CHAPTER 5

Graves and Redress: Families of the Missing Persons and the ‘Srebrenica Effect’

5.1 Introduction

‘I have never experienced anything similar before or after’, a human rights activist from Sarajevo explained when I asked about the negotiations that preceded a legal reform for families of missing persons in 2004. ‘Mirsad Kebo, the then Minister of Human Rights and Refugees from SDA, put a blank paper on the table and said, “this is the Law on Missing Persons”. So we all got to work and produced a draft, which I think turned out to be very good,’ she added.1 By ‘all’, she meant the civil sector, governmental advisors and leaders of victims’ associations. The result of their work was a new law that granted a variety of material and social rights to families of the missing and offered them redress at the state level. Responding to the victims’ demands, the BiH Parliament unanimously adopted the law in October 2004. The Law on Missing Persons (henceforth ‘Law’) remains the only legal provision for Bosnian war victims successfully adopted at the state level. It foresaw the creation of a new state institution for the search of the missing, a central registry of all names and a special fund for families. ‘The Law was phenomenal – on paper’, a victim representative concluded. ‘But no one has ever been tasked with making sure families get what the Law promised,’ she added disappointingly.2 While the Law represented an unprecedented success in victims’ redress, it soon got bogged down by the divided Bosnian policymaking.

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Unlike in the previous chapter, where I discussed the ‘Domestic Pressure’ and ‘Poster Child’ scenarios of victim capital, in this chapter I stress the combination of all three components of victim capital. In other words, I illustrate the ‘Optimal Route’ scenario when high salience, authority and resources combine. Families of Bosnians who went missing during the war were exposed to high levels of external attention because this group included victims whose suffering came to define Bosnian post-war transitional justice: Srebrenica survivors. The Srebrenica genocide of July 1995 not only conferred superior international salience and moral authority upon families of the missing among Bosniaks but Srebrenica associations have enhanced their two sources of leverage by huge personal investments in their mobilization resources too. In what follows, I first characterize the missing persons’ families and the associated legal outcomes. I then discuss how their victim capital influenced the design of the 2004 Law. The final two sections analyse the conjuncture of these factors in the second post-war phase, and the lack of access to the provisions of the Law thereafter.

5.2 Characterizing Families of Missing Persons in Post-War Bosnia

Families of missing persons form a category that belongs to the so-called ‘indirect’ (secondary) victims, i.e. victimized by the loss of a loved one (alongside families of the killed). In Bosnia, the term ‘missing’ [nestali] is used for both civilians and soldiers who disappeared during the war without any knowledge of their whereabouts. The 2004 Law defined the missing persons as individuals ‘about whom their family has no information and/or are reported missing based on reliable information because of the armed conflict that happened on the territory of the former SFRY’. Families of missing persons share victimization of what some called ‘ambiguous loss’, caught between the past and the future without knowing whether their loved ones are dead or alive and without the ability to bury their bodies and mourn over their graves (Clark, 2010, p. 431). Anthropological work in Bosnia by Sarah Wagner but also previous work from Latin America has shown that entire families are affected by the absence of closure after the disappearance of a family member (O’Keefe, 2009; Stover & Weinstein, 2004; Wagner, 2008). The lack of knowledge has been in Bosnia compounded by the active efforts of the Bosnian Serb authorities to cover up traces of the crimes by dispersing bodies in
multiple graves and questioning whether the disappeared individuals ever existed.

An interviewed victim tearfully said, ‘they killed my son, threw his body God knows where and now they deny he ever existed. What worse can there be for a mother?’ As Hamber and Wilson argued, ‘[t]his eradication of the identity of the victim leave survivors in a state of profound ontological insecurity’ (Hamber & Wilson, 2002, p. 40). Gaining information about graves and finding bodies or bones of their loved ones not only provides families with personal relief but can also be an important sign of reckoning (Stover & Shigakane, 2002, p. 850). As bodily remains represent forensic evidence of crimes, their recovery through information shared by potential perpetrators is an important sign of solidarity and societal willingness to move on. Enabling families to bury their loved ones can function as a gesture of reconciliation and personal closure. At the same time, while most families of the missing demand to know what happened, finding out about their death can result in double victimization—that of an ambiguous loss and that of a full loss after the remains of the loved ones have been identified, ending any possibility that they may still be alive (Baraković, Avdibegović, & Sinanović, 2014, p. 340).

The issue of nestali has featured prominently in Bosnian daily life until today, as discoveries of mass graves have been a common occurrence: in 2015, over 800 bodies were identified across the country while the number was 135 in 2018 (Rovcanin, 2019). Although there are still over 6500 people missing, 80 percent of the missing from the Bosnian war were identified by 2020—the highest percentage of any post-war country according to the International Commission for Missing Persons’ (ICMP) data. As discussed previously, there have been significant controversies over numbers of victims, including missing people, whereby each ethno-national group has tried to inflate ‘their’ numbers. However, thanks to the work of ICMP, it has been established that around 31,500 civilians and soldiers went missing between 1992 and 1995 in Bosnia. Bosnia thus accounts for nearly 80 percent of all the disappearances from the wars in ex-Yugoslavia in the 1990s. The ICMP further established that most missing victims were Bosniaks/Muslims (88 percent), followed by Serbs (9 percent), Croats (3 percent), and a very small number of other groups (Wagner, 2008, p. 86). The vast majority of the reported disappearances were men (over 90 percent), resulting in those left behind being mostly their wives, parents and children (Baraković, Avdibegović, & Sinanović, 2013). In addition, nearly half of the reported missing people were in
the eastern parts of Bosnia along the Drina River (Podrinje) and the majority in and around Srebrenica (one quarter of all cases). There has thus not only been a great predominance of Bosniak victims, but also a regional distribution of where people went missing, providing good evidence about the course of the Bosnian war and where the main atrocities were committed. Figure 5.1 depicts the regional distribution. It also indicates the total numbers of identified bodies by 2017.

Given such distinct type of victimization and the regional distribution of the disappearances, Bosnian families of missing persons organized themselves separately from the rest of Bosnian victims. They initially set up small local organizations run by returnees who were located close to the areas where their loved ones went missing in the hope that they would come back or be found. This is particularly the case with female Bosniak

![Figure 5.1 Missing persons by regions/events as of 2017 (ICMP data, 2017)](image-url)
survivors of Srebrenica, who created several organizations in Tuzla in north-eastern Bosnia in 1996 and Sarajevo, such as Mothers of Srebrenica and Podrinje, Women of Srebrenica, and the Movement of Mothers of the Enclaves Srebrenica and Žepa (henceforth ‘Movement’), which has over 8000 members. In my interview with Women of Srebrenica, one of its leaders Nura Begović provided this explanation for how the association was set up:

We could not just roam around the streets of Srebrenica on our own and keep trying to enter our houses, demand information and our rights. It was dangerous and without much effect. If we wanted to work with institutions and be heard, we had to be some sort of a legal entity, which is what Hajra [Čatić] and I did in May 1996 by registering the association. 7

Around the same time, Bosniak families created twelve municipal associations of missing civilians and soldiers in eastern Bosnia outside of the Srebrenica area. They united in 2001 in the Bosniak Union of Associations of Families of Missing Persons (henceforth ‘Bosniak Union of the Missing’). 8 Given the lower numbers of victims among the other ethno-national groups, Bosnian Serb and Croat associations were less visible. In 1996, the first organization for families of missing Serbs was established as the Republican Board of Families of Missing Persons (Sarkin, Nettelfield, Matthews, & Kosalka, 2014, p. 124). Later, eight associations created an umbrella organization known as the Republican Organization of Families of Captured and Fallen Fighters and Missing Civilians RS (henceforth ‘Republican Organization’) in Banja Luka that has since dominated the discourse on Bosnian Serb missing. A splinter minority Union of Serb Associations of Missing Persons was also set up in Bijeljina and another one in Eastern Sarajevo in 2012. 9 Croat victims accounted for the smallest number of victims and gathered in municipal associations that unionized as late as 2011. In total, it is estimated that there are at least 35 associations of families of missing persons in BiH 10 with a membership of around 40,000 (Juhl, 2009, p. 257; see also Sarkin et al., 2014).
5.3 **GOALS AND OUTCOMES: BONES, RETURN AND RECOGNITION**

