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International Criminal Justice and Social Healing after Srebrenica: Reflections from Collective Memory

Abstract: *In the aftermath of the Srebrenica genocide, the International Criminal Tribunal for the former Yugoslavia (ICTY) played a pivotal role in the development of international criminal law, delivering landmark judgments and establishing individual criminal responsibility for atrocity crimes. These judicial processes addressed certain demands for accountability and, for some victims, contributed to a sense of justice. Yet legal adjudication was only one dimension of the post-genocide landscape. This paper examines the relationship between international criminal justice and community-led healing processes in post-Srebrenica Bosnia and Herzegovina (BiH). While the ICTY pursued accountability through formal legal mechanisms, affected communities simultaneously developed their own practices of remembrance, mourning, and social repair, often outside institutional frameworks. Drawing on the Srebrenica case, the paper asks how these parallel processes have been positioned within collective memory, and which forms of justice and healing have occupied a more sustained role in shaping post-genocide social recovery. The paper argues that while ICTY judgments were crucial in establishing legal truth and combating denial, they were not sufficient to address the broader needs of social healing. Grassroots initiatives, commemorative practices, and everyday acts of remembrance played a more sustained role in shaping how justice and reconciliation were experienced at the societal level. By comparing international criminal adjudication with local healing practices, the paper highlights the limits of legal justice and underscores the importance of community-driven processes in post-genocide societal reconciliation.*

Keywords: *Srebrenica genocide; Bosnia and Herzegovina (BiH); transitional justice; collective memory.*

Introduction

"Justice did not come in the way we expected. We, mothers from Srebrenica, are living witnesses of Srebrenica genocide. We do not want to forget." These words, stated by Munira Subašić, a public representative of the Mothers of Srebrenica, reveal the sustained tension and deeply divided Bosnian community that was left behind during the post-genocide recovery process. The legal justice pursued by the International Criminal Tribunal for the former Yugoslavia (ICTY) convicted senior political and military figures and formally designated the July 1995 massacre of over 8,000 Bosnian men and boys as genocide (Nettelfield & Wagner, 2014). Yet the form of justice delivered did not correspond to the form of justice anticipated by those most directly affected. While this is not to disregard the importance of the legal adjudication, its limits as an instrument of post-genocide recovery and reconciliation have been revealed considering the decentralized Bosnian state with a divided society and ongoing political instabilities (Özoflu & Besgul, 2023).

The transaction between international criminal justice and the community healing processes developed after Srebrenica genocide remains insufficiently conceptualized. Accordingly, while the scholarship on the ICTY has predominantly examined the tribunal's legal achievements or shortcomings (Clark, 2014), collective memory studies has so far focused on commemorative practices (Halilovich, 2015; Jacobs, 2017). The intersection between these two areas (legal and mnemonic) has been addressed conceptually in a less comprehensive way. By drawing on the secondary sources existing in the literature as a methodology, this study addresses this gap by examining how formal trials and community-based memory practices are positioned within the collective memory of Srebrenica, and which forms of justice and healing are perceived as more meaningful by the affected population. To this end, it employs analytical insights of the two conceptual frameworks namely, transitional justice and collective memory.

Transitional justice critically examines the limitations of court-centric models of post-conflict recovery and the gap between the procedural goals of formal mechanisms and the contextually specific needs of the affected population (Clark, 2014). Collective memory, on the other hand, is theorized by Halbwachs as a socially constructed practice

in which groups produce, discuss, and communicate their understanding of the past, and sustained through rituals, spaces, and texts (Halbwachs, 1992; Assmann, 2011). The Srebrenica case is considered an area where the relationship between these two traditions can be examined particularly clearly, given both the intensity of the legal records produced by the ICTY and the community memory practices that developed alongside it. The analysis proceeds through a comparative examination of the two areas, drawing on existing empirical research to characterize each and assess how their interaction is recorded in the collective memory of the affected population.

