



## UNDERSTANDING ATROCITIES: REMEMBERING, REPRESENTING, AND TEACHING GENOCIDE

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## Finding Global Justice Locally at Sites of Atrocity: The Case for the Srebrenica-Potočari Memorial Center and Cemetery

*Laura Beth Cohen*

### Introduction

Signed by all parties in November 1995, the General Framework Agreement on Peace (also known as the Dayton Peace Agreement) brought an end to the 1992–1995 Bosnian War.<sup>1</sup> Trials for accused war criminals continue to be heard by courts at the international, national, entity, and canton levels for a wide range of war crimes and mass atrocities. Importantly, though, while the carnage wrought by armies and militias may have ended, the wars over human rights, history, memory, and commemoration continue to be waged in the fragile socio-political terrain that now defines contemporary Bosnia i Herzegovina (Bosnia). These issues are, in many ways, painful reminders that the conflict is still ongoing between Bosnia's three constituent peoples—Bosnian Muslims (Bošniaks), Bosnian Serbs, and Bosnian Croats—having shifted from a physical war with guns to a political war over memories.

The battle over the memorialization of the 1995 Srebrenica genocide is a potent example of how this process is navigated by local stakeholders. As opposed to trials of high-ranking officers held by the International

Criminal Tribunal for the former Yugoslavia (ICTY)—the primary global justice mechanism for trying those involved in the genocide (in addition to other crimes committed in the region during the 1990s)—lower-ranking perpetrators may never be indicted. Some still reside alongside survivors in their pre-war communities, where they retain positions of political and municipal power. This painful contradiction is apparent in the communal and national battles over the creation of memorials at former sites of atrocity. Given that many outside-imposed transitional justice mechanisms, especially criminal prosecutions, have not lived up to victims' expectations, local justice is interpreted differently and contested frequently at these locations, such as the Srebrenica-Potočari Memorial Center and Cemetery to the Victims of the 1995 Genocide (henceforth Srebrenica Memorial).<sup>2</sup> At their most basic level, the battles about commemoratively marking these sites of atrocity showcase how survivors have sought other avenues to secure justice locally.

I contend that sites of atrocity reveal the ways communities with divisive wartime memories orient themselves to the past, and in so doing shed light on how traumatized post-conflict populations collectively try to rebuild their communities and lives. In the case of Srebrenica, I argue that there has been a positive translation of global justice at the local level in the form of the Srebrenica Memorial. Specifically, I focus upon how the Srebrenica Memorial delivers global justice locally in straightforward as well uncanny ways to reveal the site's subtle contradictions, juxtapositions, and ironies. Importantly, the international community approved the mandate for the Srebrenica Memorial in response to intense lobbying by Srebrenica's survivors, and it is therefore unique. All other Bosnian memorialization initiatives at sites of atrocity are led—and disputed—by the communities in which they are located.

An assessment of the Srebrenica Memorial is therefore rooted in the strategic importance of memorial sites as locally symbolic and practical locations of global justice. Sites of atrocity are particularly important in studying the complexities of nationalized and localized processes of transitional justice in post-conflict societies where the past remains highly contested.<sup>3</sup> Traditional transitional justice scholars emphasize the importance of restoring truth and justice to the victims via state institutions, legal mechanisms, and reconciliation commissions.<sup>4</sup> In contrast, sites of atrocity remain embedded in the community where the crimes happened

and where the past is temporally omnipresent.<sup>5</sup> Sites of atrocity are thus an important arena for understanding not only individual but also communal and national memory in the aftermath of war.

This chapter begins with a brief overview of the Srebrenica genocide and the ensuing legal responses, including those of the ICTY and the International Court of Justice (ICJ). In part 2, I analyze the differing ways that “justice” itself is defined as well as the challenges that arise when transitional justice programs, as envisioned by outside actors, are implemented at the local level. In part 3, I examine the problematic nature of contested memory, including the roles that divisive mnemonic communities play during struggles to create memorials at local sites of atrocity. In part 4, I theorize how the “transitional justice imaginary” plays out at local sites of atrocity, simultaneously keeping these communities stuck in the past yet unable to move forward. I conclude with reflections about the ways the Srebrenica Memorial contributes both to the positive and negative aspects of the genocide’s memorialization. This includes some thoughts about the significance and challenges of these kinds of site-specific memorialization projects in relationship to other post-conflict transitional justice mechanisms.

## Methodology

The primary source material for this chapter was gathered during my ethnographic fieldwork in Bosnia during 2011 and subsequent visits in 2012 and 2015. (Subsequent data from fieldwork conducted in 2016 has not been included in this chapter.) My qualitative data included site visits, photographic documentation, and property mapping of the Srebrenica Memorial and other 1992–1995 Bosnian War sites of atrocity located elsewhere in the Srebrenica municipality. I also documented and conducted participant observation at public commemorative events related to the Srebrenica genocide (in Bosnia) as well as alternative commemorative events held by the Bosnian Serb community. My research encompassed numerous visits to the Srebrenica Memorial, including a review of its daily operations as well as independent investigations and guided tours with survivors, staff members, and former Dutch United Nations (UN) Peacekeepers.

I interviewed thirty-two individuals across six different groups using purposive and snowball sampling. These included meetings with the

Srebrenica Memorial's staff; domestic academics, experts, and representatives of civil society organizations; national staff members and government ministers; staff members from national and international non-governmental organizations; international staff members of the Bosnian War Crimes Chamber; residents of Srebrenica; and members of local victims associations. I visited seven of the Srebrenica genocide execution sites on 13 July 2012 with the three different groups of Mothers of Srebrenica,<sup>6</sup> and in July 2015 I attended the twentieth anniversary commemoration of the Srebrenica genocide, where I was able to investigate renovations currently underway at the Srebrenica Memorial. I used a grounded theory approach to analyze my findings, having organized them using various qualitative coding schemes to identify topics and patterns related to the study.

## Part 1: War, Genocide, and Aftermath

The Bosnian War began on 6 April 1992 in Sarajevo. It followed the Socialist Republic of Bosnia i Hercegovina's 1992 referendum to formally secede from the Socialist Federal Republic of Yugoslavia—thus becoming the Republic of Bosnia i Hercegovina.<sup>7</sup> This declaration galvanized Serbia, led by then prime minister Slobodan Milošević, to declare war,<sup>8</sup> using the Yugoslav People's Army (JNA) as Serbia's proxy along with the Bosnian Serb Army (VRS) and independent Serbian and Bosnian Serb militias, led by Ratko Mladić and Radovan Karadžić.<sup>9</sup> The Drina Valley (Podrinje) is the eastern part of Bosnia that borders Serbia, and it is here that the VRS and its associated militias first began their campaign of ethnic cleansing (*etničko čišćenje*) upon the war's outbreak.<sup>10</sup> Formerly home to 37,000 residents of various ethnicities with a majority of Bošniak inhabitants, the VRS sought to ethnically cleanse the entire Srebrenica municipality (*opština*) and other neighbouring areas of all Bošniaks.<sup>11</sup>

In 1993 the Srebrenica enclave was declared one of six humanitarian "Safe Areas" by UN Security Council Resolutions 819 and 824.<sup>12</sup> On 11 July 1995, the enclave, theoretically under the protection of the Dutch UN Peacekeeping Battalion (or "DutchBat"), was overrun by the VRS. Between 11 and 22 July 1995, nearly half of the Bošniak men and boys who fled through the forest, and nearly all the men and boys gathered in the exterior surroundings of the former Yugoslav-era battery factory (the UN's peacekeeping headquarters)—approximately 8,372 in total—were



2.1 Plaque inside the cemetery portion of the Srebrenica Memorial, Laura Beth Cohen, July 2012.

systematically executed.<sup>13</sup> Women and girls were forcibly bused to Tuzla, located in the then free territory controlled by the Army of Bosnia i Hercegovina (ARBiH).

