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Competition and Reconciliation’

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Chapter 1: Introduction	8
1.1 Srebrenica in 2015	8
1.2 Competitive remembering in BiH	9
1.3 Memorialisation and reconciliation	11
1.4 Defining Reconciliation	13
1.5 Scope of work	16
1.6 Methodology	16
 Chapter 2: Rendering Bosnia	 19
2.1 The Politics of Memory	20
2.2 ‘Ethno-Subjects’	21
2.3 Victims	23
2.4 Heroes	28
2.5 After Dayton: A Separation	30
2.6 Corruption	33
2.7 Loyalty	36
2.8 Structural violence	36
2.9 We Have a Democracy Problem	39
2.10 Collective guilt	41
2.11 Survivors	44
2.12 ‘Safe Areas’	45
 Chapter 3: Effective Remedy, Memory, and Division	 50
3.1 The prohibition of genocide	50
3.2 Genocide and Srebrenica at the ICTY	52
3.2.1 The <i>Krstic</i> judgment	54
3.2.2 The ICTY and reconciliation	55
3.3 Bosnia and Herzegovina v. Serbia and Montenegro at the International Court of Justice	56

3.4 The Srebrenica decision in the Human Rights Chamber for Bosnia and Herzegovina	67
Chapter 4: The Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide	67
4.1 The Cemetery	68
4.2 The <i>Spomen Soba</i> Memorial Room	77
4.3 The Commemoration and burial ceremonies	80
4.3.1 Political climate in 2015	80
4.3.2 The global project of remembrance	83
4.3.3 Prelude to memorial service 2015	84
4.3.4 The commemoration ceremony	86
4.3.5 Never Forget	90
Chapter 5: Conclusion	94
References	101
Annex I	109
Historical Background	109
Interview questions	111
Abstract	115
Abstrakt	116

Abbreviations

BiH	Bosnia and Herzegovina
CAT	Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CIA	Central Intelligence Agency
DRC	Democratic Republic of Congo
ECHR	European Convention on Human Rights
EU	European Union
HDZ BiH	Croatian Democratic Union of Bosnia and Herzegovina
HVO	Croatian Defence Council
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICMP	International Commission on Missing Persons
ICRC	International Committee of the Red Cross
ICTJ	International Center for Transitional Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IESCR	International Covenant on Economic, Social and Cultural Rights
JNA	Yugoslav National Army
NATO	North Atlantic Treaty Organization
NDH	Independent State of Croatia
NGO	Non-governmental Organization
SANU	Serbian Academy of Sciences and Arts
SDA	The Party of Democratic Action
SNSD	Alliance of Independent Social Democrats
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNPROFOR	United Nations Protection Force

UNSC United Nations Security Council

UK United Kingdom

US United States

VCLT Vienna Convention on the Law of Treaties

VRS Bosnian Serb Army

I remember when I was.... I don't know, maybe six, seven years old, [...] I remember one of my first thoughts, one of my first observations as a child. I was sitting at home, it was summer, and on the TV there was some kind of news or something. They were saying that there were horrible wars in Africa. I remember thinking about how lucky I am to be living in a country like Yugoslavia, that is so far away from wars and everything that has anything to do with war. I thought, we are living such a peaceful life, and I am so proud to be Yugoslavian. I remember my joy, and my happiness and pride about being from here. And....five, six, seven years later...all those horrible, terrifying things happened to those people who used to live together.¹

¹ Interview with Alma Arslanagic-Pozder, Regional Cooperation Council (Sarajevo June 4 2015)

Chapter 1

Introduction

1.1 Srebrenica in 2015

Moments after Serbian Prime Minister Aleksander Vucic laid a flower in memory of the nearly 8,000 men and boys who were killed in the genocide at Srebrenica in Eastern Bosnia, he was pelted with stones thrown from the surrounding crowd. Cries of ‘Allahu Akbar’ and ‘Kill, Kill’ reportedly arose² as more rocks, bottles, and shoes were flung at Vucic, a former Serbian ultranationalist who came to the 20th anniversary commemoration and burial service as a gesture of reconciliation between Serbia and Bosnia and Herzegovina (BiH). A banner hoisted by some members of the crowd quoted an address that Vucic delivered during the Bosnian War: ‘For every Serb killed, we will kill 100 Muslims.’³

Vucic was forced to flee to his car, protected by bodyguards wielding bulletproof shields as the crowd surged behind them. His glasses were broken during the attack but he remained otherwise unharmed. Upon his return to Serbia, Vucic stated before the press that his ‘hand of reconciliation remains stretched toward the Bosniaks’.⁴ However, other Serbian politicians did not take such a conciliatory stance, with Interior Minister Nebojša Stefanović later proclaiming on Serbian television that the attack amounted to an ‘assassination attempt’.⁵ This sentiment echoed a communication sent by the Serbian foreign ministry that called the incident a murder attempt and urged Bosnian authorities to arrest the responsible parties.⁶ Serbian President Tomislav Nikolic used the opportunity to draw attention to what he called Serbia’s ‘friendly

² Associated Press, ‘Srebrenica Ceremonies Marred by attack on Serbia’s Premier,’ The New York Times (11 July 2015) <<http://www.nytimes.com/aponline/2015/07/11/world/europe/ap-eu-Bosnia-srebrenica-anniversary.html>>

³ Sito-Sucic, Daria, and Zuvella, Maria, ‘Serbian PM forced to flee Srebrenica massacre memorial’, Reuters (11 July 2015) <<http://www.reuters.com/article/2015/07/11/us-Bosnia-srebrenica-idUSKCN0PL00720150711>>

⁴ NYT 11 July 2015

⁵ Williams, Martin and agencies, ‘Srebrenica crowds drive Serbian prime minister from anniversary event’, The Guardian, 11 July 2015 <<http://www.theguardian.com/world/2015/jul/11/srebrenica-crowds-drive-serbian-prime-minister-from-anniversary-event>>

⁶ NYT 11 July 2015

stance towards other countries and nations’, continuing, ‘others should reflect on what they are doing and what they have done in dragging us into new quarrels 20 years after the civil war’.⁷

Bosnian authorities were joined by the international community in condemning the incident. The three-member Bosnian presidency apologised to ‘all foreign delegations’ attending the event, while Srebrenica mayor and survivor Camil Durakovic expressed disappointment, calling the attack ‘the work of sick minds who abused this solemn event.’⁸ The Party of Democratic Action (SDA) issued a statement calling the attack an ‘embarrassment.’⁹ Munira Subasic of the Association of Srebrenica Mothers¹⁰ also expressed disappointment at the scene.¹¹

Before Vucic appeared before the crowd to lay his flower at the memorial, and before some of its members began to jeer at him, the prime minister wrote a message in the condolence book at the cemetery in Potočari: ‘Here in Srebrenica,’ he wrote, ‘it is the obligation of each of us to bow our heads, to not forget and to begin to create a different future’.¹²

1.2 Competitive remembering in Bosnia

Political elites in the former Yugoslavia engineered social ruptures between ethnic identity groups in the run-up to the Yugoslav wars of the 1990s. The 1995 Dayton Peace Agreement ended the Bosnian war by creating a governmental model that institutionalized this division. Nearly twenty years after the end of the Bosnian war, Bosniaks, Bosnian Serbs, and Bosnian Croats remain divided by ethno-national and religious identity structures. These structures present one of many obstacles to meaningful dialogue about reconciliation in contemporary Bosnia and Herzegovina.

⁷ The Guardian, 11 July 2015.

⁸ BBC News, ‘Srebrenica anniversary: Bosnia condemns attack on Serbian PM,’ BBC, 11 July 2015 <http://www.bbc.com/news/world-europe-33496684>.

⁹ BBC News, ‘Srebrenica massacre anniversary: Crowds chase PM away,’ BBC, 11 July 2015 <http://www.bbc.com/news/world-europe-33491540>.

¹⁰ This is one of several organizations with very similar names.

¹¹ BBC 11 July 2015.

¹² Reuters 11 July 2015.

The political and memory landscapes are dominated by conflicting notions of the past, especially (though certainly not only) regarding human rights violations that occurred during the Bosnian war. Each identity group idolizes its own victims and their past suffering, which is understood as being part of a deeply historical pattern of victimization.

A highly prominent theme in the competing discourses between Bosniaks, Bosnian Serbs, and Bosnian Croats is a divisive memory competition that emphasizes each group's own suffering at the hands of the others. This memory competition strengthens separation, as each group casts blame on one another. Themes of collective suffering dominate each discourse, while the suffering of the other groups is minimised or downplayed.

The most notorious example of this phenomenon can be located in the memory competition surrounding Srebrenica, where approximately 8,000 Bosniak men and boys were killed by Bosnian Serb and Serbian forces in July 1995. The massacre has been determined to constitute an act of genocide by both the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Court of Justice (ICJ). Since the enclave fell, both Serbia proper and Republika Srpska, the Bosnian Serb entity within BiH, have fiercely refused to acknowledge the massacre as a genocide.

The most prominent - that is, the largest - commemorative acts surrounding the genocide at Srebrenica do not positively contribute to reconciliation, but enforce division. This is the result of problematic socio-political structures that the memory of past human rights violations in BiH are situated in. It presents a very serious obstacle to reconciliation.

There is also, to some degree, an existential despair bound to the way that the conflict ended with the signing of the Dayton Accords.¹³ The peace settlement was effective at the time it was created to the extent that it brought the war to an end, probably saving many lives.¹⁴ However, there is something about the compromising nature of this ending, about the lack of clarity regarding 'winners' and 'losers', that sits uncomfortably in its wake. At the end of a violent

¹³ Interview Dr. Svetlana Broz, Author (Sarajevo 5 June 2015) Interview Dr. Esad Bajtal, Author (Sarajevo 4 June 2015).

¹⁴ Interview with Tim Judah, Journalist (Interview conducted via Skype 4 July 2015).

conflict, failing to distinguish between the victors and the defeated, the righteous and the wicked, legitimizes every side, allowing each faction to cast itself in the role of the self-proclaimed ‘defender’ if it chooses.

1.3 Memorialisation and reconciliation

*Starting in the 1980s, the creation of memorials has become linked to the idea that ensuring public recognition of past crimes is indispensable to the victims, essential for preventing further violence, and necessary for redefining national unity. Memorialization is often a demand of victims and society at large and the path to national reconciliation is seen to pass through not only legal reparations, but also symbolic reparations such as memorials.*¹⁵

During its twenty-seventh session on 9 September 2014, the United Nations Human Rights Council (HRC) held a panel discussion that treated history teaching and memorialization practices. The discussion was attended by delegates from over 30 states and representatives from NGOs including Amnesty International, Human Rights Now, and the International Youth and Student Movement for the United Nations. During the discussion, the majority of the representative expressed views very similar to those quoted above from a report by Special Rapporteur in the field of cultural rights, Farida Shaheed.¹⁶ The report is a thorough examination of the particular human rights challenges that can be presented through acts of memorialization. Despite the many excellent contributions it makes, the report provides no clear insight regarding precisely *how* memorialization processes aid reconciliation.

Memorialization of human rights violations is understood to discharge the state’s ‘duty to remember’ by providing recognition for victim suffering and creating a space for survivors to relate the narrative of their experiences.

¹⁵ Shaheed, Farida, ‘Report of the Special Rapporteur in the field of cultural rights: Memorialization processes’, (23 January 2014) HRC/25/49.

¹⁶ UN Human Rights Council ‘Summary of panel discussion on history teaching and memorialization practices’, (22 December 2014), HRC/28/36.

While this kind of recognition is important in re-claiming space and re-establishing an overall sense of belonging for survivors, under what circumstances can memorialization be understood as conciliatory in an ambivalently resolved post-conflict state?

This thesis sets out to critically examine the relationship between reconciliation and some of the memorialization practices commemorating the genocide at Srebrenica in BiH. Its research question is, ‘To what extent does the memorialization of Srebrenica serve a conciliatory purpose in BiH, and to what extent does commemoration surrounding the memorial inhibit progress toward reconciliation?’

The findings of this thesis are that the largest, most internationally prominent, commemorative acts surrounding the genocide at Srebrenica do not positively contribute to reconciliation, but enforce division instead of healing the wounds of the past.

While this can be seen in some aspects of the physical space of the memorial, these features could easily be altered to reflect a more conciliatory message and are not themselves the things that inhibit reconciliation. Therefore, this thesis will place large emphasis on the second part of the question. Simply put: The real trouble with the dominant memory discourse related to the memorialization at Srebrenica is the problematic, unreconciled and divisive socio-political structures and societies that this discourse is situated in.

There is growing literature that addresses the potential that memorials possess to enforce division. Dacia Viejo-Rose has written, ‘Memorials can be interpreted in such a way that they carry the violence of a conflict long into the future, acting as signs in the landscape that compress time by equating past events with present generations: ‘remember how we suffered’, ‘remember what they did to us’, ‘remember what you owe us’.¹⁷

However, it is *not* the position of this thesis that memorials or memorialization practices

¹⁷ Viejo-Rose, Dacia, ‘Memorial functions: Intent, impact, and right to remember’, *Memory Studies*, 4:4, p. 465-480.

themselves enforce division in BiH. Instead, it undertakes an examination of the memorialization and memory discourse around the genocide at Srebrenica to reveal larger structural flaws that inhibit reconciliation. Memorialization and memory discourse play a part in this divisive structure, but they will be shown to have been subsumed into a larger discursive conflict, and are not its root cause.

Structural violence, as understood by Johan Galtung, does not always occur because of intentional choices made by individuals. It can inadvertently occur as the result of a system, or the interactions between systems. It is this interaction that Chapter two attempts to unpack. Chapter three examines several important judicial decisions related to Srebrenica, the popular response they engendered in BiH, and the way that popular misunderstandings regarding the scope and nature of these decisions shaped and were shaped by memory discourse. Chapter four delineates some crucial elements of the Srebrenica-Potočari Memorial cemetery and the annual commemoration ceremony held there, analysing the relationship between the site, its history, and the various interests of the individuals who participate.

For the purposes of this work, memorialization will be understood as ‘physical representation or commemorative activities, located in public spaces, that concern specific events regardless of the period of occurrence (wars and conflicts, mass or grave human rights violations), or the persons involved (soldiers, combatants, victims, political leaders or activists for example)’.¹⁸

1.4 Defining Reconciliation

Post-conflict reconciliation consists of more than one dimension. It is a dynamic, changeable space that is constantly being pushed and pulled by competing forces. It is possible to distinguish between civic, or reconciliation between individuals, and political reconciliation. The civic reconciliation model that will be utilized in this work is based on a study by Immaculee Mukashema and Etienne Mullet. They used a concept developed in relation to the Israel-Palestine conflict called ‘reconciliation sentiment’ to investigate the correlation between interpersonal reconciliation and mental health in survivors of the 1994 genocide in Rwanda.

¹⁸ Shadeed 23 January 2014, p. 5.

Reconciliation sentiment is composed of two components: the ‘Interpersonal’ and ‘Intrapersonal’. The interpersonal component was defined as the ability to trust the judgment of persons who have harmed you in the past. It requires the re-establishment of interpersonal trust and a spirit of joint effort. The intrapersonal component was defined as the degree to which one is capable of controlling themselves in the presence of persons who harmed you, i.e. that a survivor does not ‘harbour violent feelings’ toward perpetrators of past violence.¹⁹ The former will be considered a ‘thicker’ form of reconciliation along a continuum, while the latter will be considered a ‘thinner’ form of reconciliation.

An understanding of political reconciliation will be taken from Larry May’s definition of ‘robust political reconciliation,’ taken to mean ‘the ending of current hostilities and the establishment of conditions that would make it *highly* likely that harmonious relations will obtain in the future’.²⁰ While Janine Natalya Clark argues that such a future-oriented approach is unhelpful,²¹ it is, nonetheless, important to have a standard against which to judge the current political environment in BiH. The context of Clark’s article that refutes this definition was different, as she argued about the relevance of international tribunals in establishing reconciliation. This work does not necessarily seek to ‘prove’ or ‘disprove’ anything based on this definition in the way that Clark argued against.

Finally, it is significant to note that some things can be more easily defined by what they are not than a strict accounting of what they are. In this spirit, the ‘negative’ definition of reconciliation delivered by The International Center for Transitional Justice (ICTJ) will be considered:

- Real reconciliation should not be used as a substitute for justice.
- There cannot be significant inequities in the reconciliation burden required from all social actors. Responsibilities may not be transferred from perpetrators to victims.
- Reconciliation efforts do not focus on wiping the slate clean. It would not be reasonable to try to attain an ideal social harmony.

¹⁹ Mukashema, Immaculee, and Mullet, Etienne (2013) Unconditional Forgiveness, Reconciliation Sentiment, and Mental Health Among Victims of Genocide in Rwanda. *Social Indicators Research*, 113, p. 121-132, p.123.

²⁰ Larry May in Janine Natalya Clark, (2012) The ‘crime of crimes’: genocide, criminal trials, and reconciliation, *Journal of Genocide Research*, 14:1 p. 55-77, p.56.

²¹ Clark 2012, p. 56.

- Reconciliation cannot boil down to a state of mind. A radical transformation of former enemies should not be expected.
- Reconciliation should be articulated in a way that it is not only the expression of a specific set of religious beliefs.

The pursuit of retributive justice will not be conflated with the impulse for revenge.²² Rather, it will strive for a balanced view of reconciliation, both as a process and an end goal. It can be understood as a dynamic, living thing.

Historically, in inter-state conflicts the majority of the casualties were combatants. A shift has occurred in contemporary warfare, where the majority of the victims are civilians killed in internal conflicts.²³ This may, to some extent, illustrate the importance of memorialization in modern post-conflict states, and the urgent need to promote reconciliation within a population deeply affected by violence and loss.

It is a common enough argument that in BiH, there is no real ‘need’ for civil reconciliation, as individuals in the country carry on with their lives in a fairly normal fashion. It is normal for Bosniaks, Bosnian Croats, and Bosnian Serbs to interact on a transactional level, to work together and form friendships across groups.²⁴ The commemoration ceremony at Srebrenica is a very emotional event, and not every person standing in the crowd participated in physically repelling Aleksandar Vucic from the memorial service. However, even if we use the understanding of a ‘thin’ form of reconciliation cited above, which simply requires that survivors do not harbour a desire to inflict violence on persons who may have harmed them in the past, the incident described in the opening paragraphs suggests that this has not been achieved. There is a gap between memorialization and reconciliation in BiH.

²² Moon, Clare Healing Past Violence: Traumatic Assumptions and Therapeutic Interventions in War and Reconciliation, *Journal of Human Rights*, (2009) 8:1, p. 71-91.

²³ Pierre Hazan, Wrongs of the Past: the Memorialization Challenge, p.5

²⁴ Judah, Interview with Alison Sluiter, Associate Representative of the Konrad Adenauer Foundation in Bosnia (Sarajevo 2 June 2015).

1.5 Scope of work

This thesis will not treat the historical events in Srebrenica during the Bosnian war that culminated in genocide in July 1995, though they will be outlined briefly in order to provide context. Instead this thesis will address the relationship between the memorialization of those events by different actors in (and outside of) BiH and the current state of reconciliation in the country. It aims to understand what a close reading of the memorial complex in Potočari itself, and the anniversary commemorations held there, can reveal about ethno-nationalistic structures that dominate a divisive political and religious discourse in BiH.

1.6 Methodology

A literature review of writings about transitional justice, reconciliation, the psycho-social implications of constructed 'victimhood' and post-conflict memory will provide a theoretical frame for this study. Interviews were conducted in Sarajevo during a field trip to BiH in June, along with a site visit to Srebrenica cemetery and the memorial complex at Potočari. During the site visit, I had the opportunity to tour the battery cemetery alone and with a group of Dutch students who were on a guided tour of the complex conducted in English. I recorded lecture delivered by the tour guide, though that individual asked not to be identified by name. I was able to watch the film twice, once in the memorial centre with this group of Dutch students, and then again with a group from a local mosque, and then a third time at a separate exhibit in Sarajevo.

The interview subjects in Sarajevo included: Alison Sluiter, Associate Representative of the Konrad Adenauer Foundation in Bosnia and Herzegovina. Ms. Sluiter has experience working directly with survivors from the Srebrenica community and provided extensive insight into the conditions and needs of survivors in BiH; Alma Arslanagic-Pozder of the Regional Cooperation Council, an NGO that promotes regional cooperation in South East Europe and integration into the European community; Dr. Esad Bajtal, a Bosnian author and political analyst; Dr. Svetlana Broz, an activist and author who has spearheaded memorialization projects in Sarajevo; Prof. Enver Kazaz of the Faculty of Philosophy at University of Sarajevo; and Dzevdet Tuzlic, a Bosnian journalist. Due to logistical restraints, I conducted several interviews over Skype, with

Tim Judah, an author and journalist specializing in the Balkan region; Allen Little, an author and journalist with expertise about the Yugoslav wars; and Jelena Jovanovic, an analyst and researcher, Humanitarian Law Center, Belgrade, Serbia, who has extensive expertise on memorials and memorialization in the region. I asked each of them questions about memory, reconciliation and the political landscape in Bosnia. Some interviews also included questions about their personal experiences during the war, and opinions about the reconciliatory landscape in Bosnia.

'A second reason for the greater size of the rewritten book is that its thesis cannot be simply, or even clearly stated. It has to be 'rendered,' to use Henry James's famous word, and the rendering involves indirections and ambiguities that carry the reader more and more deeply into the maze of Truth' ²⁵

²⁵ Charles Child Walcutt, Introduction to Bantam edition of Moby Dick, (New York) 1967.

Chapter 2

Rendering Bosnia

*'Sometimes people make a mistake, academics or students, they make a mistake where they take one thing and they look at it in isolation. And there's nothing in the Balkans that can be looked at in isolation. [...] it's a bit like that nursery rhyme for children, you know: this bone is connected to that bone, this bone is connected to that bone...unfortunately it's like that.'*²⁶

The conflict that fomented the genocide at Srebrenica was complex and multifaceted, and so it follows that the environment left in its wake is also complex. It should be understood as consisting of multiple dimensions. This chapter sketches some important features of the post-conflict environment in BiH that the memory of Srebrenica is situated in. When this environment is viewed as a whole, it becomes easier to see how the memory discourse surrounding Srebrenica functions in a way that is very similar to other divisive discourses in BiH. This dominant memory narrative reflects divisive structures that were established in the lead-up to the Yugoslav wars in the 1990s, and then became institutionalized with the implementation of the Dayton Accords. Because this memory discourse was fostered within divisive structures, it has not been possible to 'de-ideologize' the remembrance of Srebrenica, or any other war crimes that took place during the conflict.²⁷ This prevents the recognition of mutual suffering across groups, and could be a factor in such confounding and divisive public political arguments as the 'genocide or not' debate that is still flourishing between the Bosniak and Bosnian Serb/Serbian communities.

In order to properly situate the commemoration of Srebrenica, it is also important to touch on the way that its memory is shaped by and interacts with other discourses. This chapter has been divided into themes that came up during interviews where questions were posed about the relationship between remembrance and reconciliation. I found that when I asked about reconciliation, or memory, the person I was speaking with often responded by talking about politics, nationalism, corruption and, inevitably, the Dayton Accords. These themes have been

²⁶ Judah.

²⁷ Interview with Prof. Enver Kazaz, Faculty of Philosophy, University of Sarajevo (Sarajevo 8 June 2015).

separated for convenience, but they are not meant to be understood in isolation. Rather, the elements outlined in this chapter bear a close relationship, some reinforcing and blending into others. Taken together they represent a portrait of the political and ethnic-identity structures that dominate contemporary BiH. The themes are presented in the attempt to render a multi-dimensional understanding by viewing these structures from different angles.

2.1 The Politics of Memory

The post-conflict memory landscape in BiH is dominated by competing narratives about the past. Ideologies that developed after the fall of communism²⁸ and during the 1992-1995 war are still present and shape the culture of remembrance.²⁹ The political parties and institutions that propagated division before and during the war became legitimized with the implementation of the Dayton Peace Accords, and their ideological narratives have only been strengthened over time. In this way, the current dominant political memory discourse may be understood as a continuation of the war ideology that dominated the Yugoslav conflicts of the 1990s.³⁰

It is important to keep in mind that no population group is a uniform monolith, and that each is made up of individuals with a diverse range of experience, opinion, and memory.³¹ Nonetheless, the general nature of three competing ‘nationalisms’ affiliated with the constituent identity groups have been summarized by Nicholas Moll as follows: Bosnian Serb nationalism centres on the vital importance of the existence of the Republika Srpska, and disputes the need for a unified state of Bosnia and Herzegovina. Bosniak nationalism is concerned with shoring up the state of Bosnia and Herzegovina, while questioning the legitimacy of the Republika Srpska’s existence. This tension is borne out of a combination of Republika Srpska’s secessionist rhetoric, which threatens the territorial integrity of BiH, and also by the entity’s origin. It is made up of territory that was carved out by Bosnian Serb and Serbian forces during the war. While on the way to visit Srebrenica in June 2015, I was told by my Bosniak guide that Republika Srpska is the ‘reward’

²⁸ Moll, Nicolas, (2013) ‘Fragmented memories in a fragmented country: memory competition and political identity-building in Bosnia’, *Nationalities Papers: the Journal of Nationalism and Ethnicity*, 41:6 p- 910-935, p. 911.

²⁹ Kazaz.

