

ARCHIVE. JUSTICE. MEMORY. TIME:

Reflections on Esat Shala's *mal d'archive*

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Abstract

In this article we reflect on the archive and its relation to justice, memory and time, by focusing on Esat Shala's lifetime archiving 'project'. Esat Shala, a young man from the village of Krajkova, Kosovo, has been collecting for more than twenty years video and audio records, photographs and diaries of war crimes and massacres that took place in Kosovo during 1998-1999, leading to an impressively large collection of more than 2500 records. We conducted a narrative analysis of this practice, focusing on *what he is doing* (the practical process), and *why he is doing it* (the meaning he ascribes to it), based largely on online written and video material in the media. The focus of our approach has been on not assuming or taking for granted what or why Shala is doing what he is doing, engaging instead in a 'deep listening' to his often repeated and therefore

consistent answers. We start the article by providing first a few reflections on the archive and its connection to war and to the past, and second a description of the socio-political context of 1990s Kosovo from which Shala's 'project' has emerged. Through our analysis, we read Shala's archiving lifetime 'project' as an obstinate and enduring resistance against an organised silencing, as defiance against institutional oblivion, as well as an act of justice and care for the war victims and survivors. We argue that this endurance and persistence, inability to stop and surrender, requires stubbornly safeguarding a form of undefeated despair.

Key words: Esat Shala, archive, justice, memory, war, time

Archive fever, war and specters of the past

*Mal d'archive... "is never to rest, interminably,
from searching for the archive..."*

Jacques Derrida, *Archive Fever*

The meaning of archive comes originally from the Greek *arkheion*: initially a house, a domicile, an address, the residence of the superior magistrates, the archons, those who commanded.¹ Even though still quite commonplace, this understanding of the archive as place, space, building and a

¹ Jacques Derrida, *Archive Fever: A Freudian Impression (Religion and Postmodernism)*, trans. Eric Prenowitz, Chicago: University of Chicago Press, 1996.

collection of documents kept in this building, has been challenged in time, especially since the work of Michel Foucault who called the archive the “law of what can be said” or the “the system of discursivity” that establishes the possibility of what can be said.² In *Archive Fever*, Jacques Derrida also directly linked the archive and control over it with power, especially since archival power includes the authorisation and legitimisation of truth claims. Those who hold the records, “wield power over the shape and direction of historical scholarship, collective memory, and national identity, over how we know ourselves as individuals, groups, and societies”.³ As a result of this way of theorising the archive, today we have a much broader and more political understanding of it.⁴

This political understanding of archives implies looking critically at institutionalised practices of archiving of modern states and the role of the professional archivist, asking questions about whose and which materials are preserved, about access to records and the archivist’s role as a gatekeeper. As a result of this type of critique towards institutional archives, the focus has turned to the creation and appropriation of archives, history and memory on behalf of grassroots and activist movements and collectives, leading to the development of “counter-archives”.

² Michel Foucault, *The Archaeology of Knowledge: And the Discourse on Language*, trans. A.M. Sheridan Smith, New York: Pantheon, 1972.

³ Joan M. Schwartz and Terry Cook, “Archives, Records, and Power: The Making of Modern Memory”, *Archival Science* no. 2, 2002, pp. 1–19.

⁴ Marlene Manoff, “Theories of the Archive from Across the Disciplines”, *Libraries and the Academy* no. 1, 2004, pp. 9–25; Leswin Laubscher, “Facing the Apartheid Archive, or, of Archons and Researchers”, *South African Journal of Psychology* vol. 40, no. 4, 2010, pp. 370–381.

By collectivising and pluralising knowledge production, these counter-archives have radicalised the politics of the archive, turning it into a tool of resistance.⁵

Whether institutionalised or counter-archives, what research and writing on the archive essentially illustrate is that there is no final authority or truth held by the archive, denoting archives as sites of contestation instead,⁶ and highlighting the existence of a “series of practices, deployments, and strategic uses of archival knowledge in social and political spaces”, which aim at producing knowledge and claiming authority and credibility.⁷

Whereas discussions about archives as sites of contestation are relevant and important in all societies where significant political changes have taken place (i.e. post-communist or post-colonial contexts),⁸ archives have an especially important role in the aftermath of war and genocide in discussions of justice, truth, and memory.⁹ “War leaves

⁵ Susan Pell, “Radicalizing the Politics of the Archive: An Ethnographic Reading of an Activist Archive”, *ARChIvARIA* no. 80, 2015, pp. 33–57.