The current paper argues that while legal adjudication and ICTY judgements were crucial in establishing the legal truth, functioning as a critical response against genocide denial of the political actors in Republika Srpska (RS) and Serbia, it constitutes only a part of what post-genocide societies require (Clark, 2014). In this regard, it could not comprehensively address the requirements of the societal healing. The collective mourning, commemorative practices were largely undertaken by grassroots initiatives emerged from within affected communities themselves such as the Mothers of Srebrenica, the annual commemorations at the Srebrenica–Potočari Memorial Center, the Marš Mira, and documentation projects such as the Research and Documentation Centre's *Bosnian Book of the Dead* (Halilovich, 2015; Luitjens & Schoorel, 2022; Bakić, 2021).

The paper is organized as follows. The following section briefly explains the theoretical framework focusing the transitional justice and collective memory. Then, the contribution of the ICTY to the legal record of Srebrenica genocide will be critically discussed along with the limits of legal adjudication. This will be followed by four of the most prominent and documented cases of community-led memory initiatives. The research will be concluded by the implications for transitional justice and for the broader question of social healing and collective memory after mass atrocity.

2. Theoretical Frameworks; Transitional Justice and Collective Memory

A comprehensive examination of the societal reconciliation process following the Srebrenica genocide offers a viable ground to analyze the intersection of the two separate strands of international law and political science, transitional justice and collective memory. Therefore,

this part will explain both of them and reveal how their intersection informs the post-Srebrenica genocide recovery process within the Bosnian community.

2.1. Transitional Justice

Transitional justice emerged as a distinct field in the late twentieth century. It was designated to handle post-conflict confrontation with the past human rights violations conducted during authoritarian rules or armed conflicts. The term was coined by Ruti Teitel, who defined it as "a distinctive conception of law and justice in the context of political transformation" (as cited in Teitel, 2002, Teitel & Vegh Weis, 2024, p. 466). This field encompasses the entire spectrum of mechanisms by which post-conflict societies attempt to cope with the legacy of large-scale abuse through criminal prosecutions, truth commissions, reparations programs, institutional reform, remembrance (Teitel & Vegh Weis, 2024). It has largely been shaped by liberal-legal assumptions putting formal institutions, procedural goals such as accountability and the right to truth and the figure of the individual perpetrator as the locus of responsibility at its center.

Through an empirical research, Clark (2014) raised criticisms against the designated liberal framework of transitional justice within the context of the ICTY rulings of post-Yugoslavia. Based on extensive fieldwork across successor states, she argues that the four mechanisms the Tribunal was expected to contribute to reconciliation (preventing collective guilt through individual responsibility, establishing an authoritative historical record, giving victims a voice, and strengthening the rule of law) did not function as expected (Clark, 2014). Accordingly, denial persisted in different communities, victims experienced the procedural environment as restrictive rather than empowering, and the court's decisions were interpreted differently among ethnic groups. In this sense, it became evident that while ICTY fulfilled its legal mandate, it could not achieve long-lasting positive peace and reconciliation.

This critique is linked to a broader academic tradition that re-frames transitional justice as a process driven both from above and from below. Teitel and Vegh Weis (2024) document how Latin American civil society organizations (particularly the Mothers and Grandmothers of Plaza de Mayo in Argentina) played a constitutive role in developing the legal categories and institutional practices that define transitional justice as a field. The Argentine truth commission CONADEP owed its scope and authoritative status to the sustained pressure from victim or-

ganizations whose testimonies and advocacy reshaped the commission's mandate and ensured the dissemination of its findings (Teitel & Vegh Weis, 2024). The analytical implication is important: grassroots actors are not passive beneficiaries of transitional justice, but active participants in its construction, and the legitimacy of formal mechanisms depends in part on their relationship with the community-led processes that operate alongside them.

2.2 Collective Memory: Halbwachs, Assmann, and Nora's *Lieux de Mémoire*

The scholarly research on collective memory is pioneered by French sociologist Maurice Halbwachs's account (1925/1992) in *Les cadres sociaux de la mémoire* (1925) where he argues that memory is not an individual psychological ability but a social phenomenon produced and maintained in group settings, structured by the social frameworks in which individuals find themselves such as family, religion, community and profession (Halbwachs, 1992). In this regard, memory is a critical identity marker of a group identity, by setting collective feeling of shared past and destiny. Jan Assman (1995) later extended Halbwach's account by proposing two distinct forms of collective memory; communicative memory and cultural memory as ways of remembering.