These killings became the single largest massacre to take place on the European continent since World War Two,<sup>14</sup> and the ICTY formally declared them genocide during the Radislav Krstić case.<sup>15</sup> A controversial debate has long raged about whether the DutchBat leadership knew what was happening right in front of their eyes.<sup>16</sup> Separately, in 2007, the ICJ followed up with its own ruling regarding Serbia's involvement in the Srebrenica genocide. The ICJ held that, while Serbia was not responsible for actually committing the genocide, the country did, in fact, violate its obligations under the UN Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention).<sup>17</sup> Most significantly, following the signing of the Dayton Peace Agreement in 1995, the Srebrenica *opština* was assigned to the entity of the Republika Srpska (RS) governed by Bosnian Serb authorities.<sup>18</sup>

## Part 2: Interpreting Global Justice Locally

In the wake of the unimaginable human slaughter committed by the Nazis during World War Two, the quest for justice continues to take centre stage, a legacy of the International Military Tribunal at Nuremberg.<sup>19</sup> Modern iterations of these international criminal tribunals (ICT), such as the International Criminal Court, the International Criminal Tribunal for Rwanda, and the ICTY, as well as hybrid international-national courts (such as the Special Court for Sierra Leone and the Extraordinary Chambers in the Courts of Cambodia), have been created in the aftermath of such wanton and intentional brutality. They focus on the identification and prosecution of war criminals when governments commit massive human rights violations and atrocities—such as crimes against humanity, genocide, and war crimes—against their own populations (depending upon an individual ICT’s mandate). Simultaneously, these ICTs can also be interpreted as an attempt to assuage the guilt of these same international actors for not having prevented the atrocities in the first place.<sup>20</sup> As they relate to the adjudication of genocide, crimes against humanity, and other crimes of war in the international arena, ICTs, according to David Koller, are a blend of both *legal doctrine* (i.e., holding perpetrators legally accountable by the standards of international criminal and humanitarian law) and *realpolitik* (i.e., the political decisions, considerations, and negotiations of state actors involved in their creation).<sup>21</sup> The establishment of these ICTs is premised on the twin beliefs that, by bringing accused senior-level criminals to trial, this may both act as a deterrent to future crimes and deliver some sort of justice to the aggrieved population.<sup>22</sup>

Yet what exactly defines justice? The “justice” literature is immense in its scope, offering diverse legal and normative interpretations as well as alternative conceptions, especially as it relates to transitional justice mechanisms.<sup>23</sup> For example, Kingsley Chiedu Moghalu explains that justice, in its most basic and conceptual form, can be interpreted in two ways. The first is through the lens of *equality*: “The equal distribution and application of rights and privileges” among all peoples in a given society.<sup>24</sup> The second is through the lens of *formality*: “The specific context of the equality of such rights and privileges before the law.”<sup>25</sup> Moghalu then describes three normative and interconnected levels of justice that also exist within international society. These include *international/interstate justice* (i.e., “the

rights and duties of sovereign states in international relations on the basis of sovereign equality”); *individual or human justice* (i.e., “the rights and duties of individuals as subjects, not just objects, of international law”); and *cosmopolitan or world justice* (i.e., that which “embodies a radical transnational extension of individual justice”).<sup>26</sup>

Jeremy Webber offers another typology—this one on the different types of justice in actual practice. He argues there are three kinds of justice operating at various times: “retrospective (backward-looking); prospective (forward-looking); and the adjustment of contending legal and political orders.”<sup>27</sup> *Retrospective* justice is retributive in nature and deals with the legal righting of past wrongs, mostly through criminal trials.<sup>28</sup> *Prospective* justice (also known as *restorative* or *distributive* justice) is community-oriented and seeks to repair post-conflict damage through trials and other non-judicial forms, including truth-telling commissions, reparations, restitution, and memorialization projects, among others.<sup>29</sup> The third form of justice, *reforming the “legal and political order,”* refers to institutional reforms as well as other democracy building and rule of law initiatives that aim to rebuild the formal structure of the post-conflict society so that both retrospective and prospective justice can flourish within the domestic context.<sup>30</sup> What is referred to as *transitional justice* may include a combination of initiatives, including criminal prosecutions; memorialization/memory projects, memorials and commemorations; truth-telling/truth commissions; monetary reparations; institutional reform and lustration; and restitution.<sup>31</sup> However, there are a range of concerns about and issues with the ways that transitional justice is envisioned, translated, and administered, as I will show.

Another way of conceiving of justice is how it plays out in the courtroom. Here, too, there are differing interpretations. At one end of the spectrum is Hannah Arendt’s belief that justice, as delivered through criminal trials, should strictly follow the law to the exclusion of all other considerations, including the background context of the crimes and why things unfolded as they did.<sup>32</sup> This view, known as *legal formalism*, is founded upon a strict interpretation of the way the law is supposed to function in democratic societies: using only primary evidence and concrete facts to determine the accused’s guilt or innocence through an established set of rules, procedures, and relationships between the defendant, prosecution, lawyers, and judges.<sup>33</sup> Legal formalists believe that these decisions should

be made without reference to social, political, historical, philosophical, or moral considerations.<sup>34</sup>

For Pierre Bourdieu, however, there is a sociological aspect to the practice of law that does, in fact, influence how it is interpreted, communicated, and practised. This “juridical field” includes the implicit social conventions, values, and traditions followed by those who work within it. As Richard Terdiman explains, “[This] internal politics of the profession exercises its own specific and pervasive influence on every aspect of the law’s functioning outside the professional body itself.”<sup>35</sup> Moreover, when we take account of the differences between systems of civil and common law, as well as the socio-cultural, legal, and political variances in individual countries, it is little wonder that the definition of justice remains so elusive.<sup>36</sup>

Beyond the emphasis on criminal trials, victims and survivors continue to call for these investigations to illuminate the truth of what happened and to increase efforts to locate their still-missing loved ones so they are able to bury and commemorate them.<sup>37</sup> This dichotomy between, on the one hand, the international community’s desire to “help” traumatized populations rebuild in the aftermath of war and, on the other hand, the need for survivors to reclaim their agency, humanity, and voice, creates resistance.<sup>38</sup> This struggle reflects the differing priorities and methods of outside actors, national governments, and local communities all struggling to make sense of what has happened and to provide recourse. It also includes the challenges of top-down approaches, often led by outsiders, and bottom-up initiatives conceived of at the grassroots level. Anna Lowenhaupt Tsing defines such “friction” as “the awkward, unequal, unstable, and creative qualities of interconnection across difference.”<sup>39</sup>