⁶ Mary Kandiuk, ed., *Archives and Special Collections as Sites of Contestation*, Sacramento, California: Library Juice Press, 2020.

⁷ Pell, “Radicalizing the Politics of the Archive: An Ethnographic Reading of an Activist Archive”, p. 46.

⁸ Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense*, Princeton: Princeton University Press, 2009; Saygun Gökariksel, “Beyond Transparency: The Communist-Era Secret Police Archives in Postsocialist Eastern Europe”, *Archives and Records* vol. 41, no. 3, 2020, pp. 236–253.

⁹ Eric Ketelaar, “Archives as Spaces of Memory”, *Journal of the Society of Archivists* vol. 29, no. 1, 2008, pp. 9–27; Richard Harvey Brown and Beth Davis-Brown, “The Making of Memory: The Politics of Archives, Libraries and Museums in the Construction of National Consciousness”, *History of the Human Sciences* vol. 11, no. 4, 1998, pp. 17–32.

behind not just victors and losers, new political boundaries, heroes and the despised, and the dead and the maimed”, it also creates work for many seeking to remember (or to forget) and to make sense of and provide meaning for something that seems meaningless.¹⁰ Therefore, after (and during) war, archives can be mobilised both for purposes of repression and for achieving justice in processes as disparate as court convictions, historical record or memorialisation practices.¹¹

Given how important they are, during wartime archives can be destroyed or defended with one’s life.¹² Those who collect or protect archival documentation of war are often driven by motives to put wrongs right, to track down the perpetrators and to rebuild lives for themselves and their communities. But either deliberately or by accident, much documentation is destroyed during war. In the aftermath of war, very few records may survive, to be found either amongst the perpetrators, or in the custody of surviving individuals and

¹⁰ Richard Cox, “Archives, War, and Memory: Building a Framework”, *Library & Archival Security* vol. 25, no. 1, 2012, pp. 21–57 (p. 22).

¹¹ Natalia Bermúdez Qvortrup, “Documenting the Armenian Genocide in Norway: The role of a National Archive in the social life of a collection”, *Archives and Records*, 2020, DOI: 10.1080/23257962.2020.1813094; Michelle Caswell, *Archiving the Unspeakable: Silence, Memory, and the Photographic Record in Cambodia*, Madison, Wisconsin: University of Wisconsin Press, 2014; Tom A. Adami and Martha Hunt, “Genocidal Archives: The African Context—Genocide in Rwanda”, *Journal of the Society of Archivists* vol. 26, no. 1, 2005, pp. 105-121.

¹² Hariz Halilovich, “Reclaiming Erased Lives: Archives, Records and Memories in Post-War Bosnia and the Bosnian Diaspora”, *Archival Science* no. 14, 2014, pp. 231-247; Anne J. Gilliland, “To What Lengths the ‘Physical and Moral Defence of the Record’ in Times of Conflict and Exigency?”, *Archives and Records* vol. 39, no. 2, 2018, pp. 117-138.

communities. It is the very nature of atrocities that requires people to ignore, bury or deny them.¹³ Nations are built on forgetting and amnesia, the erasing of legacies, and administered and organised forgetting. Therefore, “the archive is caught in the inescapable dialectics of inscription/destruction. In the compulsion to archive (to gather, to consign), there is always already a certain destruction at play; destruction and forgetting is thus at the very heart of the archival enterprise. To put it simply, one archives because one fears loss”.¹⁴

In *Spectres of Marx*, Derrida argued that any rethinking of the past and any possibility of a just future depends on whether we can continue our conversation with and “learn to live *with* ghosts”, the spectres of the past, particularly the ghosts of the victims of atrocities.¹⁵ The spectral is what haunts and returns in a society because the “ghosts” have unfinished business, something that needs to be corrected, justice that needs to be done. Spectrality and hauntology denote what is no longer or not yet living, which is not something present or absent, but something that is possibly everywhere, reclaiming thus the unspoken and neglected.¹⁶

¹³ Aida Alayarian, *Consequences of Denial: The Armenian Genocide*, London: Taylor & Francis Group, 2008.