As the source of victimization of the families of the missing differed from other groups, information was an inherent part of the remedy they demanded. They campaigned to reveal the truth about what happened to their loved ones and recover their bodies. ‘Our mission is to find bones of our loved ones. And then that perpetrators are brought to justice,’ the president of the Movement Munira Subašić stated in our interview.¹¹ These efforts have also been matched by calls for being able to return home and ensure dignified burials in the area of Srebrenica. Their need was emotional and urgent. This urgency led to early protests, appeals and silent demonstrations (Delpla, 2007, p. 223). In particular, mothers, daughters and wives of those who ‘disappeared’ in Srebrenica appealed to international and domestic authorities to investigate what happened in July 1995. But they also wanted to be able to return to their homes that had been occupied by Bosnian Serb families. Once the extent of the crime was obvious after first openings of mass graves, the women turned their attention to where to bury their families and how to commemorate them. A Bosnian expert on transitional justice Aleksandra Letić explained that the hope of finding bodies of relatives at first ‘kept the women alive’, while the memory of them and their commemoration later became ‘the purpose of their lives’.¹² Their initial goal was that of “right to know” … the right to have their relatives’ remains returned to them; and the right to a sanctified burial of those individual sets of recovered remains’ (Wagner, 2008, p. 248).

By the early 2000s, material redress became a key part of such aims as survivors began to face existential problems (Delpla, 2007, p. 224). As most of the missing were men and thus the main breadwinners in the rather traditional rural parts of Bosnian society, their wives and families were exposed to economic vulnerabilities in the precarious post-war state. The mainly female survivors realized that in addition to demanding the location of graves and punishment of those responsible, they also needed material benefits such as housing, help with burial costs and benefits for children.¹³ ‘We had nothing when we came back. Our houses were empty. They burnt everything, even photos. And we were scared’, a survivor described her return in 2002.¹⁴ Another victim from Srebrenica in our interview explained: ‘I want them to admit what happened, that my son was killed the way he was. I want them to be held responsible.
But they won’t. So some compensation, some reparation or whatever it is called... There is no money that can replace my child. But so be it, at least some satisfaction, if there is no other punishment.’

Families also struggled to exercise their inheritance and property rights because of the complex governance structures of post-war Bosnia and the lack of documentation that had been lost during the war. As the Dayton framework devolved social welfare to the subnational level of entities and cantons, families whose loved ones had gone missing in the other entity struggled to obtain documents that would entitle them to their property and economic rights until the early 2000s. While FBiH and later RS formally included missing persons in their entity laws for civilian victims, families were asked to declare their relatives deceased and present evidence of property ownership to be able to return to their homes, receive benefits, pensions and inheritance.

A state-wide framework of redress was thus needed.

Such a framework came into existence in 2004 when the above-mentioned Law on Missing Persons was adopted. Alongside the War Crimes Chamber set up in 2005, the Law became the only state-wide legal framework directly targeting Bosnian war victims. The Law was aimed to enable survivors to exercise property rights, bury their loved ones wherever they chose fit, commemorate their memory, enter into new marriages, receive benefits for their children and a variety of other social benefits, alongside monetary redress (Dewhirst & Kapur, 2015, p. 27).

The Law established a time frame (30 April 1991–14 February 1996) in which a person that went missing could be considered a direct victim, and clarified that all immediate family members (spouses, parents and all dependents) were eligible for redress as indirect victims. To satisfy the families’ search for truth, the Law prescribed the opening of the state Institute for Missing Persons (Institut za nestale osobe, INO) and the creation of the Central Records of Missing Persons (Centralna evidencija nestalih, CEN) that all missing persons had to be entered into. Within three years, all missing were to be declared deceased (Art. 27). This later became a topic of dispute as many families did not want to declare their relatives dead (cf. Citroni, 2014). However, for legal reasons—for example, to receive pensions of late husbands or obtain children benefits for children of missing soldiers—many were eventually forced to do so.

Recognition of the status of victims was an important part of the Law. It guaranteed families the right to know about the fate of their missing family members, the circumstances of their disappearance and the right
to receive their bodily remains. In an attempt to at least formally standardize victims’ rights, it invoked the need to treat all bereaved ‘on equal conditions, regardless of whether a missing person had been a member of the armed forces or a civilian’ (Art. 10). Most importantly, the Law foresaw the establishment of a Fund for the Families of Missing Persons (henceforth the ‘Fund’). The Fund was to provide families with financial support including the period after the remains have been identified. However, this right would cease once a spouse remarried or a child finished schooling. The Law specified that relatives could choose whether to benefit from compensation under this Law or other entity laws for civilian victims (as families of the killed). Although the Law only spoke of full financial support at the amount of 25 percent of the mean salary in the respective entity, it was to help the most vulnerable individuals by additionally providing other social and medical services. These included educational and social privileges for children, preferential employment and free healthcare. The Fund was to cover the cost of burials, memorials, commemorative events and finance all victim associations.

On the ‘International Day of the Disappeared’\(^\text{18}\) on 30 August 2005, INO was formally founded as the first unified domestic body tasked with the search for missing people. Since its operational opening in 2008, it has established offices across Bosnia with the aim of carrying out investigations and liaising with prosecutorial offices, supporting the families, and generally complementing the forensic and scientific work of other (previously entity-based) institutions. Mimicking the three-sided administrative structures of Bosnia, INO is led by a Supervisory Board consisting of one Croat, one Bosniak and one Serb. Representatives of the families are part of its six-member Advisory Board (two from each ethno-national group) with the aim to ‘convey what the families were thinking about the governing body and to act as a stream of information from families up’\(^\text{19}\). Finally, by merging twelve local and investigative databases and sources, an official list of names was created in 2014, which is in the last phases of verification as of 2020. As a result, this database might emerge as the most accurate victim statistics in BiH.

As demanded by the victims, the Law included a mechanism to streamline the search for the missing that has until then been divided and managed by entity commissions, offer socio-economic support to relatives and finance activities of victim associations. Therefore, evaluating outcomes on the basis of demands and achievements, the Law’s adoption
Table 5.1 Outcomes for families of missing persons

| Level                  | FBiH                      | RS                      | State legislation           |
|------------------------|---------------------------|-------------------------|-----------------------------|
| Families of missing    | Included in entity        | Included in entity      | 2004 State Law on           |
| persons                | legislation               | legislation             | Missing Persons             |

Source: Author

was a clear success at the state level, as depicted in Table 5.1. As families for missing persons were formally included in entity laws alongside families of killed, no additional claims were made at entity authorities. However, as I discuss below, the Fund was never established and INO has been much criticised for its slow pace of work. Therefore, despite the initial ‘success’ at the state level, families of the missing have had to rely on entity legislation rather than the Law to receive any redress.

5.4 Optimal Victim Capital of the Missing

In many respects, the 2004 legal breakthrough seems rather anomalous in the history of policy adoption for victims in BiH. Bosnian policymaking in the realm of redress and social policies has only rarely been conducted at the state level, given that entities have significant governance rights. State-level laws have usually addressed areas of key importance, such as security (state army), taxation, judiciary and state symbols. It was thus remarkable that a victim category was treated at the state level. In this section, I demonstrate that the primary reason for this outcome is the combination of domestic and international resonance of the 

nestali
issue because of the Srebrenica genocide of July 1995 combined with the high levels of activism and mobilization of the victim associations. High levels of overall victim capital among the Srebrenica associations brought the rest of the families together and towards a state Law. Their success thus represents the ‘Optimal Route’ scenario, when a category has high levels of all three factors.