The prevailing assumption is that these transitional justice mechanisms—specifically ICTs—have a positive influence on survivors by delivering justice.<sup>40</sup> However, according to Miklos Biro et al., “For many survivors, justice may not mean trials but a much more personal sense of what they need in order to move on with their lives.”<sup>41</sup> Eric Stover further posits that justice is not a monolithic concept; in fact, it must consist of several components in order to resonate with survivors. These include consultations between internal and external actors, including victims; clearly defined aims; a mixture of international and national judicial solutions; implementation of additional transitional justice mechanisms, such as truth

commissions and memorials; and social justice considerations to help survivors move on with their present-day lives.<sup>42</sup> Hugo van der Merwe's postulation about the fuzzy definition of justice is equally illuminating. He notes that

a number of factors may feed into a sense that justice has been done. At a simplistic level is the issue of whether victims feel that perpetrators have been sufficiently punished. But a more inclusive approach could also consider the sense of vindication provided by the punishment, whether victims have a better understanding of how they came to be victimized, their ability to regain a sense of power relative to the perpetrator, or the reestablishment of a sense of meaning in society, which may have been destroyed by the victimization.<sup>43</sup>

These competing visions of what defines post-conflict transitional justice programs complicate the meaning of justice for local survivors.<sup>44</sup> Calls for reparations, as well as social justice (including economic reforms), and/or locally relevant interpretations of justice, can also offer meaningful and practical alternatives.<sup>45</sup> For example, John Torpey advances the argument that “reparation politics” are a more comprehensive way of envisioning and achieving transitional justice’s aims. His typology of reparations emphasizes “communicative history” (i.e., “memory, memorials, and historical consciousness”) as the overarching mechanism, followed by apologies, reparations, and, finally, transitional justice. He also argues that demands for reparations occur in both post-conflict societies as well as those of long-established liberal democracies (such as, for example, calls for reparations by indigenous populations).<sup>46</sup>

Centred in between these disparate perspectives is the oft-ignored positive impact of memorialization. Beyond the pro-democratic efforts to bring the rule of law and justice to societies in the aftermath of collective violence, the role of memorialization allows survivors to have a voice in the rebuilding of their society, according to Rosalind Shaw and Lars Waldorf.<sup>47</sup> This is because memorials function on a broader socio-political plane, rather than within the “narrow definition of symbolic reparation.”<sup>48</sup> Additionally, because so much of the debate is negotiated at the local level, what shall be remembered and what shall be forgotten must be negotiated

there since it is the community itself that must find a way to achieve civil relations. Outside actors with memorialization expertise must therefore be respectful of the community's needs, regardless of the outcome.<sup>49</sup>

### *Localizing Global Justice in Srebrenica*

The ICTY is the primary international criminal justice mechanism for trying high-level perpetrators of crimes committed during the wars in the Balkans during the 1990s, including the Srebrenica genocide.<sup>50</sup> While the Tribunal's prosecutors included the count of genocide in several different cases concerning massacres committed throughout Bosnia, Krstić was the first man to be convicted of the crime of genocide in Srebrenica.<sup>51</sup> A large discursive body of literature has focused on the myriad issues related to all aspects of the ICTY, including its Western-derived emphasis on the rule of law and delivery of justice as a form of democracy promotion. Issues have been raised about which cases it decided to pursue; its outreach programs and treatment of victims before, during, and after the trials; its acquittals, convictions, and sentencing of perpetrators; its inability to generate a comprehensive factual history of the Bosnian War; its handling of evidence; and its often conflicting judicial decisions for similar crimes in different cases.<sup>52</sup> While the ICTY is set to permanently close down in 2017, its ongoing critical functions will be transferred to the United Nations Mechanism for International Criminal Tribunals.<sup>53</sup>

As it relates to the Srebrenica genocide, the case against Mladić is still underway. Mladić is currently in custody in The Hague, indicted for both his role in masterminding the Srebrenica genocide and "persecutions, extermination, murder, deportation, inhumane acts, terror, unlawful attacks, [and the] taking of hostages."<sup>54</sup> His case is expected to conclude before the ICTY closes down. In March 2016, Karadžić was convicted of "genocide, crimes against humanity and violations of the laws or customs of war committed by Serb forces during the armed conflict in Bosnia ... from 1992 until 1995" and received a sentence of forty years imprisonment.<sup>55</sup> Despite all of its issues and controversies, the ICTY still remains the single most influential global justice mechanism related to the Srebrenica genocide. Yet for the majority of Srebrenica's survivors, the justice the ICTY has delivered remains hollow.<sup>56</sup>

However, as Sarah Wagner has argued, a second global justice mechanism was also created at the behest of the American president Bill Clinton

in the form of the International Commission on Missing Persons (ICMP).<sup>57</sup> Upon discovery of the hundreds of mass graves littered throughout the Podrinje, the ICMP eventually took up the role of exhuming these human remains while simultaneously developing an extensive DNA forensic identification process to identify the victims; providing evidentiary documentation to the ICTY; and eventually returning the mortal remains of the victims to their surviving families.<sup>58</sup> However, as is the case with the ICTY, the ICMP's work, despite its mandate of neutrality and its emphasis on recovering the remains of all persons killed regardless of their ethnicity, has also been controversial.<sup>59</sup>

Ongoing issues relating to the exhumations and DNA analyses notwithstanding, I argue that the creation of the Srebrenica Memorial is a tangible translation of global justice at the local level. The story of how the Srebrenica Memorial came into existence is one of devotion, perseverance, fearlessness, and, ultimately, hope, etched into a hostile landscape by grieving families in honour of their loved ones killed during the genocide. Upon the horrifying realization that their male relatives were dead, the Mothers became insistent on finding out the truth.<sup>60</sup> As the mass graves were discovered and the bones of the dead exhumed and identified, the Mothers wanted these mortal remains to receive a dignified burial. Nor did they want the cemetery to be located in the Federation of Bosnia i Hercegovina, far away from their original homes, even though the Federation is where many of Srebrenica's survivors now reside.<sup>61</sup> Between 1997 and 2003, and with the financial support of the ICMP as well as from other individual countries, over ten thousand petitions from the surviving women were collected to pressure the international community and the Office of the High Representative (OHR) to designate the land for the Srebrenica Memorial in Potočari.<sup>62</sup> Potočari is the manufacturing village located 9 kilometres from Srebrenica (also in the RS) where the battery factory is located and, thus, where the fleeing refugees last saw their relatives alive.

Between 1997 and 2000, the families of the victims decided that they wanted to commemorate the dead and mark the location of Potočari with their presence at least once a year. Between 2001 and 2007, a series of decrees and laws took effect to realize the Srebrenica Memorial's creation.<sup>63</sup> The most significant and high profile event takes place each 11 July to commemorate the day the Srebrenica enclave was "cleansed." These surviving women—grandmothers, mothers, wives, daughters, sisters, aunts, and

nieces—have become the international face of the genocide’s aftermath. They have garnered tremendous political agency, lobbying international and national politicians on behalf of their dead, which has aided the community’s recovery.<sup>64</sup>

### *Vernacularization in Practice*

The Srebrenica Memorial, as defined by Srebrenica’s surviving female population, is a concrete example of how global justice can be translated into a locally relevant expression and mechanism of justice. Its success is due to what Peggy Levitt and Sally Merry refer to as “vernacularization,” which they define as “the process of appropriation and local adoption of globally generated ideas and strategies.”<sup>65</sup> The Srebrenica Memorial’s distinctiveness is derived from its synthesis of a cemetery, the battery factory, and memorial room (*Spomen Soba*). It is a site of atrocity, a site for interrupting, visiting, mourning, remembering, reflecting, and teaching. With support from the international community—weighed down by its guilty conscience—Srebrenica’s survivors fought and secured the land and buildings in Potočari. They struggled to prove that their loved ones existed, to ensure they would never be forgotten, and to create a place where memory of the genocide would be evoked for generations to come—a place of unimaginable sadness, but also of perpetual remembrance.