¹⁴ Marie-Aude Baronian, “Image, Displacement, Prosthesis: Reflections on Making Visual Archives of the Armenian Genocide”, *Photographies* vol. 3, no. 2, 2010, pp. 205-223 (p. 206).

¹⁵ Jacques Derrida, *Specters of Marx: The State of the Debt, The Work of Mourning, and the New International*, trans. Peggy Kamuf, London: Routledge, 1994.

¹⁶ Michalinos Zembylas, “Pedagogies of Hauntology in History Education: Learning to Live with the Ghosts of Disappeared Victims of War and Dictatorship”, *Educational Theory* vol. 63, no. 1, 2013, pp. 69-86.

Despite some existing discussion on personal archives conceived as an enjoyable cultural practice or as politics of everyday life,¹⁷ little has been said about personal and non-institutional archives which are burdensome and haunting, and that make one lose sleep, such as the one Esat Shala collects. Why is one compelled to collect haunting evidence? And, if such evidence is collected, what is its value? And whose responsibility would such a collection be? How and where will the material be housed, cared for and conserved? What is the psychosomatic toll this might take on those who have witnessed the very same events? These are some of the questions¹⁸ we address further in this piece.

Kosovo: Archive as resistance

In 1999, the Serbian military had waged a full war against Albanians in Kosovo. The war, which lasted for less than two years, resulted in over 12.000 civilian fatalities and about 850.000 deported persons.¹⁹ It has been 23 years since the war ended, however, in a village in inner Kosovo, the war, the

¹⁷ Catherine Hobbs, “The Character of Personal Archives: Reflections on the Value of Records of Individuals”, *Archivaria* no. 52, 2001, pp. 126-135; Sue McKemish, “Evidence of Me”, *Archives and Manuscripts* no. 24, 1996, pp. 28–45; Fiona Cosson, “The Small Politics of Everyday Life: Local History Society Archives and The Production of Public Histories”, *Archives and records* vol. 38, no. 1, 2017, pp. 45–60.

¹⁸ Some of the questions were inspired by Helen Forde, see: Helen Forde, “We Must Remember Our Past So That We Do Not Repeat It”, *Journal of the Society of Archivists* vol. 25, no. 2, 2004, pp. 117-122.

¹⁹ Human Rights Watch, “Under Orders: War Crimes in Kosovo”, 26 tetor 2001: <https://www.hrw.org/report/2001/10/26/under-orders/war-crimes-kosovo> [referuar më 15 janar 2022].

memory of it and a persistence to keep it alive, defies the concept of time. In his house in the village of Krajкова near the town of Drenas, 36-year-old Esat Shala, who suffers from a sleep disorder and body tremors, spends his nights watching war footage from the war in Kosovo. He says he watches “not only the new materials I find [...] I cannot resist watching those I found earlier too. Then I cannot stay calm.”²⁰ Even though it is hard for others to understand, this kind of intense and total libidinal investment in the war archive that leads to psychosomatic and traumatic symptoms, reflects a profoundly ethical attitude and commitment.

Shala first started watching video materials from the Kosovo war on the Internet in the mid 2000s. What began as a form of ‘therapy’ for coping with sleep deprivation in his teenage bedroom, turned into an archival facility. Initially, he collected the materials available on YouTube and other online streaming services. Once the online sphere was exhausted, Shala started expanding his collection with footage and video material from, among others, private Kosovo citizens, professional cameramen and war reporters. Since then, he has amassed a personal archive of around 2500 VHS cassettes with war material. The videos include amateur footage shot by civilian eyewitnesses or Kosovo Liberation Army (KLA) fighters, and images recorded by television crews. The tapes were made during or immediately after the atrocities. In addition, Shala has audio recordings, photographs and diaries of

²⁰ Esat Shala, quoted in Serbeze Haxhijaj, “Kosovo War Video Collector Seeks to Preserve Evidence of Crimes”, *Balkan Insight*, 13 May 2021.