5.4.1 International Salience: Srebrenica and Its Aftermath

The external attention given to the issue of missing persons is critical for understanding the adoption of the 2004 Law. The levels of international salience were far superior among families of the missing and their
demands to any other Bosnian victim group. The key reason is that the issue gradually became identified with the Srebrenica genocide. No other crime during the Bosnian war has been given such international attention as the fall of the Srebrenica enclave and the disappearance of 8000 Bosniak men under the auspices of UN soldiers. As the anthropologist Wagner argued, ‘if inaction characterized the international community’s response to the events in July 1995, then documenting the story of the enclave and its fall, its mass graves, and its missing has become a principal means of redressing the failure to act’ (Wagner, 2008, p. 21). Indeed, thousands of articles, reports and books have been written documenting the genocide. It has since become a point of reference invoked when reporting about other war crimes and atrocities around the world, including contemporary violations in Syria and Iraq (Noack, 2016).

5.4.1.1 The Shame of Srebrenica and Legal Justice
Between 11 and 19 July 1995, around 8000 Bosniak men and boys ‘went missing’ from the UN-protected ‘safe haven’ of the enclave of Srebrenica after the Bosnian Serb Army under general Ratko Mladić seized the enclave. The enclave had been established under UN protection and demilitarized in May 1993. Its aim was to offer protection of refugees from areas surrounding Srebrenica. The vast number of documents and eye-witnesses allows for an accurate reconstruction of the events in July 1995 that are briefly sketched out here. After the RS Army gained full control over the enclave on 11 July 1995, it loaded around 2000 men who had previously sought refuge at the UN compound in Potocari onto buses. The paralyzed Dutch UN battalion (UNPROFOR Dutchbat) of 347 soldiers showed poor resistance and ultimately under pressure assisted the RS soldiers with loading the buses. The Bosniak men were executed in the nearby fields, schools and warehouses. The victims’ bullet-filled bodies were later found in over 90 mass graves scattered across eastern Bosnia (Rohde, 2015). Some body parts were uncovered in multiple graves, indicating an active effort to cover up traces of the killings. The men had their hands tied and were unarmed, thus classifying them as civilians. Women and children were separately driven to the nearby city of Tuzla. Additional 15,000 men fled to the woods but only 9000 made it out alive (Nettelfield & Wagner, 2013, pp. 9–14). The rest were executed by the VRS forces of Ratko Mladić and Serbian paramilitaries (such as the Scorpions).
Once the first reports about the killings appeared in the media, public bodies and human rights activists worldwide demanded an urgent investigation of the crime and punishment for the executioners. Human Rights Watch (HRW) soon after the massacre argued that Srebrenica ‘made a mockery of the international community’s professed commitment to safeguard regions it declared to be “safe areas”’ (Human Rights Watch, 1995, p. 1). It further called for external actors ‘to fulfil their moral and legal duty’ and bring those responsible to justice. In reaction to the international failure, the UN Special Representative for Human Rights Tadeusz Mazowiecki resigned from his post and accused international actors of a ‘lack of consistency and courage’ in Bosnia (Mazowiecki, 1995). The ‘shame’ of not preventing Srebrenica has haunted the UN and international actors after the war and has also shaped their subsequent operations. Srebrenica pushed Western countries to intervene in the conflict and commit to Bosnian peacebuilding. Some authors even claim that while the act of establishing the ad hoc Tribunal, the ICTY, in 1993 was merely a ‘public relations device’, it was Srebrenica that impelled external actors to commit to its work (Williams & Scharf, 2002, p. 92). While the ICTY had already been under growing pressure from human rights activists who were firmly set on seeing it succeed (Orentlicher, 2010), Srebrenica certainly helped its operationalization: only after Srebrenica did the ICTY gain sufficient resources and foreign assistance to indict and capture suspected war criminals (Nettelfield, 2010, p. 83). By the end of the war in November 1995, the ICTY indicted the two main suspects of orchestrating Srebrenica—the former RS President Radovan Karadžić and the VRS general Ratko Mladić. And only after Srebrenica did US President Bill Clinton give his consent to the NATO bombing of Serb forces in Bosnia, leading to the US management of the Dayton peace talks. The ensuing diffusion of the international norms of justice and the ‘Responsibility to Protect’ of 2005 are partially also the result of the UN dismal failure in Bosnia.

The international and media interest was critical for local victim associations that were able to leverage this attention to drive home the message that their loved ones must be found and identified. The ICTY soon became an important ally as it legally defined their suffering as amounting to genocide. As early as November 1996, a low-ranking soldier of the RS Army Dražen Erdemović pleaded guilty to crimes against humanity in executing hundreds of Srebrenica men and shared valuable information about other perpetrators. Yet the key turning point came in August
2001 when the Bosnian Serb general Radislav Krstić was found guilty of the charge of genocide. In its judgement, the ICTY established that at least 7500 civilian Bosniak men were executed in and around Srebrenica with a clear and proven intent to annihilate Bosnian Muslims as an ethnic group.²⁶ This case (as well as later cases of Vujadin Popović and Zdravko Tolimir) featured prominently in the victims’ understanding of their plight as they began to frame themselves as internationally recognized victims of genocide in their appeals and campaigning activities. Until 2020, 14 individuals were found guilty of participating in the Srebrenica genocide and ‘related crimes’ at the ICTY, including Karadžić and Mladić.²⁷

The framing of the missing as victims of genocide has functioned as powerful leverage among political authorities in the Federation (The Economist, 2002). Nettelfield has argued that the ICTY findings about genocide provided victims with the capital to ‘make claims of accountability and mobilize on behalf of their missing relatives’ (Nettelfield, 2010, p. 210). The Srebrenica associations became witnesses, interlocutors and commentators of the work of the ICTY (and later the domestic War Crimes Chamber). They assisted the Tribunal in collecting information, as well as mobilizing the diaspora to testify and provide information (Delpla, 2014, pp. 267–273). International organizations (such as UN bodies, ICMP ICRC, OHR and Pax from the Netherlands) supported their work and sponsored their trips to The Hague to follow trials in person. While Srebrenica victims also acted as the Tribunal’s critics because of uneven sentencing and controversial decisions such as the destruction of personal belongings of Srebrenica victims (Simić, 2014), ICTY allowed the victims to take a much more central role in transitional justice. The international attention they were given was critical for both their external and domestic positions, especially in the first and second post-war phases when human rights organizations incessantly advocated for their rights and recognition. Among others, Amnesty International appealed in 2003 to domestic institutions to recognize all missing people’s families and provide them with material benefits. It referred to some of the most famous cases of missing persons, such as the disappearance of the Bosniak general Avdo Palić, and invoked Srebrenica to advocate for ‘a genuinely equitable system for the reparation of victims’ (Amnesty International, 2003, p. 48).

Beyond identification, the other concern of survivors was the burial of remains and returning home. ‘So many identified bodies were there
so we started asking ourselves where to bury them – in 2001, I think, it was’ Hajra Čatić explained. ‘Our authorities first said that we can do it in Kladanj. But we said we would never do that – how is Kladanj and Srebrenica related? We wanted them to be here, in Srebrenica. So we started seeking the ownership of the land in Potočari’, she added. One of their colleagues facilitated meetings with the US ambassador who was visiting the area regularly. The women pleaded with him repeatedly to convince the OHR to assign the area of the UN military compound in Potočari as a burial site. They succeeded. In 2000 the first large ceremony was organized in 2000 with financial support and endorsement from the HR Wolfgang Petritsch and the participation of international politicians (Duijzings, 2003, p. 157). A year later, the OHR set up a foundation with the objective of establishing a memorial (OHR, 2001). The Executive Board of the foundation was appointed by the OHR and included US and European ambassadors, as well as the Grand Mufti of the Islamic Community in BiH. In September 2003, the ‘Memorial Complex Srebrenica-Potočari’ was inaugurated by Bill Clinton. Thereafter, world leaders and regional politicians began streaming to Srebrenica for the annual 11 July commemoration and the Memorial received generous external funding. The annual commemoration turned into a large annual gathering in Potočari, accompanied by the burial of newly exhumed bodies (or their parts). Yet the ‘failure of international community’, though, as the primary frame of the genocide has haunted external actors—it has even made it onto the entrance board of the newly established museum in Srebrenica-Potočari (see Fig. 5.2).