³⁰ *Ib id.*

³¹ Shaheed, Farida, ‘Report of the Special Rapporteur in the field of cultural rights: mission to Bosnia’, (3 March 2014) p.5 HRC/25/49/Add.

that Bosnian Serbs have garnered for their aggression during the 1990s. Finally, Bosnian Croat nationalism largely focuses on the right of Bosnian Croats to their own separate entity in BiH, since they are smaller in number compared to the Bosniak population and therefore risk being dominated by their compatriots within the Federation.³² '[T]aken together,' writes Moll, these discourses 'dominate the memory landscape while simultaneously disputing each other's right to this shared space'.³³

Moll further identifies three patterns that recur throughout each nationalist narrative. The first pattern is the exaltation by each side of their own military history and accomplishments, while minimizing the suffering that it may have inflicted on others and attributing blame to the other groups. The second pattern involves heavily alluding to World War II and co-opting the historical anti-fascism of the Partisans for the group's own ends in relation to the Yugoslav wars in the 1990s.³⁴ The third pattern involves reinterpreting the long-term historical past to create the impression of a cyclical historic narrative, where the same events are destined to play out over and over again in a continuous loop across the centuries.³⁵

2.2 'Ethno-Subjects'

*'Right now we are ethno-subjects. We are either subjects to the Bosniak or Bosnian Croat or to the Bosnian Serb ethnicity. And at the same time we are also clerical subjects, because we belong to these three religions. We have this amazing connection between the political powers, plural, and the religions, plural.'*³⁶

As a legacy of the campaigns of ethnic cleansing during the wars of the 1990s and part of the heritage of the Dayton Agreement, the contemporary political landscape in Bosnia is divided according to ethno-national identity. The three main ethnic identity groups are further divided

³² Moll, p.911.

³³ Ib id.

³⁴ The Partisans, or the National Liberation Army, were an anti-fascism resistance movement led in the region of the former Yugoslavia during World War II, commanded by Josip Broz, or 'Tito'.

³⁵ Moll, p. 911.

³⁶ Bajtal.

by religious affiliation. For the most part, Bosniaks identify as Muslims, Bosnian Serbs as followers of the Serbian Orthodox Church, and Bosnian Croats identify as Catholic.

Nationalist politicians still dominate the political sphere,³⁷ and it is common for citizens to vote for candidates who represent their own ethno-national and religious identity group. They do so with the understanding that these candidates will best protect their sectarian interests.³⁸ Generally speaking, Bosniak Muslims vote for the SDA, Bosnian Serbs support the Alliance of Independent Social Democrats (SNSD), and Bosnian Croats support the Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH).³⁹

Reconciliation twenty years after the end of the Bosnian War remains stagnant on the political level.⁴⁰ Ethno-nationalist politicians enforce identity-based division by invoking memories of wartime violence, reviving it as an ever-present threat lurking at the edges of Bosnian life.⁴¹ They frequently have close ties with media outlets, and use these ties to popularize their divisive narratives.⁴²

For example, civil unrest erupted in Sarajevo, Zenica, Tuzla, and Mostar in February 2014 in response to years of economic inequality, unemployment, corruption and political torpor. In response to this unrest, Bosnian Croat politicians cast the demonstrations as an issue related exclusively to Bosniaks in order to prevent their constituency from participating. Bosnian Serb politicians called the rioting as an attack on the Republika Srpska, insinuating that if Bosnian Serbs joined the unrest they would be betraying the best interests of their own identity group. ‘So you can see,’ says Esad Bajtal, ‘how the national elites support and prop each other up.’⁴³

At the same time, there is collusion between the political and religious elite. ‘If you look at the way politics are today,’ says Bajtal, ‘they have been completely religionized.’ Both the political

³⁷ Milanovic, Marko, (2010) ‘Sejdic v. Bosnia’, *The American Journal of International Law*, 104:4, p.636-641, p. 640.

³⁸ Interview with Allan Little, Author, Journalist (Interview conducted via Skype 26 June 2015).

³⁹ *Ib id.*

⁴⁰ Bajtal.

⁴¹ Little.

⁴² Bajtal.

⁴³ *Ib id.*

and religious leaders affiliated with each group support a discourse of victimization, promoting the idea that violent oppression has been exercised against their group by the others. ‘As many ethnic groups that we have here,’ says Svetlana Broz, ‘we have the same number of victims.’ She continued, ‘The problems in communication between members of different groups starts always when the politicians or clergy are present. Those two professional groups are the ones who are preventing any normal way of reconciliation among groups’.⁴⁴

2.3 Victims

Each constituent group in BiH has its own interpretation of the past, and each propagates a unique perception of itself as a victim. These stories of victimhood are frequently invoked in political rhetoric as well as educational systems, which are ideologized in a way that is similar to the political sphere. Political parties exert influence over schools and school curriculum, and each nationalist narrative proliferates history textbooks and lessons.⁴⁵ Ger Duijzings suggests that since Tito’s communist regime minimized the ethnic dimension of the fighting in Yugoslavia during World War II, all of the constituent groups may have been left unsatisfied by the government’s failure to officially recognize their status as victims during that war. Throughout Communist rule these tensions remained present in the private sphere, and were exacerbated to provoke the conflict in the 1990s.⁴⁶

The past is a central unifying theme in Serb nationalism, with special emphasis placed on historical experiences of suffering and defeat. These experiences are frequently mythologized through songs and epic poems that recount historical events, with Serbia cast in the role of the perpetual underdog struggling against the tide of persecution.⁴⁷

Serbia was the largest Republic in the former Yugoslavia and had the largest population. During his Communist reign, Tito tried to prevent it from developing a hegemonic dominance by dividing administrative powers equally among the republics and quashing any signs of

⁴⁴ Broz.

⁴⁵ Interview with Jelena Jovanovic, Analyst/Researcher, Humanitarian Law Center, Belgrade, Serbia. (Interview conducted via Skype 11 June 2015).

⁴⁶ Duijzings, p. 149.

⁴⁷ *Ib id*, p. 147.

nationalism that emerged by exiling or jailing its proponents.⁴⁸ When Tito died in 1980, his role in Yugoslavia was inherited by a weak eight-member Presidency, consisting of one representative from each of the republics and provinces.⁴⁹ In 1981, ethnic Albanians in the then-Serbian province of Kosovo began to demand equal status as a republic. The unrest was quelled by authorities, but threatened by the possible Albanian bid for independence from Serbia, a group of Kosovo Serbs fashioned themselves into a group called the Committee of Serbs and Montenegrins, which spread tales of the persecution that they faced in the province.⁵⁰

The popularization of the notion of genocide in the region may have started in 1983, when Serbian historian Vladimir Dedijer at the Academy of Science and Arts (SANU) created a commission to investigate historical incidences of genocide committed against the peoples of Yugoslavia. This academic conversation was part of a contemporary reinterpretation of postwar history that was taking place. The number of Serbian victims at the Jasenovac concentration camp was a prominent historical incident in this burgeoning literature, which characterized genocide as ‘large-scale’ killing of civilians, without regard for the legal definition of the act, which requires a special element of intent to destroy a national, racial, ethnic or religious group, in whole or in part.⁵¹ This requires a heavy burden of proof on the part of the prosecutor as a result of the serious nature of the crime, and in practice, this kind of intent can be very difficult to prove.

Serb nationalists exploited latent, unresolved experiences of suffering from the past to stoke fear that other identity groups within the former Yugoslavia would unite to carry out a genocide against them, conjuring an urgent ‘need’ to establish entities that would secure Serbs by bringing them all under one roof, so to speak, for protection.⁵² An often-cited example of this phenomenon can be found in the 1986 publication of allegedly leaked portions of the SANU commission’s document ‘The Memorandum’. It caused a sensation among the Serbian public when parts of it appeared in the well-circulated newspaper *Vecernje Novosti* and alleged, among

⁴⁸ Silber, Laura and Little, Allan, *The Death of Yugoslavia* (Revised edition, Penguin Books, London, 1996), p. 29.

⁴⁹ *Ib id.*

⁵⁰ *Ib id.*, p. 35.

⁵¹ Nielsen, Christian Axboe, ‘Surmounting the myopic focus on genocide: the case of the war in Bosnia’, *Journal of Genocide Research*, 15:1, p. 21-39, p. 22.

⁵² Silber and Little, p. 33.

other things, that ‘physical, political, legal and cultural genocide’ was being perpetrated against Serbs in Kosovo.⁵³ When the Serb Democratic Party was founded in BiH in 1990, its leader Radovan Karadzic invoked memories of genocide during World War II, and the theme again made an appearance in October 1991 during the first Bosnian Serb assembly. Many Bosnian Serbs on trial at the ICTY referred to the looming potential for genocide against the Serbs by way of explanation or justification for their actions.⁵⁴

Under the political rule of Slobodan Milosevic, Serbian aggression against the secessionist republics was portrayed as an attempt to prevent Yugoslavia from dissolving through ‘civil war’.⁵⁵ This rhetoric, when conflated with the historical narrative that Serbs had always been potentially or actually under some sort of genocidal threat from the other former republics, shifted responsibility for aggressive acts away from the Serbian political leadership, transforming them into the ‘defenders’ of the Serb identity group across all parts of the former Yugoslavia.

When confronted with the Bosnian Muslim experience of Srebrenica, it is common for Bosnian Serb politicians to respond with a comment about the number of Serbs killed in the same area during the Bosnian war, or the fate of the Serbs in the Krajina region during Operation Storm, or even to the number killed in Jasenovac during World War II.⁵⁶ It is a confusing and disorienting impulse that underpins much of the rhetoric surrounding the willingness of Republika Srpska and Serbia proper to acknowledge Srebrenica as a genocidal act. Neither Republika Srpska nor Serbia have officially done so, and it is common in both places to minimize the crime. Paul B. Miller has commented that even after Republika Srpska grudgingly accepted an independent commission’s findings that the number of executed in Srebrenica amounted to about 8,000 victims, ‘Bosnian Serb officials announced that Serb deaths in Sarajevo during their own siege of the city also amounted to genocide,’ writing that the Serb nationalists were ‘determined to build a Srebrenica of their own’.⁵⁷

⁵³ Nielson, p. 23.

⁵⁴ *Ib id.*

⁵⁵ Dragovic-Soso, Jasna, (2012) ‘Apologising for Srebrenica: the declaration of the Serbian parliament, the European Union and the politics of compromise’, *East European Politics*, 28:2, p.163-179, p. 165.

⁵⁶ Miller, Paul B., (2006) ‘Contested Memories: the Bosnian genocide in Serb and Muslim minds’, *Journal of Genocide Research*, 8:3, p. 311-324, p. 317.

⁵⁷ *Ib id.*, p. 315.

Croatian nationalist politicians also began to use the concept of genocide to promote the political aims of their identity group in the early 1990s. The touchstone for Croat genocide narratives is the massacre at Bleiberg in southern Austria, where civilians and soldiers had fled in an exodus organized by the Nezavisna Država Hrvatska (NDH), a puppet state established by Italy and Germany in Axis-occupied parts of the former Yugoslavia, to surrender to Allied Forces at the end of World War II. The NDH's genocidal campaign during the war targeted Serbs, Jews, and Roma, many of whom were killed in extermination camps like the Jasenovac concentration camp.⁵⁸ Allegedly the surrender was refused and the Croats were handed over to the Partisans, who killed thousands on the return march to Yugoslavia. This march is called 'The Way of the Cross', after the series of images that Catholics pray to symbolizing the journey of Jesus Christ on the day of his crucifixion, and at other times has been referred to as 'the Holocaust of Croat Catholics'.⁵⁹ Commemoration ceremonies are held in Bleiberg in May each year. At the 2015 commemoration, organized by the HDZ and the Catholic Church, Archbishop of Zagreb Josip Bozanic said, 'Today we have gathered in this field where... the Bleiberg tragedy of the Croatian people began - a crime against humanity which was systematically carried out by the Yugoslav army under the sign of the red five-pointed star'. He went on to emphasize that the end of World War II marked the beginning of communism and 'persecution, imprisonment and killing of innocent people'.⁶⁰

Though contemporary Bosnian Croat politicians prefer to avoid talking about the NDH, this event is still present in BiH as a public memory narrative. It supports sentiment that Croats need their own separate territory inside the country so they can be rendered safe from genocide and 'elimination from history'.⁶¹

History carried less ideological weight in Bosniak memory narratives until the early 1990s.⁶² In 1990 Vladimir Dediger published a book (co-authored by a Croat historian named Antun

⁵⁸ Moll, p. 920.

⁵⁹ *Ib id.*

⁶⁰ Milekic, Sven, '20,000 Mourn Croatia's dead at controversial WWII site', Balkan Insight, <<http://www.balkaninsight.com/en/article/20-000-come-to-commemorate-ww2-controversial-memorial>>

⁶¹ Nielson, p. 24.

⁶² Duijnzings, p. 149.

Miletic) called *Genocide against the Muslims* as part of the same SANU genocide research project that produced the infamous ‘Memorandum’. It chronicled massacres of Bosnian Muslims by Chetniks⁶³ during World War II.⁶⁴ A belief was developed among prominent Bosniak intellectuals that not only did these acts during World War II constitute genocide, but they represented only one incident of the crime in a string of genocides that had been committed against Bosnian Muslims as far back as the 17th century.⁶⁵ From its founding in 1990, the SDA held genocide commemorations, backed publications covering the topic, and even sponsored a conference about ‘genocide against the Muslims in Yugoslavia’.⁶⁶

All three identity groups in BiH used the concept of genocide to promote notions of their own victimhood before the Bosnian war began, and each story emphasizes the suffering of one group while minimizing or ignoring the suffering of the others.⁶⁷ This is no more vividly illustrated than in the appalling parallel drawn between the story of the NDH experience at Bleiberg and the Holocaust, considering that the NDH held both Jews and Serbs in concentration camps during World War II.

This kind of rhetoric sketches a ‘collective victim’, an embodiment of historical group suffering that is then instrumentalized to further the political aims of each group. It is not based on the individual identity of victims, but rather subsumes the suffering experienced by individuals within the identity group into something greater and more abstract. In this discourse, as Enver Kazaz says, ‘First the victim loses his or her name, and then we reach the number stage. So we do not remember the person, we remember the ethnicity of that person and the number’.⁶⁸ This thread is continued by Bajtal, who observes,

⁶³ ‘The Chetniks were a royalist, conservative and Serbian nationalist movement, formally led by the Serbian career officer Colonel Draz’a Mihailovic’. The movement was established at Ravna Gora in western Serbia in May 1941, after the royal Yugoslav army was defeated by the Axis powers. Chetnik nationalism became radicalised and anti-communism was combined with widespread anti-Croat and anti-Muslim sentiments, since Croats and Muslims were regarded as responsible for the genocidal politics affecting Serbs in Bosnia and Croatia.’ In contemporary Yugoslavia, the word is sometimes used as a derogatory name for all Serbs. Sinbeak, Tea, (2014) ‘The Fall and Rise of a national hero: Interpretations of Draz’a Mihailovic’ and the Chetniks in Yugoslavia and Serbia since 1945 *Journal of Contemporary European Studies* Vol. 17, No. 1, p. 47–59 p. 47.

⁶⁴ Duijinzings, p. 149.

⁶⁵ Nielson, p. 23.

⁶⁶ *Ib id.*

⁶⁷ Nielson, p. 24.

⁶⁸ Kazaz.

It is a completely instrumentalized story. For example, 'If we have suffered so many victims, then we become untouchable. [...] no one dare tell us anything because [of] our victims.' 'Any kind of criticism which is aimed at us is not criticism of us, it is basically betrayal of the victims.' 'By attacking us, you are actually attacking the victims.' 'You have attacked the reason why the victims fell.' 'We are the ones who ensured whatever it is that we have ensured', either the entity, Republika Srpska, or whatever.

It is a permanent reason to clash. Everybody feels like the victim, and everyone has been told by their national leaders that their victims are holy and untouchable. So any critical voice is simply not possible.⁶⁹

In the discursive noise surrounding victims and victimhood in BiH, the Bosniak community is the only group that can make a claim on a legally determined case of genocide. Rather than securing recognition for the suffering of the Srebrenica victims and survivors, and thereby facilitating reconciliation, however, these judicial determinations have sparked competitive strife between the three constituent groups over the memory of violence during the Bosnian War and the suffering of each side, especially between Bosniaks and Bosnian Serbs, and by extension, Republika Srpska and Serbia itself.

2.4 Heroes

'When a community is not ready to prosecute its own members who are suspected for war crimes, the intentions for reconciliation are probably not honest'.⁷⁰

Izabela Steflja has located a phenomenon called 'defensive nationalism' in the context of Serbian identity. She contends that this specific kind of nationalism encompasses denial, victimhood nationalism, and the glorification of war criminals. She identifies this final element as 'the most

⁶⁹ Bajtal.

⁷⁰ Jovanovic.

extreme and dangerous’, because it is the one that can ‘most severely inhibit inter-group reconciliation’.⁷¹

This glorification of former war criminals can be located not only among Serbs, but in all three constituent groups in Bosnia. For example, in June 2014 former Commander of the Croatian Defence Council (HVO) Dario Kordić was released from prison. Kordić, a Bosnian Croat, was convicted of war crimes at the ICTY and sentenced to 25 years imprisonment, but was released for good behaviour after serving two thirds of his sentence. When he arrived at the airport in Zagreb after his release, he was greeted by a crowd of several hundred people waving Croatian flags and applauding as he exited customs. He was also met by politicians, Catholic priests, and the Bishop of Sisak, Vlado Kotic, who led the crowd in a prayer of thanksgiving for Kordić’s return. Later, Kordic was welcomed to the town of Vitez in BiH by a large crowd of Catholics, Catholic clergy, and the Bosnian Croat political elite. Vitez is about six miles from Ahmici, the small town where troops under Kordić’s command committed the largest single massacre of Bosniak civilians during the conflict between Bosniaks and Bosnian Croats. ‘We’re talking about a ritual of the first rank,’ says Kazaz, ‘the war criminal is returning, and on the spot where the crimes were committed, the political and religious elite give him the highest honours.’ He continued, ‘they [war criminals] have been raised on a pedestal of ethnic idolatry’.⁷²

General Rasim Delic, the former Chief of Staff of the Army of Bosnia and Herzegovina was convicted by the ICTY for failing to prevent or punish the cruel treatment of Serb soldiers in 1995. When he was given a provisional release in 2010, Delic received similar treatment, and was celebrated by Bosniak political elites who met him when he arrived at the airport ‘as a hero who fought for freedom’.⁷³ When former President of the Republika Srpska Biljana Plavsic was released from the Swedish prison where she was being held on a conviction by The Hague in 2009, then-Prime Minister of Republika Srpska Milorad Dodik sent an official airplane to retrieve her.⁷⁴ In each case, the returning members of each constituent group who had been

⁷¹ Steflja, Izabela ‘Identity crisis in post-conflict societies: the ICTY’s role in defensive nationalism among the Serbs’, *Global Change, Peace and Security: formerly Pacifica Review: Peace, Security, and Global Change*, 22:2, p. 231-248, p. 235.

⁷² Kazaz.

⁷³ *Ib id.*

⁷⁴ *Ib id.*

convicted of war crimes against the other groups were greeted as heroes who suffered for the ‘collective being’.⁷⁵ This idolatry often undermines official apologies for past crimes between groups. Combined with a lack of political will on the part of each group to try the perpetrators within their own communities, this kind of hero worship seriously cripples reconciliation efforts.

2.5 After Dayton: A Separation

*The international community considered it important to stop the war, so they wouldn’t have to finance it and its consequences. So they did not create peace. They put a lid on the war and postponed it for some future time. Especially in Bosnia.*⁷⁶

The Constitution of Bosnia and Herzegovina established under the Dayton Peace Accords created a complex structure of government that has made coordinated decision-making between and within the two entities problematic at best. It is often cited as the source of contemporary difficulties in BiH.⁷⁷

The agreement successfully brought the Bosnian War to an end when it was signed by leaders in Serbia, Croatia, BiH, and international heads of state including Former US President Bill Clinton, Former French President Jacques Chirac, Former UK Prime Minister John Major, Former German Chancellor Helmut Kohl, and Former Russian Prime Minister Viktor Chernomyrdin. However, partitioning BiH’s territory according to boundaries established through ethnic cleansing⁷⁸ has institutionalized division and paved the way for the dominion of nationalist politicians.⁷⁹

The Dayton agreement was negotiated between Slobodan Milosevic, Franjo Tudjman, and Alija Izetbegovic, and mediated by the international community with heavy pressure exerted by the

⁷⁵ *Ib id.*

⁷⁶ *Ib id.*

⁷⁷ Sluiter

⁷⁸ Some of the cantons in the Federation are more mixed than others

⁷⁹ Richmond, Oliver P. and Franks, Jason, (2009) ‘Between partition and pluralism: the Bosnian jigsaw and an “ambivalent peace”’, *Southeast European and Black Sea Studies*, 9:1-2, p. 17-38, p. 24.

United States.⁸⁰ Post-conflict elections were held in BiH nine months after the war ended, and many persons who held positions of power before or during the conflict were voted into office. As Timothy Donais has written, the belief that the representatives who previously fuelled strife on the basis of ethno political structures would have an interest in implementing peace represents an optimistic leap of faith on the part of the international community. He writes, 'By placing much of the burden of peace implementation on the shoulders of the former warring parties, the architects of Dayton virtually guaranteed that the process would be held hostage by those with both the political and the economic motivations for preferring the agreement to be implemented selectively or not at all'.⁸¹ The political system does not require politicians to seek backing from any constituent group aside from their own, rewarding hard-line ethno-national stances and undermining the potential for more conciliatory policy.⁸² It institutionalizes not only the physical division that elites encouraged in the time leading up to war, but also the ideology that ignited the conflict. This separatist 'war ideology' has been carried forward into the contemporary arrangement of the government.⁸³

Bosnia and Herzegovina is divided into two separate administrative entities, the Republika Srpska and the Federation of Bosnia and Herzegovina. The population of Republika Srpska is primarily Bosnian Serbs, and the population in the Federation is primarily Bosniaks and Bosnian Croats. The Federation is composed of ten cantons, each with its own prime minister and parliament. The country is further divided into 142 municipalities.⁸⁴ The Brčko District is a 'a single, administrative unit of local self-government existing under the sovereignty of Bosnia and Herzegovina' that is officially part of both entities.⁸⁵ The two entities are coordinated by a weak central government.

⁸⁰ Silber and Little

⁸¹ Donais, Timothy, (2003) 'The political economy of stalemate: organised crime, corruption, and economic deformation in post-Dayton Bosnia', *Conflict, Security and Development*, 3:3, 359-382, p. 374.

⁸² Donais, Timothy, (2013) 'Power Politics and the Rule of Law in Post-Dayton Bosnia', *Studies in Social Justice*, 7:2, p.189-210, p. 196.

⁸³ Kazaz.

⁸⁴ Divjak, Boris, and Pugh, Michael, (2008) 'The Political Economy of Corruption in Bosnia', *International Peacekeeping*, 15:3, 373-386, p. 374.

⁸⁵ 'Statute of Brcko District of Bosnia', (2000) www.advokat-prnjavorac.com/legislation/Statute-of-the-Brcko-Distrikt-of-Bosnia-and-Herzegovina.pdf > Accessed 29 July 2015.

The constitution identifies Bosnian Serbs, Bosniaks, and Bosnian Croats as the three ‘constituent peoples’ of the state, and divides high-level political offices among them. There is a three-member presidency composed of one Bosnian Serb member elected directly from Republika Srpska, and a Bosniak and Bosnian Croat member each elected directly from the Federation. The chair of the Presidency is rotated every eight months among its members. The national Parliamentary Assembly is divided into the 15-member House of Peoples, comprised of five Bosnian Serb delegates from Republika Srpska, five Bosniak delegates from the Federation, and five Bosnian Croat delegates from the Federation. The 42-member House of Representatives is composed of one-third delegates elected from Republika Srpska and two-thirds delegates elected from the Federation.⁸⁶ There are an estimated 50,000 officials who hold senior or middle-management posts.⁸⁷ The population of BiH is small, with about 3.8 million people.⁸⁸

The Dayton Accords also established the territorial contours of modern BiH.⁸⁹ The Republika Srpska stretches across a strip of territory beginning at the southern tip of BiH and along its Eastern border with Serbia and along the northern border with Croatia, forming a sort of horseshoe shape that embraces the remaining western territory of the Federation. Republika Srpska occupies 49% of the nation’s territory, with the Federation covering the remaining 51%.

A recent example of BiH’s seemingly perpetual political stalemate occurred after elections in October 2014, when there was slow progress in forming governments at the canton level inside the Federation. Some failed to elect governments at all because of disputes over the distribution of ministerial posts. In late February 2015, the Croat National Assembly put forward a proposal to partition the territory of the country into three equal regions, one for each of its constituent peoples. Delegates from Republika Srpska repeatedly question the territorial legitimacy of Bosnia and Herzegovina as a single state, and staged a series of walk-outs and boycotts of both Parliamentary assemblies that prevented a quorum from being achieved throughout the spring of

⁸⁶ Constitution of Bosnia.

⁸⁷ Divjak and Pugh, p. 374.

⁸⁸ Central Intelligence Agency World Factbook, Bosnia <<https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html>> Accessed 10 July 2015.

