century, at the moment when the modern nation state emerged and grappled with how to manage a more connected, yet increasingly secular, society, where the divinity of the sovereign was no longer automatically accepted. As this suggests, in constructing records in particular ways, the archive is productive both in the sense that it *produces* a particular account of the social, but also because it contributes towards particular orderings within society. [[1]](#endnote-1)

The connection between archives, governance and nationalism extends yet further still. As Derrida argues, the archival drive (the process of producing, ordering, fixing, excluding records for the archive, and reifying the existence of particular subjects and objects) very much mirrors the logics and processes of nationalism. Underneath the clamours of this ‘total history’, not dissimilar in many respects to ‘total war’, lies a need to catagories, to name, and therefore also to exclude and to render unknowable. As a result, at its extreme, these logics – an obsessiveness for categorising, ordering and excluding - also unpin acts of violence such as genocide. It is for this reason that Derrida sees that there is a sort of sickness within the heart of the archive. [[2]](#endnote-2)

But despites this attempt to fix and make stable, archives are never static, but are always in a constant state of becoming as they claims new objects, and are read (and therefore produced) anew by their users - who perhaps should be considered, in this light, as archivists.

Through engaging with the archive, then, there is the potential to challenge an archive’s grammars and logics and, indeed, to turn the archival drive against itself.

*The Notebook* can be viewed in this light. Working from one of General Ratko Mladić’s wartime diaries, which forms part of the International Criminal Tribunal for the Former Yugoslavia’s (ICTY) archive, Vladimir Miladinović not only challenges the logic of the ICTY’s archive, but the archival drive more generally, as he opens the archive to new encounters and new imaginative possibilities. This is made possible through the aesthetic politics located in Miladinović’s practice.

Miladinović’s practice revolves around this question of archival power. His work meticulously reproduces the archival records of silenced or contested aspects of the former Yugoslavia’s past in ink wash. This draws attention to the logics and drivers that led to the exclusion of these records from popular imagination – frequently linked to the systems and processes that contributed to the violence in the first place, such as nationalism and the shift from socialist to capitalist economies. In resituating these records, Miladinović disrupts the ‘disruption of the sensible’ in the present, which renders certain knowledges ‘common sense’ whilst other are made illegitimate.[[3]](#endnote-3) His work has drawn on numerous archives, including newspaper archives and museums archives, and within these he has focused on different types of documents, such as lists, maps, posters, pamphlets and photographs. However, a reoccurring archive in Miladinović’s work, and which underpins *The Notebook*, is the ICTY’s archive.

Vladimir Miladinović and the Mladić Diaries

The Archive

In 1992, the UN security council created the ICTY to help resolve the conflict that was unfolding across the Western Balkans, as Yugoslavia - as a political, economic, and cultural project - disintegrated in the face of rising ethno-nationalism and the shift from socialism to capitalism. The ICTY reflected both the crisis and potential optimism that marked the end of the Cold War. On the one hand, as seen in the Western Balkans, this era witnessed a significant number of high intensity intra-state wars with large numbers of civilian victims. On the other hand, the formation of an international court signalled the possible emergence of an international community underpinned by a recognition of the common humanity, and rights, of all people. In this respect the court came to represent (for some at least) the conscience of humanity, and its archive became a monument to that conscience. The archive was important in other ways too, as it became a site where an adjudicated record - a ‘truth’, of sorts - about the conflict would be preserved, which would, it was hoped, draw a line under this violent past and assist the region to ‘move on’.[[4]](#endnote-4)

Over the tribunal’s 26-year existence, 161 persons were indicted, with 90 sentenced and 18 acquitted.[[5]](#endnote-5) As a result of these trials, the ICTY’s archive holds a huge collection of records relating to the conflict in the former Yugoslavia, and is one of the principle sites of memory in relation to the 1990s wars. Included within the archive are thousands of hours of testimony from witnesses, vast numbers of artefacts used as evidence, alongside countless records of motions, decisions and judgements. From this enormous record of violence, *The Notebook* focuses on an artefact submitted as evidence across four trials; one of Mladić’s wartime diaries.