Communicative memory refers to the daily transmission of memories among contemporaries; this transmission is based on lived experience and is limited to the lifetimes of those who participated in or witnessed the events (Assmann, 2011). Cultural memory, in contrast, is institutionalized and preserved in texts, monuments, ceremonies, traditions, and material objects that function as mnemonic triggers across generations (Assmann, 2011; see also Bakić, 2021). Since they refer to different temporalities of remembrance, this distinction which provides critical insights in conveying the past traumatic events is analytically important. In this regard, while the communicative memory of Srebrenica, carried by survivors and witnesses, will eventually disappear, the institutionalized cultural memory in memorial sites, commemorative rituals, and documentary records will endure across generations.

In respect to enduring remembrance across generations, Pierre Nora's concept of "memory spaces" (*lieux de mémoire*) offers critical insights. According to Nora (1989), memory spaces emerge when a community's spontaneous, lived memory begins to decline and needs to be consciously preserved through institutional means. They can be a physical place, a carrier of symbolic meaning, and an active focus of

ritual practice which has material, symbolic, and functional meanings simultaneously. Bakić (2021) who applied this framework directly to the Srebrenica-Potočari Memorial Center puts forward that the space functions not as a static monument, but as a dynamic "contact zone" that connects the past, present, and future, regulating social relations between communities interacting with it. In this sense, the memorial is a site where memory is preserved and actively produced.

2.3 The Nexus between Transitional Justice and Collective Memory

As above discussed, both transitional justice and collective memory seek to define justice after mass atrocity. Yet, the fact that their approach diverges led different conclusions drawn from the post-atrocity justice. While transitional justice scholarship largely focuses on what institutions can establish, document, and adjudicate, collective memory studies illuminate how communities engage commemorative practices, remember, and reconstruct meaning. In this respect, neither of these traditions alone is sufficient to fully address post-atrocity recovery, thereby unleashing the necessity to utilize both theoretical insights in a complementary way. The critical reading of these two conceptual frameworks in an interconnected manner reveals three critical premises.

First, what courts determine and what communities maintain operate in different timeframes, and their complementarity stems from, and is not threatened by, this difference. Judicial decisions are rendered at the moment of judgment and remain fixed in the case file; for instance the *Krstić* genocide ruling of 2001 resolved a legal issue that subsequent appeals could modify but not eliminate. Community practices, however, do not have a comparable moment of resolution; they evolve over years and decades and are oriented towards the future as well as the past (Bakić, 2021). This temporal dissonance allows the two to reinforce each other: judicial decisions tie the past to fixed points, and community practices carry those decisions forward in time.

Secondly, both traditions have different but mutually reinforcing relationships with denial; neither tradition can fully capture this point on its own. Judicial findings function as a containment mechanism against denial: the judicial characterization of genocide cannot be dismissed without confronting a record of evidence that has passed through adversarial testing. However, these findings do not eliminate denial; they merely change its domain. In the case of Republika Srpska,

post-*Krstić* denial has not directly debated the facts but has instead re-framed them as exaggerated, decontextualized, and legally constructed rather than historically real (Adams & Halilovich, 2021; Cisneros Cris-tóbal, 2025). Community practices respond to denial on a different level by rendering it socially indefensible through the cumulative weight of repetition, visibility, and remembrance. The two registers do not replicate each other; they cover space that the other cannot. A sufficient explanation of how denial is limited after mass atrocity requires both, and it is at this point that the complementarity of the two traditions becomes most apparent.

Third, the two operate somewhat independently of each other. Community practices do not derive their legitimacy from legal mechanisms, and legal mechanisms do not require community approval to produce binding decisions. Yet each makes the other more complete: judicial findings gain social acceptance when community practices translate them into daily life, and community practices gain legal basis when judgments reveal the undeniable. The methodological implication is that the legacy of the ICTY cannot be adequately assessed solely within the framework of transitional justice studies, just as community-led practices cannot be adequately characterized solely within the framework of memory studies, and the analysis in the following sections rests on the assumption that both are necessary.