⁸⁹ Silber and Little

2015, thus bringing political decision-making to a halt.⁹⁰ These incidents represent a complete failure on the part of Bosnian politicians to either respect or adhere to the very basic premises of the Dayton Agreement: that Bosnia and Herzegovina is a single state.

One weakness of Dayton is the ambiguity of the structure that it created, which holds the potential for either greater unity or greater separation between the entities.⁹¹ It is this weakness that has facilitated the ongoing animosity regarding its territorial borders.⁹² In a letter to the Secretary General Ban-Ki Moon dated 23 April 2015, High Representative Valentin Inzko wrote, 'Bosnia and Herzegovina has been on a downward trajectory since 2006, and its citizens expect and deserve more from its newly elected leaders [...] It is vitally important that incoming governments at all levels ensure that they make a decisive break with the past by doing politics in a new way, one that puts the interests of the citizens and country as a whole first.'⁹³

2.6 Corruption

Yugoslavia was already an economically decentralized state, and its politics fracturing along ethno nationalist lines coincided with the wartime economic privation that came with a loss of international and interstate trade. Isolated, economically compromised, and unable to enforce the rule of law, space opened up in this weakened environment that allowed illegal economic activity to flourish.

Vera Stojarova writes,

The structures of weak states encourage the threat of criminal activities and their profitability, due to the ease with which criminal organisations are able to penetrate the state and its institutions. The high level of infiltration by organised crime into state structures threatens democracy, democratic institutions and public confidence. Corruption

⁹⁰ Inzko, Valentin, 'Forty-seventh report of the High Representative for Implementation of the Peace Agreement in Bosnia', 23 April 2015, UNSC S/2015/300

⁹¹ Richmond and Franks, p. 25.

⁹² Donias, p. 373

⁹³ Inzko

enables the infiltration of organised into society because corrupted political elites do not effectively fight organized crime - very often because of mutual interest.⁹⁴

Paramilitary groups were utilized by all sides in the conflict. Since Serbia retained most of the resources of the Yugoslav National Army (JNA) (though it too employed paramilitary forces), the Bosniak and Croatian opposition within BiH were left with less military resources (though they did have access to 'Territorial Defence' reserves). Paramilitary groups sowed division and terror throughout BiH, but they also looted devastated towns and villages and took advantage of the chaotic environment by setting up smuggling and black market operations. Police, criminal gangs, ethno national paramilitary groups and politicians worked in collusion with one another. Criminal gangs also cooperated across ethnic divides.⁹⁵ Individuals who spearheaded organized criminal activities during the war amassed wealth at the expense of civilians. After the war, these relationships remained intact.⁹⁶

In besieged cities like Sarajevo and Srebrenica, humanitarian aid was often blocked from being delivered by the Bosnian Serb forces that held them hostage.⁹⁷ Black market economies emerged that sold staples like salt, sugar, coffee, or cigarettes at hugely inflated prices to the citizens who remained there.⁹⁸ In Srebrenica, it was rumoured that municipal officials sold the humanitarian aid given to them for distribution by the UN.⁹⁹

Political parties are widely believed by the public to be the most corrupt institutions in Bosnia. Politicians still benefit from this system of collusion and, bolstered by individuals who profited from the tumultuous conditions of the war, they have an interest in maintaining the status quo. In the immediate aftermath of the conflict, international state-builders did not prioritize the

⁹⁴ Stojarova, Vera, 'Organized Crime in the Western Balkans' HUMSEC Journal, 1, p. 91-114, p. 92.

⁹⁵ Stojarova, p. 96.

⁹⁶ Donias, p. 362-363

⁹⁷ Rhode, David, Endgame p. 7.

⁹⁸ Broz.

⁹⁹ Rhode, David, Endgame p.107-108

prosecution of organized crime. Therefore, individuals who were involved in corrupt dealings during the war went unpunished.¹⁰⁰

Furthermore, it has been alleged that politicians diverted funds in order to promote their sectarian interests; for example, Former Foreign Minister Muhamed Sacirbegovic (Sacirbey) was charged before the cantonal court in Sarajevo of misusing government funds, possibly in order to support the prosecution of the Genocide case against Serbia before the ICJ.¹⁰¹

In 1999, an anti-fraud unit established by the Office of the High Representative reported that over one billion US dollars in international reconstruction aid was unaccounted for. Current Presidency member Bakir Izetbegovic was one of several nationalist party leaders suspected of involvement in extortion activities at the time, but denied the allegations. Ethno-nationalist political parties infiltrated the public and private economic sectors after the war, allocating funds to ‘economic rewards, concessions, licenses, and the privatization scams that facilitated fraud, money-laundering, tax evasion and trafficking’.¹⁰² As Richmond and Franks have written, many local political elite figures have ‘opted out of the internationally backed liberal state-building process,’ because ‘a liberal democratic state would ultimately undermine elite political, social, and cultural power bases’.¹⁰³

These conditions have deterred investment by international donors and have a negative impact on the development of a healthy economy.¹⁰⁴ Corruption is most present at the local level, but mismanagement of public funds, mismanagement of public companies, and ‘irregularities in the privatization process’ can be traced back to high-ranking officials.¹⁰⁵ Public companies are often

¹⁰⁰ Schroeder, Ursula C. And Friesendorf, Cornelius, (2009) ‘State-building and organized crime: implementing the international law enforcement agenda in Bosnia’, *Journal of International Relations and Development*, 12, p. 137-167, p.145.

¹⁰¹ Dimitrijevic and Milanovic, p. 74

¹⁰² Divjak and Pugh, p. 375.

¹⁰³ Richmond, Oliver P. and Franks, Jason, (2009) ‘Between partition and pluralism: the Bosnian jigsaw and an “ambivalent peace”’, *Southeast European and Black Sea Studies*, 9:1-2, p. 17-38, p.19.

¹⁰⁴ Broz.

¹⁰⁵ Divjak and Pugh, p. 376.

run to the personal fiscal benefit of politicians, and (paying) positions on the boards of regulatory agencies and public companies are often doled out to party members as political favours.¹⁰⁶

2.7 Loyalty

Jovanovic: *I think a phenomenon that I noticed in Serbian society is that if we condemn the crimes that our side has done to some other side, if we take responsibility for that role, for those crimes, and if we admit that they are victims, then we forget our victims.*

Hagan: *Like it's disloyal somehow?*

Jovanovic: *Yes, that is the key. The political and intellectual elites have the approach like that.*¹⁰⁷

One key emotional dimension of the memory conflict in BiH is the notion of loyalty to the victims of one's own identity group and their suffering. This notion of remaining loyal to 'our' victims underpins much nationalistic rhetoric. People may fail to speak up against former war criminals, or against divisive rhetoric, or against corruption, out of fear of reprisal such as losing a job, fear of being labelled a traitor, or fear of feeling like one.¹⁰⁸

2.8 Structural violence

*'[A] crime is not just the act of murder, but before that crime, there is something, there is a culture which creates the moral excuse for the crime. And then the ideology which makes it a norm, a standard, and then the politics which creates institutions to make those crimes happen'.*¹⁰⁹

In 'Violence, Peace, and Peace Research', Johan Galtung identifies violence as 'present when human beings are being influenced so that their actual somatic and mental realizations are below

¹⁰⁶ Ib id.

¹⁰⁷ Jovanovic.

¹⁰⁸ Broz.

¹⁰⁹ Kazaz.

their potential realizations,' describing it as simply, 'the cause of differences between the potential and the actual, between what could have been, and what is'.¹¹⁰ He further characterizes 'structural violence' as more difficult to perceive than 'direct' or 'personal' violence. Direct violence is when an individual actor is present and intentionally commits a violent act against another person or persons. Structural violence is understood as something that is built into the makeup of existing social systems and is manifested as exclusion, unequal distribution of resources, or unequal power to decide over the distribution of resources.¹¹¹ He writes, by way of example that 'if people are starving when it is objectively avoidable, then violence is committed, regardless of whether there is a clear subject-action-object relation'.¹¹² Structural violence may be overlooked in one-dimensional considerations of direct violence only. Galtung warns, 'ethical systems directed against intended violence will easily fail to capture structural violence in their nets - and may hence be catching the small fry and letting the big fish loose'.¹¹³ There is a political structure of BiH that prevents reconciliatory discourse and blocks the potential for understanding between groups, resulting in a reality that falls far below its potential.

The ICTY and BiH's domestic court systems are responsible for determining individual guilt, the ICJ for state responsibility; but where can one adjudicate on the culpability of an ideology in perpetuating structural violence? The harmful ideologies that facilitated the war and the crimes against humanity that were committed during it were institutionalized in Dayton, smoothing the way for conflicts based on ethnic identification to continue. These ideological structures promote the narrative and interests of the corresponding identity group, be it Bosniak, Bosnian Serb, or Bosnian Croat, to the exclusion of the others.¹¹⁴ There is furthermore structural violence present in the poverty, inequality, and concentration of resources in the hands of the elite in BiH.¹¹⁵

¹¹⁰ Galtung, Johan, (1969) 'Violence, Peace, and Peace Research', *Journal of Peace Research*, 6:3, p. 167-191, p.168.

¹¹¹ Galtung, p. 171.

¹¹² *Ib id.*

¹¹³ *Ib id* p. 172.

¹¹⁴ Bajtal.

¹¹⁵ *Ib id.*

The CIA World Factbook reports an unemployment rate in Bosnia and Herzegovina of 43.6 percent for 2014,¹¹⁶ and a majority of this number are long-term unemployed.¹¹⁷ In some of the most impoverished regions of the country, unemployment is at 90 percent. The United Nations Development Programme estimates the current youth unemployment rate at 50 percent in June 2015. This figure fell from over 60 per cent in 2012.¹¹⁸ UNDP has noted that these figures reflect registered unemployed, and therefore do not take persons who are ‘inactive’, or do not participate in the labour market, into account. Some registered unemployed or inactive individuals may also be active in the ‘grey market’ economy.¹¹⁹

As in many other places, there is a growing gap between the rich and the poor. A majority of the country’s wealth resources are concentrated in the hands of the elite,¹²⁰ and most people in BiH enjoyed a much higher quality of living before the outbreak of the war.¹²¹ Many people in elite economic positions gained their advantage through corruption, monopolies, or organized crime. Resources that should have been used to further the project of post-conflict reconstruction have been embezzled.¹²²

There is a link between poverty and the slow pace of reconciliation, as Alison Sluiter commented,

I think most normal people, their biggest concern is how are they going to buy food, and how are they going to get their kids through school. I think until those basic questions are answered, the idea that we’re going to sit around and talk about reconciliation is completely unrealistic. I think it’s really been forced on people from the outside, without any regard to the fact that if I don’t have a loaf of bread, I really don’t have the time or

¹¹⁶ Central Intelligence Agency World Factbook, Bosnia <<https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html>>

¹¹⁷ Richmond and Franks, p. 24.

¹¹⁸ United Nations Development Programme ‘About Bosnia’
<http://www.ba.undp.org/content/Bosnia_and_herzegovina/en/home/countryinfo/>

¹¹⁹ CIA World Factbook

¹²⁰ Bajtal.

¹²¹ Arslanagic-Pozder.

¹²² Sluiter.

the energy to sit with my Croat neighbour and discuss how we're going to get along. And I don't want to, I think that's a big waste of my time.¹²³

Huma Haider has also makes a connection between poverty, reconciliation, and politics. If individuals in a community affected by high unemployment and limited economic opportunity are preoccupied with survival, they are less likely to be open to reconciliation efforts. According to Haider's field research in BiH, 'when people have jobs and start working together politicians are unable to prey on their discontent, and nationalism becomes less of a focus'.¹²⁴ Nationalist politicians stoke fear of the 'other', shifting feelings of frustration onto the more concrete Bosniak, Bosnian Serb, or Bosnian Croat neighbour or community. Nationalism in BiH may function as a distraction from poverty caused by the country's poor economic situation.

Bajtal tells a story about 'people's kitchens' in BiH by way of illustration. Spaces where the poor in BiH can receive a free meal are growing in number. These efforts are spearheaded by political elites who use the people's kitchens as evidence of their poverty-friendly policies. It is a sad twist of irony that the individuals responsible for initiating these people's kitchens may be the same politicians who embezzled public funds for personal gain. He says, 'A nation which is hungry and impoverished is a dead nation. [...] Now that they have stolen our breakfast, lunch and dinner, what they are giving us is a thin soup. They are saying, "If we didn't give you this soup you would be starving." [...] They claim to be saviours but whenever we try to rise above the water they push our heads back under"'.¹²⁵

2.9 We Have a Democracy Problem

BiH does not have a history of democracy. The area was under Ottoman Rule for about 500 years, until it became part of Austro-Hungary in the late 19th century. After World War I, the former Yugoslavia region was an independent state known as the Kingdom of Serbs, Croats and Slovenes. When World War II ended with the victory of Tito and his Partisans, BiH became a

¹²³ Ib id.

¹²⁴ Haider, Huma, '(Re) Imagining Coexistence: Striving for Sustainable Return, Reintegration and Reconciliation in Bosnia', *The International Journal of Transitional Justice*, 3, p. 91-113, p.98.

¹²⁵ Bajtal.

republic within the Socialist Federative Republic of Yugoslavia until the Bosnian war commenced in 1992.

The communist political order required obedience to the party and discouraged critical thinking that was not in tune with official doctrine.¹²⁶ Because this prevented a tradition that strongly values critical thinking and self-reflection in the former Yugoslavia, there may be some work to do in terms of encouraging people in BiH to internalize democracy to a greater degree.

Karl Jaspers has written about post-war Germany,

What has been brought into being and formed by history is carried on by tradition, not biological heredity. In view of historical analogies, the German people cannot be expected to change suddenly; but they should be encouraged to do so in the long run, beginning with an inner revolution in the thinking of the individual.¹²⁷

In a similar way, though there has not been a democratic tradition in BiH in the past, this does not mean that a failure to engage in critical dialogue comes naturally. Rather, encouraging this kind of self-reflective discourse should be encouraged and could drastically improve the reconciliatory landscape in BiH.¹²⁸

There is another aspect to consider that is related to the way corrupt politicians retain their positions. Politicians wield considerable control over resources, including governmental job posts. In a country where unemployment is very high, these well-paying posts are a valuable commodity. Such positions may be bestowed as personal or political favours, and an individual earning a high salary as part of the large and complex bureaucracy may be able to support a number of family members with his or her earnings.¹²⁹ This creates a sort of ‘patronage’ scheme when it comes to elections,¹³⁰ as families who depend on one member’s government post as a

¹²⁶ *Ib id.*

¹²⁷ Jaspers, Karl, (1954) ‘The Political Vacuum in Germany’, *Foreign Affairs* 32:4 p.595-607, p. 602.

¹²⁸ Bajtal.

¹²⁹ Slutier.

¹³⁰ Judah.

means for survival support the politician or government that allows his or her family member to keep that post, and the income that comes with it. This could, at least in part, explain why despite the low opinions that many citizens in BiH harbour toward politicians,¹³¹ ‘people are voting endlessly for the same idiots’.¹³² Nationalist politicians remain in positions of power, perpetuating the cycle of corruption.

2.10 Collective guilt

Collective guilt can be understood as a moral responsibility that individual members of a group carry because of acts committed by other group members. It can be ascribed to group members who may not have personally carried out specific acts, like human rights violations, but did not speak out against or intervene to prevent harmful acts from occurring. It implies a certain degree of acquiescence on the part of the ‘bystander’ members of a perpetrator group.

War crimes, mass executions, genocide - these are crimes committed by one group against another, and more than one individual is needed to carry them out.¹³³ Because of the collective dimension of the mass crimes that were committed during the Yugoslav wars, BiH has become particularly vulnerable to groups assigning collective guilt and collective blame to one another in its aftermath.

Martha Minow has argued that one reason that International tribunals are of value is for their contribution toward ‘resisting narratives of collective guilt and producing a different sort of collective memory’.¹³⁴ However, despite the admirable efforts of the ICTY to individualize guilt by trying the persons most responsible for the crimes during the conflict, it seems that this strategy has not fully mitigated a tendency to turn a suspicious eye toward unfamiliar members

¹³¹ Slutier.

¹³² Broz.

¹³³ Steflja, p. 237.

¹³⁴ Minow, Martha, (1999) ‘The Work of Re-Membering: After Genocide and Mass Atrocity’, Fordham International Law Journal, 23:2, p. 429-439, p.430.

of perpetrator groups.¹³⁵ As Clark writes, ‘there will always be individuals who are ready to make their own guesstimates as to how many people are guilty.’¹³⁶

Not every person who may have committed crimes during the war can be prosecuted by the ICTY, since many crimes are considered too insignificant for an international tribunal. This means that the ICTY alone is not capable of completely dismantling the notion of collective guilt.¹³⁷ These low-level crimes may also be considered too minor for the national court system. They fall under the jurisdiction of a local court system that is both weak and, because of the separation of courts in the Federation cantons and Republika Srpska, labyrinthine in its complexity.¹³⁸

As a result, justice can be hard to pursue for victims. They may already be affected by poverty, unable to afford to travel to the appropriate court for their case, or they may feel intimidated if the court system they must apply to is under the control of their perpetrator’s identity group.¹³⁹ For example, crimes were committed in Republika Srpska must be addressed there. If a Bosniak woman living in the Federation was raped in Republika Srpska during the war, she would have to travel there to participate in the judicial process. Witnesses in criminal trials in BiH are not always afforded adequate protection and sentences sometimes appear lenient, so the danger posed participating in such a trial might outweigh the benefit for some survivors. This contributes to an atmosphere of unresolved tension within the population.¹⁴⁰

Because of the separation of BiH into ethnic territories under Dayton, it is not only a member of a particular group, such as a Bosnian Serb, that becomes recognized as the perpetrator, but the ethnic-identity affiliated system of Republika Srpska becomes a perpetrator as well through an unresolved judicial process.

¹³⁵ Steflja, p. 237.

¹³⁶ Clark, Janine Natalya, (2009) ‘From Negative to Positive Peace: The Case of Bosnia’, *Journal of Human Rights*, 8:4, p.360-384, p.364.

¹³⁷ *Ib id.*

¹³⁸ Slutier.

¹³⁹ *Ib id.*

¹⁴⁰ Slutier.

Clark undertook field research in Ahmici in Central Bosnia, a majority Bosniak village where HVO and other Croat force military groups committed a massacre that took the lives of 116 people on 16 April 1993. Many Bosniak homes were burned in the attack. According to Clark's research, conducted in 2008 and 2009, a significant number of Bosniak interview subjects still believed that even if their Croat neighbours did not participate in the attack directed against the village, they must have had knowledge of the impending violence and were therefore 'guilty' for failing to warn Bosniaks. There was also significant tension caused by the belief that their Croat neighbours knew where the bodies of the persons killed during the massacre were buried.¹⁴¹

A similar tension can be found in Srebrenica, where some of the missing have still not been found. Selimovic writes that despite the prosecutions that have been initiated at the ICTY, 'the fact that killers could not have done it on their own, without support from ordinary people, was repeatedly stressed,' during her own research interviewing survivors from Srebrenica and Konjic. She writes that to many of her subjects, figures like Mladic and Karadzic represented a more abstract threat than the neighbours who they believe betrayed them and then went unpunished for this perceived deception. Srebrenica survivor Hasan Nuhanovic echoes this sentiment, saying 'my point is that the "big fish" are important, but the small fish are even more important. [...] Mladic and Karadzic are important for me as a citizen from Bosnia and Herzegovina, for the Balkans region -- for reconciliation. But for me personally, I would rather have first the information on who were those six soldiers who came to rape my mother when she killed herself'.¹⁴²

Selimovic concludes in her article that a focus on individual guilt actually reinforces, instead of dismantles, notions of collective guilt between groups in BiH, as the result of a collective defensiveness. She goes on to comment that it is likely that narratives about forgiveness do not exist in the victim discourse in BiH because of feelings of insecurity engendered by the ICTY's failure to supply adequate justice in their eyes. Her article notes that 'for survivors of the

¹⁴¹ Clark, Janine Natalya, (2010) 'Reflections on trust and Reconciliation: a case study of a central Bosnian village', *The International Journal of Human Rights*, 16:2, 239-256, p. 244.

¹⁴² Rubin, Joe, (2006) 'Srebrenica: A Survivor's Story, Interview with Hasan Nuhanovic', <http://www.pbs.org/frontlineworld/stories/Bosnia502/interviews_hasan.html>, Accessed 30 May 2015.

genocide it made more sense to keep a close guard on the borders of victimhood and the sense of security it provided'.¹⁴³

2.11 Survivors

In post-conflict environments, competitive notions of victimhood can drag conflict out and hinder reconciliation efforts.¹⁴⁴ While genocide should certainly be recognized as such, there is political capital to be gained by manipulating the emotional dimensions of war crimes, especially those at Srebrenica. It has taken on a symbolic status as a synecdoche for the Bosnian war in the international sphere. While the suffering of certain victims in BiH is pushed to the fore in international ceremonies of commemoration and mourning, other communities may feel themselves obscured by its shadow. However difficult it is to acknowledge, some victims are accorded more status than others. This is true even among Srebrenica survivors.¹⁴⁵

Many of the people who ended up in Srebrenica by July 1995 were not originally from there, but had fled to the enclave from other towns and villages in rural Eastern Bosnia. The family and social structures were patriarchal, and men were the primary breadwinners and decision-makers. When those men disappeared, the women in their families may have been left on their own, some without a large amount of experience in making lives for themselves. Some successfully developed coping strategies that led them to thrive, and others did not.¹⁴⁶

There is a large concentration of money and attention in victim associations, but not all survivors participate in them. Likewise, there are many NGOs working in BiH to aid women and other survivors from Srebrenica, but not every person knew how to ask for help, or what kind of help to ask for. As a result, there is inequality among survivors, as some have become active in politically influential survivor groups, and some still remain impoverished and housed in severely damaged pre-war homes or resettlement shelters twenty years after the war ended.¹⁴⁷

¹⁴³ Selimovic, Johanna Mannergren, (2010) *Focall-Journal of Global and Historical Anthropology*, 57, p. 50-61, p. 58.

¹⁴⁴ Nielson, p. 33.

¹⁴⁵ Sluiter.

¹⁴⁶ Slutier.

¹⁴⁷ *Ib id.*

Srebrenica survivors receive special government pensions, but the amount is determined at the canton level instead of by the national government. This means they vary from canton to canton, and the amount a survivor receives depends on where he or she lives. The pensions in Tuzla canton where many of the survivors stayed and settled after the war, for example, are much less than the pensions in Sarajevo. Survivors who still live in Srebrenica receive very small pensions, and if they are not members of victims associations they are even more marginalized. ‘They have no one to represent them’, says Slutier, ‘It’s definitely hardest for the people who are [still] in Srebrenica. They have the smallest pensions, the least recognition, they’re really left to their own devices’.¹⁴⁸

2.12 ‘Safe Areas’

UN Security Council Resolution 824, adopted on 6 May 1993, identified city of Sarajevo, as well as the threatened towns of Tuzla, Zepa, Gorazde, Bihac and Srebrenica as ‘safe areas’. According to the resolution, designation as a ‘safe area’ meant that Bosnian Serb forces should cease ‘armed attacks or any hostile acts’ directed against the designated towns, withdraw from the towns to a such a distance where they no longer represented a threat to their security and cooperate with United Nations Protection Force (UNPROFOR) military observers dispatched to the areas.¹⁴⁹ Despite its designation as a ‘safe area’, Srebrenica was one of the most profoundly unsafe places in BiH at the time during the war.¹⁵⁰

It seems that the term could be described at best as misunderstood, and at worst, as a lie.¹⁵¹ The UN came up with the wording ‘safe area’ so that operations in BiH would not be conflated with the use of military force that had been deployed to protect the ‘safe *haven*’ of Iraqi Kurdistan in 1991.¹⁵² In Iraq, the UK, US, France and others had committed themselves to protecting the ‘safe haven’ in the context of open military conflict. In the case of the safe areas, including Srebrenica,

¹⁴⁸ Ib id.

¹⁴⁹ UNSC Res 824 (6 May 1993) UN Doc S/RES/824

¹⁵⁰ Rohde, p. 73

¹⁵¹ Little

¹⁵² Ib id.

the UNPROFOR forces that were dispatched regarded themselves as ‘military observers’ bound to maintain neutrality.¹⁵³ In 1993, the idea that NATO might launch an offensive against Serbs still seemed like a remote possibility.¹⁵⁴

However, the subtle distinction between ‘safe haven’ and ‘safe area’ was lost on people who occupied those places at the time, and still is. Most people still seem to believe that ‘safe area’ was a guarantee of protection, and when Srebrenica fell and that protection failed to materialize, it left a bitter sense of betrayal as its legacy. Individuals that I interviewed in BiH in June 2015 insisted that the Bosniaks of Srebrenica were under the protection of the United Nations. Allan Little related the story of the day the safe areas resolution was announced in April 1993, saying,

Once you declare an area safe, I think there was an expectation among Bosnians that they would be rendered safe, not just declared safe, but *rendered* safe. [...] I was in Sarajevo at the time of the declaration of the safe areas - and it was pretty clear that it was a huge con.