When Mladić’s wife’s Belgrade home was searched in 2010, Serbian police investigators discovered some of Mladić’s personal wartime military records behind a fake wall. 18 notebooks, 120 sound recordings, sim cards, computer memory sticks, amongst other documents, were discovered in this search.[[6]](#endnote-6) These contained records of Mladić’s day to day activities throughout the conflict: who he met and where, who he called and what was said. These were, then, unsurprisingly heralded as a ground breaking find for the ICTY (despite that Mladić, at that moment, continued to avoid arrest). The ICTY’s chief prosecutor noted how rare it was to get this much information from such a senior source, and these records were subsequently used in the prosecution of five defendants across four trials, including Mladić himself.[[7]](#endnote-7) The artefact that *The Notebook* is based on, is one of the notebooks found in this raid, which detailed Mladić’s activities between 27 May 1992 to 31 July 1992.[[8]](#endnote-8)

Whilst the value of this notebook (and indeed all those records found in the 2010 raid) might appear obvious, rendering it as ‘evidence’ within the ICTY’s archive was not necessarily a straightforward process. For it to form a legitimate part of the archive – and hence contribute to the proof of what happened - three important issues needed to be addressed. This were: probative value; authenticity and the technical submission of evidence, including translation.[[9]](#endnote-9)

The probative value of the each of the notebooks seized in 2010 was never really in question, given that they contained a detailed record of Mladić’s wartime activities. The issue of authenticity was addressed with varying degrees of intensity in the trials that drew on the notebooks as evidence. The majority in this regard found that the provenance of the diary - found in Mladić’s wife’s home - was sufficient to prove it’s ‘authenticity’. [[10]](#endnote-10) However, in *Prosecutor* vs. *Šešelj*,the notebooks’ authenticity were questioned to a greater degree (with Judge Antonetti taking particular issue with them). As such, an expert witness was called to verify that the notebook was in Mladić’s own handwriting – something that seemed to resolve the authenticity issue in that case.[[11]](#endnote-11) This question was, however, unequivocally resolved at Mladić’s trial. During this trial, the judges took judicial notice of the authenticity of the diary (which meant that this was beyond doubt - at least to ‘any reasonable person’).[[12]](#endnote-12)

As part of the submission, the notebooks were translated from Serbian Cyrillic into the two official languages of the court, French and English. With the exception of some - perhaps typically circuitous - questioning by Karadžić over the accuracy of parts of the translation, this was a relatively uncontentious process in each of the trials that used the notebooks as evidence.[[13]](#endnote-13) What, however, went completely undiscussed, and is more important for *The Notebook,* is the second translation that took place as the paper diary was converted into a digital version. This digitisation produced an ‘exact’ replica of the notebooks as it copied each page in turn, and transferred the original markings of these records over into a new digitised version. Where Mladić had circled something in one of the notebooks, a neat computerised circle was replicated in the digitised version. This was, as with all translation, to a degree an interpretation, as the original record did not remain as it was but, rather, conformed to the digital format it was translated into.[[14]](#endnote-14) Circles were neatened, scruffy writing became clear, and it was this orderly and highly legible record that formed the bases of the future usage and decisions at the ICTY.

Through this process the diary was rendered in a way that meant it could contribute towards the court’s ‘truth’ seeking function, as the ICTY tried to ascertain Mladić’s and other senior figure’s criminal responsible for violations of international humanitarian law. In this respect these notebooks were used to determine the structures of governance and command of the Bosnian-Serb military and political machine, the details of particular incidents and crimes, and also the motivations and mentality that underpinned the accused’s actions.[[15]](#endnote-15) In this way Mladić’s own records – which in many respects was an example of good military/ bureaucratic recording keeping– came to shine a light on his and other senior figure’s past and reveal its criminal nature.

The way in which the notebooks were rendered as evidence, and then put to use, is indicative of how international courts more generally produce knowledge about conflict. With the notebooks, just like its treatment of witness testimony, the court took something that was personal and subjective and made it into an ‘authentic’ and ‘objective’ record of the violence that could be used to establish a defendant’s individual criminal responsibility. There is a link between the way that the court sought to stabilise and neutralise fragments of the past and its role of determining an accused’s guilt. Without this level of certainty, the legitimacy and morality of punishing an individual for their crimes comes into doubt.