the massacres on his shelves.²¹

Talking to the Kosovo media, he reported that obtaining these materials from private individuals has been a difficult enterprise. Many have questioned his motives, hinting at the absurdity of his actions. “There were some cases when I spent the night in someone’s yard, trying to convince them to give me a material they had”, he said in 2021 in an interview for Klan Kosova.²² Some openly asked him for money in return for their material. “Those who have tried to sell me their footage for a price are worse criminals than those who killed those people during the war”, he said in the same interview. The same has been asked of him, something he finds utterly shocking and offensive: “I have been asked to sell these video materials. What a nonsense. You can’t sell your own blood”.²³

The collected materials, most of them in VHS, are stored in his own room. Though lacking any training whatsoever, over the past five years Shala has been converting some of the VHS material into digital format. As his work gained attention inside Kosovo, he reported that many members of the Kosovo diaspora offered to buy him equipment to digitalise the materials. He stores, files and archives the rest of the VHS cassettes in drawers and cupboards in his room. “I guard these materials just as we would guard and watch out for our life during the war”, Shala explained in an interview for

²¹ Ibid.

²² “Esat Shala, koleksionues i videove nga lufta e vitit 1998-99”, Klan Kosova, 29 March 2021.

²³ “Esat Shala ruan mbi 2 mijë video incizime të krimeve të luftës në Kosovë”, *Kallxo*, 17 August 2021.

Insajderi in 2021,²⁴ adding “I sleep with fear of what will happen to these recordings if the house is burnt or damaged”. Shala reports that he rarely leaves the house without making sure the recordings are safe. Because they are important to the state of Kosovo, since they can harm the Serbian state, when he is away, it is usually his wife or his mother who guards the records. Otherwise he does not allow other family members to watch the images and even to generally enter the room where they are stored. Yet, what Shala does is not just store and guard these materials. It appears as if he lives with and through these recordings. He claims to have watched each recording five to ten times; almost as if he were not sure that he has withstood the images he has seen. He was around sixteen years old when he started collecting and despite the difficult images impacting his sleep, Shala says he has continued to watch them because he wants to familiarise himself with the loss and to understand the pain of the victims and the survivors.²⁵ Shala reports that over forty percent of the footage has never been published before. His attempts to publish the videos on Facebook have proven unsuccessful due to Facebook’s policy on sensitive content. He says, “[m]y facebook account is blocked five to six times during the year because what the content of my collected footage violates their rights”.²⁶

Ever since he first started watching and collecting videos, he has been looking for footage of himself and his

²⁴ “Esat Shala: Kam probleme me gjumin pasi i shoh pamjet e masakrave në Kosovë”, *Insajderi*, 28 May 2021.

²⁵ Esat Shala, *Frontal*, T7, 19 May 2021.

²⁶ “Esat Shala, grumbullues i dëshmimeve të krimeve të luftës së fundit në Kosovë – Kujdes pamje të rënda”, Kanal 10, 14 May 2021.

family. During the war in Kosovo, Shala was twelve years old. His village was bombed three times. He and his family managed to survive the first two attacks. When they were bombed for the third time, just before dawn, the military gathered many of the civilian survivors in the premises of a local school. Speaking for the Kosovo media, Shala reported that once inside the school, the military separated the male hostages from the female ones, and that more than two hundred people who were taken that day by the military have not been found since. Shala's uncle is among the two hundred disappeared from this group in 1998. Together with his family, he sought shelter in the Berisha Mountains where they hid for three months. "I remember everything from the war", he says.²⁷ By the end of the war in Kosovo in 1999, 4500 persons were missing according to the International Commission on Missing Persons, 1700 of whom remain unaccounted for until today. Over the past two decades, the remains of missing people have been found in numerous mass graves inside Serbia, demonstrating that Albanian civilians were transported and buried in mass graves there.²⁸

Before the war in Kosovo, both Shala's father and his uncle had been political prisoners in the 1980s. This was a time when, after the short-lived progressive political climate of 1970s Yugoslavia, ethnic cleavages between the Serbs and the Albanians had reappeared. Shala's first cousin, a 24-year-old

²⁷ "Esat Shala ruan mbi 2 mijë video incizime të krimeve të luftës në Kosovë", *Kallxo*, 17 August 2021.