I felt almost personally betrayed by it. I remember going to the Holiday Inn in Sarajevo, and there was a press conference given by the head of UNPROFOR, a Swedish general who was the overall commander. [...] I remember saying to the Swedish commander, ‘Could you tell us please what, once your men move in there and disarm the Bosniaks in Srebrenica, what will now stand between the population of Srebrenica and the guns of their tormentors?’ And he said, ‘The blue flag of the United Nations will stand there. The Serbs will have to understand that an attack on the enclave in Srebrenica is an attack on the entire world.’ [...]

It was...I felt so angry with it, because it was in that resolution that ...it contained the seeds of what happened two years later in Srebrenica. It was utterly foreseeable, I foresaw it. I wrote about it. And I said this safe area resolution, the disarmament of

¹⁵³ Rohde, p.

¹⁵⁴ Little

Srebrenica, has set the stage for mass murder. It was utterly, utterly foreseeable, utterly predictable. And therefore, in my view, preventable.¹⁵⁵

It may have also been intentional. In *The Death of Yugoslavia*, Silber and Little write that by the time the enclave fell, it was clear that US negotiators already believed Srebrenica to be untenable.¹⁵⁶ In April 1995, Srebrenica's military leaders, including Naser Oric, were removed from the enclave to Tuzla by the SDS. They did not return.¹⁵⁷

A declassified CIA cable from 13 July 1995 explains that the Bosnian government officials told the UN High Commissioner for refugees Special Envoy Biljeveld that after the enclave fell they wanted the civilians from Srebrenica to stay in Potočari, looked after by the UN, because 'they reportedly say a residual Muslim population will let the government and army maintain a toehold' in the area. It also says that 'Bosnian Serbs yesterday were separating out Muslim men in Potočari and were screening those 16 and under for "war crimes" according to press reports'.¹⁵⁸ The brief states that then-President Izetbegovic told the press that he may ask the UN to leave BiH because of its failure to protect Srebrenica. It says that 'Izetbegovic will use the threat to try to compel the UN to save the other enclaves and to break the siege of Sarajevo.'¹⁵⁹

Another CIA cable dated 15 July 1995 that treated the situation in BiH, declassified in June 2010, notes that 'local officials claim Bosnian Serb forces are executing draft-age men from Srebrenica; refugees arriving in Tuzla say more than 1,000 have already been killed'. This suggests that US intelligence was aware of the killings as they were occurring, though it adds that 'a UN spokesman said, however, that the fate of 4,000-5,000 men is "completely unclear" and the UN Security Council has demanded their release.¹⁶⁰ The brief goes on, 'The Bosnian

¹⁵⁵ Little.

¹⁵⁶ Silber and Little, p. 345.

¹⁵⁷ *Ib id*, p. 347.

¹⁵⁸ H/W Support cable for European Brief OCPAS EUR 95/161 for 13 July 1995.

<http://www.foia.cia.gov/sites/default/files/document_conversions/89801/DOC_0000444673.pdf>

¹⁵⁹ *Ib id*.

¹⁶⁰ H/W Support cable for European Brief OCPAS EUR 95/163 for 15 July 1995.

<http://www.foia.cia.gov/sites/default/files/document_conversions/89801/DOC_0000444678.pdf>

government had no intention of defending Srebrenica or Zepa, suggesting that their loss was anticipated and probably will not have a major impact on military planning.’¹⁶¹

It is likely that US intelligence was aware of the executions taking place in and around Srebrenica in July 1995. It is also likely that the Bosnian government never intended to protect Srebrenica, but allowed it to fall.

¹⁶¹ *Ib id.*

*'In war there are those who win, and those who lose, those who are defeated. In this war in Bosnia and Herzegovina everybody was defeated somehow. Everybody lost, nobody won.'*¹⁶²

¹⁶² Broz.

Chapter 3

Effective Remedy, Memory, and Division

Victims of human rights violations are entitled to remedy under a number of international instruments, including article 8 of the Universal Declaration of Human Rights (UDHR), article 2 of the International Covenant on Civil and Political Rights (ICCPR), article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), article 14 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment (CAT), and article 75 of the Rome Statute of the International Criminal Court, among others. In its *Basic Principles and Guidelines regarding victims of gross violations of human rights*, the UN Human Rights Commission has identified restitution, rehabilitation, compensation, and satisfaction as ‘interlinked but distinct’ state obligations.¹⁶³

Various international and domestic court systems have engaged in the struggle to provide appropriate forms of justice and reparation after the gross human rights violations against the Bosniak population in the Srebrenica enclave. However, as Naomi Roht-Arriaza writes, ‘There is a basic paradox at the heart of reparations: they are intended to return the victim to the position he or she would have been in had the violations not occurred – something that is impossible to do’.¹⁶⁴

This chapter will summarize three important findings by the ICTY, the ICJ, and the Human Rights Chamber of Bosnia and Herzegovina, and then examine the way that these decisions have been absorbed by a divisive discourse that has given each a new constructed meaning.

3.1 The prohibition of genocide

December 1948 saw the adoption by the UN General Assembly of both the UDHR and the Convention on the Prevention and Punishment of the Crime of Genocide. In the wake of the

¹⁶³ Roht-Arriaza, Naomi, (2004) ‘Reparations Decisions and Dilemmas’, 27 *Hastings International and Comparative Law Review*, p. 157-219. <http://repository.uchastings.edu/faculty_scholarship/691/>

¹⁶⁴ Roht-Arriaza p.158.

atrocities committed against European Jews and other minority groups during World War II, the UDHR was created to lay the groundwork for an ‘international bill of rights’ that would protect the human dignity of all persons.¹⁶⁵ Article 3 of the declaration highlights the right to life, stating ‘[e]veryone has the right to life, liberty and security of person’.¹⁶⁶

The Genocide Convention entered into force in 1952.¹⁶⁷ It can be understood to extend this protection of the right to life over national, ethnic, racial, or religious groups.¹⁶⁸ The convention defines the crime of genocide as:

Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.¹⁶⁹

The prohibition on genocide is a *ius cogens*, or peremptory norm under international law. As defined in article 53 of the Vienna Convention on the Law of Treaties (VCLT),

A peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.¹⁷⁰

¹⁶⁵ ‘The Universal Declaration of Human Rights’, <http://www.un.org/en/documents/udhr/history.shtml> accessed 22 May 2015.

¹⁶⁶ Universal Declaration of Human Rights (Adopted December 10 1948) UNGA Res 217 A (III) (UDHR) art. 3

¹⁶⁷ Clark (2012) p. 55

¹⁶⁸ *Prosecutor v. Radislav Krstic* (Judgement) 2001 ICTY p. 194 para. 553

¹⁶⁹ Convention on the Prevention and Punishment of the Crime of Genocide (Adopted December 9 1948) UNGA Res. 260 (III) A art. 2

¹⁷⁰ Vienna Convention on the Law of Treaties (Adopted 5 December 1966) UNGA Res. 2287 (XXII) art. 53

The VCLT does not list specific crimes that qualify as *ius cogens* norms. In order to be considered of universal character, a norm should, traditionally, fulfil three requirements. It should be a norm of general international law that is binding for most states; it should be recognized by the international community as non-derogatory; and no derogations may be permitted from the norm. *Ius cogens* norms are considered to protect the fundamental interests of the international community.¹⁷¹

More simply, the convention was designed by the United Nations to be universal in scope to prevent the destruction of certain identity groups in the name of international order.¹⁷² There is a total prohibition on genocide under international law.

3.2 Genocide and Srebrenica at the ICTY

The UN Security Council (UNSC) established the ad hoc ICTY with the adoption of resolution 827 on 25 May 1993 under Chapter VII of the United Nations Charter.¹⁷³ Its mandate is to prosecute individuals responsible for serious violations of international humanitarian law in the territory of the Former Yugoslavia beginning January 1, 1991.¹⁷⁴

The devastating reach of genocide in its aim to erase all traces of entire human groups has earned it a dubious epithet as the ‘crime of crimes’. The phrase was first used in the *Kambanda* case at the International Criminal Tribunal for Rwanda, and then again in the *Niyitegeka* case, but international jurisprudence has been unclear in terms of whether or not a hierarchy of criminal acts truly exists under international law.¹⁷⁵ In the 2003 Appeals Judgement on *Prosecutor vs. Georges Anderson Nderubumwe Rutaganda* and the 2006 Trial Chamber Judgement on *Prosecutor vs. Atanase Seromba*, the International Criminal Tribunal for Rwanda (ICTR) drew attention to the lack of such a hierarchy in criminal acts. Later, in the 2007 case against

¹⁷¹ Wouters, Jan and Verhoeven, Sten (2005) The Prohibition of Genocide as a Norm of *Ius Cogens* and its Implications for the Enforcement of the Law of Genocide, *International Criminal Law Review* 5: 401–416 p.402-03.

¹⁷² *Reservations to the Genocide Convention*, (Advisory Opinion) 28 May 1951, International Court of Justice Reports 1951. p. 7

¹⁷³ UNSC Res. 827, 25 May 1993

¹⁷⁴ *Ib id.*

¹⁷⁵ Clark 2012 p.65-66.

Nahimana, Barayagwiza and Ngeze, The Appeals Chamber cautioned that while there was no predetermined hierarchy among crimes in its jurisdiction, and despite the fact that international criminal law typically does not ‘categorize’ transgressions, ‘in concrete terms, some criminal behaviours are more serious than others’.¹⁷⁶

The ICTY has shown a similarly ambiguous stance on the ‘weight’ of crime of genocide compared to other crimes, but in the 2001 *Jelusic* judgement it also identified genocide as the ‘crime of crimes’ (despite first including a comment about there being no fixed hierarchy), and in 2012 the Appeals Chamber in the *Krstic* case remarked, ‘Among the most grievous crimes this Tribunal has the duty to punish, the crime of genocide is singled out for special condemnation and opprobrium’.¹⁷⁷ Clark further quotes William A. Schabas by noting that regardless of the legal determinations made by international tribunals, in the court of public opinion, ‘there remains a popular perception that genocide is the “crime of crimes”’.¹⁷⁸

The definition of genocide in the ICTY Statute mirrors the text of the 1948 Genocide Convention,¹⁷⁹ and massacre at Srebrenica is the only atrocity committed during the wars of the Former Yugoslavia that it has been legally determined as such.¹⁸⁰ This determination was first reached in the 2001 *Krstic* judgement, considered to be one of the court’s most important rulings. General Major Radislav Krstic was found guilty on several counts including murder, persecution, and genocide. In order to convict Krstic of genocide, the court first had to determine that this accurately described the crimes at Srebrenica in July 1995.

¹⁷⁶ Prosecutor vs. Ferdinand Nahimana, Jean-Bosco Barayagwiza and Hasan Ngeze, Case No. ICTR-99-52-A, Appeals Judgement 28 December 2007, para 1070, in Clark, Janine Natalya, (2012) ‘The “crime of crimes”’: genocide, criminal trials and reconciliation, *Journal of Genocide Research*, 14:1, 55-77, p.55-77, p.65-66.

¹⁷⁷ Prosecutor vs. Radislav Krstic, Case No. IT-98-33-A; Appeals Judgement, 19 August 2004, para. 36, in Clark, 2012 p. 66.

¹⁷⁸ Schabas, William A, (2006) ‘Genocide, crimes against humanity and Darfur: the commission of inquiry’s findings on genocide’, *Cardozo Law Review*, 27:4, p. 1716, in Clark, 2012, p.67.

¹⁷⁹ Mark Drumbl, (2004) Case Note: Prosecutor v. Radislav Krstic: ICTY Authenticates Genocide at Srebrenica and Convicts for Aiding and Abetting, *Melbourne Journal of International Law* 16 5(2) p. 434-449.

¹⁸⁰ Drumbl, p. 435.

3.2.1 The *Krstic* Judgment

The *Krstic* judgment identifies two constitutive elements of the crime of genocide. The first is the *actus reus*, or one of the acts listed in the genocide definition. The second is the *mens rea*, ‘described as the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.’¹⁸¹ It is this special intent of the perpetrators to destroy a particular group in whole or in part that sets genocide apart from other crimes against humanity. In practice, this sort of intent can be very difficult to prove.¹⁸² *Krstic* made a valuable contribution to the later Srebrenica trials by utilizing the ICTY’s impressive investigatory resources to establish the facts of the case. Both the ICJ and the Human Rights Chamber of Bosnia and Herzegovina later base their own determinations on the genocide on the facts established in the *Krstic* case.

One main challenge that confronted the court was the crime’s scale. The Defence tried to argue that the killing of between 7,000-8,000 ‘military-aged’ men and boys did not constitute a significantly large enough portion of the country’s nearly 1.4 million Bosnian Muslims to signify an intent to destroy the group as such.¹⁸³

However, it was found that killing a significant number of Bosnian Muslim men and boys from the small geographic area of Srebrenica, in combination with the forced transfer of the remaining members of the Bosnian Muslim population, represented a wilful destruction of the community. This kind of destruction would effectively prevent Bosnian Muslims from re-establishing themselves on the territory that the Bosnian Serb Army (VRS) sought to claim for Bosnian Serbs. This was further evidenced by the VRS destruction of Bosnian Muslim homes.¹⁸⁴ The ICTY Trial Chamber concluded that the killings in Srebrenica were planned based on several incriminating factors. These included the large number of persons involved in the killings, the amount of coordination that would have been required to carry out the executions within a relatively short period of time, the coded language that was used in communications by members

¹⁸¹ *Krstic* case, p.190, para 542

¹⁸² Milovanovic, Marko (2005), ‘Srebrenica - Judicial search for the truth, Yearbook of the Balkan Human Rights Network’, 1, p. 131-147, p. 133

¹⁸³ *Ib id*, p. 209-210, para 593

¹⁸⁴ *Ib id*, p. 211-212, para. 595

of the VRS leadership to refer to the mass execution of prisoners, and the scale and uniform nature of the executions.¹⁸⁵

In addition, the Bosnian Serb forces that carried out the mass murders attempted to conceal the bodies of the victims in mass graves, and then later exhumed and reburied them. This kind of act would make identifying the victims extremely difficult and can be understood as a wilful attempt to further conceal the crime by obscuring its victims' identities. This indicated a destructive intent that deprived survivors of the opportunity to adequately mourn their dead in uniformity with their religious custom.¹⁸⁶ The Trial Chamber concluded that the mass execution of Bosniak men and boys from Srebrenica constituted a specific intent to destroy the Bosniak group in part, and 'therefore must be qualified as genocide.'¹⁸⁷

The judgment against Krstic was reversed by the Appeals Chamber in 2004, finding him guilty on a reduced charge of aiding and abetting genocide. Despite this reversal regarding Krstic's level of personal responsibility for the massacre at Srebrenica, the Appeals Chamber upheld the finding that the crimes committed there constituted genocide.¹⁸⁸ It was careful to underscore that the term 'genocide' was only being applied to the mass killings that took place in and around Srebrenica beginning 13 July 1995.¹⁸⁹

3.2.2 The ICTY and Reconciliation

There is a large body of literature that questions the relationship between criminal justice and reconciliation, especially regarding the work of the ICTY. Although it is not within the scope of this work to deeply assess this relationship, the presence of the ICTY is a significant feature of the post-conflict landscape in the former Yugoslavia and its findings have a relationship with reconciliation in the region. There is a significant tension between the accomplishments of the

¹⁸⁵ *Krstic* case, p. 201, para 572

¹⁸⁶ *Ib id*, p. 212, para 596

¹⁸⁷ *Ib id*, p. 212, para 598

¹⁸⁸ Drumbl, p. 435

¹⁸⁹ *Ib id*, p. 435

ICTY and the hopes that survivors in BiH that were affected by human rights violations may have had for such a mechanism.

Slutier emphasizes that for many people in BiH, the ‘justice’ achieved by the ICTY can feel unsatisfying:

We’ve seen these acquittals over the past couple of years. Someone gets life, and then five months later they get ten years. And I think this also sends a message that’s sort of like...what was the point? Bosnian courts here are sentencing people with 40 years for hitting someone with a car and killing them. So...it’s worse for someone to cause a car accident than it is to shoot a thousand people in the head? I think that is a confusing message.¹⁹⁰

The ICTY is considered by many to be the most ‘competent’ court to decide on the Srebrenica case, since the crimes committed there fall directly within its mandate to ‘bring to justice those responsible for serious violations of international humanitarian law’. It had strong investigative means to prosecute the individuals most responsible for such crimes and had access to ample resources. Neither the resolution that created the ICTY nor its mandate explicitly name reconciliation as one of its goals. However, its work engendered high expectations among survivors and unfortunately, these high expectations have in many cases given way to frustration and disappointment. This may be due in part to a combination of the unrealistic nature of survivor expectations, combined with poor outreach efforts and manipulative political rhetoric that surrounds the ICTY’s work. There remains a gap between the popular understanding of the tribunal’s work and its own vision of ascribing individual guilt in the name of international justice and order. It aims to end its mandate by 2017.

3.3 Bosnia and Herzegovina v. Serbia and Montenegro at the International Court of Justice

The International Court of Justice is the judicial organ of the United Nations that peacefully resolves interstate disputes and determines state responsibility for internationally wrongful

¹⁹⁰ Slutier.

acts.¹⁹¹ The *Application of the Convention on the Prevention and Punishment of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* is an important judgment related to the crimes committed at Srebrenica that has had a lasting impact in the social and political discursive spheres. The case was originally brought by Bosnia and Herzegovina against the Republic of Serbia (at the time called the Federal Republic of Yugoslavia) in 1993.¹⁹² Having established that genocide occurred based on the findings of the ICTY, the ICJ set out to determine whether the state of Serbia was complicit in that crime.¹⁹³

The judgment was delivered in February 2007, fourteen years after the initial application. It found that Serbia was not responsible for the commission of genocide as such, but was instead responsible for failing to prevent genocide in Srebrenica in July 1995. Bosnia and Herzegovina's litigation strategy during the 14-year legal battle rested on the notion the *accumulated* acts of Serbian aggression during the war qualified as genocide. This ambitious but clumsy proposition ultimately proved ineffective, as it would have been incredibly difficult to establish the required element of intent in such a situation.¹⁹⁴ As a result, most Bosniaks regarded this finding as a failure.¹⁹⁵ Dimitrijevic and Milanovic observe that this strategy was likely driven by politicians in BiH who would accept nothing less. But, 'in the *Genocide* case, BiH played a game of all or nothing, and made no allowance in the (more than likely) event that their primary argument, that all of the crimes are genocide and that Serbia is responsible for all of them, should fail'.¹⁹⁶

The ICJ had a very precise and limited jurisdiction in the case that was based solely on Article XI of the Genocide Convention.¹⁹⁷ As described earlier, genocide is distinguished by the special intent of the perpetrator to destroy a group in whole or in part as such. This kind of intent places a heavy burden of proof on the prosecutor as a result of the grave nature of the crime. The

¹⁹¹ Milovanovic 2005, p. 145

¹⁹² T.D. Gill (26 March 2007), The Genocide case: Reflections on the ICJ's Decision in Bosnia-Herzegovina v Serbia, The Hague Justice Portal <http://www.haguejusticeportal.net/index.php?id=7266> (accessed 27 May 2015).

¹⁹³ Marko Milanovic (2007), State Responsibility for Genocide: A Follow-Up, *The European Journal of International Law*, 18:4, 669-694, p.670

¹⁹⁴ Dimitrijevic, Vojin and Milanovic, Marko, (2008), p. 88.

¹⁹⁵ *Ib id*, p. 69.

¹⁹⁶ *Ib id*, p. 91.

¹⁹⁷ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia v Serbia and Montenegro)* Statement to the Press 26 February 2007, available at <http://www.icj-cij.org/court/index.php?pr=1898andpt=3andp1=1andp2=3andp3=1> [accessed 27 May 2015]

precise nature of the Court's mandate in the case meant that if it established an incident as a crime against humanity or a war crime, it lost jurisdiction; it was capable of deciding on cases of genocide alone.¹⁹⁸

In the end, the ICJ ruled that authorities in Belgrade must have been aware of the enmity between the Bosnian Serbs and the Bosnian Muslims of the Srebrenica area, and therefore that there was a serious risk that genocide could occur. This awareness combined with the influence that Serbia wielded over the VRS, should have activated its state responsibility under Article 1 of the Genocide Convention to prevent genocide from occurring.¹⁹⁹ The court also determined that it could not be sufficiently proven that either the Republika Srpska or the VRS was acting as a '*de jure*' organ of the state of Serbia at the time of the executions.²⁰⁰

A complication was presented by the participation in the executions by the Scorpions, a paramilitary group whose relationship to Belgrade at the time of the genocide was unclear.²⁰¹ The ICJ viewed two documents that identified the Scorpions as a 'unit of the Ministry of Interiors of Serbia' as inconclusive. It also concluded that monetary support given to the Republika Srpska and VRS by the Serbian state did not necessarily constitute complicity, if authorities in Belgrade were not aware of the specific genocidal intent of the VRS. It further drew on Article 6 of the Responsibility of States for Internationally Wrongful Acts, noting that an act committed by a state organ placed at the disposal of another public authority cannot be considered an act of the state, if the organ is acting on behalf of the public authority that it was placed at the disposal of.²⁰² This particular conclusion has been criticised as a clumsy application of article 6 that failed to sufficiently address the status of non-state actors like as the Scorpions under international law.²⁰³ ICJ President Higgins stated, 'The Court has systematically assessed all the information brought to its notice. The Court can only make decisions on the basis of materials before it. And, on the basis of these materials, the Court has been unable to find that

¹⁹⁸ Dimitrijevic and Milanovic, p.84.

¹⁹⁹ Higgins, 27 February 2007.

²⁰⁰ Milanovic 2007, p. 673.

²⁰¹ *Ib id*, p. 675.

²⁰² *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia v Serbia and Montenegro* (Judgment) ICJ Reports 2007, p. 204, para 389.

²⁰³ Milanovic 2007 p. 676.

the Respondent was responsible for the acts of the Scorpions in Trnovo in mid-1995'.²⁰⁴ Serbia was additionally found responsible for failing to cooperate with the ICTY to punish the perpetrators.²⁰⁵

In terms of reparation, the Court held that since the genocide may not have occurred if the state of Serbia had acted to prevent it, 'the most appropriate form of satisfaction would be a declaration [...] that the Respondent has failed to comply with the obligation to prevent the crime of genocide.' Additionally, since Serbia was found to be in breach of the Genocide Convention by failing to cooperate with the ICTY by extraditing Ratko Mladic, the court also found the transfer of persons accused of genocide inside Serbia to the ICTY to be a relevant measure of Satisfaction. No financial reparations were ordered.²⁰⁶

In response to the judgement Professor of Military Law at University of Amsterdam and Associate Professor of Public International Law at Utrecht University T.D. Gill wrote,

Aside from the question whether any amount of financial compensation could adequately compensate the victims for what occurred, and whether the Court could realistically be expected to calculate and assess an appropriate level of compensation which would do justice to the victims, there is another aspect of this which should not be lost sight of. What would such a ruling have meant in terms of settling the overall dispute and contributing to the normalization of relations between the parties? There is no doubt that another protracted round of proceedings would have resulted from any Court decision allowing for financial compensation. Whether this would have resulted in any meaningful compensation to the victims or contributed to an improvement in the relations between Bosnia and Herzegovina and Serbia is debatable. Under the circumstances, it was - on balance - probably the wisest thing to put the case to rest after fourteen years of litigation and trust to future developments to provide any additional form of

²⁰⁴ Higgins, 27 February 2007.

²⁰⁵ Milanovic 2007 p.670.

²⁰⁶ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia v Serbia and Montenegro)* (Judgment) ICJ Reports 2007, p.238-239.

admission of responsibility and possible compensation as part of the process of reconciliation.²⁰⁷

What is left as an open question years later is whether or not this ruling has served to promote reconciliation in any way. The case is widely considered illegitimate by Bosnian Serbs. The constellation of the Presidential office demands that each representative be given veto power over actions considered to subvert the 'vital interests' of his or her constituent group. Since the application was lodged during the war, the Bosnian Serbs could not approve (or more likely, veto) it.²⁰⁸

The ruling continues to be misunderstood in both BiH and Serbia. Most did not understand that the case was about genocide only, nor were most people aware of the strict definition of genocide under the Convention or the Court's limited jurisdiction. Rather citizens in Serbia and BiH for the most part understood the case to be about Serbian aggression. After the verdict was delivered many Bosniaks reacted angrily, feeling slighted by a decision that did not sufficiently recognize the extent of their suffering or the responsibility of Serbia in propagating war.²⁰⁹ On the other hand, both Serbia and the Republika Srpska celebrated the finding, with one well-circulated Serbian newspaper stating, 'We are not guilty. We have been found innocent by the highest court of the United Nations.'²¹⁰ This statement reveals a sharp contrast between popular perception and the actual position of the Court. Despite the careful explanation of its jurisdiction in the judgement, Dimitrijevic and Milanovic have pointed out that most laypersons might find the ICJ's nuanced distinction between genocide and potential crimes against humanity or war crimes difficult to understand.

What most people in BiH did understand was what amounts to an expanded, or 'inflated' notion of genocide.²¹¹ The effect of this inflated notion has rendered anything short of a pronouncement of genocide in relation to war crimes disappointing.²¹² Clark called genocide 'one of the most

²⁰⁷ Gill.

²⁰⁸ Dimitrijevic and Milanovic, p. 73.

²⁰⁹ *Ib id*, p. 85.

²¹⁰ *Ib id*, p. 86.

²¹¹ Nielsen, p. 24.