Driving up the mountain into Srebrenica, you are surrounded by forests and rebuilt houses. You see many devastated buildings but also a community attempting to come back to life amidst a challenging economic environment. Srebrenica’s natural beauty aside, the eye is constantly drawn to the mixture of rebuilt and bombed-out homes. The tall yellow building that used to be Srebrenica’s main hotel is abandoned to its fate of crumbling ruins. Many of the houses sit silently unoccupied since their inhabitants were expelled, moved away, or murdered. The Bosnian War’s legacy continues to cast a shadow over nearly every aspect of the population’s lives, regardless of ethnicity. In Srebrenica, the war’s lingering aftermath, as well as the ensuing political, economic, and socio-cultural problems, are further shrouded by the town’s infamy. Most significantly, the differing narratives and interpretations of the Srebrenica genocide hover just below the surface, despite the fact that residents get along and cooperate with one another on a daily basis.<sup>66</sup> While the creation of the Srebrenica Memorial represents global justice translated locally, an ethno-nationalized



2.2 Contemporary Srebrenica, Laura Beth Cohen, July 2011.

atmosphere, including genocide denial, is very much alive, especially in the days and weeks leading up to the annual 11 July commemoration as well as during elections, when politicians dredge up the war's wounds for their own personal gain. Seeing the Srebrenica Memorial through a different lens—one that acknowledges the complex political environment in which it operates and contributes—is therefore key.

### Part 3: Contested Memories and Memorialization at the Srebrenica Memorial

It is important to understand the dynamics underlying contested memories in post-conflict settings where war pits different groups against each other. This kind of catastrophic and life-altering breakdown of communal relations during the conflict can all too easily resurface in the postwar environment as complex yet stereotypical categorizations of, for example, victims, survivors, perpetrators, and bystanders, become entrenched.<sup>67</sup> To

understand how these polarized interpretations of what transpired take hold, we first need to understand how collective memories are formed. Our individual memories become fused with those of our wider social circle throughout the course of our lives. United through shared memories and perspectives, a new sort of grouping—what Benedict Anderson calls an “imagined community”—is formed.<sup>68</sup> “Community”, though, does not necessarily have to be based upon members of the same group living in the same territory. To Hannah Arendt, for example, the concept of nation

relates not so much, and not primarily, to a piece of land as to the space between individuals in a group whose members are bound to and at the same time separated and protected from, each other by all kinds of relationships, based on common language, religion, a common history, customs, and laws. Such relationships become spatially manifest insofar as they themselves constitute the space wherein the different members of a group relate to and have intercourse with each other.<sup>69</sup>

Moreover, as Yael Zerubavel argues, “The power of collective memory does not lie in its accurate, systematic, or sophisticated mapping of the past, but in establishing basic images that articulate and reinforce a particular ideological stance.”<sup>70</sup> Finding common ground between opposing groups with different and highly charged interpretations of the past becomes all the more challenging. These manipulated historical narratives are translated into invented myths around which ethnic groups organize their identity, often becoming replacements for the facts.<sup>71</sup>

In other words, when it comes to highly polarized memories about mass atrocities, what one mnemonic community (such as victims and survivors) believes and/or remembers to be true is refuted or inverted by the other mnemonic group (such as the community to which the perpetrators belong but who may also be victims and survivors in their own right). In this binary, identifying with the victims would mean a negation of the opposing group’s own methods of self-protection and preservation—denying the crimes committed in their name; their deeply held convictions about what took place; and their own mythologized, perceived and/or real suffering. As Eviatar Zerubavel observes, “Each of the different parties waging such heated mnemonic battles tends to regard its own

historical narrative, which is normally based on its own typically one-sided ‘time maps,’ as the only correct one, which is quite understandable given the unmistakably partisan political agenda it is specifically designed to promote.”<sup>72</sup> These debates over contested memories reinforce the fact that memory is personal and subjective. For even when the “facts” have been proven, what is considered the “historical truth,” according to Iwona Irwin-Zarecka, “is being contested ... and the otherwise quiet presence of the past is disturbed.”<sup>73</sup>

The discourse about the creation of memorial sites at sites of atrocity emphasizes their historic, symbolic, forensic, and educational significance. Nora fashioned the term *lieux de mémoire* as the difference between a nation’s historical consciousness (*millieux de mémoire*) and “objects [that] are part of everyday experience: cemeteries, museums, commemorations.”<sup>74</sup> In post-conflict countries where history is contested, these *lieux de mémoire* take on a new significance: they act as locations for grieving, for remembrance, for closure, for historical memory, for documentation, for artistry, for reinterpretation, for communal dialogue, for collective identity, for healing, for education, and sadly, for political manipulation.<sup>75</sup> The distortions of ethnic narratives and myths frequently play out where the mass atrocities took place, easily becoming a front line of aggression.<sup>76</sup> The singling out of a particular perpetrator group, if they are included, can further fuel the creation of a hostile counter-narrative to deflect blame.<sup>77</sup> And yet, as Martha Minow notes, “Public disputes over proposed and existing memorials may occasion the productive if painful kind of struggle for memory as do rights over reparations.”<sup>78</sup> The need to memorialize a difficult past as well as counteract the vicious denial and contestation it elicits is therefore a critical component of transitional justice and memorialization initiatives at both the macro and micro levels.<sup>79</sup>

### *The Srebrenica Memorial through the Looking Glass*

Despite the war having ended two decades ago, memorialization remains contentious in Bosnia.<sup>80</sup> Regardless of ethnicity, the war has exacted a painful toll upon the population and memories of the conflict are still raw and divisive. What stands out about the innumerable local memorials across the country is the way they commemorate the dead and missing by emphasizing the victimhood of each ethnic group, further reinforcing that “they did this to us,” and fortifying the seeds of future discontent, conflict,

and revenge.<sup>81</sup> In this way memory, including whose memory should be preserved, is vigorously contested—and this includes battles over whether the genocide even took place. These mnemonic battles directly affect the climate in which the Srebrenica Memorial exists. This is likely one of the reasons that the memorial’s steering committee, in an attempt to avoid drawing any further attention to the site, has tried to maintain its primary purpose as a cemetery where the dead are buried and whose identities are ascertained through DNA analysis each year. Ironically, the Srebrenica Memorial’s modus operandi winds up mimicking the silence surrounding the crimes and the related taboo of speaking about them that is prevalent in the community the other 364 days of the year (the exception being the annual 11 July commemoration). This is especially true since the site is already a metaphorical battlefield of traumatic collective memory.<sup>82</sup> Moreover, while the Srebrenica Memorial is open to visitors of all religious backgrounds, the cemetery’s design showcases that it is first and foremost Muslim in its orientation. (The role of religion at the site, including the designation of all victims buried there as martyrs (*šehidi*), has also caused debate among the surviving community as well, and is an important issue in its own right.)<sup>83</sup>

The site, according to its mandate,<sup>84</sup> focuses on the facts of the Srebrenica genocide (as “proven” by the ICTY).<sup>85</sup> All parts of the Srebrenica Memorial reinforce this; only the plight of the Srebrenica enclave’s fleeing refugees and their subsequent deportation and execution beginning in July 1995 are described. Bosnian Serb citizens are not vilified. The *Spomen Soba*’s installations were updated in advance of the twentieth anniversary of the genocide. There are informational placards describing the crimes committed by various Bosnian Serb military leaders who were convicted by the ICTY; a variety of wartime pictures of fleeing refugees, the exhumations of mass graves, controversial DutchBat graffiti; aerial footage of the property during July 1995; and boards explaining the complexities of conducting DNA identifications on the human remains found in primary, secondary, and tertiary mass graves. A documentary film, numerous photographs of personal artifacts found in the graves, and biographies of twenty of the victims underscore the genocide’s scale as well as individual familial loss.<sup>86</sup> A separate building located in the cemetery includes information on how to locate specific graves as well as a small conference room featuring photographs of the exhumations of mass graves taken by the Bosnian photographer Tarik Samarah.<sup>87</sup> In addition, in 2014 a new multimedia room,