²⁸ "Serbia unearths mass grave from Kosovo war", Reuters, 3 December 2020.

student at that time, was killed in the student demonstrations in the late 1990s. Once the war started, four of his siblings, two brothers and two sisters, joined the Kosovo Liberation Army (KLA). “No one talks about them, or about what happened to us all and it is because once we forgot we turned into criminals”, he said in another interview.²⁹ His 20-year-old sister Luljeta and her fiancée were killed by Serbian forces at the border between Kosovo and Albania together with 40 other KLA members. She and the other KLA fighters had gone to Albania to acquire weapons for their guerrilla struggle. Shala found a video recording of his sister’s execution, saying that she was the only one who refused to surrender.

Non-institutional archiving is not an unheard of phenomenon in pre-war Kosovo. In 1987, Slobodan Milošević became President of Serbia and in 1989 Kosovo’s autonomous status was revoked, a development that was followed by the removal of ethnic Albanians from jobs in the public sector, the foreclosure of the university and schools in the Albanian language, as well as media and cultural sectors. For nearly a decade, between 1990 and 1999, Kosovo Albanians organised themselves and their public services in a parallel system. Evidence of encounters of resistance against the Serbian government, including the strike of the coal miners in Mitrovica in 1989, the student protests in the mid 1990s, as well as the systematic violation of human rights throughout the 1990s, were collected and archived by private individuals, in addition to a few human rights organisations, such as the Council for the

²⁹ “Esat Shala ruan mbi 2 mijë video incizime të krimeve të luftës në Kosovë”, *Kallxo*, 17 August 2021.

Defence of Human Rights and Freedoms in Prishtina and the Qiriazi Sisters, among others.³⁰ Individual initiatives of gathering information can be viewed both as acts of evidence of violations and as acts of resistance.

One of these many cases is Emin Miftari (71), a chemistry teacher from the village of Bresalc in Gjilan. In the spring of 1990, when around 7.000 high school students around Kosovo were poisoned within a period of two weeks,³¹ medical teams throughout the country reported the pattern to the central Yugoslav authorities. The official stance from the government in Belgrade was that there were no grounds for a poisoning case, and that the whole thing was a hoax orchestrated by “Albanian separatists”, resulting in the imprisonment of Albanian doctors for supposedly breaching the Hippocratic oath. Taking his own students to the doctor’s clinic, Miftari used a portable camera to document the many cases he saw there. Like Shala, he started collecting similar material from private individuals and storing it in his own house as proof that would contradict the official version issued by the Yugoslav government at the time.

³⁰ See for more: Howard Clark, *Civil Resistance in Kosovo*, London: Pluto Press, 2000; Vjosa Musliu, *Europeanisation and Statebuilding as Everyday Practices: Performing Europe in the Western Balkans*, London: Routledge, 2021; Besa Shahini, “Lessons in Resistance: Kosovo’s Parallel Education System in the 1990s”, *Prishtina Insight*, 14 October 2016.

³¹ See: <https://www.youtube.com/watch?v=4GgvO8dUNHA> [last accessed 10 February 2022].

A duty to remember, a justice to come

People change, and smile: but the agony abides.

Time the destroyer is time the preserver.

T. S. Eliot, *Four Quartets: The Dry Salvages*

In 1999, following the end of the war, Kosovo experienced the deployment of the whole package of structures and institutions of liberal interventionism and international statebuilding. The United Nations, the European Union and NATO, sent successive missions to ‘maintain security and stability’ which was generally described as the absence of inter-ethnic armed clashes. Alongside the likes of the World Bank, the IMF, OSCE and other Western-international agencies, these institutions started to eventually build in Kosovo a multi-ethnic state based on the “highest international and European standards” of rule of law, democracy and human rights.³² Processes of and related to transitional justice were outsourced to the International Criminal Tribunal for the former Yugoslavia in the Hague, where high level political and military officials were tried between 1993 and 2017.³³ Somewhat paradoxically though, the international statebuilding project inside post-war Kosovo was largely characterised by a tendency to not deal with the crimes, trauma and events of the war. “Not dealing with the past but looking towards a democratic future” became the

³² Vjosa Musliu, “Multi-Ethnic Democracy as an Autoimmune Practice: The Case of International Mission in Kosovo”, *British Journal of Politics and International Relations* vol. 19, no. 1, 2017, pp. 188-201.