At this point a number of questions are opened up about what Miladinović’s acquisition of these records does, politically and aesthetically. What happens to this logic and drive (to truth, accusation, and the determination of individual guilt) when these records are appropriated and put to use? Does the logic continue to shape the encounter and the type of politics produced? Or are there particular ways in which these can be undermined, challenged or re-framed? What happens when a discipline, such as the arts engages with these essentially legal objects? What politics is opened up through this process? How is the archival drive disrupted?

# An Aesthetic Archive.

As mentioned, *The Notebook* includes a series of 400 drawings, handmade using ink on paper, based on one of Mladić’s wartime diaries. Importantly, for what this work does politically, Miladinović worked from the final ‘proof material’ used in the trial, rather than the ‘original’ diaries. The basis for this work was, then, the digitised English language version of the diary. The question is, what is the politics underpinning this work, and how does Miladinović’s approach open up and challenge the limits of the archive?

In Miladinović’s practice, process is as central to the work as outcome; in many respects, the process *is* the outcome. This represents Miladinović’s personal process of interrogating how *he* personally came to know (or not know) about various aspects of the conflict, and to disturb that assumed knowledge. But this is, more generally, also about exploring how the process of writing back in fragments of an archive concealed from view can draw attention to the processes, structures and ideologies that excluded these narratives in the first place. It forces a confrontation with the question of a society’s perceived knowledge and encourages a reflection on what conditions of possibility (the distribution of the sensible) frames that knowledge. This process of discovery and writing back in is embedded in the very aesthetics of the work. The work is beautifully crafted, and the ink wash leaves a clear traceof the vast amount of labour, and discovery, that went into the work. In this respect, the aesthetics of the work and the idea of process is important in other ways too. The aesthetic quality draws the viewer in to engage with the texts. But there is no clear singular meaning to the work. Rather, after pulling the viewer in, a space opens up between the original image *as proof* and the reproduction. This creates a space of imaginative contemplation, the production of a ‘third image’. [[16]](#endnote-16) The hope is that the engagement with the image then encourages the viewer to embark on their *own process* of self-examination and continued exploration.

Whilst this approach defines much of Miladinović’s practice, this is equally important in *The Notebook*. This work renders the process through which evidence is produced in the courtroom visible, and shows it for its peculiarity, an importantly for what this excludes. In re-drawing by hand each page of the notebook, Miladinović *returns* the evidence to its ‘original state’ – as a hand-written and personal object. But the personal reproduction - gesturing towards the notebooks original form - jars against the court’s attempts to tame the pages of the record *as* evidence, which remain visible within the digitised reproduction (then reproduced by Miladinović). The oddly neat circles, the double underlined passages, all of which evidence the court’s concern with objectivity, authenticity and accuracy, are all reproduced in Vladimir’s work in a manner that puts a mirror up to court’s treatment of evidence to show it for its peculiarity.

As Miladinović notes so much is lost through this process of producing evidence. Spending a great deal of time also with the original diary, Miladinović’s spoke of how it was possible to get a sense of the emotional and psychological state of Mladić when looking at the writing: when he was frantic, when he was irritated, for instance. This type of subjective interpretation is not only shunned by the court, but also is deliberately excluded in the diary when used as evidence, as the handwriting is, in the digitised version, rendered ‘neutral’ and placid in size 10 Times New Roman font. In many respects, *The Notebook* reinserts this subjectivity (though clearly not as in the ‘original’) as the work also records Miladinović’s *personal* encounter with this artefact and the history it contains. Again, this is rendered visible through the ‘mistakes’, slight inaccuracies, and smudges that dot throughout the work. How these are read are down to the viewer, but for me these record Miladinović’s affective engagement with the work, the emotional and intellectual labour involved, and his varying states of contemplation, distraction, surprise, and urgency as he too ‘re-learns’ the past, and comes to question the limits of that learning. Vladimir’s work re-injects this personal connection that pushes these absences and exclusions to the fore. In returning the diary to its ‘original form’, then, Miladinović’s work fights against the logic of the archive.