2.3 Green temporary grave markers, Srebrenica, Laura Beth Cohen, July 2011.

the Documentation Center Srebrenica, was created in partnership with the SENSE News Agency. It features interactive displays and computer terminals for students to conduct research about the Srebrenica genocide and related ICTY trials.<sup>88</sup>

Because of the site's strict interpretation of its decree, it is difficult for a visitor to get a broader picture of life in Srebrenica *opština* from the start of the war onward. Posing this question brings up a larger controversy of whether or not it is possible for the Srebrenica Memorial to extend its narrative to include the larger story of what happened in the enclave between 1992 and 1995. This includes the extensive civilian suffering in the few hundred Bośniak villages razed to the ground and ethnically cleansed during the first months of the war; conflicting interpretations about DutchBat's role before and during the genocide; and attacks against Bosnian Serb villages during the ARBiH's defence of Srebrenica—all of which remain vigorously contested.<sup>89</sup>

## Part 4: The Srebrenica Memorial as Unmistakably Uncanny

The same transitional justice mechanisms designed, in part, to help survivors and victims find closure and justice often exacerbate the societal conundrums they profess to resolve and the healing processes they aim to foster. Alexander Hinton refers to this as the “transitional justice imaginary,” which he defines as “normative (i.e., it is associated with certain truth claims and moral-laden assumptions); performative (i.e., through its enactment, people constitute an imagined community); and productive (i.e., the imaginary produces certain subject positions and types of being).”<sup>90</sup> One key aspect of the transitional justice imaginary, according to Hinton, is the creation of “transitional justice time” that is “premised on a value-laden pre-post state of conflict and teleological movement between them.”<sup>91</sup> In other words, transitional justice mechanisms, such as criminal prosecutions and truth commissions, often narrow their scope to a particular period of time, excluding everything that happened before and after the conflict. As a result, broader historical circumstances leading up to the hostilities, ongoing contestations of memory between clashing mnemonic communities, and continuing human rights violations in the

post-conflict society go unrecognized. Taken together, this impacts the aggregate community's ability to come to terms with what happened while ensuring that traumatic memories keep survivors frozen in time, unable to move on (to the degree they are able) with their lives.<sup>92</sup>

As such, psychic trauma and transitional justice time blur the lines between the past and present so that life becomes a state of unending liminality.<sup>93</sup> Time in the lives of traumatized populations and individuals can therefore take on uncanny characteristics. According to Sigmund Freud, "The 'uncanny' is that class of the terrifying which leads back to something long known to us, once very familiar. ... On the other hand, everything is uncanny that ought to have remained hidden and secret, yet comes to light."<sup>94</sup> Another way of conceiving how the uncanny is omnipresent in survivors' lives is Franz Kafka's concept of "Odradek" in his short story, "The Cares of a Family Man":

One is tempted to believe that the creature [Odradek] once had some sort of intelligible shape and is now only a broken-down remnant. Yet this does not seem to be the case; at least there is no sign of it; nowhere is there an unfinished or unbroken surface to suggest anything of the kind; the whole thing looks senseless enough, but in its own way perfectly finished. In any case, closer scrutiny is impossible, since Odradek is extraordinary nimble and can never be laid hold of. Often for months on end he is not to be seen; then he has presumably moved into other houses; but he always comes faithfully back to our house again.<sup>95</sup>

Taken together, the concepts of transitional justice time, the uncanny, and "Odradek" are highly relevant to how the Srebrenica genocide's traumatic legacy continues to haunt survivors and perpetrators—thus directly impacting the Srebrenica Memorial. For as John Borneman comments,

Loss that becomes traumatic is characterized by not having been experienced at the time of the occurrence. During an ethnic cleansing, some central aspect of the loss remains unregistered and escapes recognition at the actual time of happening; language and the ordering mechanisms of the symbolic order fail to register what is often called "the unspeakable." In other words, the event

is only, if at all, experienced later as it returns to the victim, unbidden, frequently as a horrifying silence that cannot be spoken.<sup>96</sup>

### *The Uncanny Lurks in Srebrenica*

For the survivors still searching for the mortal remains of their family members, the annual 11 July commemoration does not provide closure. The lack of knowledge about their loved ones—what, specifically, happened to them—still haunts the survivors. Without a body (or body parts) to bury, the person is still considered missing and not yet officially dead.<sup>97</sup> Because community records were also destroyed during the war, there is no tangible proof that the missing person ever existed.<sup>98</sup> There is not a single place that the families can go to mourn for those still missing, something acutely felt by those Bośniaks who believe that their dead must receive a proper religious burial in accordance with their faith.<sup>99</sup> In the past several years, Bośniak women continue the commemoration on 13 July by visiting other Srebrenica genocide massacre sites across the Podrinje. Local Bosnian Serb inhabitants and the RS authorities make it difficult for the Mothers of Srebrenica to visit these buildings and fields located in Branjevo, Orahovac, Kravica, Petkovici, Grbavci, Pilica, Kozluk, and Nova Kasaba. Visiting these sites is complicated, made difficult since their locations are deep within the countryside where many are accessible only by dirt roads.

These sites are located within a two-hour drive from Srebrenica, and in the intense heat of July you are eerily reminded of the terror that the victims must have experienced while being driven to their deaths—to utterly remote locations, far from their homes, in which the silence of the landscape belied their very existences. Upon reaching these locations, the uncanny takes hold. Residents stare ominously. While a single RS police officer has been assigned to escort two tour buses transporting the Mothers, a few other RS police officers are posted in some of the communities ostensibly to keep residents from antagonizing the mourners. The presence of these officers does not provide a level of comfort judging from the way they tend to glare at the mourners; in fact, at the former Petkovici aluminum factory dam, the men standing atop the imposing gravel structure staring down at the Mothers were local guards who control access to the site—and not the police.<sup>100</sup> It is as if all this happened once before. But we are in the present day. The bus to Kravica is delayed for over an hour by the

local authorities, who attempt to prevent this small commemoration from taking place (in both 2015 and 2016, the Mothers were allowed inside the property). In the case of Grbavci, the school has been renovated and is now used, once again, by local schoolchildren.