³³ Aidan Hehir and Furtuna Sheremeti, eds., *Kosovo and Transitional Justice: The Pursuit of Justice After Large-Scale Conflict*, London: Routledge, 2021.

mantra of the international structures, which was embraced by the successive local governments in Kosovo that were largely composed of former KLA guerillas. This organised silencing, if not organised forgetting, suggested that the active remembrance of the war, an organised work to systematically store and protect evidence of the war period, as well as claims about any kind of justice and/or reparation may come across as acts of provocation or even revenge against the Serbs, something that would undermine the projected image of Kosovo as a multi-ethnic state.

In this constellation, the archiving project of Shala can be read as an act of resistance against an organised silencing, an act of defiance against an institutional oblivion, as well as an act of justice for the war victims and the war survivors. His notion of justice is oftentimes a synonym for moral and legal reparation and other times for dignity. The element of resistance in Shala's narrative can be observed in his alarm at the lack and ultimately loss of evidence. For Shala, it is incomprehensible that viable and tangible evidence was neither stored nor sought justice for. "If someone comes here and they want to know what happened to us during the war, what are we going to show? There is nothing to show and nothing to prove", Shala said in an interview for a local Kosovo television.³⁴ In fact, when driving around Kosovo, it is impossible not to be confronted by various comically large bronze statues of KLA freedom fighters. The overwhelming majority of them have been criticised on aesthetic basis. Others have pointed out that the omnipresence

³⁴ "Esat Shala, grumbullues i dëshmive të krimeve të luftës së fundit në Kosovë – Kujdes pamje të rënda", Kanal 10, 14 May 2021.

of masculinised statues commemorating freedom fighters, dressed in military uniforms holding a Kalashnikov, has rendered the Kosovo war and its memory as a struggle and victory of patriarchy and manhood.³⁵ At the same time, twenty-three years after the war, one cannot find a museum or a collective commemorative space for the war victims in Kosovo; evidence of the resistance of the 1980s or the 1990s; or commemorative sites of the children killed during the war, among others. The houses of the Jashari family in Prekaz, which is commemorated as the symbol of Kosovo's war has not had a proper restoration. Thanks to a public outcry in the early 2010s, in 2015 a statue called *Heroinat (The Heroines)* was erected in the centre of the capital Prishtina to commemorate over 20.000 women who were raped during the war.

In Shala's narrative, he does not appear surprised by the lack of interest from the international structures and institutions in Kosovo regarding this. In fact, in his narrative, he absolves the international structures entirely from both complicity and responsibility towards this issue. At the same time, in his narrative one can discern the element of *shock* and *surprise* at the negligent role of Kosovo's local authorities. "The post-war political elite in Kosovo seems not to be aware that there was a war in Kosovo", said Shala for Insajderi, pointing out that incidentally, post-war governments were composed of the former guerrilla fighters. "Kosovo's institutions have failed to

³⁵ Nita Luci and Linda Gusia, "Inside-Out and Outside-In on Dealing with the Past in Kosovo", in *Unravelling Liberal Interventionism: Local Critiques of Statebuilding in Kosovo*, London: Routledge, 2019; Nita Luci, *Seeking Independence: Making Nation, Memory, and Manhood in Kosova*, PhD thesis: University of Michigan, USA, 2014.

research and document war crimes. That is what pushed me to deal with this job”, Shala said. Against the backdrop of the silence, in another interview for Klan Kosova, Shala suggested that because public institutions were not interested in this “it took someone like me, from the complete margins to do the work of the state”. “The more I watch these videos, the more I detest Kosovo’s politicians”, he added. His *shock* and *surprise* are not limited to the governmental echelon only, though he acknowledges them as the main responsible actor. “I don’t know why our televisions are not interested to publish these materials that have never been seen before that clearly show who did what”, he said in an interview,³⁶ whereas in another interview³⁷ he appears surprised why his videos published on YouTube, where heinous crimes are documented, do not have millions of views. When he speaks of collecting and archiving evidence, he speaks of a *duty* that is universal and that should have been the preoccupation of all of those who suffered during the war. In his narrative, the experience of war, loss and trauma cannot do without a *duty* to properly document and prove that. He argues that due to the negligence of the Kosovo State to gather evidence, the narrative about the war is controlled by the Serbs, who have invested extensive resources and energies into capitalising on certain events and interpretations of those events, which has enabled them to shift the framing from being perpetrators into being victims of the war.