3. The ICTY and Srebrenica: Contributions and Limits of Legal Adjudication

3.1. The Legal Determination of Srebrenica Genocide

The ICTY was established in May 1993 by United Nations Security Council Resolution (UNSCR) 827 and officially completed its mandate in December 2017, with its remaining functions transferred to the International Residual Mechanism for Criminal Tribunals (IRMCT) (Hagan, 2019, 2003). During its operational period, the Tribunal indicted 161 individuals and established a comprehensive body of case law concerning genocide, crimes against humanity, and war crimes. The Srebrenica cases formed a central part of the jurisprudence, and the four main judgements examined below (Krstić, Popović et al., Karadžić and Mladić) together constitute the legal record that the events of July 1995 entered international law.

The case of *Prosecutor v. Krstić* (IT-98-33) was the first and landmark case tried by the ICTY, which characterized the 1995 Srebrenica massacres as genocide and convicted Radislav Krstić, a Bosnian Serb

commander of the Drina Corps of the Army of the Republika Srpska (VRS), of genocide for his role in the killing of over 7,000 Bosniak men and boys (Schabas, 2001). The Trial Chamber's finding established that the mass atrocity, along with the forced displacement of women, children, and elderly men, constituted an attempt to exterminate the Bosniak Muslims in Srebrenica as a protected group and met the statutory threshold for genocide under Article II of the 1948 Genocide Convention (Schabas, 2000). In an appeal filed in April 2004, the Appeals Chamber changed Krstić's individual responsibility from that of the principal perpetrator to aiding and abetting genocide, but retained the principle that the murders themselves constitute genocide, and this remained the legal decision forming the basis of subsequent cases (Cisneros Cristóbal, 2025).

The case of *Prosecutor v. Popović et al.* (IT-05-88) prosecuted seven high-ranking VRS and Ministry of Internal Affairs officials for their roles in different phases of the Srebrenica operation ranging from the military coup to systematic massacres and the concealment of bodies in secondary mass graves. Trial Chamber delivered its verdict in June 2010, convicting Vujadin Popović and Ljubiša Beara of genocide and the others of related crimes. The Appeals Chamber upheld the genocide convictions in January 2015 (Schabas, 2003). The case both characterized the Srebrenica operation as a coordinated undertaking involving multiple institutions and command levels and considered the subsequent reburial of victims in secondary mass graves not as a separate crime, but as part of an act of genocide.

Beyond the operational and command levels addressed in Popović et al., the case of *Prosecutor v. Karadžić* (IT-95-5/18) brought the issue of political leadership before the Tribunal. Radovan Karadžić, who was the President of the RS during the war, was convicted by the Trial Chamber in March 2016 of the Srebrenica genocide, crimes against humanity and war crimes throughout the wider Bosnian operation. The decision was based on the doctrine of joint criminal enterprise (JCE), where individual responsibility for the actions of subordinates can be established on the basis of a joint plan and Karadžić's role as the political architect of that plan (Schabas, 2011). On appeal in March 2019, the IRMCT upheld the genocide convictions and rejected appeals on procedural and evidentiary grounds, increasing his sentence from 40 years to life imprisonment.

Complementing the political leadership question raised in Karadžić, the case of Prosecutor v. Mladić (IT-09-92) addressed the issue of military command. Ratko Mladić, the then chief of the main staff of the VRS, was convicted of genocide, crimes against humanity, and war crimes by the Trial Chamber in November 2017. He was sentenced to life imprisonment. His appeal was rejected by the Mechanism in June 2021. The Mladić verdict closed the fundamental chapter of international criminal law relating to Srebrenica and, with the conviction of the top military commander, confirmed that the operation was planned and executed at the highest levels of the VRS command structure.