As this suggests, in shining a light on the processes of knowledge production, *The Notebook* also explores a potentially different post-conflict politics to that pursued at the ICTY. The drive to fix, render neutral and objective, which is visible in the ICTY’s treatment of the Mladić’s notebooks, is in Miladinović’s work replaced with a concern of subjectivity, indeterminacy and imagination. This is very much not about producing *the* truth about Mladić or the war crimes associated with him, or even the trial itself, but starting a process of inquiry and imagination. In this way the work gestures towards the inability of taming the memory of violence *per se*, and in this sense, the work - which occupies a 70 square meters wall when displayed – *overwhelms* the viewer in a way that is suggestive of the difficult nature of processing and dealing with the past. The rejection of truth as a solid tangible entity, is also an attempt to move past the politics of accusation which, as I suggest above, is central to the function of courts such as the ICTY, and has continued to define the politics of the post-Yugoslav space; a politics which reproduces homogenous senses of ‘us’ and ‘them’. The indeterminacy of *The Notebook* pushes back against this logic. No one person will gain the same thing from the work, as they traverse the work in different ways, focus in on different sections, and subsequently search of additional information (or, alternatively, not). In contains not one, but many narratives of the past; there is no truth to be found in this work. In this, *The Notebook* offers an important critique of not only the ICTY’s archive, but of archival power per se.

In this way, *The Notebook* also responds to Didi-Huberman’s provocative question, do we need an image to believe in the Shoah?[[17]](#endnote-17) Pursuing this provocation, Miladinović opens up a series of questions about the use of ‘proof’ and its value beyond the official legal, bureaucratic and archival forum. To whom is the proof addressed, especially in light of overwhelming evidence? To the non-believers? To those whom believing is a central facet of their being? Miladinović moves beyond looking for proof, in search of an imaginative engagement that brings the past to life in different ways and asks us to reject what we *think* we know, in order to imagine a new future.