³⁶ “Esat Shala, koleksionues i videove nga lufta e vitit 1998-99”, Klan Kosova, 29 March 2021.

³⁷ “Esat Shala, grumbullues i dëshmive të krimeve të luftës së fundit në Kosovë – Kujdes pamje të rënda”, Kanal 10, 14 May 2021.

In 2021, Kosovo experienced a ‘regime change’ when the left-nationalist party Vetëvendosje (Self-Determination) came to power with an unprecedented majority, replacing two decades of ruling from mostly former guerrilla-run political parties. The leader of Vetëvendosje, Albin Kurti, had a clear stance on seeking reciprocity actions against the Serbian government in the political arena as well as creating mechanisms and starting legal procedures to confront Serbia for its crimes committed against Kosovo Albanians. Shortly after assuming office, the government announced the works to create the War Crimes Research Institute that will be the first of its kind in Kosovo and in the spring of 2021, Kosovo’s government announced that it is building a case against Serbia for genocide in Kosovo. The War Crimes Research Institute was first opened in 2011 with the purpose of gathering and classifying information about the crimes committed during the war in Kosovo (1998-1999). It was closed officially in 2018 under the accusations of failing to fulfill its mandate. Kosovo’s current Minister of Justice, Albulena Haxhiu, has already met with Shala to inquire about his archival material that can be used for both the War Crimes Research Institute as well as for the case of genocide. Shala sees this as the very beginning of a long overdue process of justice; he will continue with his archival work, nonetheless. “I will stop when I get the last piece of evidence; when I see the opening of the War Crimes Institute and when we [Kosovo] sue Serbia for its committed crimes”, he said.³⁸

³⁸ “Esat Shala ruan mbi 2 mijë video incizime të krimeve të luftës në Kosovë”, *Kallxo*, 17 August 2021.

The burden of shame, the passing of time, and caring for the dead

*For in giving all one's time, one gives all or the all,
if all one gives is in time and one gives all one's time.*

Jacques Derrida, *Given Time*

In her book, *On not being able to sleep*, Jacqueline Rose delves into the questions that keep us awake at night, pointing at shame as an emotion that profoundly relates to sleeplessness. Shala reflects this sentiment in an interview for Kanal 10: “It is inhuman not to have done anything about this. I can’t sleep how could they have not done anything.”³⁹ Against this shameful silence and oblivion, Shala has stated multiple times in his interviews: “I did it. Somebody had to do it”.⁴⁰ Often Shala articulates feeling the burden of shame of behalf of perpetrators for the evil he has seen being done, on behalf of those who want to profit from the atrocities, but also on behalf of the government of Kosovo for the incomprehensible inaction and oblivion. But is this burden of shame his to carry? As a social emotion, shame appears as something that needs to be carried, and therefore one is compelled to carry it if the legitimate ‘owners’ of shame refuse to carry it. It is not surprising therefore that often in contexts of war and oppression, it is the victims that continue to carry the shame that perpetrators refuse

³⁹ “Esat Shala, grumbullues i dëshmimeve të krimeve të luftës së fundit në Kosovë – Kujdes pamje të rënda”, Kanal 10, 14 May (2021).

⁴⁰ Idem.

to carry.

We also see in Shala's attempt to go against the temporality of others, a profound gesture of obstinate and intergenerational care. Joan Tronto writes that care is a "species activity that includes everything that we do to maintain, continue and repair our world so that we can live in it as well as possible".⁴¹ For Shala, this means living with one's head up, without the shame of forgetting. His practice of care goes on to look after the dead and the disappeared long after everyone else seems to have forgotten about them. 'Blood' is articulated as an element of high importance for Shala, an element he refers to as something that binds and bonds us in obligations within the community. Living generations acknowledge obligation (*munus*) towards the previous generations and are expected to meet the obligations of the kin group, living or dead. According to the Albanian customary law for example, the blood of the killed is offended because the killer severed his link of blood with ancestors and descendants and therefore cries for vengeance.⁴²

This sustained caring for the dead necessitates a form of time suspension, a different temporality from that of others, one that is marked by endurance and a stubborn persistence.⁴³ This way of living through time registers an experience of time that

⁴¹ Joan Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care*, London: Routledge, 1993, p. 103.