These judgements accomplished three things. First, they legally establish that the Srebrenica massacres constitute genocide, carrying a normative weight that extends well beyond the cases in which it was rendered (Schabas, 2000; Cisneros Cristóbal, 2025). Secondly, these trials produced an extensive documentary record including forensic evidence from mass grave excavations, intercepted communications, witness testimonies, and military documents upon which historical, legal, and commemorative practices could have drawn (Wagner, 2008). Thirdly, the Tribunal secured convictions across the entire chain of command, ranging from the corps commander and operational officers to the political leader and the military commander. This pattern of convictions demonstrated that the operation was the product of a coordinated state-level action rather than a spontaneous act of violence, and it shaped Srebrenica's position in international law and political discourse. The cumulative effect of these successes acted as a critical mechanism in responding against genocide denial by reshaping the ground on which it is conveyed. In this respect, while the ICTY's Srebrenica jurisprudence did not silence the denial encouraged by the political actors in RS and Serbia, since it provided victims, international organizations and civil society with a powerful legal framework through which denialist claims could be challenged and delegitimized, it fundamentally transformed the political ground of post-Srebrenica landscape in which denial operates.

3.2 The Limits of Adjudication

The successes summarized in the previous section exist alongside limitations documented in the empirical and theoretical literature on the ICTY (Clark, 2014; Stover, 2011; Hagan, 2019, 2003). These limitations are not failures of the Tribunal's own legal mandate, but rather the limits of legal adjudication as a form of post-atrocity response, constrained by the mandate granted to the Tribunal. In line with its main

premises, the current paper found out three main limitations in this regard. These are namely, procedural distance from the affected communities, selectivity of prosecution, and persistence of denial despite legal rulings.

The first limit concerns procedural and geographical distance of the Tribunal from the Bosniak community affected by the events it adjudicated (Demir, 2021). It operated from The Hague, Netherlands and conducted its trials primarily in English and French. In addition, it prioritized the victim participation around the evidentiary requirements instead of taking the needs of the victims/ families of the victims into account (Stover, 2011; Clark, 2014). Field research based on the interviews conducted by Stover (2011) with victims and witnesses revealed the gap between the expectations survivors brought to the courtroom and the procedural reality they encountered. While many witnesses had hoped to give a coherent account of the events they and their families had experienced, they were supposed to answer to narrowly framed questions, as dictated by the prosecution's strategy and the rights of the accused. In line with the parallel findings of Stover (2011), Clark (2014) also reached that since the emotional and narrative facets of the survivors' experiences are formally filtered through procedural requirements that diminishes their recognition, the experience of testifying is often instrumentalizing rather than empowering. The same pattern was also observed by Leydesdorff (2007) with respect to female survivors. They revealed significant dimensions of loss and harm that fell outside the categories the Tribunal was equipped to address, including the unresolved status of missing relatives, the destruction of community life, sexual violence as a form of war-time harm, and the prolonged burden of reconstruction of daily life after displacement.

As a response to its neglect of the perceptions of the people under jurisdictions, the ICTY's outreach programme was established in 1999 (ICTY, n.d.). It sought to reinforce institution's relationship with the region of the former Yugoslavia by disseminating information to local and international public about the legal proceedings in the international criminal tribunals (Demir, 2021). This also contributed to raising awareness regarding the transitional justice mechanisms such as trials, truth commissions, reparations and institutional reform (Demir, 2021) Yet, since the ethnic hatred had been already fueled by the local extremist actors before its establishment, the delay in the outreach activities can be counted as one of the critical impediments for the ICTY's

successful restoration of peace and reconciliation (Demir, 2021). In addition, the structural gap between procedural form and community experience persisted throughout the Tribunal's operations (Hagan, 2019). Therefore, it failed to fulfill the function of recognition, mourning, or activism that affected communities need.