1. Ann Stoler, *Along the Archival Grain: Epistemic Anxiety and Colonial Common Sense* (Princeton: Princeton University Press, 2010). [↑](#endnote-ref-1)
2. Jacques Derrida, ‘Archive Fever: A Freudian Impression’. *Diacritics* 25:2 (1995): 9–63. See also Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language*, translated by Alan Sheridan (New York: Pantheon Books, 1972). [↑](#endnote-ref-2)
3. Jacques Rancière, *The Politics of Aesthetics* (New York: Gabriel Rockhill, 2004). [↑](#endnote-ref-3)
4. Richard Goldstone, ‘Justice as a Tool for Peace–Making: Truth Commissions and International Criminal Tribunals’, *Journal of International Law and Politics*, 28 (1995), 485–504. [↑](#endnote-ref-4)
5. The defendants were either transferred to other jurisdictions, died prior to the end of their trial, had the indictments withdrawn or their trials are ongoing – as is the case with Mladić. [↑](#endnote-ref-5)
6. A previous search of his wife’s home in 2008 found 5 similar notebooks. [↑](#endnote-ref-6)
7. [https://www.nytimes.com/2010/07/11/world/europe/11Mladić.html](https://www.nytimes.com/2010/07/11/world/europe/11Mladi%C4%87.html). I have (so far) found references to the notebooks in the following trials: *Prosecutor* vs. *Karadžić* (IT-95-5/18); *Prosecutor* vs*. Ratko Mladić* (IT-09-92); *Prosecutor* vs*. Jovica Stanišić and Franko Simatović* (IT-03-69-T); and *Prosecutor* vs. *Vojislav Šešelj* (IT-03-67). [↑](#endnote-ref-7)
8. Miladinović notes that he started with a diary from 1992, the beginning of the war, with the idea of possibility of continuing with this practice in the future. Whilst the exhibit number ascribed to the diary changed in each of these trials, in *Prosecutor* vs. *Mladić*, this diary was prosecution exhibit P353. [↑](#endnote-ref-8)
9. See Rules 3 and 89 of ICTY Rules of Evidence and Procedure. [↑](#endnote-ref-9)
10. In Karadžić, this matter was settled when a prosecution investigator testified as to the conditions that the notebooks were seized and transferred to the tribunal. IT-95-5/18, *Prosecutor vs. Karadžić* , *Public Transcript of Hearing dated 20 August 2010*, 20 August 2010. Stanišić’s defence, did introduce an expert ‘forensic witness’, David Browne, to raise doubt as to the value of the notebook. His report was, however, considered unreliable and did not affect the judge’s use of it in deciding the case. IT-03-69-T, *Prosecutor vs. Jovica Stanišić and Franko Simatović Public Redacted Version of Judgement*, Vol. 1, 30 May 2013, p. 20. See also IT-03-69-T, *Decision on Prosecution Motion for Admission of Excerpts from Mladić Notebooks and Second Prosecution Notification of Excerpts From Mladić Notebooks*, 10 March 2011. [↑](#endnote-ref-10)
11. IT-03-67-T, IT-03-67-T P51093, *Prosecutor* vs. *Vojislav Šešelj*, *Dorijan Kerzan: Court Expert on Document and Handwriting Analysis: Report*, November 2010-Janurary 2011; IT-03-67-T D37 - 1/49867, *Decision on Prosecution’s Motion for Admission of Evidence Relating To Mladić Notebooks With A Separate Opinion From Presiding Judge Antonetti Attached,* 22 October 2010; IT-03-67-T, *Decision on Admission of Expert Report Regarding The Mladić Notebooks and on Prosecution Motion for Admission of Evidence Relating to Mladić Notebooks, With Dissenting Opinion Of Presiding Judge Jean-Claude Antonetti In Annex*,7 March 2011 [↑](#endnote-ref-11)
12. IT-09-92-T, *Prosecutor* vs*. Ratko Mladić*, *Decision on Prosecution First Motion to Admit Evidence from the Bar Table: Mladić Notebooks*, 25 September 2012. [↑](#endnote-ref-12)
13. IT-95-5/18, *Prosecutor* vs*. Karadžić* , *Public Transcript of Hearing dated 20 August 2010*, 20/08/2010, 45-69 [↑](#endnote-ref-13)
14. James White, *Justice as Translation: An Essay in Cultural and Legal Criticism* (Chicago: Chicago University Press, 1990). [↑](#endnote-ref-14)
15. The way in which the notebooks – including the one that forms the basis of *The Notebook -* were used varied case to case, as did the frequency with which it was referenced in the judgements. These were, however, particularly significant in the prosecution of Karadžić and Mladić himself. For those interested, these can be easily found by searching for the term ‘notebook’ in these judgments. IT-95-5/18, *Prosecutor vs Karadžić* , *Public Redacted Version of Judgement*, Volume I-VIII, 24 March 2016; IT-09-92-T, *Prosecutor* vs*. Ratko Mladić, Public Redacted Version of Judgement,* Volume I-IV, 24 March 2016 ; IT-03-67-T, *Prosecutor* vs. *Vojislav Šešelj*, *Public Redacted Version of Judgement*, 31 March 2016. The notebooks were, however, from the prosecution’s perspective, less successful in *Prosecutor* vs*. Stanišić and Simatović*. Here, the judges found that the notebooks were inconclusive as to the defendant’s role in the war and in some case added further doubt regarding the prosecution’s case. It should also be noted here that in this judgement there is no specific reference to the artefact used in *The Notebook.* IT-03-69-T, *Prosecutor vs. Jovica Stanišić and Franko Simatović Public Redacted Version of Judgement*, Vol. 1-2, 30 May 2013. [↑](#endnote-ref-15)
16. A similar concept emerges in the work of W T Mitchell, *Picture Theory: Essays on Verbal and Visual Representation* (Chicago: The University of Chicago Press, 1994). [↑](#endnote-ref-16)
17. Didi-Huberman, Georges. *Images in spite of all: four photographs from Auschwitz* (Chicago: University of Chicago Press, 2008). [↑](#endnote-ref-17)