⁴² Brunilda Pali and Robert E. Mackay, "Blood Feud Through the Historical Imagination of Ismail Kadare: An Analysis of *Broken April*", *Oñati Socio-Legal Series* vol. 11, no. 6, 2021, pp. 164-186.

⁴³ Lisa Baraister, *Enduring Time*, London: Bloomsbury, 2017.

is “neither eventful nor vital”,⁴⁴ and which to others might appear as absurd. Poet and philosopher Denise Riley refers to such a temporality of caring for the dead as “arrested time”, a profound dislocation in the experienced time of those left alive.⁴⁵ This arrested time is also a profoundly haunted time, a living with the dead who will not return, a prolonged time of the dead, where one puts one’s time at their service.

For Shala, archiving atrocities as a way of living with and for the dead, is a lifetime’s ‘project’, or a lifework. Even though, lifework’s project as a term is often used to refer to art, we find the definition quite suitable to describe Shala’s archiving project. The “lifework might be defined as art that involves the subjection of a life to a projected, sustained, and all-consuming creative practice, where the body of the artist and their lived experience becomes a formative content inseparable from the art work”.⁴⁶ For Shala, the archiving of atrocities has become an all-consuming practice which registers equally in the mind, heart and body.

This endurance and persistence, inability to stop and surrender, requires safeguarding rather stubbornly and in a disciplined way the affect and horizon of hope, or perhaps better of “undefeated despair”, a term that John Berger uses to talk about resistance in the context of Palestine.⁴⁷ Undefeated

⁴⁴ Ibid, p. 13.

⁴⁵ Denise Riley, *Time Lived, without its Flow*, London: Capsule Edition, 2012, p. 49.

⁴⁶ Adrian Heathfield, “Thought of Duration”, in *Out of Now: The Lifeworks of Tehching Hsieh*, Cambridge, MA: MIT Press, 2009, pp. 17-23 (p. 14).

⁴⁷ John Berger, “Dispatches: Undefeated Despair”, *Race & Class* vol. 48, no. 1, 2006, pp. 23-41.

despair can be seen as the continuous struggle to resist despair when too much time passes between its desire for justice and its arrival.⁴⁸

Conclusion

In this article we hoped to offer some reflections on archive and its relation to justice, memory and time, by focusing on Esat Shala's lifetime archiving 'project' in post-war Kosovo. What Shala does persistently and stubbornly since more than twenty years raises important and haunting questions on the archive of war. How do we build a future for ourselves and our communities in the face of past atrocities? How long is the memory and how long the forgetting? How do we live with our dead and disappeared? What is the value of archive and whose responsibility is it?

We read Shala's lifetime 'project' of archiving atrocities as a stubborn form of undefeated despair and profoundly ethical attitude, which suggests an obstinate and enduring resistance against an organised silencing, as defiance against institutional oblivion, as well as an act of justice and care for the war victims and survivors. We tried to argue that even though the archive in itself is not a guarantee of truth, justice and memory, and archives remain sites of contestation, without a *mal d'archive* we are totally lost and lack the ability to make sense of and reconcile with our past, however painful and traumatic.

⁴⁸ Lynne Segal, "Resisting Despair: A homage to Dr Eyad El- Sarraj", retrieved from: https://www.academia.edu/10766214/Resisting_Despair?auto=download [last accessed 5 May 2022].

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Nevertheless, for Shala's archive to become truly a tool for justice, memory and intergenerational care, the project needs more thinking into the ways in which the archive will become indeed a useful and shared resource for current and future generations. While Shala's attitude seems caught between possessively protecting the archive and handing it over to the state's War Crimes Research Institute once this is created, it is not yet clear whether others will be able to consult the archive, in what ways, and for what purposes.