Other sites, such as the cultural centre (*dom kulture*) in Pilica, have been left as they were when the massacres were committed. Bullet holes still riddle the walls and the building decays while flowers from the Mothers' previous visit lay rotting on the floor. (In 2016, graffiti glorifying Mladić and Milosević as well as other hostile messages were sprayed onto the walls.) The field where the Branjevo pig farm used to be is surrounded by newly rebuilt homes filled with young, mostly Bosnian Serb, families. In the case of the above-mentioned dam, miscellaneous shell casings can still be found lying on the ground amidst the growing foliage. Of all these sites, only one—Nova Kasaba, a former soccer field—has a small yet somewhat obscure memorial plaque.<sup>101</sup> And yet, without the Mothers' insistence upon commemorating these sites every year, they would, in fact, be utterly forgotten. As Lara Nettelfield and Sarah Wagner note, "The act of visiting these sites was even more important given that the effort to deny the crimes in Srebrenica [has] increased in recent years."<sup>102</sup>

### *Odradek Skulks at the Srebrenica Memorial*

Once a year on 11 July the world remembers the genocide and tens of thousands of people gather at the Srebrenica Memorial to participate in the annual commemoration. But the next day, the masses leave and Srebrenica's residents go back to the quiet routine of life in this small town. Yet, you can still sense the silence—that which is not talked about. The uncanny blows through the air as "Odradek" makes his presence felt yet again. One of the biggest questions hovering over the Srebrenica Memorial concerns the dwindling number of remains being identified and laid to rest each year; at some point soon there may no longer be anyone left to bury. It is a prospect few in Srebrenica's survivor community are willing to tolerate, but nonetheless, it too lingers over the survivors as yet another incarnation of the way their traumas and fears keeps them frozen in time. As Isaias Rojas-Perez observed during his work among traumatized populations in post-conflict villages in Peru, "Perhaps no other figure than the *desaparecido* [the missing] so clearly inhabits the temporality of the finished/

unfinished past of the post-conflict state.”<sup>103</sup> Acute trauma is also a theme in Linda Green’s research on Guatemala’s post-conflict female survivors:

Fear, like pain, is overwhelmingly present to the person experiencing it but it may be barely perceptible to anyone else and almost defies objectification. Subjectively, the mundane experience of chronic fear wears down one’s sensibility to it. . . . The routinization of fear undermines one’s confidence in interpreting the world.<sup>104</sup>

As it relates to the Srebrenica genocide, the liminal aspect of this contested memory may actually keep both communities locked into a specific period of time: that which is most painful and controversial and less focused on the here and now. For those survivors still hoping that their beloved’s mortal remains will be found, the Srebrenica Memorial is first and foremost a site of remembrance. Because the property includes both the cemetery and the battery factory, the preservation of the genocide’s “material remains” works as a powerful method for its survivors to “etch” their memory into the landscape.<sup>105</sup> In addition, the Srebrenica Memorial’s significance as a site of atrocity, combined with the survivors’ need to find closure on their pre-war lands, strengthens the site’s importance for future generations.<sup>106</sup> However, the site cannot be depoliticized unless the society finds a way to separate out the war’s facts, including the suffering of the entire population, from prevailing ethno-political beliefs about what took place and who did what to whom.<sup>107</sup>

## Concluding Thoughts

In war’s aftermath, a post-conflict country struggles to find a balance between sincere attempts to articulate the past and assertions that are founded upon falsities and denial—a balance that must be achieved if a single encompassing narrative is to be forged.<sup>108</sup> Localized transitional justice mechanisms, including non-prosecutorial initiatives led by outside actors, are essential, since the process, which can take a long time to accomplish (if ever), requires a concerted effort by national politicians, civil-society actors, and the general populace.<sup>109</sup> The battle over the truth takes centre stage because there are many conflicting versions of the past. Two decades is still a relatively short period of time for Bosnian society to recover

politically, economically, and socio-culturally. The acute ethnocentric climate as well as the numerous destroyed buildings and villages that still dot the countryside are painful reminders that the war is still going on—just in a different expression. Lower-level war criminals still reside within some of the villages in the Srebrenica municipality, and in some locations Mladić is celebrated as a war hero.<sup>110</sup>

The Srebrenica Memorial remains on the front lines of this battle between history and memorialization: it is a visceral reminder of the 1995 genocide and the horrors of the 1992–1995 Bosnian War. Crucially, though, the memory it keeps alive can only go so far. For Srebrenica’s survivors, whose loved ones remain missing, the physical pain and psychic limbo continues. Without mortal remains to bury, it is as if these victims never existed, except within the hearts and souls of those who loved them most. These survivors continue to commemorate their dead and missing by visiting remote fields and buildings where executions took place. For survivors, the war remains very much alive in their society because justice, as delivered through the transitional justice framework of criminal prosecutions, has not yet been served and may very well never be. Nonetheless, the Srebrenica Memorial and the annual 11 July commemoration continue to raise awareness and keep the memory of the genocide alive as part of Bosnia’s struggle to address the war’s horrific past. So although the pursuance of justice through the ICTY remains fraught, the reality is that a locally relevant and vernacularized version of global justice has, in fact, been delivered in the form of the Srebrenica Memorial despite the complexities it embodies.

Looking at the mnemonic battles waged at the Srebrenica Memorial allows us to appreciate the complexities and challenges that both survivors and perpetrators face in reconciling the war’s traumatic and contested legacy. Memorial sites are but one integral transitional justice mechanism that post-conflict societies may embrace in order to reconcile the past with the present. Memorials at sites of atrocity around the world, including the Srebrenica Memorial, are locations where post-conflict countries confront the harshest realities of war and tyranny. These symbolic and highly charged memorialized sites are locations where past animosities are confronted, including the reasons why the conflict erupted in the first place.<sup>111</sup> Essential, then, is the linkage between memorials and other transitional

justice endeavours, undertaken by all actors involved, in order to support rather than destabilize each other.<sup>112</sup>

As one of the original expressions of localized justice within Bosnia, the Srebrenica Memorial sits at the forefront of the society's painful reckonings as they attempt to clear the past and find their way to a more peaceful—or, at the very least, empathetic—future together. The site's foundation remains a constructive, albeit complicated, spot, even though its very existence directly challenges those who continue to deny that the genocide took place. Unfortunately, until politicians in Bosnia's two entity-level governments as well as that of the Bosnian federal state embark upon more concerted and integrated efforts to delve into the war's horrors and to provide some tangible measure of justice and healing for the population, the Srebrenica Memorial's growth in this area will remain stilted. And until things change, "Odradek" will continue hovering over Srebrenica's darkest spaces.

## NOTES

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- 2 Joanna Mannergren Selimović, "Perpetrators and Victims: Local Responses to the International Criminal Tribunal for the Former Yugoslavia," *Focaal: Journal of Global and Historical Anthropology* 57 (2010): 50–61; Gentian Zyberi and Jernej Letnar Čeranič, "Transitional Justice Processes and Reconciliation in the Former Yugoslavia: Challenges and Prospects," *Nordic Journal of Human Rights* 33, no. 2 (2015): 132–157.
- 3 Brandon Hamber, "Utopian Dreams or Practical Possibilities? The Challenges of Evaluating the Impact of Memorialization in Societies in Transition," *International Journal of Transitional Justice* 4, no. 3 (2010): 397–420; Marita Sturken, "Pilgrimages, Reenactment and Souvenirs: Modes of Memory Tourism," in *Rites of Return: Diaspora Poetics and the Politics of Memory*, eds. Marianne Hirsch and Nancy K. Miller (New York: Columbia University Press, 2011), 283.
- 4 Roger Duthie, "Afterword: The Consequence of Transitional Justice in Particular Contexts," in *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence*, ed. Alexander Laban Hinton (New Brunswick, NJ: Rutgers University Press, 2010), 249; Siri Gloppen, "Roads to Reconciliation: A Conceptual Framework," in *Roads to Reconciliation*, eds. Elin Skaar, Siri Gloppen, and Astri Suhrke (Lanham, MD: Lexington Books, 2005), 38; Priscilla B. Hayner, *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (New York: Routledge, 2010), 8.
- 5 Judy Barsalou and Victoria Baxter, *The Urge to Remember: The Role of Memorials in Social Reconstruction and Transitional Justice* (Washington, DC: United States Institute of Peace, 2007), 6; Kjetil Sandvik, "Crime Scenes as Augmented Reality: Models for Enhancing Places Emotionally by Means of Narratives, Fictions and Virtual Reality,"