In the period prior to the Law’s adoption, family associations became important public actors for another reason—their participation in global scientific progress. While the issue of missing people was by no means new in international affairs, it was not until the Bosnian war that new identification methods were developed. As early as 1992, the growing advocacy for the right to know the truth led to the adoption of the UN International Convention on the Protection of All Persons from Enforced Disappearance (UN General Assembly, 1992). A series of initiatives led by the ICRC and Physicians for Human Rights followed, aimed at documenting the possible places of disappearances in Bosnia. Eric Stover, a prominent American human rights activist working on cases of the disappeared in Latin America and later for the ICTY, relocated to Bosnia to assist with the development of new forensic methods (Fondebrider, 2009). These efforts were supported by the OHR but needed an umbrella
institution, which the US administration eventually sponsored. In 1996, the US government established the ICMP in Sarajevo with a laboratory and centre in Tuzla, giving it a mandate to provide technical assistance in the search for missing persons. As physical peace was established relatively quickly, Bosnia was able to host such an enterprise, despite the tripolar entity structure of the country that led to many technical issues in terms of sharing of information and technology.

The ICMP gradually took over the previously piecemeal search for the missing that was divided into entity commissions and supplemented by ICRC efforts (Sarkin et al., 2014, p. 27). After Srebrenica, the search for large numbers of reported missing people needed a new forensic approach too. The issue was identified in the Dayton Peace Agreement, which asked all parties to ‘provide information through the tracing mechanisms of the ICRC on all persons unaccounted for’ (Annex VII, Art. V). Consequently, the OHR and the ICRC set up a working group to cooperate
with the two entity commissions and families, and hen the ICMP. Yet the ICRC did not have the technology for identification and until the end of the 1990s, it was difficult to bring entities together as each mostly searched for people of their own nationals in their separate commissions (one in FBiH and one in RS). Until 2001 only 140 bodies from Srebrenica were identified via traditional means (i.e. identifying clothes or by ID cards if found) (Wagner, 2008, p. 82). Identifications necessitated a high level of scientific expertise to analyse the skeletal remains, as well as a comprehensive approach involving the police, investigators, prosecutors, but also the victims themselves.

The ICMP brought these efforts under one roof by working with the state institutions, scientists and family associations. All victim respondents unequivocally confirmed what a critical role the ICMP played in depoliticizing the search for the missing and uniting identification efforts. ‘They [ICMP] kept organizing meetings and asking us what we wanted – all of us, no matter which people [nacija] we were from. This meant they truly represented all of our needs and understood us,’ Nura Begović explained.33 By 1999 it also oversaw the establishment of the Podrinje Identification Project that has exclusively focused on Srebrenica and is currently administered by the Tuzla Municipality (Wagner & Kešetović, 2016, p. 46). In 2001, it developed a new path-breaking DNA-based analysis of matching body parts to family members following a large campaign of gathering blood samples that significantly accelerated and pioneered the scientific identification process, not only in Bosnia but around the world (Wagner, 2008, p. 90). By 2017, 6968 bodies from Srebrenica (out of the 7754 eventually reported missing) were identified (see Fig. 5.1 above).

5.4.1.2 Benchmarking Victimization

Nonetheless, the external focus on Srebrenica victims left other victims’ families in its shadow. Srebrenica became ‘the benchmark of victimhood which we use for all other victims’, a respondent noted.34 Families of victims in the Prijedor municipality, central Bosnia and other areas of eastern Bosnia rarely had the opportunity to voice their views in the same fashion as Srebrenica survivors despite ICMP’s efforts (Ahmetašević, 2015b). Nearly 3200 mainly Bosniaks and Croats went missing during the war in and around Prijedor, many in the notorious camps such as Omarska, Trnopolje and Keraterm. Yet the external attention to these crimes has over time become limited as they were never legally deemed to
have amounted to genocide (Djolai, 2019). The Prijedor-focussed association of victims Izvor-Prijedorčanki (Source—Women of Prijedor), set up in 1996 in Sanski Most, tried to bring attention to these crimes by engaging the diaspora, foreign governments and the civil sector. However, it has taken them over a decade to attract external attention. The low levels of external interest in the other cases was a source of regret for the other victims early on. Ahmet Grahić, the leader of the Bosniak Union of the Missing, argued that in terms of numbers ‘two Srebrenicas’ were committed across eastern Bosnia (which is in fact not accurate given the numbers, see Fig. 5.1) but ‘internationals did not care about the rest of us because of Srebrenica where all the resources went’. The external generous spending on Srebrenica is indeed true. In its 2002 report (see below), the Dutch government calculated that from 1996 to 2002 only, nearly 34 million Euro were sent to Srebrenica-related projects. As an NGO worker noted, ‘you could have paved roads to Srebrenica with golden coins from the international aid that it received – where it all went, I do not know.’

Even more prominently, Bosnian Serb families were excluded from the international agenda (with the exception of ICMP). Given their low numbers and the general perception of the war as mainly caused by Serb aggression, Bosnian Serb associations became the most marginalized and were rarely mentioned in external reports before 2004. The only external organization that has included them in its work was again the ICMP, which included their blood samples and also encouraged them to cooperate across entity (and ethnic) lines so that more graves could be located. The leader of the (RS) Republican Organization, Nedjeljko Mitrović, stressed during our interview that apart from the ICMP, his organization never received any international support because the external focus was on Bosniak victims. To him, Bosnian Serb nestali were intentionally ignored and their numbers underestimated. This effectively intensified the Serb victims’ struggle for what Horowitz called ‘relative group worth’, where one ethnic group (usually the minority) competes with another over its value, in this case in the sphere of victimhood (Horowitz, 1985, p. 143). Despite this lack of external concern for other representatives of the nestali families, Srebrenica mounted the issue high on the external agenda of transitional justice. Because of the need to collect blood samples and evidence from all relatives, the ICMP had to cooperate with all families. The spotlight on Srebrenica thus advanced the inclusion of all nestali associations in the negotiations about a new law. The ICMP
together with the ICRC, OHR and OSCE began to pressure the central government to simplify the search for the missing and assist their families. Yet it also insisted on including all families in the process. Matthew Holliday, head of the ICMP’s Western Balkans section, in our interview stressed that their work could not have proceeded without the families because they set out the agenda and provided invaluable information. This cooperation facilitated a process that was launched at the beginning of the second post-war phase: in 2000, the ICMP symbolically announced plans to open a domestic institution, the national Institute for Missing Persons, INO.\footnote{38} However, this was only a formal inauguration; it did not begin functioning until eight years later after it was included in the 2004 Law.