The second limit relates to the selectivity of prosecution and corresponds to the assumption that atrocities should be addressed through the prosecution of individual perpetrators and that post-atrocity recovery is, above all, an institutional achievement. For example, because of the limited resources and fixed temporal mandate, the prosecution strategy focused on high-level leadership and cases that could set precedents for new legal questions, including the characterization of genocide developed in the Krstić case and the doctrine of joint criminal enterprise (JCE) detailed in the Tribunal's jurisprudence (Schabas, 2003). This led to the indictment of only 161 individuals during its proceedings, which represents only a small proportion of the people involved in planning, executing, or facilitating crimes committed during the genocide. Therefore, ICTY's influence over the wider range of perpetrators in Serbia and RS were limited. Its capacity and effectiveness were also hindered by the domestic judicial systems' limited unwillingness to prosecute war crimes domestically, political resistance to the Tribunal's efforts questioning its legitimacy, delays in arresting and transferring suspects to the ICTY. Here it is also noteworthy to mention that many middle and lower-level individuals involved in the Srebrenica genocide were not prosecuted at the international level, and domestic prosecutions in Bosnia and Herzegovina (BiH) proceeded slowly, which resulted in an inadequate accountability among survivors (Clark, 2014; Cisneros Cristóbal, 2025). All these restraining factors shaped ICTY's accountability in terms of post-atrocity recovery.

The third limit is related to the persistence of denial despite legal determination. Against the liberal-legalist assumptions that once a court has rendered a competent decision, the contentious questions about what happened and how it should be classified are resolved. The Srebrenica genocide and its aftermath demonstrated the opposite. As above-discussed, instead of eliminating the genocide denial judicial findings change the form it takes. Accordingly, following the genocide finding in the Krstić case, which was later confirmed in the rulings against Popović, Karadžić, and Mladić, political actors in RS and Serbia largely abandoned discussing fundamental facts such as the number of killings, the number of victims, and the identities of those who died.

Instead, they focused on the genocide classification itself, the methods the Tribunal used to arrive at it, and the political motivations they attributed to the international community in pursuing it.

This change did not occur suddenly. Adams and Halilovich (2021) reveal that Srebrenica is presented through a highly politicized collective memory focusing on nationalist myths about Serbian victimhood thereby legitimizing their political position (Bajramovic, 2024). In this respect, the resistance to the Tribunal's findings is the continuation of this longer tradition of memory politics. Thus, the legal characterization of genocide has not concluded the problem of denial but restructured the space in which the denial continues to operate. Cisneros Cristóbal (2025) identifies this gap as the central paradox of the ICTY's legacy.

4. Community-Led Commemorative Practices of Srebrenica

The parallel domain in which the community-led practices have carried out the forms of justice and healing that legal adjudication cannot perform. These practices emerged from within the affected communities and operate within records that do not fall within the Tribunal's jurisdiction. The Srebrenica-Potočari Memorial Center is the primary physical and symbolic site for the collective remembrance of the Srebrenica genocide. It is located on the site of the former United Nations-protected area where Bosniak civilians sought safety in July 1995. Established by a decision of the Office of the High Representative in 2002 and opened in 2003, the Center encompasses the cemetery where the victims of the genocide are buried, a memorial site, and the abandoned battery factory that served as the headquarters of the Dutch peacekeeping battalion (Bakić, 2021; Nettelfield & Wagner, 2014). The annual commemoration ceremonies held here on each July 11 have become the central event of Bosnian commemorative practices. Through the framework of Nora's *lieux de mémoire*, the site functions not as a static repository of memory, but as a dynamic space where the past, present, and future are constantly mediated (Bakić, 2021). The cemetery is not complete: each year, during the July 11th commemoration, the remains of newly identified victims are buried, and the number of marked graves continues to increase as forensic identification progresses (Wagner, 2008). Therefore, the site embodies a temporality that the legal records of the ICTY cannot share. While judicial decisions fix the past at the moment of judgment, the Memorial Center carries the past forward through ongoing burials, reburials, and annual meetings that renew its

meaning across generations. The Memorial Center's implications for collective memory have been examined from several different but overlapping perspectives. Jacobs (2017) documents the gendered organization of the Memorial Center: the male victims who make up the overwhelming majority of the cemetery, the central role of mothers and widows in the annual commemoration, and the prominence of maternal grief in the symbolic architecture of the site structure the space in ways that the courtroom cannot record. Selimović (2013), on the other hand, offers a broader political reading by placing Potočari within the context of post-war commemorations in Bosnia and Herzegovina, arguing that memorial sites function as areas of political contention as much as areas of mourning. Mazzucchelli (2017) develops this further, characterizing the site as a contested cultural boundary where competing ethnic narratives of war converge.