²¹² Dimitrijevic and Milanovic, p. 87.

widely abused terms in Bosnia and Herzegovina,’ adding that based on her own interview data, most people in BiH took the word to mean the murder of civilians.²¹³ She continues to explain that this misunderstanding is often put to use in an overtly competitive fashion by groups as they seek to establish themselves as ‘the worst’ victims, the ones who have suffered the most.²¹⁴

Dimitrijevic and Milanovic have gone so far as to call the ICJ trial an opportunity for the two sides to continue a ‘war by other means,’ as it dragged on over fourteen years.²¹⁵ They write that during the proceedings, ‘both parties attempted to validate their broader, collective narratives as to the character of the Bosnian conflict, especially as to who were its heroes and who were its victims. In that sense neither of the parties before the Court was particularly interested in presenting their best legal case, but rather in telling their *story* of the Bosnian war’.²¹⁶

3.4 The Srebrenica decision in the Human Rights Chamber for Bosnia and Herzegovina

A similar statement could be made in regard to the report submitted by the Republika Srpska at the request of Human Rights Chamber for Bosnia and Herzegovina during the trial that resulted in the Srebrenica decision. Rather than squarely addressing the legal question at hand - the entity’s failure to conduct a thorough investigation into the genocide and provide information about missing loved ones to survivor families - the report capitalized on the attention it was given by the Chamber to embellish its own narrative about the victimization of Bosnian Serbs across the centuries.

The Human Rights Chamber for Bosnia and Herzegovina was established under Annex 6 of the Dayton Peace Agreement.²¹⁷ The Chamber was established in BiH as a domestic municipal court with the jurisdiction to address violations of the European Convention on Human Rights (ECHR), along with several other international treaties that BiH is state party to, including the ICCPR, and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).²¹⁸

²¹³ Clark, 2009, p.369-370.

²¹⁴ *Ib id* p. 370.

²¹⁵ Dimitrijevic and Milanovic, p. 69.

²¹⁶ Dimitrijevic and Milanovic, p.66

²¹⁷ Milovanovic, 2005 p. 136.

²¹⁸ *Ib id*.

The Chamber was mandated to carry out its duties until 2003, when the remainder of cases pending before it were transferred to the Constitutional Court of Bosnia and Herzegovina.²¹⁹

The Srebrenica decision was based on 49 separate applications submitted to the Chamber between November 2001 and March 2002.²²⁰ Each application was submitted by an immediate family member of an individual believed to have been killed by the VRS in or around the Srebrenica enclave between 10 and 19 July 1995.²²¹ The jurisdiction of the Chamber was confined to trying violations of the above-mentioned international instruments after the date of its establishment on 14 December 1995.²²² However, the applicants alleged that as family members of the missing individuals, they were victims of an ongoing human rights violation themselves, based on the failure of the Republika Srpska to provide any information about their missing loved ones.²²³ Additionally, the Chamber noted that this failure may have been attributed to discrimination on the part of Republika Srpska, since it failed to provide this information on the basis of the ethnic identity of the applicants.²²⁴

The ICTY *Krstic* judgement was used to establish the facts of the case, since it ‘contains a comprehensive description of the historical context and underlying facts of the Srebrenica events, established after log adversarial proceedings conducted by a reputable international court.’²²⁵ The judgement also notes that the Chamber restricted the use of this judgement as a reference point to the factual parts only, excluding information in the appeal.²²⁶

The Chamber requested that Republika Srpska submit an official copy of its ‘Report about Case Srebrenica’ in September 2002.²²⁷ The document was of dubious character. Rather than outlining any efforts on the part of authorities in Republika Srpska to effectively investigate the executions in and around Srebrenica in July 1995, it commences by noting in the introduction that, ‘events

²¹⁹ *Ib id.*

²²⁰ *Ferida Selimovic et al v. the Republika Srpska*, Decision on Admissibility and Merits, 7 March 2003, p. 3, para. 5.

²²¹ *Ferida Selimovic et al v. the Republika Srpska*, p.3, para. 1.

²²² Milovanovic, 2005 p. 137.

²²³ *Ib id* p. 138.

²²⁴ *Ferida Selimovic et al v. the Republika Srpska*, p.3, para. 3.

²²⁵ *Ib id*, p. 5, para 16.

²²⁶ *Ib id*, p. 5, para 16.

²²⁷ *Ib id*, p.3, para 7.

in and around Srebrenica cannot be seen as selective and separated from corps of crimes that were committed in Bosnia and Herzegovina.²²⁸ The report continues to expand upon this notion by detailing a history of oppression perpetrated against Serbs by both Muslims and Croats (referred to in the text as ‘Nazi collaborators’) since World War II, especially in the Srebrenica region.²²⁹

The remainder of the report is characterized by rhetoric that casts the Republika Srpska as a victim of the cunning of the Muslim side of the conflict, suggesting that ‘mass graves does not always mean mass execution’ and that these mass graves may have, in fact been created ‘for hygiene reasons.’ It describes the number of victims at Srebrenica as ‘inflated,’ and closes by stating that the Serbs in Republika Srpska have also suffered as a result of the negative attention that has been focused on them after the massacre: ‘[T]he Serbs are judged as evil from the beginning... This imprinting process of the formidable image might push Serbs onto an isolated corner of the world for an unexpectedly long period. Therefore to clarify the alleged Srebrenica massacre is considered to be one of the most urgent tasks to save the Serbs fate.’²³⁰

The Chamber commented that the report treated a wide swath of historical, geographical, and temporal ‘context’, stating that, ‘[The report] does not focus on the events at issue in the applications before the Chamber.’²³¹ The judgement later cites the existence and content of the report as evidence to support its finding that Republika Srpska practiced discrimination against the applicants who sought information about the missing.²³²

Republika Srpska was found responsible for a violation of Article 8 of the ECHR, which treats the positive obligation to respect the applicants’ rights to private and family life. The entity was also found responsible for a violation under Article 3 of the ECHR, which protects freedom from inhuman and degrading treatment. It was determined that the suffering endured by family members who did not receive any information about their missing loved ones was of sufficient severity to qualify as a violation of this principle. The pain of not knowing where the remains of

²²⁸ ‘Report about Case Srebrenica’ quoted from *Ferida Selimovic et al v. the Republika Srpska* p. 16 para. 85.

²²⁹ *Ib id*, p. 16 para. 86.

²³⁰ Report about Case Srebrenica’ quoted from *Ferida Selimovic et al v. the Republika Srpska* p. 18 para. 94 -96.

²³¹ *Ferida Selimovic et al v. the Republika Srpska*, p.16, para. 8.

²³² *Ib id*, p. 44, para. 198-199.

their family members were was exacerbated by the inability to lay the missing to rest in conformity with their religious beliefs.²³³

The Chamber's decision is interesting not only for the developments it contributed by expanding notion of the prohibition on torture and the 'right to know the truth', but also for the reparations that it ordered in its decision.²³⁴ While the Chamber acknowledged that 'it cannot order a perfect remedy which will re-establish the *status quo ante* - it cannot restore what was taken from the applicants in July 1995 at Srebrenica, and it cannot repair the suffering and torment caused to them by seven years of uncertainty about the fate or whereabouts of their missing loved ones'.²³⁵ Republika Srpska was ordered to: immediately release any persons missing from Srebrenica and the surrounding area who might still be living and imprisoned; to release any information that it might have about the remaining locations of mass gravesites to the International Committee of the Red Cross (ICRC), the International Commission on Missing Persons (ICMP), and relevant state commissions; conduct a 'full, meaningful, through and detailed investigation' into the events at Srebrenica in July 1995 and publish a report to make public its findings within six months of the decision; publish the entire text of the judicial decision in Serbian in the Official Gazette of the Republika Srpska within two months; and to pay a total sum of four million convertible marks to the Foundation of the Srebrenica-Potočari Memorial and Cemetery.²³⁶ Commemorations and tributes to victims are specifically mentioned in the UN *Basic Principles and Guidelines regarding victims of gross violations of human rights* as an appropriate form of reparation under paragraph 22, 'Satisfaction'.²³⁷ Other measures of satisfaction include public apologies and guarantees of non-repetition.²³⁸ This sum was designated as a measure of collective financial reparation to aid the Foundation in establishing 'a memorial and a solemn

²³³ *Ib id*, p. 45, para. 205.

²³⁴ Milovanovic 2005 p. 142.

²³⁵ *Ferida Selimovic et al v. the Republika Srpska*, p. 45, para. 205.

²³⁶ *Ib id*, p. 48, para. 217.

²³⁷ UN GA Resolution *Basic Principles and Guidelines regarding victims of gross violations of human rights* (21 March 2006) RES/60/147

²³⁸ Campisi, Maria Chiara, (2014) 'From a Duty to Remember to an Obligation to Memory? Memory as Reparation in the Jurisprudence of the Inter-American Court of Human Rights', *International Journal of Conflict and Violence*, 8:1, p. 61-74, p. 61.

burial place for those persons who died as a result of the Srebrenica events.’²³⁹ No individual monetary compensation was awarded.²⁴⁰

The decision also treats the subject of official apologies. The most essential quality in apologies as a form of satisfaction is sincerity. This is not something which can be ‘ordered’. As a result, the Chamber did not compel Republika Srpska to issue an apology. Instead, the Chamber expressed hope that such a gesture would be willingly put forth by Republika Srpska in the future as a genuine expression of remorse for its failings.²⁴¹

²³⁹ *Ferida Selimovic et al v. the Republika Srpska*, p. 48, para. 216.

²⁴⁰ *Ib id*, p. 49, para 218.

²⁴¹ *Ferida Selimovic et al v. the Republika Srpska*, p. 49, para. 219.

Srebrenica is turning into the Bosniak Auschwitz, in the sense that the Holocaust has in some way become synonymous with Auschwitz. Most people who died in the Holocaust didn't die in Auschwitz, but it's become kind of symbolic.

Still there are people in Bosnia who become quite resentful about it... 'What about us,' 'What about people from Visegrad or Prijedor', so there is that.

But I always think that as years go on, Srebrenica becomes more and more important. [...] whatever you think about Israeli politicians, they kind of have the holocaust in their political DNA. Like Armenian politicians will have 1915 in their political DNA. A lot of things, whether consciously or not, are filtered through that, this kind of long-term trauma of what happened in the Holocaust. [...] Srebrenica is going to be like that for Bosnia, it's becoming like that and it will be like that.²⁴²

²⁴² Judah.

Chapter 4

The Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide

‘Every day we are sending the message from here that Srebrenica never happens again.’²⁴³

It is not only important that an event like the genocide at Srebrenica be remembered, but it is also important to examine the way that it is remembered.²⁴⁴ As Pierre Hazan has written, ‘the interpretation of the past is not a neutral science.’²⁴⁵ For better or worse, the field of remembrance is vulnerable to manipulation by a variety of actors.²⁴⁶ It is therefore worth undertaking an analysis of the space itself and the experience it induces in the visitor. This experience is influenced by specific choices made in the design of the components that make up the memorial complex. These choices relay important information about the narrative that the site is intended to represent.²⁴⁷

The stewardship of such a potent memory site, of the remains of the victims and the exhibits that provide contextual information to situate their deaths in the collective memory of BiH and the rest of the world, entails a great amount of responsibility. Such a process of remembering should be undertaken with great care, and periodic examination of the messages that underpin this memorialization are necessary to protect the dignity of the victims and the families who survive them. This kind of analysis is rare, as Hazan has noted that aside from a 2010 UN Mapping Report on human rights violations committed in the Democratic Republic of Congo (DRC) between 1993 and 2003, no UN or other institutions have undertaken a study of whether memorialization in divided societies has been consistent with its proposed standards or has ‘fuelled tensions between groups.’²⁴⁸

²⁴³ Guide during Srebrenica tour, Potocari 7 June 2015.

²⁴⁴ Viejo-Rose, p. 476.

²⁴⁵ Hazan, p. 7.

²⁴⁶ Shaheed, 23 January 2014 p. 7.

²⁴⁷ Violi, p. 39.

²⁴⁸ Hazan, 12.

This chapter will endeavour to explore the underlying messages found in some of the components of the Srebrenica-Potočari memorial complex. These include the cemetery grounds, the battery factory complex across the road that contains the *Spomen Soba*, or Memorial Room, and the annual burial and commemoration events that occur at the memorial site. By examining the content of these messages, the relationship between Srebrenica as a site of very real mourning for the Bosniak community and its status as a symbolic site of persecution can be more clearly understood and critically addressed.

4.1 The Cemetery

The Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995 Genocide is located on a stretch of regional road 453, about seven kilometres from Srebrenica proper. The memorial complex consists of a cemetery site on the eastern side of the road, along with the battery factory at Potočari that served as the UN Dutchbat headquarters on the western side. A small roofed hut on the western side of the road serves as a souvenir shop. Like the rest of the memorial complex, the shop is staffed by Srebrenica survivors.

An important aspect of memorialization is encouraging a sense of ownership on the part of the concerned community, including the community where the site is located.²⁴⁹ In the case of Potočari, the selection of the site was a rather fraught process, given its location in the territory of Republika Srpska.²⁵⁰ In 2000, the remains of 4000 Srebrenica victims that were found hidden in a tunnel were being kept in a warehouse for storage. Since only 100 of the victims were identified, and since a warehouse seemed an inappropriate place to keep the bodies, survivors decided that a collective burial of the unidentified remains would be best.²⁵¹ A poll conducted by the Women of Srebrenica and Zepa, with the support of Freedom House and the ICMP, found that a majority of the 10,000 survivors who were surveyed overwhelmingly preferred Srebrenica as a burial site for their loved ones.²⁵² After a joint committee composed of both Bosnian Serbs

²⁴⁹ Shaheed, 23 January 2014, p. 19.

²⁵⁰ Pollack, Craig Evan, 2003a 'Burial at Srebrenica: Linking place and trauma', *Social Science and Medicine*, 56, p. 793-801, p. 794.

²⁵¹ Pollack, Craig Evan, 2003b 'Intentions of Burial: Mourning, Politics, and Memorials following the Massacre at Srebrenica', *Death Studies*, 27, p.125-142, p.128.

²⁵² Pollack, 2003a p. 795.

and Bosniaks could not come to an agreement regarding the location, Former High Representative Lord Ashdown intervened to declare the burial site at Potočari in October 2000.²⁵³ Though the surrounding community may not have been perceived as supportive of the project, the establishment of the memorial according to the wishes of the survivors is a significantly positive measure.²⁵⁴ Additionally, the site is staffed by survivors, and such inclusion in the daily functioning of the site is regarded as good practice.²⁵⁵

A white marble marker indicates the burial place for each person whose remains have been identified and laid to rest in the cemetery. They are organized in neat rows that expand across the gently sloping hills, dotted here and there by a few slender young trees. If viewed from one of its far corners, the cemetery gives the impression of a vast openness, and the sensation of the size of the place is not diminished by walking among its sea of identical monuments. They bear an inscription that translates to ‘And do not say for those who dies on Allah’s path that “they are dead”: No, they are alive but you do not feel it’, along with the person’s name, the year of and place of his birth, and the year and place of his of death. This final element is the same on each stone: Srebrenica, 1995.

These individual monuments and the sensation that arises from the cemetery itself are, paradoxically, the most positive features of the memorial complex. Not in terms of engendering positive emotions, though as a resting place the cemetery, nestled as it is beside the thickly forested mountains of Eastern Bosnia, is both peaceful and beautiful on a quiet summer afternoon. It is rather the impression of vastness created by the broad sweep of stones across the hillsides that communicates so well the size of the genocidal crime that took the lives of thousands of men and boys.

One of the defining characteristics of ‘successful’ memorialization of human rights violations is that they should increase or reinforce recognition of the suffering of victims, and contribute to a sense of closure in some way.²⁵⁶ Jelena Jovanovic, a researcher at the Humanitarian Law Center

²⁵³ Pollack, 2003a p. 796.

²⁵⁴ Shaheed 23 January 2014 p. 20.

²⁵⁵ *Ib id.*

²⁵⁶ Hazan, p. 8.

in Belgrade, noted that the Srebrenica cemetery itself serves not only an educational purpose to outsiders, but also as effective argument against denial or minimization of the genocide:

When people who are not from that community, who are not family of the victims, who are strangers - when you look at that place, when you see all that, you cannot negate it anymore, you cannot minimize [the genocide]. I think it is important for groups of children or young people from all over the former Yugoslavia, most importantly Serbs from Bosnia and Serbia, to visit that place. Just to see it. Nothing more than that, just to see that place, and I think that will be enough for most of them in order to change their mind about and change their attitudes about stereotypes they might have regarding that place.²⁵⁷

Jovanovic also stressed the importance of the individual monuments, particularly the inscription of names on each stone. This keeps the focus of the cemetery on the identities of victims,²⁵⁸ and acts against the impulse to obscure their individuality by placing a heavy focus only on the number of persons who died.

While it is essential to comprehend the massive scale of the crime, reducing the identities of victims to a matter of only their number and ethnicity is a delicate point, given that genocide is an identity-based crime distinguished by killings that take place on a scale designed to bring about the destruction of a group in whole or in part.²⁵⁹ However, Kazaz warns against a discourse that relies too heavily on advocating for recognition based only on the number of victims. ‘Such a system of numbers in the literal sense of the word turns people into things, it looks at them as if they are objects instead of people’.²⁶⁰

This tension is embodied in a large engraved stone slab located near the entrance to the cemetery. On the left side, it lists the names of the municipalities that the Srebrenica victims originated from. In the lower right corner, in text that is dramatically larger than the rest, is the

²⁵⁷ Jovanovic.

²⁵⁸ Jovanovic.

²⁵⁹ Genocide Convention.

²⁶⁰ Kazaz.

number ‘8,372...’ with a smaller inscription indicating that the number represents ‘the total number of victims which is not final (or ‘complete’). The ellipses that appears after the number, and the inscription, indicate that more victims may be either discovered, or otherwise added to that number in the future.

The ICMP estimates as of June 2015 that approximately 8,000 persons went missing after the fall of Srebrenica and Zepa.²⁶¹ The number 8,372 is from the Bosnian Federal Commission of Missing Persons ‘Preliminary List of People Missing or Killed in Srebrenica’.²⁶² This is also the number of names that appear on the genocide memorial in the cemetery, a vast semi-circular monument that lists each name in alphabetical order, along with a date of birth. No date of death appears, since it is expected that all the deaths would have occurred during the same window of time in July 1995.

The number engraved on the stone near the cemetery entrance does not seem unreasonable, given that it does not differ drastically from the one suggested by the ICMP. However, across the street in the souvenir shop in June 2015, t-shirts were being sold with this number - 8,372 - emblazoned across the front. It is the transformation of this number that is problematic, reducing the victims of the genocide to a kind of representative sloganeering.

4.2 The *Spomen Soba* Memorial Room

The battery factory itself serves several functions in the memorial complex. It’s most prominent space is the *Spomen Soba*, or Memorial Room, housed in a large, warehouse-like structure which gives the appearance of a space that has not been renovated since it was abandoned. Peeling paint and graffiti scrawl have been retained on the uneven, pockmarked walls, and the silhouette of deteriorating machinery looms over one dark corner. The majority of the interior space is dominated by two enormous black cubes that face one another. Inside one is a screening room where at 30-minute documentary, a collaboration between ‘A Cry from the Grave’ director

²⁶¹ ‘ICMP Srebrenica Figures as of 18 June 2015’ International Commission on Missing Persons <available at: http://www.ic-mp.org/wp-content/uploads/2015/07/2015_07_02_Srebrenica_Infographic_web_ENG.pdf>

²⁶² Most sources that cite this number and source do so with reference to the Srebrenica Genocide blog: <http://srebrenica-genocide.blogspot.ca/2012/05/calculating-srebrenica-dead-8262-v-8372.html>

Leslie Woodward and ICMP documentarian Muhamed Mujkic, is played. The other shelters a display with 20 glass cases featuring personal objects that were recovered with victims' remains during excavations of mass graves by the ICMP. Each object is placed in a separate case with a text that describes the story of the person to whom it belonged.²⁶³

The Memorial Room represents a particular kind of memorial that can be categorized as a 'trauma site'. Trauma sites are unique in that they strive to connect the present with the past by constructing a memorial in a location where mass suffering once took place, in this case the battery factory that the Dutch battalion of UN peacekeepers used as its headquarters from 1994-1995.²⁶⁴ This factory was the last refuge of nearly 25,000 civilians who fled from the UN-designated 'safe area' of Srebrenica when Bosnian Serb forces began shelling the city on July 6, 1995.

It is the spatial link between the site itself and the traumatic events that transpired there that lend weight to these kinds of memorials. Patrizia Violi writes:

Independently of how much remains of the past, and how carefully it is preserved, visitors know they are in the very place where terrible events occurred, and this knowledge contributes to a complex, multifaceted perception of it. Visitors not only *see* something of this terrible past, they also *imagine* that which cannot be seen.

The Memorial Room is at once an exhibition space and the site of a historical trauma. Locating it within the battery factory itself provides a direct link to the events that unfolded there in July 1995.²⁶⁵ It is the congruence between these events and their location that lends weight to the 'inherent and constructed meaning' of the exhibition space.²⁶⁶ Visitors tread the same ground that the relatives of those victims may have occupied at one time in the past. After the guide's explanation of the significance of the battery factory in the outdoor mosque, entering this space

²⁶³ Jinks, p. 429

²⁶⁴ Patrizia Violi, Trauma Sites and the Politics of Memory, *Theory, Culture and Society*, (2012) 29(1): p. 36-75

²⁶⁵ Violi, p. 38.

²⁶⁶ *Ib id* p. 39.

invites visitors to reconstruct the experience of those who sought refuge there in their imaginations.²⁶⁷

The design of the black cubes was conceived by Sarajevo-based design collective .arch. According to consultant Suzanne Bardgett, 'the vision was for clean lines and spare, neutral surfaces to contrast with the decay of the battery factory'.²⁶⁸ .arch member Christopher Hinterreiter described the concept as 'aloof, monumental and silent, the tops of the towers closed, evoking a sense of loss, the darkened spaces seeming like voids from which the narratives of July 1995 descend'.²⁶⁹ The sleekly designed black cubes stand in sharp contrast to the remains of the warehouse interior; they appear jarringly out of place. In one way nothing could be more mundane than the interior of an abandoned warehouse; it belies the severity of the trauma that had its beginnings here. In another way, allowing the interior to fall into ruin also lends a foreboding air when that background is paired with the constructed monoliths. They represent a visual cue that something vast which should not be there, is, just as something which should not have happened here, did. They are both solemn and surreal. Each houses an exhibit that tells a deeper story of suffering.

There is, to some extent, a link created through the means of memorialization found in the Memorial Room with the Holocaust. Former High Representative Ashdown originally conceived of the idea for a memorial room that would be located alongside the cemetery after a visit to the Holocaust Exhibition at the Imperial War Museum in London.²⁷⁰ Bardgett, the director of that exhibition, lent her expertise to the selection of the location, design and layout of the Srebrenica-Potočari Memorial Room, including the final edit of the film that plays in the screening hall.²⁷¹ Staff members from the former site of a Nazi transit Camp called the Memorial Centre at Westerbork also gave advice about the construction of the project.²⁷²

²⁶⁷ *Ib id.*

²⁶⁸ Bardgett, Suzanne. November 2007. 'Remembering Srebrenica', *History Today* Volume 57 Issue 11. Available at: <http://www.historytoday.com/suzanne-bardgett/remembering-srebrenica> [accessed 2 July 2015]

²⁶⁹ Bardgett.

²⁷⁰ Simic, O. (2009) Remembering and Placing the Dead: Law, Authority and Genocide in Srebrenica, *Law Text Culture*, 13, p. 273-310. p. 276.

²⁷¹ Jinks, p. 429.

²⁷² *Ib id.*

It is therefore unsurprising that the commemorative strategies employed in the exhibitions share characteristics of typical Holocaust memorialization design. These include, for example, the use of personal objects to individualize suffering and generate empathy, and the austere arrangement, dark colours and dim lighting that are found in the architecture of the large cube structures.²⁷³ Rebecca Jinks is careful to point out that while it is true that these visual ‘trends’ have dominated Holocaust memorial design, they are not exclusive to it. It is possible that these design features may only represent a shift in contemporary Western taste. However, she also notes ‘the transfer of *discourses* and *norms* of remembrance, which emphasize the Holocaust injunction of ‘never again’ and education for prevention.’²⁷⁴

This ‘matching’ of rhetoric between Srebrenica and the Holocaust is significant, since there is considerable symbolic weight and power to be gained by making this association. In addition to a visual congruence between modern Holocaust memorials and the Memorial Room at Potočari, there are also frequent semiotic links made between the two in academic discourses. Srebrenica is commonly distinguished, by way of introduction, as the most severe episode of mass killing to take place on European ground since World War II (see, for example, the title of David Rhode’s *Endgame: The betrayal and Fall of Srebrenica, Europe’s worst massacre since World War Two*, or almost any introduction to an academic article about Srebrenica). This creates an immediate conceptual association between the two, with the Holocaust serving as a symbol to facilitate understanding of the events at Srebrenica. Paul B. Miller has written,

It is this need to dignify and bestow meaning upon one’s own victimization by binding it to another group’s that makes me uncomfortable. The Srebrenica genocide, whether you call it that or not, was unique and tragic enough in its own right. Turning it into the Bosnian Muslim Holocaust, in a country which remains forty percent Muslim, seems to me to be manufacturing a fixed and didactic narrative that leaves little room for exploring the broader context of both the recent war and of Bosnian history generally.²⁷⁵

²⁷³ Jinks, p. 430.