The ICMP launched and mediated a dialogue between the families and the government. The result was the start of official debates in 2002 between family associations, the civil sector, international organizations and representatives from the Ministry for Human Rights and Refugees (MHRR) about the future design of a state law. Subsequently, a panel of families was set up in March 2003 to become part of a working group led by the MHRR’s legal advisor Saliha Đuderija. As alluded to in the introduction to this chapter, these debates and the involvement of the civil sector and family associations was unprecedented. All existing family associations from the three ethno-national groups and from Brčko were invited to participate. In retrospect, the Bosnian Serb associations also appreciated the process because it guaranteed non-discrimination and equal treatment for all families across BiH.\footnote{39} Although the process was officially managed by MHRR, in our interview Đuderija acknowledged that ICMP’s leadership and insistence on legally streamlining the search was an important aspect of how it started. She recognized that although the issue was a ‘political question’, the financial support of the ICMP and OHR for this mission convinced all parliamentarians to ‘raise their hands’ for the law in October 2004. ‘We did not have the technologies and the money to create such a project, so the financial support and expertise of ICMP was the only chance for the families to see a comprehensive approach to the search and their rights to be realized’, she explained.\footnote{40} Moreover, victims across the country stood behind the proposal (unlike for other proposals such as the Transitional Justice Strategy and others). The law was unanimously adopted during the 45th session of the Bosnian Parliament on 12 October 2004. It came into force on 9 November 2004.

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\footnote{38}{Matthew Holliday, interview with author, 26 March 2017.}

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Thanks to the vast international interest and public attention given to the genocide in Srebrenica, international salience of the nestali issue has been significant since the Bosnian war. While external actors—led by the ICMP and OHR—needed to provide some remedy for survivors of Srebrenica as it came to embody international humanitarian failure, domestic victim associations aligned their efforts to leverage the international shame further (Wagner, 2008, p. 89). This also led to the establishment of new institutions as ways of contributing to delivering ‘factual and objective information’ (Boraine, 2006, p. 20) about the causes of death, identities, and numbers of the missing. Victims also demanded funding to support their commemoration activities as well as the direct physical reconstruction of the area. Although the focus on Srebrenica pushed other victim associations to the background, families of the missing ultimately benefited from the superior international salience of Srebrenica amplified by their vigorous activism.

5.4.2 Moral Authority: The Epitomes of Suffering

In addition to the prioritization of the Srebrenica case, Srebrenica families have also had a high moral authority in the Federation, whose politicians were keen on framing Bosnian Serbs as the key perpetrators of the war. In particular, any criticism directed at Srebrenica victims has become apostasy among Bosniak politicians. This was compounded by the female identities of the survivors and the scale of individual suffering as some women lost several (or all) immediate male relatives (sons, brothers, husbands and fathers). This unimaginable suffering has been ‘monumentalized’ (Henig, 2017, pp. 46–47) in the Bosniak remembering of the war and resonates among the public in FBiH until today—but also in the very scarce liberal circles of RS. Moreover, at the time of the Law’s adoption, missing persons’ moral authority was symbolically accepted by leading political authorities in RS because of an unprecedented acknowledgment of guilt for the Srebrenica atrocity.

5.4.2.1 ‘Do Not Forget Srebrenica!’

‘So that it is not repeated and forgotten’ (Da se ne zaboravi i ne ponovi) has become the key slogan of domestic collective memory of Srebrenica. The crime and its survivors have domestically gained prominence as the most discussed, commemorated and invoked event of the war. The events of July 1995 became the defining turning point of the Bosnian war, the
‘crime of crimes’ (Nettelfield & Wagner, 2013, p. 16) and the key lieu de mémoire of the new Bosniak national identity (Bougarel, Helms, & Duijzings, 2007, p. 26). The genocide proved the disproportionate Bosniak victimization that was during the war relativized by external actors. It further justified the existence of an independent Bosnian state and SDA’s wartime case for the Bosnians’ right to sovereignty due to the scale of suffering. Appropriating the memory of the war, SDA leaders have not only led the July commemorations but actively supported the creation of a nearly religious aura of martyrdom around the killed men (and several women). Especially the commemoration in Potočari of 11 July has turned into the largest annual event of grief in Bosnia and the wider ex-Yugoslav region. It became a macabre example of ‘dead body politics’ (Verdery, 1999, p. 3) when bodily remains began to be used as a tool to create new national cosmologies and as a means to vilify the enemy rather than mourn the victims (cf. Henig, 2017). Instead of allowing survivors to grieve for their lost loved ones in peace, it has become a platform for Bosniak authorities to present themselves as protectors of their community, to demonstrate the scale of the crime and to juxtapose the victims (read Bosniaks) and the perpetrators (read Serbs). Especially before elections, pictures of politicians alongside the women, Islamic symbols and green caskets with the victims’ bodies have been used as ‘performative victimhood’ (Sivac-Bryant, 2014). A Bosnian commentator noted already in 1998 that even after their death, Srebrenica men became a tool of ‘pre-electoral campaigning’ (Beric, 1998).

The religious dimension of the commemoration is critical as Srebrenica’s victims have become the epitome of the Bosniak suffering and the genocidal targeting of Muslims for their religion. The anthropologist Henig extensively studied the role of Srebrenica in the Bosnian Islamic tradition. He argues that the Islamic Community has turned the commemoration into a semi-religious day by introducing 11 July into the Muslim calendar (Henig, 2017, p. 48). Despite the opposition of some individual families, the ceremony is conducted as a clear Muslim burial (dženaza) and the recovered Srebrenica men are referred to as Islamic fallen soldiers-martyrs, šehidi, as killed soldiers are otherwise labelled (see also Wagner, 2008, pp. 215–221). Since 2005 the dženaza has also been preceded by the so-called Peace March (Marš mira), a four-day pilgrimage-like trek accompanied by collective prayers even by non-practicing Muslims and foreigners. Mostly against their volition, women in white headscarves crying over green caskets became the
main symbols of Bosniak suffering. They have been framed as ‘mothers of the nation’ that have sacrificed their loved ones and their suffering has been monumentalized (Wagner, 2008, p. 66). As Bosniak victimhood has become equated with womanhood due to the statistical preponderance of female survivors, they have been seen as perfect and innocent victims (see also the next chapter). However, this framing was actively supported by some female survivors. As Helms demonstrated, some women’s groups in Srebrenica such as the Movement used these frames to drive home the message that Srebrenica was not only a crime against humanity but also against motherhood and the traditional values of family (see Helms, 2013). ‘Us, mothers, we have achieved so much for our children and our country’, Munira Subašić from the Movement told me. ‘Neither the whole of Europe nor any other country could have succeeded what we, mothers, have been able to do. Our children are able to tell evil from good and judge people on the basis of their character, not nacija. They are now successful doctors, professors and engineers all over the world,’ she added, also stressing the traditional role of women as good mothers. Figure 5.3 shows the sculptural representation standing in front of the former Dutchbat and the newly opened Srebrenica Museum in Potočari, depicting weeping women and a child.

The close link between Srebrenica and the Bosniak nation was forged early on. Immediately after July 1995, Srebrenica women demanded the truth about what happened. They sought an explanation from the Bosnian Army general Rasim Delić and wartime President Alija Izetbegović for why the commander tasked to protect Srebrenica, Naser Orić, had been called off just weeks before the genocide (Duijzings, 2007, p. 156). The first leader of the Srebrenica victims, Ibran Mustafić, made Izetbegović uneasy as he continued to claim that Srebrenica’s men were sacrificed by the Bosniak leadership in agreement with external actors to legitimize military action (Beric, 1998). However, Srebrenica associations soon stopped enquiring and the failure to protect Srebrenica was pinned on the Dutch and UN forces (see Bougarel, 2012). Duijzings suggested that the reason for this was the worry among the victims that any conflict with the main Bosniak political party over Srebrenica could halt their other activities, such as the burials in Potočari, and influence trials (Duijzings, 2007, p. 157). Although victim associations opposed such accusations (Nettelfield & Wagner, 2013, p. 128), the subsequent support for SDA by the Movement in the public sphere suggest that some form of a tacit alliance was forged: the group would stand behind
Fig. 5.3  Sculpture in front of Potočari Dutch battalion building (Source: Photo by the author)
SDA as long as the party continued its support (Delpla, 2014, p. 283). While other Srebenica victims opposed such an alliance, there was a clear hierarchy in whose name which associations were speaking, with the Movement taking over a dominant role. Its subsequent litigation and protests were directed at the UN and the Dutch government (as well as neighbouring Serbia and the other entity RS) but rarely against the Bosniak-led governments (Nettelfield, 2010, pp. 113–116).