The Mothers of Srebrenica (officially the Association of Mothers of the Srebrenica and Žepa Enclaves) was established in as an organization of women who had lost their husbands, sons, and male relatives. For thirty years since its founding, the Association has functioned simultaneously as an advocacy organization, a memorial organization, and a legal advocate, occupying a central position in the post-genocide public sphere of BiH (Gavrankapetanović-Redžić, 2023; Nettelfield & Wagner, 2014). It campaigned for the identification of bodies and the location of mass graves, lobbied national and international authorities for the recognition of the genocide, filed lawsuits against the Dutch state and the United Nations due to the failure of the Dutch peacekeeping battalion to protect the area, and organized the annual July 11 commemoration in Potočari (Halilovich, 2015; Gavrankapetanović-Redžić, 2023). The lawsuits against the Netherlands, pursued through Dutch domestic courts and resulting in partial state responsibility rulings, created a parallel form of accountability that the ICTY's jurisdiction over individual perpetrators could not address. In addition, it has produced and maintained a continuous public presence of survivors in political and media arenas with their own claims, their own voices, and their own terms. In this respect, the Mothers of Srebrenica function as the kind of grassroots actor that Teitel and Vegh Weis (2024) identify as constitutive of transitional justice rather than supplementary to it. By putting political and legal pressure, Association shaped what justice would mean in the post-genocide period, like. It resembles what Gavrankapetanović-Redžić (2023) defines as the assertion of a new social power

attributed to the Mothers and Grandmothers of Plaza de Mayo in Argentina operating independently of state and international institutional frameworks while simultaneously engaging with them.

Another instance of commemorative practice, the Research and Documentation Center (RDC), was founded in 2004 to systematically identify every individual killed during the 1992–1995 conflict in BiH. The project which compiled 97,000 victims through cross-referencing of numerous independent sources including forensic records, family testimonies, civilian documents, and military archives (Wagner, 2008; Nettelfield & Wagner, 2014) was published as the *Bosnian Book of the Dead*. For survivors and grieving families, the inclusion of a relative's name in a verified, published register functioned as a restoration of individual identity to the mass abstraction of 'the dead' (Wagner, 2008). The documentation was developed with the forensic identification investigations of the International Commission on Missing Persons' (ICMP), which used DNA technology to identify the remains of more than 90% of the Srebrenica victims. Wagner (2008) documents how the identification process itself became a field of social memory work: Families participated in providing reference samples, obtaining identification reports, and burying remains, and each step of the process carried a social and emotional weight that legal proceedings could not record. The Bosnia and Herzegovina Documentation Center, previously established in Sarajevo, conducted related work in the systematic collection of witness testimonies from across the country and created an archive that contributed to both local war crimes trials and historical memory projects; however, this archive, like the RDC's database, treated ordinary survivors and ordinary dead not as instruments of a particular case, but as subjects of the record.

Finally, the March of Peace, or Marš Mira, brings the commemorative repertoire into motion as a three-day annual march that retraces the approximately one hundred kilometers that men and boys from Srebrenica covered in July 1995 as they attempted to flee through the jungle towards Tuzla. The route traces the death march in reverse with eight thousand mourners' attendance that pass through mass grave sites that had been discovered along the way. It begins on July 8th in Nežuk near Tuzla and ends on July 10th at the Potočari Memorial Center, one day before the central commemoration ceremony. The march which was first held in 2005 has become one of the most well-attended commemoration events related to Srebrenica. It received thousands of participants each year, including survivors, families of victims, members

of the Bosnian diaspora, and international visitors (Luitjens & Schoorel, 2022; Riding, 2020). Luitjens and Schoorel (2022) characterize the march as a form of remembrance through resistance. By walking the route in the opposite direction, participants symbolically reject the events of July 1995 and assert their presence on the land from which the victims were forcibly removed (Luitjens and Schoorel, 2022). Ljubojević (2021) argues that the march functions as a spatial practice of remembrance, where collective memory is sustained through the act of moving in the places where the genocide took place. Riding (2020) regards the march as a performative form of memory work in a post-genocide landscape offering an intersection between the cultural and political geography, genocide and collective memory. In this respect, he argues that the march implies a different form of remembrance than the linear or institutional approaches to memory as the physical landscape becomes part of how the genocide is remembered (Riding, 2020).