²⁷⁴ *Ib id.*

²⁷⁵ Miller, p. 323

In November 2007 Bardgett wrote, 'The Memorial Room should be a place to mourn and remember, rather than provoke and accuse.'²⁷⁶ But does the Memorial Room achieve this careful balance? In the same piece, she recounted a struggle between the collaborators who made the film in striking the correct tone; Woodward advocated for a 'purely documentary' piece, while Mujkic pushed for a more emotional emphasis.²⁷⁷

The 30-minute film charts the story of the genocide through a combination of documentary footage and testimonials by women survivors who lost husbands and sons in July 1995. The women's testimonials mostly centre on their memory of the moment of separation between themselves and their husbands or sons, either before their loved ones departed on the trek to Tuzla or were forcibly taken by Bosnian Serb soldiers at Potočari. In one segment a woman recounts:

Two of our neighbours were separated in front of us...Now it was our turn. There was a checkpoint and at the checkpoint were armed Serbs. And one said to my husband, 'You come this way' and to me, 'You go on'. My husband told me not to worry, that everything would be all right. It was so hot, he was worried I would faint. His hand was on my shoulder, trembling. Somewhere deep inside me, it still trembles, and every moment I feel it here on my left shoulder, and that hot whisper as he told me that everything would be all right. I could see him for another ten yards, until a truck parked in the way. I never saw him again and I don't know what happened to him. I regret so much that I didn't say 'Don't take him', that I didn't scream or shout for help. Maybe it would be easier to live now.²⁷⁸

While this story is narrated, the camera alternates between the woman being interviewed, and black and white photographs of her and her husband many years earlier.

Similar emotional testimonials are intercut with documentary footage of Bosniak men from Srebrenica who were intercepted by Bosnian Serb forces on the march to Tuzla. In one scene,

²⁷⁶ Bardgett.

²⁷⁷ Bardgett.

²⁷⁸ *A Cry From the Grave* film

(presumably) Bosnian Serb soldiers taunt a man who has been captured, asking, 'Where is your rifle'? When the man responds, 'I have no rifle, I am a civilian,' his interlocutor asks, 'Are you afraid?' Later, the film shows several exhausted, bedraggled men as they cross into Muslim-held territory after a gruelling journey on foot. Many collapse on the ground and weep.

Watching this film is an extremely emotional experience. I was told by my guide that many men exit the screening room while it plays, overcome by emotion and unable to watch it in its entirety. The film content is documentary in nature; it shows historic footage of small snippets of an enormous tragedy, and it is not surprising that watching such things is painful and difficult. The source material, the genocide itself, is a painful and difficult subject, and for many, it is a painful and difficult reality. The suffering of those who lost loved ones, the fear of the men who were captured and transported in order to be executed, the conflicted emotion of those men who managed to escape to Muslim-held territory, is genuine.

However, one power that such a film carries in a memorial space is the capacity to identify who is a victim, and who is a perpetrator.²⁷⁹ If the film is read from a critical perspective with this in mind, it may be understood to identify two primary victim groups in relation to the genocide at Srebrenica: women who lost husbands and sons in the genocide, and the men who were captured and killed. The only interview that appears in the film at the memorial centre that is not with a woman who lost either a husband or son (or in some cases, both, or more than one son) is with Hasan Nuhanovic, who was an interpreter working for the UN in Srebrenica at the time. During his interview, he says, 'Nothing can give me resolution, nothing can give me consolation, you see what I mean. I mean I have to live with this all my life.'²⁸⁰

What is the responsibility of this space, and the community of suffering that it represents in telling the Srebrenica story to the rest of the world? Does it carry with it an obligation to promote reconciliation after the war, or is this asking too much?

²⁷⁹ Hazan, p. 7.

²⁸⁰ Bardgett.

Memorialization processes can be understood not only through the elements that are included, but also those that are not included.²⁸¹ This film, for example, has enabled the stories of individuals, like these women survivors, that may not have been told to be carried forward in the collective memory after the Bosnian war.²⁸² Through the film visitors with no relation to the war can visit and achieve some small understanding of the suffering that has been endured. But presumably there are a variety of experiences beyond that of the mothers and wives who lost their sons and husbands; that of sisters, brothers, friends, or children who lost parents. We view the event through the lens that the filmmaker has provided for us. We are shown a powerful set of testimonials, to be sure, but almost exclusively from a particular demographic. It sheds light on part of, but not the full, range of lived experience in relation to the events that unfolded around Srebrenica. One danger of memorial practices that emphasize the suffering of one group of victims over others is that it can create ‘victim hierarchies’, which carry the risk of generating skewed perceptions and a sense of competition over who has suffered ‘the most.’²⁸³

While the exhibits in the Memorial room appear to be successful in terms of eliciting an emotional reaction, there is an overall lack of historical and political context available to visitors to aid them in situating the genocide. The content of the interviews is personal, the film is primarily emotional. The women who tell their stories in the film frequently refer to ‘Serbs’ and ‘Chetniks’ as they describe the horrors that they witnessed or the loss of their family members. While these experiences are both tragic and legitimate, the lack of context provided about the conflict might also lead to some degree of misinterpretation by visitors who do not have a strong grasp of the contemporary and historic political landscapes in the former Yugoslavia. For example, the distinction between Bosnian Serbs, Serbians, and the implications of the word ‘Chetnik’²⁸⁴ are not explained. The omission of these distinctions in the film might rather *imply* a

²⁸¹ Viejo-Rose, p. 469

²⁸² Shaheed, 23 January 2014, p.6.

²⁸³ Hazan, p. 7.

²⁸⁴ ‘The Chetniks were a royalist, conservative and Serbian nationalist movement, formally led by the Serbian career officer Colonel Draz’a Mihailovic’. The movement was established at Ravna Gora in western Serbia in May 1941, after the royal Yugoslav army was defeated by the Axis powers. Chetnik nationalism became radicalised and anti-communism was combined with widespread anti-Croat and anti-Muslim sentiments, since Croats and Muslims were regarded as responsible for the genocidal politics affecting Serbs in Bosnia and Croatia.’ In contemporary Yugoslavia, the word is sometimes used as a derogatory name for all Serbs. Sinbeak, Tea, (2014) ‘The Fall and Rise of a national hero: Interpretations of Draz’a Mihailovic’ and the Chetniks in Yugoslavia and Serbia since 1945 *Journal of Contemporary European Studies* Vol. 17, No. 1, p. 47–59 p. 47.

collective guilt for the crimes committed at Srebrenica among all people who can be identified as Serbian. There is also no information provided about the possible complicity and /or responsibility of the SDA in Srebrenica's fall. This reinforces silence around difficult or painful subjects which may have contributed to the fate of Srebrenica.²⁸⁵ It may be beneficial for the Memorial Room to provide more historic information to its visitors. UN Special Rapporteur on Cultural Rights Farida Shaheed has written that in memorialization concerning mass atrocities,

However difficult, the cohabitation between the emotional dimension and a distanced analysis is indispensable. Without emotional charge, the account of tragic events has little impact; without perspective, the risk is great of cultivating a victimized memory that loses sight of the need to prevent further violence. To reach such equilibrium, memorial practices, while giving space to the emotional dimension, must be informed and framed by rigorous historical research and study.²⁸⁶

Conflicting narratives are an unavoidable feature of and particular challenge to memorialization in divided and post-conflict places. It is natural for a community of survivors to present their story from their own perspective. In one way this can be understood as beneficial, since genocide hinges on the de-humanization of the victims. Establishing a space where survivors can reclaim their belonging and legitimacy as members of the human community is essential, and the act of survivors framing their story in their own terms can contribute to that.

Some recent literature suggests that post-conflict memorials should allow a degree of 'inclusive' space to acknowledge the suffering of victims from opposing sides in order to achieve a more reconciliatory function.²⁸⁷ However, as Farida Shaheed notes, 'one cannot always insert the viewpoint of the perpetrators within the narrative of the victims.'²⁸⁸ In the case of Srebrenica, it does not seem appropriate to suggest that the genocide memorial should provide this kind of space to the persecutors who systematically executed their victims.

²⁸⁵ Moll, p. 915

²⁸⁶ Shaheed, 22 January 2014, p. 21

²⁸⁷ Hazan, p.17.

²⁸⁸ Shaheed, 23 January 2014, p. 13

What the site might hold is space to introduce the concept of forgiveness, a feature that is notably absent in the Srebrenica Memorial Room as it has been analysed here. While it is common for survivors to demand an apology in exchange for forgiveness, this sort of candidness has not been forthcoming on the part of authorities from the Republika Srpska (though Serbia can be seen, by some if not all, as making recent progress on this account).

Existing in a perpetual state of resentment for long periods of time is damaging to individuals and communities as a whole.²⁸⁹ By cleaving too hard to the notion that a sincere apology is a prerequisite for forgiveness - which, after a trauma, may also be essential in overcoming that trauma - survivors may find themselves stalled, waiting for a satisfying gesture from their persecutors that may never provide the relief they desire.

Mukashema and Mullet used a concept developed in relation to the Israel-Palestine conflict called 'reconciliation sentiment' to investigate the correlation between interpersonal reconciliation and mental health in survivors of the 1994 genocide in Rwanda. Reconciliation sentiment is composed of two components: the 'Interpersonal' and 'Intrapersonal'. The interpersonal component was defined as the ability to trust the judgment of persons who have harmed you in the past. It requires the re-establishment of interpersonal trust and a spirit of joint effort. The intrapersonal component was defined as the degree to which one is capable of controlling themselves in the presence of persons who harmed you, i.e. that a survivor does not 'harbour violent feelings' toward perpetrators of violence.²⁹⁰ The capacity to forgive unconditionally in an environment where many perpetrators have not apologized for their actions was positively correlated with mental health, i.e. it was more beneficial to survivors to forgive unconditionally, on an interpersonal level, than on an intrapersonal level, which was associated with a 'thinner' form of reconciliation.

Forgiveness is a personal matter, and beyond that, a survivor's capacity to forgive does not always manifest itself as a 'choice.' Some survivors are able to forgive unconditionally, while others do not feel able to do so. It is not the suggestion of this passage that the survivors of

²⁸⁹ Mukashema and Mulet, p. p.122.

²⁹⁰ Mukashema and Mulet, p.123.

Srebrenica ‘ought’ to forgive unconditionally and immediately, but rather that within the Memorial Room space there exists the *potential* to open up a conversation, however small, about forgiveness. The Cemetery is a place that belongs to the victims and the survivors, to lay in peace or to mourn loss. The introduction of any such message may not be appropriate in that space, as it competes with the primary purpose of the graves which should be left to stand on their own in peace. But the memorial complex consists of other elements, and in these it may be more appropriate to extend the emotional range of the memorialisation practice by exploring concepts apart from suffering, guilt or innocence. This forgiveness can be understood as an act of compassion, not necessarily toward perpetrators, but rather an act of compassion that survivors might be able to bestow on themselves, to their own benefit. It can be understood not as an act of submission, but one of empowerment by the affected community.

4.3 The Commemoration and Burial ceremonies

Commemorative rituals allow communities to ‘order’ painful experiences by interpreting and bestowing meaning on them.²⁹¹ Memorialization can be understood as a way for a community to bind a painful experience of suffering to a certain place or time of year. It is a way to contain something uncontainable, to exert control over an experience that was uncontrollable.²⁹² The process of remembering a genocide, like the one at Srebrenica, is also a political act. This section will examine the political environment leading up to the 2015 commemoration along with some of the messages that were delivered during commemoration ceremonies. The messages that will be looked at were transmitted through the event organization and in the memorial speeches that were delivered at Srebrenica on 11 July 2015.

4.3.1 Political climate in 2015

The 20th anniversary commemoration at Srebrenica on 11 July 2015 was preceded by numerous ugly political squabbles between Serbia and BiH, the Republika Srpska and the Federation. In late June, Russia threatened to veto a UN Security Council Resolution drafted by the UK, with

²⁹¹ Skillington, Tracey (2013) ‘UN commemoration, transnational scenes of mourning and the global project of learning from atrocity’, *The British Journal of Sociology*, 64:3, p. 501-525, p. 502.

²⁹² Skillington p. 502.

support from the United States that commemorated the genocide. One sentence stated that ‘acceptance of the tragic events at Srebrenica as genocide is a prerequisite for reconciliation.’²⁹³ Politicians in the Republika Srpska and Serbia proper were angered by the resolution’s repeated use of the word ‘genocide’, claiming that such a public acknowledgment of the executions at Srebrenica without also acknowledging the suffering of other groups was divisive and would harm reconciliation efforts in the region.²⁹⁴ Serbia tapped its close ties with Russia, and the Putin regime backed the Serbian political line. Russia offered its own version of the resolution to the Security Council. In the Russian draft, Srebrenica is not mentioned by name, but rather the focus was shifted onto the Dayton Agreement and the general suffering of the victims of the 1992-95 war. No vote was scheduled for the Russian draft, and after some delay,²⁹⁵ the UK resolution put to a vote. Russia used its veto power as one of the permanent five Security Council members, and the resolution was not passed.

During the upheaval that surrounded the Resolution Draft, Serbian Prime Minister Aleksandar Vucic made his announcement that he would attend the 20th anniversary commemoration ceremony, if the Bosnian people would accept his presence. At a news conference that was later televised, Vucic stated, ‘I will represent a Serbia that is capable of admitting that certain individuals had committed crimes,’ adding, ‘We must do that for our own sake’.²⁹⁶ He also stated, ‘there is no collective guilt’, and said that the debate over the resolution ‘pushed us into the trenches of hatred’. His statements may be read in more than one way. They might be an attempt to ameliorate Serbian nationalist pride that could be stirred by his decision to attend the ceremony. They could also be read as a false gesture, an attempt to placate Western states holding the keys to EU membership that would criticize its attitude toward Srebrenica. If this is true, it is interesting to note the way that human rights-style language is usurped in this situation

²⁹³ BBC News, Russia vetoes UN move to call Srebrenica ‘genocide’, (8 July 2015) BBC
<<http://www.bbc.com/news/world-europe-33445772>>

²⁹⁴ Agence France-Presse, ‘Russia slams ‘divisive’ UN draft resolution on Srebrenica’, (30 June 2015) AFP
<<http://news.yahoo.com/russia-slams-divisive-un-draft-resolution-srebrenica-213842112.html?nf=1>>

²⁹⁵ Associated Press, ‘Vote on Srebrenica Resolution Delayed by Russian Veto Threat’, (7 July 2015) AP
<http://www.nytimes.com/aponline/2015/07/07/world/europe/ap-un-united-nations-srebrenica-resolution.html?_r=0>

²⁹⁶ Radio Free Europe, ‘Russia makes good on Promise to Serbia, Blocks ‘Genocide’ Measure,’ (7 July 2015) RFE,
<<http://www.rferl.org/content/serbian-leader-attend-srebrenica-memorial/27115604.html>>

by Russia, Serbia and Republika Srpska about the potential to disrupt reconciliation and collective guilt to pursue a strategy that is arguably directed against human rights-based aims.

I asked Hikmet Karcic, a human rights activist and Researcher at the Institute for Islamic Tradition of Bosniaks what he made of the Vucic's gesture over e-mail. He responded,

His actions are not sincere. Bosnians know very well that Vucic was Vojislav Seselj's²⁹⁷ right hand man and a great supporter of the genocide against Bosniaks in Bosnia and Herzegovina. We view this as a political gesture caused by pressure from the West.

The question I pose to you is: even if the resolution is passed. What then? Will it change anything in BiH? The resolution is a good way to commemorate the twentieth anniversary and make a political statement but do not for one second think that it will change much among the local Serb population in Republika Srpska.²⁹⁸

It can be argued that this kind of hard-line attitude and cynical interpretation of Vucic's gesture also defeats reconciliation efforts. However, it is also a response that makes sense given the multifaceted context of unresolved past transgressions and the war criminal hero-worship that is present in all three communities. The existence of that cult of worship undermines political declarations of apology in BiH.²⁹⁹

The other major story that dominated headlines before the 20th anniversary was the arrest of Nasir Oric. Oric was apprehended and then detained in Geneva on 10 June on a war crimes warrant issued by Serbia. Serbian authorities alleged that Oric, along with four others, was responsible for killing ethnic Serbs near Sarajevo in July 1992.³⁰⁰ A public argument then erupted when Serbia requested that Oric be extradited to Serbia, instead of BiH, where the

²⁹⁷ Vojislav Seselj was an extreme Serbian nationalist paramilitary leader during the Bosnian War. As of July 2015 he is awaiting a verdict for alleged war crimes at the ICTY.

²⁹⁸ Statement by Hikmet Karcic (Personal email correspondence 1 July 2015).

²⁹⁹ Kazaz.

³⁰⁰ Deutsche Welle, 'Serbia asks Switzerland to indict former Bosnian commander', (22 June 2015) DW <<http://www.dw.com/en/serbia-asks-switzerland-to-extradite-former-Bosnian-commander/a-18530201>>.

crimes allegedly took place. The president of the Mothers of Srebrenica Association,³⁰¹ Hatidza Mehmedovic, threatened to cancel the 20th anniversary event if Oric was not freed.³⁰² Oric was sent to BiH, since there was also a case pending against him there.³⁰³ At the time the incident cast doubt on whether Vucic would attend the commemoration or not, or indeed whether the ceremony itself would go forward. While it is not likely that the event would have been cancelled, the attempt to hold it hostage by the leadership of a survivor's association in exchange for a political demand illustrates the powerful influence this group wields, or is attempting to wield. The commemoration event is attended by tens of thousands of people each year, and on this particularly significant anniversary many international dignitaries including former U.S. President Bill Clinton, Turkish Prime Minister Ahmet Davutoglu, Anne, Princess Royal of the United Kingdom and Queen Noor of Jordan were set to attend.

4.3.2 The global project of remembrance

Tracey Skillington observed that commemoration of the Holocaust expanded exponentially to countries that were not directly affected by it after the Stockholm International Forum in 2000. He observes, 'a new enthusiasm for transnational commemoration' and mourning in global politics that has emerged in relation to large-scale crimes, especially genocide.³⁰⁴ It is also possible to see such a development in the expanding global commemoration of Srebrenica. In the days preceding the event, too many commemoration events to mention here were held around the world. There was an annual commemoration and peace march at The Hague in the Netherlands called 'Mars Mira,' after the march held in BiH. In Rwanda, a candlelit vigil was held at the Kigali Genocide Memorial.³⁰⁵ First Minister of Scotland Nicola Sturgeon hosted a memorial service at St Giles' Cathedral in Edinburgh on 10 July.

³⁰¹ This is one of several survivor associations with very similar names

³⁰² Agence France-Presse, 'Srebrenica ceremonies may be cancelled over arrest', (23 June 2015) AFP <<http://news.yahoo.com/srebrenica-ceremonies-may-cancelled-over-arrest-190150497.html?nf=>>.

³⁰³ Agence France-Presse, 'Switzerland to extradite Bosnian Muslim war crimes suspect', (25 June 2015) AFP, <<http://news.yahoo.com/switzerland-extradite-Bosnian-muslim-war-crimes-suspect-185753316.html?nf=1>>.

³⁰⁴ Skillington p. 506.

³⁰⁵ Remembering Srebrenica News, 'Rwanda Marks 20th Anniversary of Srebrenica Genocide,' (12 July 2015) <http://www.srebrenica.org.uk/news/rwanda-marks-20th-anniversary-of-srebrenica-genocide/>

Hundreds of events were organized across the United Kingdom, including a service at Westminster Abbey organized by UK NGO Remembering Srebrenica on 6 July. It was attended by 2,000 people, including former High Representative Lord Ashdown, Bosnia and Herzegovina Presidency Member Bakir Izetbegovic and Munira Subasic of the Mothers of Srebrenica.³⁰⁶ That day David Cameron's government announced the allocation of 1.2 million pounds in funding to Remembering Srebrenica, to sponsor trips to Bosnia for British children.³⁰⁷ Cameron said, 'This funding will help to raise awareness of the victims and their families and ensure the events of that day are not forgotten. It also sends an important message to our communities, who have a part to play in ensuring we build a lasting legacy of inclusiveness.'³⁰⁸

Cameron's comment reflects the wider global discursive trend that casts the atrocities of other times and places as 'learning' opportunities that will prevent similar things from happening in the future.³⁰⁹ It is also likely that to a certain degree a 'guilty conscious' is being exculpated through the UK's acknowledgement and support of the Potočari Memorial centre, since Britain played a role in the Bosnian War that was not always to the benefit of Srebrenica's inhabitants.

The remainder of this section will first take a look at the way the burial ceremony at Potočari is organized. Then portions of the remarks made during the ceremony will be analysed. It is this analysis that reveals the emergence of Srebrenica as a historical atrocity that has taken on a symbolic function in the spheres of both national and international politics. Finally, the consequences of this symbolic transformation will be discussed.

4.3.3 Prelude to memorial service 2015

Early in the morning of 9 July 2015, several hundred people gathered at a mortuary in Visokoto to see off a truck bearing the flower-strewn coffins of 136 newly-identified Srebrenica genocide

³⁰⁶ This refers to one of several prominent survivor organizations with very similar names.

³⁰⁷ Borger, Julian, 'Srebrenica: Cameron announces extra funds to remember massacre', (6 July 2015) The Guardian, <<http://www.theguardian.com/world/2015/jul/06/srebrenica-cameron-announces-extra-funds-to-remember-massacre>>

³⁰⁸ *Ib id.*

³⁰⁹ Skillington, p. 502.

victims.³¹⁰ Since 2003, the remains that have been identified by the ICMP are buried together at the annual memorial service on 11 July at Potočari. Before the 2015 commemoration, 6,471 identified victims had been laid to rest. 6,241 of them were buried in the memorial cemetery at Potočari, and the remaining 230 were buried in locations chosen by their surviving families. The remains travel as part of a convoy that makes its journey from Visoko to Srebrenica each year along a route that passes through the centre of Sarajevo and area villages before reaching its destination.

The annual transportation of the remains to their resting place has taken on a ritualistic character. On 9 July 2015, the remains were seen off after a farewell ceremony by several hundred mourners.³¹¹ Since Sarajevo does not lie directly en route from Visoko to Srebrenica, the convoy took a detour, passing through the suburb of Vogosca before continuing to the capital city, where it stopped in front of the Presidency building. Thousands crowded along the main road through the Sarajevo, many crying, raising their hands in prayer and throwing flowers onto the truck, which was draped in the Bosnian flag. When the convoy then passed through Bosniak villages, it was again greeted by crowds gathered along the roads holding their hands up in prayer.³¹²

AFP reports that the convoy arrived in Potočari in the early evening. The journey from Visoko to Sarajevo and then onto Potočari is one that would likely take under four hours, so it may be deduced that the procession travelled at a slow pace. News coverage of the convoy indicates that many area residents took part in collectively mourning the victims as they lined the roads of Eastern Bosnia to pay their respects.

One day earlier, on 8 July, nearly 10,000 participants embarked on the ‘Mars Mira’, the annual ‘peace march’ that traces the route of the men who fled Srebrenica in 1995 backwards, beginning in Tuzla and ending up in Potočari in time for the memorial service on the 11th. The path is adorned with markers commemorating the lives that were lost there. The schedule posted on the official Mars Mira website lists several unveiling ceremonies for monuments to individuals as

³¹⁰ Neacsu, Calin and Smajilhodzic, Rusmir, ‘Convoy of Srebrenica victims’ remains arrives in massacre site’, AFP (9 July 2015), <<http://news.yahoo.com/convoy-srebrenica-victims-remains-heads-massacre-144540284.html>>

³¹¹ Anadolu Agency, ‘Bosnia: 136 Srebrenica genocide victims make last journey,’ (9 July 2015) AA <<http://www.aa.com.tr/en/world/553141--Bosnia-136-srebrenica-genocide-victims-make-last-journey>>

³¹² AFP

part of the daily activities of the march, along with a round table discussion on ‘UN safe zone - Srebrenica’, documentary screenings, ‘books promotions’ and religious services. It also notes that both a cycling marathon and a ‘super marathon’ departing from Bihac on 8 July, and a ‘departure of moto-bikers from Sarajevo’ on 10 July. The peace march, the cycling marathon, the ‘super marathon’ and the motorcycle convoy from Sarajevo are all scheduled so that they converge on the memorial centre at Potočari at the same time on 10 July. On that evening, the coffins that are to be buried are carried out to the cemetery. Participants camp overnight to attend the commemoration on the 11th.³¹³

‘If you ever go to Srebrenica on the 11th, it’s something between a funeral and a festival,’ says Slutier.³¹⁴ Srebrenica is a small, economically depressed town. Many of its former residents are members of the diaspora who may keep homes to return to in July during the commemoration period. Between visiting diaspora members, participants in events like the peace march, members of the international community, and large crowds of other supporters, the number of people in the town swells dramatically during this time. It is, along with a time for mourning, a period of economic opportunity for a poor town.³¹⁵ After attending the tenth anniversary commemoration in 2005, Paul B. Miller observed that Srebrenica ‘seemed already to have become a marketable commodity’.³¹⁶

4.3.4 The commemoration ceremony

It is a common sentiment that there is no shortage of political figures willing to attend and speak during the Srebrenica commemoration ceremonies.³¹⁷ In one way, it is a significant gesture of recognition for important international political figures to attend the commemoration in order to remember its victims and express sympathy for their loss.³¹⁸ In another way, there is an uncomfortable disconnect in the precise relationship between these international figures and the

³¹³ Mars Mira Peace March Program 7-11 July 2015 <[http://www.marismira.org/en/program.php#/> accessed on 22 July 2015.](http://www.marismira.org/en/program.php#/)

³¹⁴ Slutier.