Nonetheless, the public and the SDA supported the victims, acknowledging that Srebrenica women survived a ‘living hell’ during and after the war. Bosnian media articles about Srebrenica from the first two post-war phases document the suffering of those who survived and their ‘life after genocide’ as a constant struggle with Bosnian Serb authorities to gain information and be allowed entry to their pre-war homes (Omeragić, 2007). These were matched by numerous commemorative and educational events, exhibitions (such as a photo exhibition by a famous Bosnian photographer Tariq Ramadan in 2004), films (e.g. Gori Vatra in 2003 about a father searching for his son in Tešanj) and projects dedicated to missing people’s families (e.g. conferences and seminars). By 2004, the moral authority of Srebrenica survivors in the Federation became elevated, despite some dissenting voices about the political links between several victim leaders and the main Bosniak parties—SDA and SBiH. The great moral authority of Srebrenica in FBiH alone could not have led to a state law as the consent of the other two ethno-nations was also needed.

5.4.2.2 Between Denial and Forced Acceptance

The willingness of Bosnian Serb authorities and victim associations to accept the existence of genocide committed by Bosnian Serb forces was extremely limited from the start. As Philippe Sands argued victims of genocide tend to have a reinforced victimhood identity while genocide perpetrators tend to have a reinforced sense of hatred for being framed as genocidaires (Sands, 2003). As the opposition to Srebrenica grew in RS, the Bosniak sense of victimization intensified, further alienating Serb feelings of victimhood marginalization. Victim associations have been part of this phenomenon, especially as the Srebrenica debate turned poisonous after 2006, pitting Serb against Bosniak victims. Some prominent Srebrenica women in the Movement actively supported the discourse of Haris Siljadžić and his SBiH, framing Serbs as genocidaires and RS as a ‘genocidal creation’ (genocidna tvorevina). Nedeljko Mitrović tried to make a strong case to compete with Srebrenica’s scale of victimization by
claiming a number of Serb missing three times higher than official data of around 3000 (9 percent of all missing).45

Mitrović has vigorously supported the official RS master frame of the war, advocating the idea of Serbs as ‘perennial victims’ of both Muslims and Croats. This notion of Serbs as an oppressed people featured in RS commemorations such as the annual Jasenovac events46 and political rallies of the nationalist parties. The additional components became what Eric Gordy called ‘pure denial or impure avoidance’ (Gordy, 2013, p. 89) as a political strategy to reject existing evidence about crimes, even in the face of growing scientific, legal and forensic documents. This has also been combined with the strategy of *tu quoque* (meaning ‘you too’), that is the claim that Bosniaks were just as guilty of war crimes—if not more—than Serbs (Gordy, 2013, p. 89). ‘They all keep working on finding Bosniaks so that they get more evidence in trials against Serbs... It is important to talk about what happened in 1992 in Prijedor when the first victims were Serbs,’ Mitrović told me. ‘They [Bosniaks] want to turn RS into a product of genocide. But they forget that RS was created as a reaction to the outvoting of the Serb nation in the assembly of BiH,’ he added, later outlining the history of the conflict and speculating about the established course of the war with a few conspiracy theories.47

Similar encounters remain common with Bosnian Serb representatives in the victim and veteran community.

However, the domestic resonance of Srebrenica combined with its international salience led to several investigations in RS. At the request of 49 relatives of the Srebrenica victims, the Human Rights Chamber in Sarajevo in 2003 investigated whether the families’ right to know the truth about their relatives, as guaranteed in the European Convention of Human Rights, was violated by RS authorities and their biased report about Srebrenica from 2002, which denied any wrongdoing and instead offered a series of conspiracy theories about how the missing Muslim men perished.48 The Chamber found that RS had not provided all information about potential mass graves in and around Srebrenica and ordered RS to disclose such information and pay the equivalent of two million Euro to Srebrenica victims (Karčić, 2015). The victims decided to give the money to the Memorial Centre instead. The judgement was supported by renewed pressure by the High Representative Paddy Ashdown, who further implored RS authorities to create an investigative commission (Nettelfield, 2010, pp. 122–128). The result was the ‘Commission for Investigation of the Events in and around Srebrenica between 10 and 19
of July 1995’ (ICTJ, 2004, p. 8). While it was not the first RS commission (the first was in 2002), it was the first one that included domestic and foreign experts aiming to deliver verified facts. The first documentation efforts misreported numbers, so the HR restructured the commission, which eventually established that around 7779 Bosnian Muslims were indeed ‘liquidated’ in Srebrenica. The report also yielded a list of 20,000 names of persons implicated in the genocide that was shared with the Prosecutor of BiH for further investigation (Stan & Nedelsky, 2013, p. 41).

Prompted by these findings and the fact that his close colleagues participated in the commission, the RS President at that time Dragan Čavić from the war-time Serb Democratic Party (SDS) issued an unexpected and unprecedented televised public apology for the killings in Srebrenica soon after, in June 2004 (Ferstman & Rosenberg, 2009, p. 495). He stated that Srebrenica was a tragedy and a ‘black page in the history of the Serb people’ (Nettelfield & Wagner, 2013, p. 251). Later, the RS government issued an official statement of apology to the families where it expressed its ‘true regret’ about what happened in Srebrenica and apologized to the survivors ‘for the tragedy they experienced’ (Milanovic, 2006, p. 255). In the following year, first Bosnian Serb indictees were transferred to the ICTY. Although the statements fell short of calling the July 1995 genocide, Čavić’s apology was at the time path-breaking. He subsequently faced strong condemnation by RS nationalist circles in both RS and Serbia. However, the admission of the existence of the crime was critical for the acceptance of the surviving families and their demands, paving way to the recognition of victims of the ‘other side’—until then a rare occurrence in BiH (De Vlaming & Clark, 2014, p. 178).

Thereafter, Bosnian Serb victim associations temporarily relaxed their discourse of belittling Srebrenica victims and accepted negotiations at the state level. Only after 2006 did Mitrović publicly criticize the earlier declaration by Čavić and the findings of the commission. But in 2004, he agreed to take part in the negotiations on the new Law and supported the creation of a state institution. As the RS-based political analyst Srdan Puhalo noted in our interview, victim associations’ financial dependence on RS authorities determine their formal stance as they need to be ‘of the same opinion as the political elites’. Therefore, the 2004 willingness of Serb associations to participate in state-wide efforts trumped their nationalist discourse. As the number of mass graves excavated across the country shifted public attention from one region to another—from Prijedor to
Upper Podrinje—other *nestali* associations came together, even if under the Srebrenica leadership. The only exception gradually became *Izvor* in Prijedor that increasingly succeeded in amplifying the Prijedor crimes in the public discourse independently and through courageous bottom-up fact-finding. However, such efforts came to the forefront only after 2004. Until then, the pull of Srebrenica’s authority and the need for cooperation brought the associations together.

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Questioning the moral authority of Srebrenica families became a taboo in Bosniak circles soon after the war. Srebrenica victims have not only gained important public empathy in the Federation due to the extent of their suffering and their ability to align with the main war narratives of Bosniaks, but they were also appropriated by the main Bosniak leadership, keen on supporting the survivors’ demands. Frames of the ultimate suffering of Srebrenica culminated during the second post-war phase through the commemorations of 11 July in Potočari and the powerful imagery of grieving women. Though overshadowed by such ‘monumentalization’ of the crime, other associations of families of the missing benefited from the stir the issue unleashed domestically. With the public recognition of the killings in June 2004 by the President of RS at the time, Bosnian Serb leadership (that had denied the crime before and soon after the admission) temporarily relaxed its discourse and allowed for a state-wide approach to the issue of the missing. Even if this move was linked to international pressures and the judicial ruling of the Human Rights Chamber, it allowed all victims to be viewed as deserving of a state-wide law. Srebrenica survivors had high moral authority in the Federation and tacitly and temporarily accepted moral authority in RS. Moreover, the Law was aimed at addressing the demands of Bosnian Serb families, thus not exclusively focused on Bosniaks.