While the four cases examined above operate in different forms of collective remembrance, including spatial, political, documentary, and performative, they share a common analytical feature revolving around a continuous practice rather than a single act. In this respect, they provide a continuous public presence of the Srebrenica past in the social, physical, and political life of BiH.

The Memorial Center in Potočari enhances memory through spatial and ritual practices; the Mothers of Srebrenica advances memory through political action and legal processes; the RDC and related documentation projects enhance memory by creating a comprehensive social record of those killed; and Marš Mira enhances memory through marches in the geography where the genocide took place. Each of these practices accomplishes work that the ICTY was not designed to perform. Together with the legal proceedings, they constitute a complementary framework of post-genocide recovery, as outlined in previous section of 2.3.

5. Discussion and Conclusion

The analysis has shown that the transitional justice and healing process following the Srebrenica genocide cannot be evaluated through one-sided comparisons of institutional/legal and social processes. They operate with different temporal logics, which, in return, shapes how each is experienced and perceived. The ICTY contributed to the transitional justice on a fixed temporal basis entering an authoritative record such as Krstić decision in 2001 and the Mladić case in 2021. In contrast,

community-focused practices produced justice as a sustainable and repeated commemorative act that persist over years. Munira Subašić's statement that "justice did not come in the way we expected" uncovers precisely this asymmetry. Many survivors expected justice to address the long term consequences of the mass atrocity and their loss. Yet, because of its institutional design, the Tribunal was only able to deliver justice in the form of legal closure rather than a process that fully engaged with survivors' lived experiences.

Through the review of the secondary sources and relevant literature the current paper examines the previous research reaching the parallel conclusions. As discussed in the third section, they show the procedural limits of the ICTY in acknowledging victims' and families of the victims' expectations including recognition, coherent account of their experiences, and sustained societal engagement with them. However, the Tribunal could not accommodate these needs (Stover, 2011; Clark, 2014). In addition, the significant part of the harm faced by the female victims fall outside the scope of the categories that the Tribunal could address. These included the situation of missing relatives, long term consequences of sexual violence, and the destruction of community life (Leydesdorff, 2007). These findings are not to imply one form of justice has been more meaningful than the other, but to highlight the fact that legal and communal initiatives have addressed different needs operating on different timescales. The Tribunal achieved a decisive aim qualifying Srebrenica as genocide, which produced an authoritative factual record by convicting high level officials involved. Community-led practices, on the other hand, sustained the ongoing performative acts of mourning and transmit memory across generations.

The current study has examined the relationship between international criminal justice and community-led memory and commemorative practices in the post-Srebrenica period, arguing that the two function as complementary forms of post-genocide healing. In this respect, it contributed to the current literature by proposing a different framework for assessing post-atrocity justice. Conventional approaches evaluate the ICTY in respect to the expectation of delivering comprehensive social recovery. However, no criminal court, by the very nature of its mandate, can deliver such a result. Measured against this expectation, the Tribunal will always appear insufficient. This analysis proposes a different starting point. It considers the ICTY, along with the community-focused practices as a component of a broader field of justice-making.

Within this field, each component does work that the other cannot. The legal proceedings established the legal truth, created an authoritative factual record, and convicted those most responsible. The community-led practices, in turn, have engaged with the long-term mourning and remembrance that legal proceedings cannot reach. They sustain communal remembrance by transmitting memory across generations. Evaluating the ICTY within this broader context allows for the recognition of the Tribunal's original contribution while preventing it from being held accountable for tasks it was never designed to perform. In this sense, engaging with the transitional justice scholarship, this means that the legitimacy and effectiveness of formal mechanisms cannot be assessed separately from the grassroots practices that develop alongside them towards peaceful recovery and healing.

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