³¹⁵ Sluiter.

³¹⁶ Miller, Paul B. (2006) ‘Contested Memories: the Bosnian Genocide in Serb and Muslim minds’, *Journal of Genocide Research*, 8:3 p. 311-324, p. 319.

³¹⁷ Slutier.

³¹⁸ Broz.

ceremonial act of burying the dead that is evident in both in the way that the ceremonial activities are organized, and the rhetoric that is employed during them. Figures who are considered ‘important’ are given rhetorical space during what is essentially a funeral service for the men and boys who were murdered 20 years ago. However, the commemoration at Srebrenica, and indeed Srebrenica itself, have become much more than that.

In 2015 the speeches by former US President Bill Clinton, ICMP Commission member Queen Noor of Jordan, the Deputy Secretary General of the United Nations Jan Eliasson, High Representative Valentin Inzko, and Mayor Camil Durakovic were delivered to a selected audience of VIPs inside an air-conditioned temporary construction.³¹⁹ Since the commemoration ceremony is held in July, the weather is typically very hot, near 40 degrees centigrade. The speeches were shown on a large screen that could be viewed by spectators - including the friends and family members of the deceased - who waited outside in the sun. There is little shade offered by the young trees in the cemetery, and family members who have come to bury loved ones typically must wait outside in the stifling heat. The ceremony took place during Ramadan, as it did in 2014, when some people waiting in the cemetery fainted from lack of water.³²⁰

The speeches delivered by the members of the international community contained discursive elements that are common in transnational genocide mourning.³²¹ UN Deputy Secretary-General Eliasson promised that the search for the remaining missing persons would continue and that justice would be meted out to the perpetrators. He acknowledged the UN role in the Srebrenica genocide, saying ‘The United Nations and the international community failed to protect the people of Srebrenica. This will, and should, haunt us forever’. He continued later, ‘But tragedies still take place with grim frequency - in Syria, in Iraq, in South Sudan, in Yemen and many other places’.³²² Former President Clinton also touched on this theme, saying,

³¹⁹ Statement by Tim Judah (Personal email correspondence 22 July 2015).

³²⁰ Sluiter.

³²¹ Skillington

³²² ‘UN “Failed to Protect” People of Srebrenica, Deputy Secretary-General Says at Genocide Commemoration, “There Will Be Justice for Crimes Committed”’ (2015) Retrieved 19 July 2015
<http://www.un.org/press/en/2015/dsgsm887.doc.htm>

The borders are so fragile, we are all going to wind up in one war after another, one killing after another, one roadside bomb after another, one totally misled young person after another blowing himself or herself to smithereens all because we think that the only thing that matters in life is our differences. Every human being on earth today can identify with every mother, every wife, every sister, and every daughter who lost someone at Srebrenica 20 years ago.³²³

Both speeches collapse the boundaries of time and geographic distance to create a discursive link between Srebrenica and other incidences of war, genocide or mass violence. In this way Srebrenica and also South Sudan, Yemen, and Iraq are brought into the fold of a constructed *universal* experience as the international community unites in a ritual of mourning. Though the attempt to foster recognition between groups could be considered positive, this kind of speech discards the uniqueness of the social and political contexts surrounding outbreaks of violence. It subsumes Srebrenica, for example, into a wider historical struggle against ‘human barbarity’. This abstraction ignores the very real political and social acrimony that produced the genocide at Srebrenica, recasting it as one link in a universal human tragedy instead of something that might have been prevented. It is also common to use international commemorations of this kind as a platform to condemn current violence and reaffirm the role of the UN and, in this instance, the United States, as advocates for peace and legitimate leaders of the international community.³²⁴

Kazaz has observed,

What makes Srebrenica so special, so specific? Because it is the location of a genocide. And on that place, the international political might, international political powers, portray themselves to their own citizens in Austria, Germany, or wherever, as a peacekeeper, a peace builder, as an absolutely ethical power. However, at the same time, it is taking part in a very hypocritical political ritual. It is important to turn up in Srebrenica. It doesn't matter what is going on there, what is happening there, what we are actually doing, which

³²³ Clinton, Bill, Former US President, 'Commemorating the 20th Anniversary of the Srebrenica Massacre', (Speech at Srebrenica Memorial commemoration 11 July 2015)

<<https://www.clintonfoundation.org/blog/2015/07/15/commemorating-20th-anniversary-srebrenica-massacre>>
Accessed 20 July 2015.

³²⁴ Skillington, p. 511.

is burying the victims, a purely religious act. The important thing is to show your face there.³²⁵

Burying the victims is a religious act, but at Srebrenica, the political importance of attending the ceremony looms large. The commemoration ceremony is no longer about the victims per se, the victim as individual, but rather the significance of the *genocide* that occurred there. Its size and the weight it carries are manifested in the powerful actors that it conjures to attend and speak on its behalf. As Pollack wrote about the original conflict over the burial in 2000, ‘the burial creates an “arithmetics of the dead”, wherein murder by murder, body by body adds up to more than the sum of its parts’.³²⁶

The way that the families of the victims are treated, the way that they must wait for hours in the sun until politicians have had their say over the fate of their loved ones, would seem to indicate that they are not the real focus of this ceremony.

In one way it may be possible to understand Srebrenica as being ‘hijacked’ by local political figures, or dominated by repentant internationals having their photos taken. But, as Tim Judah says, ‘that’s what politicians do, isn’t it’?³²⁷ It might be more likely that the great power of Srebrenica is being harnessed for its potential as a political tool by another group: the organizing committee that coordinates the event. The committee has made it clear in the past that they would like to have as many commemoration ceremonies as possible throughout the world.³²⁸ This presumably would meet a goal for achieving wider recognition of the genocide, one of the two aims of the survivor associations that sit on the committee.³²⁹ This objective seems innocuous enough, since recognition is an important part of the recovery process for a traumatized community. However, the committee has used its authority in provocative ways, as evidenced by its threats to cancel the 20th anniversary commemoration if Naser Oric was not

³²⁵ Kazaz.

³²⁶ Pollack, 2003b p. 138.

³²⁷ Judah.

³²⁸ van den Berg, Dion, (2010) ‘Rekindling the National Debate: How Public and Private Recognition can Shift the Dutch Discourse on Srebrenica’

³²⁹ van den Berg, p.

released. Its bid for more international recognition could be understood as a way to exert pressure on Serbia and Republika Srpska to officially acknowledge Srebrenica as a genocide.

4.4.4 Never Forget

*‘This place is the foundation and the pledge of our future’.*³³⁰

After completing a study on the motivations that lay behind the choice of Potočari as a burial site, in 2000, before either the cemetery or the memorial were constructed, Craig E. Pollack wrote,

The communal aspect, with its potential and difficulties, makes it a useful political tool. Rather than situating one mourner within a community, it situates thousands of mourners within a community of mourners and within the broader Muslim community in BiH. Leaders of family advocacy groups and politicians are acutely aware of the potential of the communal burial to recognize the past, define the present, and shape the future.³³¹

It is in this act of memorializing that the ‘duty to remember’ functions as a warning about the future. It suggests that if we do not remember the atrocities of the past, we cannot prevent them from occurring again.³³² Idith Zertal has written about the way that the suffering of the Holocaust was harnessed and then transformed into a political symbol in Israel, or ‘mobilization of the memory of the Holocaust in the service of Israeli politics’.³³³ She charts the transformation of the Holocaust in the Israeli political sphere from a massive experience of suffering into a *metaphor*, ‘a terrible, sublime lesson to the Israeli youth and the world that Jewish blood will never be abandoned or defenceless again’.³³⁴ Though the contextual elements are very different, a similar phenomenon of transforming the memory of painful collective experiences can be observed with

³³⁰ -- Grand Mufti of Bosnia calls for remembrance of Srebrenica martyrs’ 5 August 2014, <<http://www.rijaset.ba/english/index.php/template/latest-news/290-grand-mufti-of-Bosnia-calls-for-remembrance-of-srebrenica-martyrs>> Accessed 24 July 2015

³³¹ Pollack, 2003b p. 138.

³³² Skillington, p. 510.

³³³ Zertal, Idith, (2000) ‘From the People’s Hall to the Wailing Wall: A Study in Memory, Fear, and War’, *Representations*, 65, p. 96-126, p. 96.

³³⁴ *Ib id*, p. 105.

regard to Srebrenica. It has been short work for nationalist intellectuals (like Dr. Smail Čekić) to co-opt Srebrenica as the newest development in the ‘ten genocides against the Bosniaks’, a mythologized historical narrative that is being promoted as an academic truth.³³⁵

Mythologizing genocide and packaging it as an ever-present threat that already bears the weight of thousands of deaths transforms it from a tragedy into a defensive imperative. It carries with it ‘a built-in fear of the future. [...] What at first glance looks like a process of memory, memorialization, in the background lies a deeply aggressive message about the repetition of genocide against the Bosniaks’.³³⁶ This creates a defensive imperative within the competitive remembrance discourse. Such an imperative implies that each group must be ‘ready’ to protect itself for a conflict to come. ‘That kind of future results in the militarization of each of the ethnic groups,’ says Kazaz, ‘It is also a means to produce a hatred to come’.³³⁷

Memorialization has been understood as a process of binding painful memories through rituals that situate those experiences in the shared past of a particular community. It creates a clear distinction between the past and the present.³³⁸ Hamber writes that memorials, as a means of symbolic restitution can ‘symbolically mark the point of moving onto a new phase and symbolize an individual’s mastery over the past’.³³⁹ This suggests that memorialization should, in some way, serve to alleviate or soothe traumatized groups by circumscribing their past suffering and situating it as something that is distinct from the present. Whether it is because there are still missing that have been unaccounted for in Srebrenica, because of a lack of acknowledgement by perpetrators, because of religious and political discourse, or because of notions of history as a cycle that dominate memory narratives in the Balkan region, it seems that this ‘binding’ of trauma and confining it to the past has not happened in Srebrenica. Rather than situating the genocide in the history of the Bosniak people, the annual commemoration ceremonial practices seem to project the violence that occurred there out into the future. If the question of this thesis is whether or not that memorialization promotes reconciliation, the answer

³³⁵ Kazaz.

³³⁶ *Ib id*

³³⁷ *Ib id*.

³³⁸ Skillington, p.

³³⁹ Hamber, Brandon, (2010) ‘Repairing the Irreparable: Dealing with the double-binds of making reparations for crimes of the past’, *Ethnicity and Health*, 5:3-4, p. 215-226, p.218.

is no. Rather it enforces ethno national divisions by reviving the threat of genocide as something that must be guarded against in the future. This creates a defensive imperative, one that demands a strong collective that is able to protect Bosniaks from future violence.³⁴⁰

It is certainly true that memorial sites carry the potential to aid reconciliation. Indeed, the Srebrenica-Potočari memorial complex has many positive features. Any features that have been analysed as potentially problematic could easily be fixed in an afternoon. It is not the memorial site itself that presents problems, nor is it memorials in general that foster division or promote reconciliation: it is people. The narratives that are currently being constructed around the annual Srebrenica memorial ceremony do not aid in reconciliation, but instead weaponized memory in an aggressive bid for discursive space, and therefore international recognition, to exert pressure on authorities in Republika Srpska and Serbia proper.

This, like the features of any commemoration practice, can be changed. However, that change depends on people in and outside of Bosnia to willingly engage in critical self-reflection regarding this commemorative discourse and the wider socio-political context that it is situated in.

³⁴⁰ Kazaz.

*There is no reason to be discouraged. This is the way it is.*³⁴¹

³⁴¹ Judah.

Chapter 5

Conclusion

How can we remember past atrocities, especially those committed against groups during identity-based conflicts, while still retaining a focus on the individuality of the victims? What is most important to remember about the individual identities of victims who were killed as a result of group belonging? Can the individual be separated from the group, and how? How can we commemorate that loss without instrumentalizing it for political purposes, and who is memorializing a genocide 'for'? In the divided and ambivalently resolved atmosphere that dominates BiH, these questions present complex challenges.

It is becoming more common for judicial bodies to intervene in memory discourse as a form of symbolic reparation to communities that experience harm, as The Human Rights Chamber of Bosnia and Herzegovina did when it ordered the Republika Srpska to pay money toward the construction of the Srebrenica-Potočari Cemetery. It would seem that the cemetery is indeed capable of fulfilling the function that the Chamber hoped, by providing a place for the persons killed in the genocide to rest in peace and dignity. However, what we can see is that the cemetery and the commemorative culture that has grown around it are different things. The 'message' of that commemoration has the potential to be divisive or conciliatory; it depends on the individuals whose hands it rests in.

In trying to ascertain whether or not this memorialization at Srebrenica promotes reconciliation, questions have arisen about whether reconciliation is something that the individuals who organize the event actually want. If 'healing' is not the true goal of this commemoration, then what is?

It is clear that memorialization has consequences that extend beyond reparation.³⁴² When this reparation is granted to a community that has experienced harm, when war criminals are sentenced for their crimes, and at the moment that a former ultranationalist delivers an apology

³⁴² Shaheed, 23 January 2014 p. 4

for past transgressions, that community's pain is not immediately assuaged. These acts can provoke powerful, and sometimes negative, reactions in societies that are still negotiating a formidable recovery process. The work of international institutions and tribunals, like the ICTY, can provoke feelings of disappointment instead of recovery, as people find that this work does not relieve their pain in the way they might expect. A war criminal may be put behind bars, but survivors may not *feel* the loss of a loved one any less. This is an emotional reaction, however, and does not mean that the work of the tribunals is not important.

Additionally, a convicted war criminal may be greeted as a hero by his or her community on release, and then become 'rehabilitated', i.e. his or her nationalism may again be strengthened by the divided political environment that is still thriving twenty years after the war. Reconciliation is both a journey and a goal. It does not progress smoothly from one step to the next, but is contested within the society that grapples with its evolution.

In BiH, there are considerable obstacles that prevent the population from overcoming division and fostering reconciliation in a constructive way. Corrupt political leaders stoke fear and division as a means of survival, at the expense of their citizenry. In many cases, poverty and physical separation, combined with this political fear-mongering, prevent constructive civil dialogue from gaining traction. Collusion between political, religious, and judicial and police authorities present a heavy obstacle to justice, and engenders feelings of hopelessness and loss of faith in public institutions. There is, as was often pointed out to me during interviews, 'no De Gaulle', no Willy Brandt kneeling in the Warsaw ghetto. Such politics have not flourished in BiH, and so far the former Yugoslavia has not produced such leaders. In BiH, this might be caused in part by the toxic political structure, bound as it is to a tradition of corruption and linked with organized crime.

Despite the difficult cycles that BiH is locked in, Judah says, 'There is no reason to be discouraged. This is the way it is'.³⁴³

³⁴³ Judah

This is the way it is. In order to make things better in BiH, we need to try to see them as they are. That might mean trying to uncover the motivations behind divisive discourses, even related to sensitive subjects like the genocide at Srebrenica. A certain toxicity has bled into the memory discourse surrounding the genocide. Is it possible to change this discourse, and how?

According to Bajtal, 'The basis for a change in discourse is the rule of law'.³⁴⁴ This might mean that EU accession could aid in constructing a memory culture that is more humane, that understands the genocide as both a unique event with specific causes, and a human tragedy that took the lives of individuals, rather than a symbol that functions as a sectarian weapon. The question of how to address the structural injustices in BiH is an area that requires further study, and demands more space than can be reasonably given here.

It is also significant to note that this thesis has not treated the burgeoning notion of the 'right to remember' in the context of human rights discourse on cultural rights. This would present a complex issue in BiH, and further study might be undertaken to explore how far this right extends in divided societies, how it can be negotiated if the memory discourse itself is divisive. The current divided memory discourse in BiH would present unique challenges to the 'right to remember'. Further attention might also be given to cultures of remembrance related to mass atrocity, and the relationship between the persecution of a group, and individuals within that group.

So far as the memorial complex at Potočari is concerned, the Memorial Room could benefit from some additions that would contribute to a more open, conciliatory atmosphere. It might be beneficial to create a space in the complex that could house rotating exhibits, for example of artwork, by young people in BiH centred on themes of reconciliation. Hamber & Magill's research showed that young people in BiH are interested in promoting reconciliation, but they often feel closed out of the process.³⁴⁵ Opening up space for young people to participate in the

³⁴⁴ Bajtal.

³⁴⁵ Magill, Clare and Hamber, Brandon, (2011) 'If They Don't Start Listening to Us, the Future Is Going to Look the Same as the Past: Young People and Reconciliation in Northern Ireland and Bosnia' *Youth and Society* 43:2, p.509-527, p. 523.

memorial with new ideas about building relationships and moving forward could be a positive measure that might also expand the emotional range of the memorial space.

There are some changes that could be made in the memorial ceremony to shift the focus onto the victims, instead of on the relationship between the genocide and the political and international communities. The burial could be conducted earlier in proceedings, so that those who are grieving loved ones do not have to wait for long periods of time in uncomfortable or dangerous weather conditions of extreme heat. The reading of the victim's names could be made a more central feature of the process, and a representative of the families who are burying loved ones could be invited to speak before politicians or representatives of the international community are given the floor. This would put the loss of lives in Srebrenica at the centre of its largest annual remembrance event.

Survivor groups also carry the potential to promote a reconciliatory message, if they choose. They may not receive the recognition that they want from authorities in Republika Srpska or Serbia proper. They can, however, bestow recognition and comfort on one another, from communities within BiH and through the recognition they receive in the international sphere.

NGOs like Remembering Srebrenica, which sends British schoolchildren to BiH to learn about the genocide, could create a cultural exchange program where youths from Srebrenica and other parts of BiH visit the UK. This would make the program a two-way dialogue, instead of focusing exclusively on the 'lessons' that British schoolchildren can draw from Srebrenica's experience of genocide.

BiH is locked in a painful and competitive memory cycle. It will take the efforts of individuals to critically assess their own prejudices, and a political system that ensures proper economic and judicial justice based on the rule of law to make them feel safe enough to bridge the gaps that divide them. Mutual recognition of the suffering that has been endured across identity groups should be encouraged, even if one group has suffered a greater number of victims than others.

I asked Professor Bajtal if there are any civil initiatives where Bosniaks, Bosnian Serbs, and Bosnian Croats go to commemorate their tragedies together. He said,

Why don't we have the capacity to say, 'Ok, today we will all go together to Srebrenica, tomorrow we will all go to Bratunac? Twenty years have gone by, let's do it'. Whether the people are afraid of a gesture of this kind, I don't know, but I want to think that the people themselves would have the capacity to accept that.

If we ever get really wise politicians in power, they will do exactly that. Because that is an honest gesture, and you have to respect that. One needs to make an honest gesture. You can't sort of weigh the victims - five victims, ten victims - it doesn't really matter, victims are victims.

Numbers are for statistics, for history, for legal issues. But for human, moral ways of measuring, it is a conscience, and a victim is a victim, no matter what the numbers are. I would dearly like for that to happen, what you asked me. Is it happening? No, but I would like it to happen.³⁴⁶

In reconciliatory discourse, an emphasis should be placed on *building relationships*, rather than competing over the number of ethnic victims from each side.³⁴⁷ Kazaz has commented that in the current memory discourse, 'every medal rests on the slogan: to forgive, yes, but never to forget. I consider that slogan an oxymoron, it is a paradox. If we have forgiven, then we also need to forget'.³⁴⁸

It is painful to let go, because this means acknowledging that what we have lost will never return. Memorialization can be used for remembering, but it becomes dangerous when it is used to keep old conflicts alive. This inclination needs to be softened in order to achieve the balance between remembering and forgetting that any transitional state needs to negotiate in order to move forward.

³⁴⁶ Bajtal.

³⁴⁷ Magill and Hamber, p. 523.

³⁴⁸ Kazaz.

Hagan: Why do you stay?

*Bajtal: This is my country. They are making me crazy in my own country.
And I am trying to resist that.*

*I don't want to leave, what I have is mine. I've got 10,000 books up here
in the attic. I'm not giving them my books. If I leave, they are going to take
them.*

And the worst thing is, they won't even read them. ³⁴⁹

³⁴⁹ Bajtal.

References

Agence France-Presse, 'Srebrenica ceremonies may be cancelled over arrest', (23 June 2015) AFP <<http://news.yahoo.com/srebrenica-ceremonies-may-cancelled-over-arrest-190150497.html?nf=>>.

Agence France-Presse, 'Switzerland to extradite Bosnian Muslim war crimes suspect', (25 June 2015) AFP, <<http://news.yahoo.com/switzerland-extradite-BiHn-muslim-war-crimes-suspect-185753316.html?nf=1>>.

Agence France-Presse, 'Russia slams 'divisive' UN draft resolution on Srebrenica', (30 June 2015) AFP <<http://news.yahoo.com/russia-slams-divisive-un-draft-resolution-srebrenica-213842112.html?nf=1>>

Anadolu Agency, 'BiH: 136 Srebrenica genocide victims make last journey,' (9 July 2015) AA <<http://www.aa.com.tr/en/world/553141--BiH-136-srebrenica-genocide-victims-make-last-journey>>

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro Statement to the Press 26 February 2007, available at <http://www.icj-cij.org/court/index.php?pr=1898&pt=3&p1=1&p2=3&p3=1> [accessed 27 May 2015]

Associated Press, 'Vote on Srebrenica Resolution Delayed by Russian Veto Threat', (7 July 2015) AP <http://www.nytimes.com/aponline/2015/07/07/world/europe/ap-un-united-nations-srebrenica-resolution.html?_r=0>

Associated Press, 'Srebrenica Ceremonies Marred by attack on Serbia's Premier,' The New York Times (11 July 2015) <<http://www.nytimes.com/aponline/2015/07/11/world/europe/ap-eu-bosnia-srebrenica-anniversary.html>>

BBC News, Russia vetoes UN move to call Srebrenica 'genocide', (8 July 2015) BBC <<http://www.bbc.com/news/world-europe-33445772>>

BBC News, 'Srebrenica anniversary: Bosnia condemns attack on Serbian PM,' BBC, 11 July 2015 <<http://www.bbc.com/news/world-europe-33496684>>

BBC News, 'Srebrenica massacre anniversary: Crowds chase PM away', BBC, 11 July 2015
<<http://www.bbc.com/news/world-europe-33491540>>

Borger, Julian, 'Srebrenica: Cameron announces extra funds to remember massacre', (6 July 2015) The Guardian, <<http://www.theguardian.com/world/2015/jul/06/srebrenica-cameron-announces-extra-funds-to-remember-massacre>>

Campisi, Maria Chiara, (2014) 'From a Duty to Remember to an Obligation to Memory? Memory as Reparation in the Jurisprudence of the Inter-American Court of Human Rights', International Journal of Conflict and Violence, 8:1, p. 61-74.

Central Intelligence Agency World Factbook, Bosnia and Herzegovina
<<https://www.cia.gov/library/publications/the-world-factbook/geos/bk.html>> Accessed 10 July 2015.

Clark, Janine Natalya, (2009) 'From Negative to Positive Peace: The Case of Bosnia and Herzegovina', Journal of Human Rights, 8:4, p.360-384.

Clark, Janine Natalya, (2010) 'Reflections on trust and Reconciliation: a case study of a central Bosnian village', The International Journal of Human Rights, 16:2, 239-256.

Clark, Janine Natalya (2012) The 'crime of crimes': genocide, criminal trials, and reconciliation, Journal of Genocide Research, 14:1 p. 55-77.

Clinton, Bill, Former US President, 'Commemorating the 20th Anniversary of the Srebrenica Massacre', (Speech at Srebrenica Memorial commemoration 11 July 2015)
<<https://www.clintonfoundation.org/blog/2015/07/15/commemorating-20th-anniversary-srebrenica-massacre>> Accessed 20 July 2015.

Convention on the Prevention and Punishment of the Crime of Genocide (Adopted December 9 1948) UNGA Res. 260 (III) A.

Deutsche Welle, 'Serbia asks Switzerland to indict former Bosnian commander', (22 June 2015) DW <<http://www.dw.com/en/serbia-asks-switzerland-to-extradite-former-BiHn-commander/a-18530201>>.

Divjak, Boris, and Pugh, Michael, (2008) 'The Political Economy of Corruption in Bosnia and Herzegovina', International Peacekeeping, 15:3, 373-386.

Donais, Timothy, (2003) 'The political economy of stalemate: organised crime, corruption, and economic deformation in post-Dayton Bosnia', Conflict, Security & Development, 3:3, 359-382.

Donais, Timothy, (2013) 'Power Politics and the Rule of Law in Post-Dayton Bosnia', *Studies in Social Justice*, 7:2, p.189-210.

Dragovic-Soso, Jasna, (2012) 'Apologising for Srebrenica: the declaration of the Serbian parliament, the European Union and the politics of compromise', *East European Politics*, 28:2, p.163-179.