- in *Re-Investing Authenticity: Tourism, Place and Emotions*, eds. Britta Timm Knudsen and Anne Marit Waade (Bristol: Channel View Publications, 2010), 138; Paul Harvey Williams, *Memorial Museums: The Global Rush to Commemorate Atrocities* (Oxford: Berg, 2007), 39.
- 6 The three groups of Mothers associations are the Mothers of the Enclaves of Srebrenica and Žepa, led by Munira Subašić (based in Sarajevo); the Women of Srebrenica, led by Hajra Čatić (based in Tuzla); and the Mothers of Srebrenica, led by Hatidža Mehmedović (based in Srebrenica). Throughout this chapter, I refer to them collectively as the Mothers.
  - 7 Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Washington, DC: Brookings Institution, 1995), 235.
  - 8 Milosević was indicted for crimes against Bošniaks in Bosnia, Croatia, and Kosovo. On 11 March 2006, he died of a natural death before a verdict was reached. ICTY, “Case Information Sheet: ‘Kosovo, Croatia & Bosnia’ IT 02-54-Slobodan Milošević,” [http://www.icty.org/x/cases/slobodan\\_milosevic/cis/en/cis\\_milosevic\\_slobodan\\_en.pdf](http://www.icty.org/x/cases/slobodan_milosevic/cis/en/cis_milosevic_slobodan_en.pdf) (accessed 16 February 2016).
  - 9 Gerard Toal and Toal Dahlman, *Bosnia Remade: Ethnic Cleansing and its Reversal* (Oxford: Oxford University Press, 2011), 7; Woodward, *Balkan Tragedy*, 262.
  - 10 Sarah E. Wagner, *To Know Where He Lies: DNA Technology and the Search for Srebrenica’s Missing* (Berkeley: University of California Press, 2008), 27.
  - 11 Jan Willem Honig, *Srebrenica: Record of a War Crime* (London: Penguin, 1996), xvii.
  - 12 United Nations Security Council Resolution S/RES/819 (1993) and UNSC Resolution S/RES/824 (1993), <http://www.un.org/docs/scres/1993/scres93.htm> (accessed 26 February 2016).
  - 13 Honig, *Srebrenica: Record of a War Crime*, 49.
  - 14 The ICTY was established by the UN in 1993 and was the first European war crimes tribunal since the International Military Tribunal in Nuremberg. See ICTY, “About the ICTY,” <http://www.icty.org/en/about> (accessed 16 February 2016).
  - 15 In 2004, Krstić was sentenced to thirty-five years in prison for his role in “aiding and abetting genocide, murders, extermination, and persecutions in Srebrenica.” ICTY, “Case Information Sheet: ‘Srebrenica-Drina Corps’ IT-98-33-Radislav Krstić,” [http://www.icty.org/x/cases/krstic/cis/en/cis\\_krstic\\_en.pdf](http://www.icty.org/x/cases/krstic/cis/en/cis_krstic_en.pdf) (accessed 16 February 2016).
  - 16 In 2013, a Srebrenica survivor, Mr. Hasan Nuhanović, won a case against the Dutch government which stated that the latter was responsible for the deaths of the former’s brother and father, as well as a third man, in July 1995 because they were evicted by DutchBat from the peacekeeping compound when it was clear that doing so would put their lives in danger. Nuhanović buried his father in July 2011. See International Crimes Database, *The State of the Netherlands v. Hasan Nuhanović*, 6 September 2013, <http://www.internationalcrimesdatabase.org/Case/1005/The-Netherlands-v-Nuhanovi%C4%87/> (accessed 16 February 2016). Additionally, in 2014 the Dutch government was found responsible for the deaths of three hundred people during the 1995 Srebrenica genocide by a civil court in The Hague. See “Dutch State Liable for 300 Srebrenica Massacre Deaths,” *Guardian* (London), 16 July 2014, <http://www.theguardian.com/world/2014/jul/16/dutch-liable-srebrenica-massacre-deaths> (accessed 16 February 2016). An extensive analysis of DutchBat’s role during the Srebrenica genocide is outside the scope of this chapter.

- 17 ICJ, “Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) Judgment,” 26 February 2007, <http://www.icj-cij.org/docket/files/91/13685.pdf> (accessed 16 February 2016).
- 18 The Dayton Agreement split the country in half between the three warring groups. Postwar Bosnia is one state with two political entities: the Federation of Bosnia i Herzegovina (Federation), led by Bošniaks and Bosnian Croats, and the Republika Srpska (RS), led by Bosnian Serbs. The Bosnian government’s office of the president was divided into three seats, requiring an elected official from each of the three ethnic groups. Moreover, the country has fourteen separate governments (one for the federal government; one for the entity of the RS; one for the entity of the Federation; ten cantonal-level ones within the Federation; and a multi-ethnic partnership in the city of Brčko). Upon the war’s conclusion, the country was administered by the Office of the High Representative (OHR) leading to numerous steps toward national integration. However, there remain separate entity-level telecommunication companies, fire departments, and utility services, as well as divided schools (“two schools under one roof”) in certain cities.
- 19 Martii Koskeniemi, “Between Impunity and Show Trials,” in *Max Planck Yearbook of United Nations Law*, eds. J. A. Frowein and R. Wolfrum (The Hague: Kluwer Law International, 2002), 6: 1–35.
- 20 Howard Ball, *Prosecuting War Crimes and Genocide: The Twentieth-Century Experience* (Lawrence, KS: University Press of Kansas, 1999), 223; Frédéric Mégret, “Not Lambs to the Slaughter: A Program for Resistance to Genocidal Law,” in *Confronting Genocide*, eds. René Provost and Payam Akhavan (Dordrecht: Springer, 2011), 197; Karen E. Smith, “Acculturation and the Acceptance of the Genocide Convention,” *Cooperation and Conflict* 48, no. 3 (2013): 359.
- 21 David S. Koller, “The Global as Local: The Limits and Possibilities of Integrating International and Transitional Justice,” in *Contested Justice: The Politics and Practice of International Criminal Court Interventions*, eds. Christian de Vos, Sara Kendall, and Carsten Stahn (Cambridge: Cambridge University Press, 2015); Kingsley Chiedu Moghalu, *Global Justice: The Politics of War Crimes Trials* (Stanford: Stanford University Press, 2008); Eric Stover and Harvey M. Weinstein, “Conclusion: A Common Objective, A Universe of Alternatives,” in *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*, eds. Eric Stover and Harvey M. Weinstein (Cambridge: Cambridge University Press, 2004), 334.
- 22 K. Annan, UN Secretary-General, *Report of the Secretary General: The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies* (New York: United Nations, 2004), 224; Kathryn Sikkink and Hun Joon Kim, “The Justice Cascade: The Origins and Effectiveness of Prosecutions of Human Rights Violations,” *Annual Review of Law and Social Science* no. 9, (2013): 269–285; Ruti G. Teitel, “Transitional Justice Genealogy,” *Harvard Human Rights Journal* 16, (2003): 69–94.
- 23 A comprehensive analysis of the “justice” literature is outside the scope of this chapter.
- 24 Moghalu, *Global Justice*, 5.
- 25 Ibid.
- 26 Ibid., 5–6.
- 27 Jeremy Webber, “Forms of Transitional Justice,” in *Transitional Justice*, eds. Melissa S. Williams, Rosemary Nagy, and John Elster (New York: New York University Press, 2012), 6–7.

- 28 See also Hugo van der Merwe, “Delivering Justice during Transition: Research Challenges,” in *Assessing the Impact of Transitional Justice: Challenges for Empirical Research*, eds. Hugo van der Merwe, Victoria Baxter, and Audrey R. Chapman (Washington, DC: United States Institute of Peace, 2008), 119; Eric Stover, *The Witnesses: War Crimes and the Promise of Justice in The Hague* (Philadelphia: University of Pennsylvania Press, 2005), 119.
- 29 Webber, “Forms of Transitional Justice,” 6–7, and Stover, *The Witnesses*, 118.
- 30 Webber, “Forms of Transitional Justice,” 6–7.
- 31 Annan, *Report of the Secretary General*; Duthrie, “Afterword”; Gloppen, “Roads to Reconciliation”; and Hayner, *Unspeakable Truths*.
- 32 Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking Press, 1964), 253.
- 33 Kieran McEvoy, “Beyond Legalism: Towards a Thicker Understanding of Transitional Justice,” *Journal of Law and Science* 34, no. 4 (2007): 411–440.
- 34 Ibid. See also J. Shklar, *Legalism* (Cambridge, MA: Harvard University Press, 1964); Ernest J. Weinrib, “The Jurisprudence of Legal Formalism,” *Harvard Journal of Law and Public Policy* 16, no. 3 (1993): 583–595.
- 35 Pierre Bourdieu and Richard Terdiman, “The Force of Law: Toward a Sociology of the Juridical Field—Translator’s Introduction,” *Hastings Law Journal* 38, (July 1987): 806–808.
- 36 Laurel E. Fletcher, “Refracted Justice: The Imagined Victim and the International Criminal Court,” in *Contested Justice: The Politics and Practice of the International Criminal Court Interventions*, eds. Christian de Vos, Sara Kendall, and Carsten Stahn (Cambridge: Cambridge University Press, 2015), 314; Merwe, “Delivering Justice during Transition,” 121–122.
- 37 Stover, *The Witnesses*, 15.
- 38 See also Fletcher, “Refracted Justice.”
- 39 Anna Lowenhaupt Tsing, *Friction: An Ethnography of Global Connection* (Princeton, NJ: Princeton University Press, 2005), 4. See also Alexander Laban Hinton, “Introduction: Toward an Anthropology of Transitional Justice,” in *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence*, ed. Alexander Laban Hinton (New Brunswick, NJ: Rutgers University Press, 2010), 9.
- 40 Duthie, “Afterword”; Gloppen, “Roads to Reconciliation”; David C. Gray, “Extraordinary Justice,” *Alabama Law Review* 62, no. 1 (2010): 55–109; Hayner, *Unspeakable Truths*; Mathias Hellman, “Challenges and Limitations of Outreach from the ICTY to the ICC,” in *Contested Justice: The Politics and Practice of International Criminal Court Interventions*, eds. Christian de Vos, Sara Kendall, and Carsten Stahn (Cambridge: Cambridge University Press, 2015).
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- Simon Chesterman, and Albrecht Schnabel (Tokyo: United Nations University Press, 2007), 280.
- 42 Stover, *The Witnesses*, 145. See also Rosemary Nagy, "Transitional Justice as Global Project: Critical Reflections," *Third World Quarterly* 29, no. 2 (2008): 275–289.
- 43 Merwe, "Delivering Justice during Transition," 123; see also Hinton, "Introduction," 1.
- 44 See Paige Arthur, "How 'Transitions' Reshaped Human Rights: A Conceptual History of Transitional Justice," *Human Rights Quarterly* 31, (2009): 321–367; Richard Ashby Wilson, *Writing History in International Criminal Trials* (Cambridge: Cambridge University Press, 2011).
- 45 Hinton, "Introduction," 1; Nagy, "Transitional Justice as Global Project"; Dustin N. Sharp, "Emancipating Transitional Justice from the Bonds of the Paradigmatic Transition," *International Journal of Transitional Justice* 1, (2015): 150; Tsing, *Friction*, 13.
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- 47 Rosalind Shaw and Lars Waldorf, "Introduction: Localizing Transitional Justice," in *Localizing Transitional Justice: Interventions and Priorities after Mass Violence*, eds. Rosalind Shaw, Lars Waldorf, and Pierre Hazan (Stanford: Stanford University Press, 2010), 7.
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- 56 Stover, *The Witnesses*, x–xi. This point was reiterated to me in the interviews I conducted with all three groups of Mothers.
- 57 International Commission on Missing Persons (ICMP), “About Us—History,” <http://www.icmp.int/about-us/history/> (accessed 16 February 2016); Sarah E. Wagner, “Identifying Srebrenica’s Missing: The ‘Shaky Balance’ of Universalism and Particularism,” in *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence*, ed. Alexander Laban Hinton (New Brunswick, NJ: Rutgers University Press, 2010), 28.
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- 71 Jasna Dragović-Soso, "Conflict, Memory and Accountability: What Does Coming to Terms with the Past Mean?" in *Conflict and Memory: Bridging Past and Future in (South East) Europe*, eds. Wolfgang Petritsch, Vedran Džihic, and Franz-Lothar Altmann (Baden-Baden: Nomos, 2010), 32. See also Eviatar Zerubavel, *Time Maps: Collective Memory and the Social Shape of the Past* (Chicago: University of Chicago Press, 2003); Y. Zerubavel, *Recovered Roots*,
- 72 E. Zerubavel, *Time Maps*, 109. See also Elizabeth A. Cole and Judy Barsalou, *United or Divide: The Challenges of Teaching History in Societies Emerging from Violent Conflict* (Washington, DC: United States Institute of Peace, 2006), 9.
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- 74 Pierre Nora, "General Introduction: Between Memory and History," in *Realms of Memory: Re-Thinking the French Past*, eds. Pierre Nora and Lawrence D. Kritzman (New York: Columbia University Press, 1996), 1, 6, 18.
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- 89 The defence of Srebrenica was led by the ARBiH’s commander, Naser Orić, who was previously acquitted by the ICTY for allegations about crimes committed in the *opština* under his leadership. See ICTY, “IT-03-68 Appeals Chamber Judgment 2008,” <http://www.icty.org/x/cases/oric/acjug/en/080703.pdf> (accessed 27 February 2016). On 10 June 2015—just weeks before the twentieth annual commemoration of the Srebrenica genocide—Switzerland acted on an outstanding arrest warrant for Orić issued by Serbia. After negotiations, Orić was extradited to Bosnia instead of Serbia. His arrest enraged the organizers of the Srebrenica commemoration who, in turn, threatened to cancel the event. See B92, 25 June 2015, [http://www.b92.net/eng/news/region.php?yyyy=2015&m=06&dd=25&nav\\_id=94559](http://www.b92.net/eng/news/region.php?yyyy=2015&m=06&dd=25&nav_id=94559) (accessed 28 February 2016). Orić’s trial at the Bosnian War Crimes Chamber, which began in September 2015, remains ongoing. For more information, see Court of Bosnia and Herzegovina, “S1 1 K 014977 15 Kri - Orić Naser et al.,” <http://www.sudbih.gov.ba/predmet/3473/show> (accessed 5 September 2016). For more information on the ARBiH’s defence of Srebrenica, see Honig, *Srebrenica: Record of a War Crime*.
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- 98 Munira Subašić (Mothers of the Enclaves of Srebrenica and Žepa), interview, 5 September 2011.
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