Mark Drumbl, (2004) Case Note: Prosecutor v. Radislav Krstic: ICTY Authenticates Genocide at Srebrenica and Convicts for Aiding and Abetting, *Melbourne Journal of International Law* 16 5(2) p. 434-449.

Ferida Selimovic et al v. the Republika Srpska, Decision on Admissibility and Merits, 7 March 2003.

Galtung, Johan, (1969) 'Violence, Peace, and Peace Research', *Journal of Peace Research*, 6:3, p. 167-191.

Gill, T.D. (26 March 2007), The Genocide case: Reflections on the ICJ's Decision in Bosnia-Herzegovina v Serbia, The Hague Justice Portal
<http://www.haguejusticeportal.net/index.php?id=7266> (accessed 27 May 2015).

-- Grand Mufti of BiH calls for remembrance of Srebrenica martyrs' 5 August 2014,
<<http://www.rijaset.ba/english/index.php/template/latest-news/290-grand-mufti-of-BiH-calls-for-remembrance-of-srebrenica-martyrs>> Accessed 24 July 2015

Haider, Huma, '(Re) Imagining Coexistence: Striving for Sustainable Return, Reintegration and Reconciliation in Bosnia and Herzegovina', *The International Journal of Transitional Justice*, 3, p. 91-113.

Hamber, Brandon, (2010) 'Repairing the Irreparable: Dealing with the double-binds of making reparations for crimes of the past', *Ethnicity and Health*, 5:3-4, p. 215-226.

Hazan, Pierre, 'Wrongs of the Past: the Memorialization Challenge', p.5.

H/W Support cable for European Brief OCPAS EUR 95/161 for 13 July 1995.
<http://www.foia.cia.gov/sites/default/files/document_conversions/89801/DOC_0000444673.pdf>

H/W Support cable for European Brief OCPAS EUR 95/163 for 15 July 1995.

<http://www.foia.cia.gov/sites/default/files/document_conversions/89801/DOC_0000444678.pdf>

Inzko, Valentin, 'Forty-seventh report of the High Representative for Implementation of the Peace Agreement in Bosnia and Herzegovina', 23 April 2015, UNSC S/2015/300

Jaspers, Karl, (1954) 'The Political Vacuum in Germany', *Foreign Affairs* 32:4 p.595-607

Magill, Clare and Hamber, Brandon, (2011) 'If They Don't Start Listening to Us, the Future Is Going to Look the Same as the Past: Young People and Reconciliation in Northern Ireland and BiH' *Youth and Society* 43:2, p.509-527.

Mars Mira Peace March Program 7-11 July 2015 <<http://www.marismira.org/en/program.php#/>> accessed on 22 July 2015.

Milovanovic, Marko (2005), 'Srebrenica - Judicial search for the truth, Yearbook of the Balkan Human Rights Network', 1, p. 131-147.

Marko Milanovic (2007), State Responsibility for Genocide: A Follow-Up, *The European Journal of International Law*, 18:4, 669-694.

Milanovic, Marko, (2010) 'Sejdic v. Bosnia and Herzegovina', *The American Journal of International Law*, 104:4, p.636-641, p. 640.

Milekic, Sven, '20,000 Mourn Croatia's dead at controversial WWII site', *Balkan Insight*, <<http://www.balkaninsight.com/en/article/20-000-come-to-commemorate-ww2-controversial-memorial>>

Miller, Paul B., (2006) 'Contested Memories: the Bosnian genocide in Serb and Muslim minds', *Journal of Genocide Research*, 8:3, p. 311-324.

Minow, Martha, (1999) 'The Work of Re-Membering: After Genocide and Mass Atrocity', *Fordham International Law Journal*, 23:2, p. 429-439.

Moll, Nicolas, (2013) 'Fragmented memories in a fragmented country: memory competition and political identity-building in Bosnia and Herzegovina', *Nationalities Papers: the Journal of Nationalism and Ethnicity*, 41:6 p- 910-935, p. 911.

Moon, Clare (2009) 'Healing Past Violence: Traumatic Assumptions and Therapeutic Interventions in War and Reconciliation', *Journal of Human Rights*, 8:1, p. 71-91.

Mukashema, Immaculee, and Mullet, Etienne (2013) Unconditional Forgiveness, Reconciliation Sentiment, and Mental Health Among Victims of Genocide in Rwanda. *Social Indicators Research*, 113, p. 121-132.

Neacsu, Calin and Smajilhodzic, Rusmir, 'Convoy of Srebrenica victims' remains arrives in massacre site', AFP (9 July 2015), <<http://news.yahoo.com/convoy-srebrenica-victims-remains-heads-massacre-144540284.html>>.

Nielsen, Christian Axboe, 'Surmounting the myopic focus on genocide: the case of the war in Bosnia and Herzegovina', *Journal of Genocide Research*, 15:1, p. 21-39.

Prosecutor v. Radislav Krstic (Judgement) 2001 ICTY.

Prosecutor vs. Radislav Krstic, Case No. IT-98-33-A; Appeals Judgement, 19 August 2004, para. 36, in Clark, 2012.

Radio Free Europe, 'Russia makes good on Promise to Serbia, Blocks 'Genocide' Measure,' (7 July 2015) RFE, <<http://www.rferl.org/content/serbian-leader-attend-srebrenica-memorial/27115604.html>>.

Remembering Srebrenica News, 'Rwanda Marks 20th Anniversary of Srebrenica Genocide,' (12 July 2015) <http://www.srebrenica.org.uk/news/rwanda-marks-20th-anniversary-of-srebrenica-genocide/>.

Reservations to the Genocide Convention, (Advisory Opinion) 28 May 1951, International Court of Justice Reports 1951.

Richmond, Oliver P. and Franks, Jason, (2009) 'Between partition and pluralism: the Bosnian jigsaw and an "ambivalent peace"', *Southeast European and Black Sea Studies*, 9:1-2, p. 17-38.

Rohde, David, 'Endgame: the betrayal and fall of Srebrenica, Europe's worst massacre since World War II' (1997) Penguin Books, London.

Roht-Arriaza, Naomi, (2004) 'Reparations Decisions and Dilemmas', 27 *Hastings International & Comparative Law Review*, p. 157-219.
<http://repository.uchastings.edu/faculty_scholarship/691/>.

Rubin, Joe, (2006) 'Srebrenica: A Survivor's Story, Interview with Hasan Nuhanovic', <http://www.pbs.org/frontlineworld/stories/bosnia502/interviews_hasan.html>, Accessed 30 May 2015.

Schroeder, Ursula C. And Friesendorf, Cornelius, (2009) 'State-building and organized crime: implementing the international law enforcement agenda in Bosnia', *Journal of International Relations and Development*, 12, p. 137-167.

Selimovic, Johanna Mannergren, (2010) *Focall-Journal of Global and Historical Anthropology*, 57, p. 50-61.

Shaheed, Farida, 'Report of the Special Rapporteur in the field of cultural rights: mission to Bosnia and Herzegovina', (3 March 2014) p.5 HRC/25/49/Add.

Shaheed, Farida, 'Report of the Special Rapporteur in the field of cultural rights: Memorialization processes', (23 January 2014) HRC/25/49.

Silber, Laura and Little, Allan, *The Death of Yugoslavia* (Revised edition, Penguin Books, London, 1996), p. 29.

Sinbeak, Tea, (2014) 'The Fall and Rise of a national hero: Interpretations of Draz'a Mihailovic' and the Chetniks in Yugoslavia and Serbia since 1945 *Journal of Contemporary European Studies* Vol. 17, No. 1, p. 47-59.

Sito-Sucic, Daria, and Zuvela, Maria, 'Serbian PM forced to flee Srebrenica massacre memorial', Reuters (11 July 2015) <<http://www.reuters.com/article/2015/07/11/us-bosnia-srebrenica-idUSKCN0PL00720150711>>.

Skillington, Tracey (2013) 'UN commemoration, transnational scenes of mourning and the global project of learning from atrocity', *The British Journal of Sociology*, 64:3, p. 501-525.

'Statue of Brcko District of Bosnia and Herzegovina', (2000) www.advokat-prnjavorac.com/legislation/Statute-of-the-Brcko-Distrikt-of-Bosnia-and-Herzegovina.pdf > Accessed 29 July 2015.

Steflja, Izabela 'Identity crisis in post-conflict societies: the ICTY's role in defensive nationalism among the Serbs', *Global Change, Peace and Security: formerly Pacifica Review: Peace, Security, and Global Change*, 22:2, p. 231-248, p. 235.

Stojarova, Vera, 'Organized Crime in the Western Balkans' *HUMSEC Journal*, 1, p. 91-114.

‘UN “Failed to Protect” People of Srebrenica, Deputy Secretary-General Says at Genocide Commemoration, “There Will Be Justice for Crimes Committed”’ (2015) Retrieved 19 July 2015 <http://www.un.org/press/en/2015/dsgsm887.doc.htm>

UN GA Resolution *Basic Principles and Guidelines regarding victims of gross violations of human rights* (21 March 2006) RES/60/147.

UN Human Rights Council ‘Summary of panel discussion on history teaching and memorialization practices’, (22 December 2014), HRC/28/36.

UNSC Res 824 (6 May 1993) UN Doc S/RES/824.

UNSC Res. 827, 25 May 1993 UN Doc S/RES/827.

United Nations Development Programme ‘About Bosnia and Herzegovina’
<http://www.ba.undp.org/content/bosnia_and_herzegovina/en/home/countryinfo/>

‘The Universal Declaration of Human Rights’,
<http://www.un.org/en/documents/udhr/history.shtml> accessed 22 May 2015.

van den Berg, Dion, (2010) ‘Rekindling the National Debate: How Public and Private Recognition can Shift the Dutch Discourse on Srebrenica’.
Vienna Convention on the Law of Treaties (Adopted 5 December 1966) UNGA Res. 2287 (XXII).

Viejo-Rose, Dacia, ‘Memorial functions: Intent, impact, and right to remember’, *Memory Studies*, 4:4, p. 465-480.

Williams, Martin and agencies, ‘Srebrenica crowds drive Serbian prime minister from anniversary event’, *The Guardian*, 11 July 2015
<<http://www.theguardian.com/world/2015/jul/11/srebrenica-crowds-drive-serbian-prime-minister-from-anniversary-event>>.

Wouters, Jan and Verhoeven, Sten (2005) The Prohibition of Genocide as a Norm of *Ius Cogens* and its Implications for the Enforcement of the Law of Genocide, *International Criminal Law Review* 5: 401–416.

Zertal, Idith, (2000) ‘From the People’s Hall to the Wailing Wall: A Study in Memory, Fear, and War’, *Representations*, 65, p. 96-126.

Interviews

Interview with Alison Sluiter, Associate Representative of the Konrad Adenauer Foundation in Bosnia and Herzegovina (Sarajevo 2 June 2015).

Interview with Alma Arslanagic-Pozder, Regional Cooperation Council (Sarajevo June 4 2015)

Interview Dr. Esad Bajtal, Author (Sarajevo 4 June 2015)

Interview Dr. Svetlana Broz, Author (Sarajevo 5 June 2015)

Interview with Prof. Enver Kazaz, Faculty of Philosophy, University of Sarajevo (Sarajevo 8 June 2015).

Interview with Jelena Jovanovic, Analyst/Researcher, Humanitarian Law Center, Belgrade, Serbia. (Interview conducted via Skype 11 June 2015).

Interview with Allan Little, Author, Journalist (Interview conducted via Skype 26 June 2015).

Interview with Tim Judah, Author, Journalist (Interview conducted via Skype 4 July 2015)

Correspondence

Statement by Tim Judah (Personal email correspondence 22 July 2015).

Statement by Hikmet Karcic (Personal email correspondence 1 July 2015).

Annex I

Historical Background

Srebrenica is a town in Eastern Bosnia, situated 15 miles from the border with Serbia. Its population in 1991 was 37,000 people, 73 percent of whom were Bosniaks, and 23 percent were Bosnian Serbs. When the Bosnian War broke out in 1992, Srebrenica and the surrounding region was considered to be of strategic importance for Bosnian Serbs forces intent on creating an exclusively Bosnian Serb entity within BiH. Srebrenica fell under Bosnian Serb control for a several weeks in early 1992, but Bosniak forces, led by Naser Oric, were able to retake it. Bosniak forces in Srebrenica and nearby Zepa became locked in a struggle with Bosnian Serb forces in the area, while each side attacked villages and one another's civilian populations. Bosniaks from area villages fled to Srebrenica for safety, and by 1993, its population grew to 50,000 to 60,000. Living conditions inside the enclave were poor due to overcrowding and a state of siege. Srebrenica is located in a valley, and was surrounded and shelled by Bosnian Serb forces that cut the city's water and electricity supplies. Food and other necessities were difficult to come by.

In March 1993, the head of UNPROFOR in BiH, General Philippe Morillon, visited the enclave and, appalled by the conditions there, promised that the Bosniaks of Srebrenica would be 'under UN protection'. Soon after, the UN evacuated 8,000 to 9,000 Bosniaks from Srebrenica. The Bosnian government considered this act a form of abetting the Bosnian Serbs' ethnic cleansing project in Eastern Bosnia. On 13 April 1993, Bosnian Serb forces told representative of the UN Refugee Agency that they would attack Srebrenica if the Bosniaks did not agree to be evacuated. On 16 April 1993, the UN Security Council passed a resolution declaring Srebrenica and several other towns in Eastern Bosnia 'safe areas'.

UNPROFOR dispatched about 600 lightly-armed peacekeepers to the enclave. Two years passed with the area remaining relatively stable. The situation quickly deteriorated in 1995, and the VRS began to attack the enclave on 6 July. The VRS took over the UNPROFOR posts that had been set up around Srebrenica, and on 9 July, Bosnian Serb President Radovan Karadzic authorized VRS troops to take the enclave. The UNPROFOR forces, headed by Dutch Colonel Karremans,

requested close air support from NATO to repel the attack. Due to a series of misunderstandings caused by an elaborate and bureaucratic approval process, the requested NATO protection did not materialize.

Under the command of General Ratko R. Mladic, along with General Krstic, VRS troops took the town of Srebrenica. 20,000 to 25,000 Bosniaks from the enclave fled to the nearby Dutch Battalion base at Potočari. Another 15,000, mostly men from Srebrenica, attempted to make the treacherous journey on foot through the forested mountains to Bosnian held territory in Tuzla, about 60 miles away.

On 12 July VRS soldiers converged on and overwhelmed the Dutch base at Potočari. The base was not equipped to protect such a large number of refugees, and the conditions amounted to a humanitarian crisis. Beatings, harassment, rapes and killings occurred at the base. On 12 and 13 July, the women, children and the elderly were bussed out of Potočari under the supervision of the VRS. Men and boys as young as 14 were separated, taken to various locations in the area, and killed, mostly between 13 and 19 July. The men who had departed on the walk to Tuzla were attacked as they tried to cross over to safe territory, and many were also captured and killed. Their bodies were buried in mass graves. Later, in November 1995 some of these primary grave sites were excavated and the bodies reburied. This severely damaged the remains, making later identification difficult. It is estimated that close to 8,000 men and boys were killed in the genocide.³⁵⁰

³⁵⁰ *Krstic* Judgment, para. 6-70.

Interview Questions

Reconciliation

Could you comment on the current state of reconciliation in Bosnia? Could you share your opinion on the pace of reconciliation after the wars in the 1990s?

What do you think it will take to move reconciliation forward?

Do you think the project of reconciliation is necessary?

Is there a way to foster recognition of the suffering of the other between competing groups?

What is Transitional Justice for you?

If each side is waiting for a first reconciliatory gesture from the other, how can we encourage one group to make that first move?

Do you think that this culture of competing victimisation could be harmful to the communities themselves, regardless of their relationship, or outside their relationship to their communities?

Memorialization

Could you share your impressions or your opinion about the Srebrenica memorial?

Could you talk about the positive features of the Srebrenica memorial?

Since you have attended commemoration ceremonies in the past can you make a comment about the relationship between the political speakers, and the burial ceremony itself?

Are representatives from the local/survivor communities invited to give statements at the Srebrenica commemoration, or just politicians and members of the international community?

Can you comment on the international community's role in commemorating Srebrenica?

Is there translation of the speeches at the commemoration ceremony at Srebrenica?

Can you make a comment about reparations for the Srebrenica community? Have they been adequate, and if not, what would be more appropriate?

Why do you think there was a problem erecting the memorials to people who showed civil courage during the war in Sarajevo?

Do you think memorials promote recognition of suffering across groups?

What is the relationship between memorials and reconciliation? If communities only memorialize only their own tragedies without acknowledging the suffering of the other group?

Politics

Do politicians still use political rhetoric like that, by positioning other groups as a threat to their livelihood?

Do you believe that it benefits politicians in Bosnia to enforce division? How?

Is there a relationship between the way the war ended and the problems that have cropped up in reconciling communities with each other now?

How do you encourage auto-criticism and critical thinking in the public sphere?

Do you think that there is a relationship between poverty and reconciliation?

Do you think that Republika Srpska generally follows Serbia's political lead?

Could you expand on the relationship between educational institutions under the influence of politicians?

How would it be possible to address competing nationalist narratives at the political level?

Has the accession of Croatia, and will the future accession of Serbia to the EU improve the situation in Bosnia somehow?

Why do you think the EU doesn't push Serbia and Croatia harder to 'take responsibility' for the state that Bosnia is currently in?

Srebrenica, and several other towns in Bosnia, were declared 'safe areas'. This wording was specifically chosen because the term 'safe haven' has a specific meaning under international law. Could you elaborate on this distinction? Is there an understanding of the intended difference between 'safe areas' and 'safe havens' now?

Serbian Prime Minister and former nationalist Aleksandar Vucic, expressed his willingness to attend the Srebrenica commemoration if the people of Bosnia would accept his attendance. In your opinion, is this a sincere gesture? Do you think the public in Bosnia would consider it sincere? Do you think it will make a difference to people in Serbia, or to people in Republika Srpska in the way that they see Srebrenica?

Britain has said it is drafting a UN Security Council resolution to mark the 20th anniversary of the Srebrenica massacre in July, that reflects on the UN's failure to prevent genocide. Serbia has

stated that it will request that Russia veto the resolution. Would the resolution be a positive measure for survivors of Srebrenica, and how? If the resolution is vetoed by Russia because of Serbia, what does this say/show about the state of reconciliation in the former Yugoslavia region?

Memory

Could you make a comment about competing claims of victimhood among different communities in Bosnia, especially with regard to the wars in the 1990s?

How do you remember mass atrocities, treating it with the respect that it deserves, but without allowing that memory to be instrumentalized to enforce division?

What can we do with painful memories from 20 years ago now?

What is the relationship between war criminals and the culture of remembrance in Bosnia?

In terms of memory sites throughout Bosnia, are there ever cases of communities commemorating atrocities together?

Is it possible for the different groups in Bosnia to have an agreement about the past, and is that necessary?

Judicial decisions and reparations

Do you think the international tribunals encourage reconciliation?

Has the judicial determination of Srebrenica as a genocide by the ICJ and the ICTY given that particular group of victims and survivors a particular status?

Could you comment on the statement that Republika Srpska issued that apologised for Srebrenica, but fell short of acknowledging it as a genocide?

Do you think that symbolic reparations have value, for example in the decision by the Human Rights Chamber of Bosnia and Herzegovina, the Republika Srpska was ordered to pay two million marks to Srebrenica Potočari Memorial Foundation?

Do you think that Bosnia's domestic institutions are effective?

When you have all of this separation, what would a reconciled environment look like in Bosnia?

Are there reparations for not only Srebrenica survivors, but other survivor communities in Bosnia? What are they, and how do they work?

Who decides, and who defines who qualifies as war victim?

Do you believe that an apology from the international community to the people in Bosnia is necessary, or would help?

What kind of reparations best serve victims of the war - what has been offered, what has been suitable or not?

Abstract

Political elites in the former Yugoslavia engineered social ruptures between ethnic identity groups in the run-up to the Yugoslav wars of the 1990s. The 1995 Dayton Peace Agreement ended the Bosnian war by creating a governmental model that institutionalized this division. Nearly twenty years after the end of the Bosnian war, Bosniaks, Bosnian Serbs, and Bosnian Croats remain divided by ethno-national and religious identity structures. The contemporary political and memory landscapes are dominated by conflicting notions of the past, especially (though certainly not only) regarding human rights violations that occurred during the Bosnian war. The most notorious example of this phenomenon can be located in the memory competition surrounding Srebrenica, where approximately 8,000 Bosniak men and boys were killed by Bosnian Serb and Serbian forces in July 1995. However, the most prominent - that is, the largest - commemorative acts surrounding the genocide at Srebrenica do not positively contribute to reconciliation, but enforce division. This is a result of problematic socio-political structures that the memory of past human rights violations is situated in.

Human Rights, Memory, Genocide, Reconciliation, Bosnia and Herzegovina

Abstrakt

Die politischen Eliten des damaligen Jugoslawien führten im Vorfeld der Jugoslawienkriege der 1990er Jahre einen sozialen Bruch zwischen den ethnischen Gruppen herbei. Das Friedensabkommen von Dayton beendete 1995 den Bosnienkrieg, indem es ein Regierungsmodell schuf, das diese Spaltung institutionalisierte. Diese Spaltung zwischen Bosniaken, bosnischen Serben und bosnischen Kroaten aufgrund ethno-nationaler und religiöser Identitätsstrukturen besteht auch beinahe zwanzig Jahre nach dem Ende des Bosnienkrieges fort. Die Konfliktnationen der Vergangenheit dominieren die gegenwärtige politische Landschaft und die gegenwärtige Erinnerungskultur, insbesondere, wenngleich gewiss nicht ausschließlich, was Menschenrechtsverletzungen während des Bosnienkrieges anbelangt. Ein notorisches Beispiel dieses Phänomens kann im Erinnerungswettkampf um Srebrenica gesehen werden, wo im Juli 1995 ungefähr 8 000 bosniakische Männer und Jungen von bosnisch-serbischen und serbischen Truppen getötet wurden. Die bedeutendsten, das heißt, die umfangreichsten, Gedenkhandlungen in Bezug auf den Genozid von Srebrenica tragen jedoch nicht im positiven Sinn zur Versöhnung bei, sondern verstärken die Spaltung. Dies ist ein Resultat problematischer sozio-politischer Strukturen, in denen die Erinnerung an vergangene Menschenrechtsverletzungen fortbesteht.

Menschenrechte, Erinnerung, Völkermord, Versöhnung, Bosnien Herzegovina

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February 2015-present, Publications Assistant, South East Europe Media Organization

South East Europe Media Organization (SEEMO) is an affiliate of the International Press Institute in Vienna, Austria. It is dedicated to monitoring, reporting on, and advocating for the protection of journalists and freedom of expression in South East Europe.

- I create and edit content for SEEMO publications, including press releases, reports, and web content about the state of freedom of expression in South East Europe

June 2014 to present, Editor-in-Chief, Universal Human Rights Student Network

Universal Human Rights Student Network is an international network of human rights students. Members of UHRSN join together to promote interest in human rights-related issues.

- As Editor-in-Chief I edit news articles submitted by network members and manage the Editorial calendar of the UHRSN blog website.

October 2014 to February 2015, Intern, International Press Institute, Vienna, Austria

The International Press Institute (IPI) is a global network of the journalists, editors, and media executives dedicated to promoting media freedom around the world. IPI undertakes a number of advocacy and reporting initiatives to protect freedom of expression

- I researched and coordinated the organization's Death Watch project, monitoring and investigating journalist deaths, and drafting text for entries.
- I researched and produced original content for the IPI website about current threats to or attacks against journalists and media freedom around the world.
- I researched and drafted advocacy materials in support of specific cases of endangered journalists in Myanmar, Iran, and Syria.

September 2013 to January 2014 - Intern, Women Without Borders, Vienna, Austria

Women Without Borders is an international advocacy and research organization based in Vienna that supports women whose communities are affected by terrorism.

- I conducted research for special projects for the organization.
- I assisted with the planning and staffing of the SAVE international conference in Vienna December 2013
- I provided editorial feedback for training materials created for the organization's Mothers School Project

October 2006 to August 2013 Volunteer Coordinator, Books Through Bars, Philadelphia, PA

Books Through Bars is an organization in Philadelphia, Pennsylvania that provides free books and educational resources to inmates in prisons throughout the Mid-Atlantic region. As Volunteer Coordinator, I was a member of the leadership team and also the fundraising committee:

- I designed and provided weekly on-site volunteer orientation and training to teach volunteers how to effectively distribute educational resources to prisoners.
- I participated in monthly operational meetings to review budgetary and logistical needs
- I assisted with planning and staffing of community-based educational outreach and fundraising events – including the Bring Down the Walls Read-a-thon and film screening series in 2010 and 2011, and the Dictionary Drive fundraiser in 2012.
- I wrote the Bread and Roses Phoebus Community Justice Initiative Grant in November 2010, which helped secure funding for the activities of Books Through Bars.

Additional Training

2014 CREAN Summer School on Children's Right to non-discrimination: The 2014 two-week CREAN summer school was funded by the European Union and focused on human rights protections for children under the CRC, in particular the right to non-discrimination.

2011 Grassroots fundraising training, Sylvia Rivera Law Project: Fundraising training workshop on strategies for raising money from individuals or local foundations.

2010 Conflict resolution training: Conflict mediation & resolution workshop that focused on group dynamics and how to resolve conflict in respectful ways.