### 5.4.3 Mobilization Resources: Remembrance and Allies

While the combination of international salience and moral authority of the families generally represented by the Srebrenica victims was potent, the additional leverage of this category stemmed from its ability and resources to mobilize. As explained above, families of the missing were driven by their urgent need to find out what happened and to bury their loved ones.
This objective prompted immediate action rather than passive suffering. Already during the war, families mobilized in protests, appeal actions and campaigns for truth. While their organizational resources and energetic activism were at first higher than that of other victim groups, they initially suffered from poor skills and access to policymakers. However, due to their resilience, networking and legal strategies, this gradually changed. This section explains the quality of their resources and argues that the aggregate mobilization resources of this category contributed to convincing their political authorities that the issue must be tackled as a priority.

5.4.3.1 Protests and Allies of Srebrenica’s Women
Mobilization resources of missing people’s families in the early post-war years can be defined as a combination of intensive protests and campaigns for truth. In 1996, 2000 Srebrenica women organized a rally in front of the ICRC offices in Tuzla demanding information about the whereabouts of their missing men (Bougarel, 2012, p. 108). They refused to believe what had happened, hoping their men were instead on forced labour in Serbian prison camps across the border. Many did not accept death certificates provided by the ICRC, which were necessary to receive pension benefits and claim property rights (Stover & Shigakane, 2002, p. 855). Thereafter, they started spontaneous protests and gatherings, sharing information but also jointly pressing authorities. These resulted in the creation of formal victim associations as outlined above. They organized awareness-raising events to find out the truth (Helms, 2013; Leydesdorff, 2011; Nettelfield & Wagner, 2013). For example, from 1995, the prominent and highly respected association Women of Srebrenica was among the first to organize such actions and on every 11th day of the month staged a silent protest with banners, ‘Let us not forget’ and ‘We are searching for our missing’ in Tuzla. These improvised protests were organized with limited financial and organizational resources but due to the women’s persistence and perseverance they later transformed into the commemoration service in Potočari (Wagner, 2008, p. 73). (The monthly protests are still held today.) Although the women often did not have more than a dozen participants at some events, their resolution and the resonance of their message contributed to their frequent presence on the media (Dnevni Avaz, 2015). ‘They kept telling us we were mad and that we were wasting our time but we never
stopped. And now the whole world knows of Srebrenica,’ representatives of the Women of Srebrenica told me.⁵¹

Nonetheless, they needed moral and in-kind support, which soon came from the civil sector. NGO assistance increased their technical and legal capacities. Organizations such as Amika, Bosfam, Centar za žene IVA, Medica Zenica, Viva žene, and later Snaga žene ran therapies in Tuzla and provided case-by-case support to families. Branka Antić-Štauber from Snaga žene, who had worked with Srebrenica women since the war, explained how before the war survivors in eastern Bosnia lived in a rural patriarchal setting in large families. The war fully disrupted their lives and furthermore deprived them of the main sources of income. Despite NGO support and humanitarian aid, they struggled to survive economically. But Srebrenica survivors showed a remarkable resilience and ability to learn. The Movement under Subašić, Women of Srebrenica under Nura Begović and Hajra Čatić, as well as some individuals such as Hasan Nuhanović became the public faces of the genocide and campaigners for justice for the survivors.⁵² They used their personal stories to raise awareness about the Srebrenica crime and its victims (see Nettelfield & Wagner, 2013).

Women of Srebrenica also started publishing a bulletin that can be used a good resource to track all activities and events of the associations since 1999.⁵³ Also thanks to their international salience, they were able to attract powerful allies, such as the HR, foreign ambassadors, Bill Clinton and celebrities such as Bianca Jagger. They also received support from foreign NGOs, including Dutch Pax that even organized a trip for the women to Iraq to compare their situation to that of Kurdish families that have since 1988 been looking for 180,000 of their loved ones.⁵⁴ This joint support provided the women with a vast set of learning resources regarding justice issues that they later utilized in their appeals. An interviewed journalist rather disparagingly noted that ‘these women were housewives before the war…. But history has pushed them to the foreground and they now talk to Ban Ki Moon and Angelina Jolie’.⁵⁵ While some organizations such as the Movement have certainly been catapulted to the center stage of victims’ politics that they engaged with, others such as Women of Srebrenica remained truthful to their original aims and members.

As their resources and networks gradually grew, their ad hoc actions turned into more sophisticated activities in the second post-war phase. By the early 2000s, the victim leaders became acquainted with some basic legal principles regarding human rights and even with the fundamental
functioning of the Bosnian legal system, both of which they used to pressure domestic authorities. As noted above, they initiated dozens of court cases at the Human Rights Chamber against RS and its military personnel and later filed civil claims at the State Court. After the first UN report on Srebrenica was published in 1999, supported by domestic NGOs and lawyers, they sued senior UN officials for failing to protect the UN enclave. Thereafter, they directly lobbied the UN Secretary General for compensation and the creation of a victims’ fund (Nettelfield, 2010, p. 113). They equally mobilized against the Dutch government, which eventually published its own investigation in 2002 at the Dutch Institute for War Documentation, whose condemning conclusions led to the fall of the Dutch government in the same year (ibid., 112). The victim groups have further brought their claims to international courts, including the ECtHR (Ventura & Akande, 2013). Using legal leverage and their wide networks, Srebrenica survivors gradually developed into potent activists and campaigners. For example, by 2009, the European Parliament recognized 11th July as Srebrenica Remembrance Day (European Parliament, 2009) and by 2015 called on all EU members not to deny the crime (European Parliament, 2015). Both resolutions were adopted after an active lobby of the Movement and other Srebrenica groups.

The strategies they have chosen were only rarely directed against the Bosniak government in Sarajevo although Munira Subašić would complain in our interviews about the treatment they have recently received domestically. As Srebrenica is a municipality in Republika Srpska, it has always been a key concern for Bosniak parties to prevent the election of a Bosnian Serb mayor in the municipality. Srebrenica associations became vigorous electoral mobilizers in Bosnia and among the diaspora, encouraging Bosniaks to register and ensure that the municipality remains under a Bosniak government, an effort that came in vain with the election of a Serb mayor in 2016 (Reuters, 2016). Before the municipal elections in Srebrenica in 2012, Subašić supported SDA and pleaded all former Srebrenica inhabitants to record their residency there (even if they lived elsewhere), as ‘every mother who has a son buried in Potočari must be ashamed of herself if she does not come and register’ (SDA Official Website, 2012). In 2013, she admitted that she was aware of the mobilization and political power of her Movement: ‘we can both activate and silence people’, she asserted in an interview (Ahmetašević, 2015a).
5.4.3.2 Unionization of the Rest of Family Associations

Unlike the visible campaigning resources and allies of the Srebrenica-associated organizations, resources of the other nestali associations have mainly relied on the support of the external allies and their ability to align with the Srebrenica issue (Juhl, 2009, p. 257). By 1999, this cooperation extended beyond the Bosnian borders when a ‘Regional Coordination of the Families of the Missing in the Territory of former Yugoslavia’ was set up as a body to coordinate all efforts by survivors in the former Yugoslavia who were searching for their relatives (Sarkin et al., 2014, p. 127). Such a regional organization was the first of its kind in ex-Yugoslavia and facilitated the exchange of information and experience across borders. Most families of missing persons were initially scattered across the country and lacked strong organizational capacities. In FBiH, Bosniak associations started collaborating much later than Srebrenica associations. The Bosniak Union of the Missing at the entity level was set up in 2001, while the Croat Union was created as late as in 2011. Although they immediately began organizing fact-sharing and joint activities, they generally lacked financial and organizational resources. Their activities were rather haphazard and dependent on available financial support. This is how Ahmet Grahić described the beginnings:

We had been searching since 1992, trying to see whether there are survivors and whether we could exchange them. But we could not get any answers. After the end of the war, we had a lot of false information and statements that the bodies were thrown into a dam. Others were saying that they were burnt… But we did not believe them. So in 1996 we created a local association of families searching for the missing people. This was a smaller group of families where we tried to make lists that we consulted with mayors of small towns who knew who had lived there before the war. We realised that we could not do it on our own, so we created a regional association out of nine local associations. … And then we started working even more intensively to find our people. We started contacting friends and older people who stayed in those areas. But we realised that without help from Serbs we could not get anywhere as we could not even cross the entity border. So we needed a wider approach. 57

While the situation gradually improved due to ICMP’s work and its collaboration with victim associations, Bosniak Union subsequently became dependent on local funding through annual grants and public calls for projects rather than a beneficiary of external funding. ‘I
remember one early meeting where Jacques Klein [from the UN mission to BiH] told us that he was not interested in victims from 1992 but only those from the protected areas in 1995… This divided victim territorially and regionally,’ he noted.58 While such claims are difficult to verify, the focus on Srebrenica is undisputable. Victim associations have been aware of both their financial dependencies on local authorities as well as preferences given to Srebrenica survivors. This was also why they insisted on incorporating into the 2004 Law the creation of a state-level Fund that would finance all associations equally.

Bosnian Serb associations were initially active protestors and in 2003 threatened to stage wide demonstrations against the RS government, which later took place (Nezavisne novine, 2003). Various local Bosnian Serb associations—in Bijeljina, Višegrad and Eastern Sarajevo—pressured the incumbents in Banja Luka to expedite the identification processes and provide material benefits for families. Their protests waned around the time of the Law’s adoption as the Republican Organization under Nedeljko Mitrović established a monopoly over the issue of nestali by aligning first with the incumbent PDP (from 2002 to 2006) and then with Milorad Dodik and his SNSD. Rather than a political challenger, the Republican Organization became ‘part of the official structures’, supporting the main political parties in return for funding and informal recognition.59 As an organization of ‘special interest’ to RS,60 the Republican Organization has been directly funded from the government’s annual budget and thus has not struggled financially as much as others.61 Mitrović, whose son went missing in combat, is a good example of what we may call a co-opted victim leader. Lacking independent capacities from international sources and feeling ‘offended’ by the Bosniak discourse about Republika Srpska’s role in the Srebrenica genocide, Mitrović’s alliance with the political incumbents has been a rational marriage of convenience.

The only organization outside of Srebrenica with strong leadership and independent capacity to organize protests and campaigns has been the above-mentioned Izvor that has built its resources from bottom up through its own work and diaspora links. Led by Edin Ramulić, himself in search for his missing brother, the organization has also functioned as a research institution. By collecting testimonies from the Krajina area, Ramulić published a register of the death toll in the area already in 1998 (Izvor, 1998). The document has served as an important source
of information about the extent of victimization in the region. Izvor has gradually become the only association of the missing that has been able to organize widespread campaigns, run commemorative events during important international days such as the ‘Human Rights Day’ or the ‘International Day of the Disappeared’ and create a broader network of allies and supporters (Hodžić, 2015). According to many respondents, Izvor has also been the only association that was willing to cooperate with Serb victim associations. ‘Edin always calls all the Serb associations from Bijeljina, Banja Luka and Višegrad to their gatherings. Even if they never come’, a respondent noted.62 It established a network of civil-sector organizations and gradually built up a reputation as a respectable and active victim association. Unlike the rather fragmentized FBiH associations and the semi-political RS Republican Organization, Izvor has invested in the creation of a culture of remembrance with a focus on engaging the youth from other independent organizations such as Kvart.63

* * *

The mobilization resources of families of missing before 2004 varied across the victim associations but ultimately benefited from the resilient and persistent activism of the Srebrenica victims. The prominent female associations such as the Movement and Women of Srebrenica organized early on through their urgent protests. Later supported from abroad, by NGOs and by the Bosniak parties, they gradually expanded their networks and tools. Their vigorous work substantially helped to promote the issues they were facing and shame domestic authorities into action. Direct protests moved from the streets to the courtrooms as victims increased their skills to pressure domestic governments for redress. Since the second phase (early 2000), Srebrenica associations intensified their efforts in holding external actors and RS accountable, yet without directly threatening the Bosniak leadership. In RS, most nestali association became dependent on their incumbents and had limited independent capacities. While there was a great discrepancy across the country in 2004, the ability of Srebrenica associations to launch campaigns, acquire funding, and network increased the resonance of their actions, making their aggregate mobilization resources rather high.
5.4.4 Context for the Optimal Route Scenario

In the previous sections, I discussed how the three proposed components of victim capital and sources of leverage featured in the demands of the families of missing. However, it is highly unlikely that the presence any of these factors on its own would have resulted in the successful 2004 outcome. Not even the high international salience of the category seems to have sufficed without the corresponding domestic willingness to offer redress. Instead, it was rather the nexus between the discussed components of victim capital at high levels that can offer more fruitful explanations for the legal change for missing people’s families in the fall of 2004, as proposed in the ‘Optimal Route’ scenario. Despite the tendency to present Srebrenica as an outlier case of victimhood in Bosnia because of its high international resonance, it would be too simplistic to argue that the 2004 Law was the result of the category’s external prominence only. Instead, because of the domestic uses of Srebrenica victims as symbolic representatives of wider Muslim suffering and identity, and the persistent mobilization actions of the survivors that attracted public and international attention, the neslali issue gained substantial traction from early on.

In the first post-war phase (until 1999), the international salience of Srebrenica played an important role in the objectives of criminal prosecution and identification of recovered bodies. The priority of the missing persons’ issue can be already noticed in the early provisions included in the Dayton Peace Agreement that sought to streamline the search for the missing persons that later materialized in the creation of the ICMP. Although the majority of external actors in the country focused on preventing further conflict and offering humanitarian aid, the ‘shame of Srebrenica’ functioned as moral leverage to address the failure of the UN forces to protect the enclave from early on. However, this did not necessarily have to translate in a state-wide redress policy per se. While the attention to the families galvanized external actors to support the issue of the missing early on, material redress was not the main objective until victims formulated it as their aims.

Meanwhile, families of the missing Srebrenica men became embodiments of Bosniak suffering, a frame that some victims later amplified further. Srebrenica appropriated the issue of the missing persons across BiH with their ‘ultimate’ victimhood that became inextricably linked
with the new Bosniak identity. Srebrenica survivors have been what Nils Christie called ‘ideal victims’ (Christie, 1986), that is victims that are ideally female, blameless and have the purest combination of power, influence and sympathy. Victims themselves also employed a range of protest actions in this period and framing strategies in their public appeals, directed at recovering bodies of their loved ones and establishing the truth but without directly accusing domestic authorities. By the end of this phase, Srebrenica as well as other nestali groups turned towards recognition, socio-economic demands and material redress while organizing legal actions against external actors or the ‘other’ ethno-national group.

These objectives in the second post-war phase coincided—and were reinforced—with external efforts in state-building (until 2006). In this period, the ICMP became fully functional and made increasing progress in identifications. The ICTY in 2001 also established that genocide was committed in Srebrenica, giving the survivors even more moral tools to leverage. As external pressure at the time was also linked to financial aid, the ICMP’s support to create a central institution was important. Prompted by the victim associations, the ICMP in 2003 met with the tri-partite presidency to discuss the option of creating a state-level institution for the search for the missing (Ball, 2015, p. 85). It was clear that without its technical knowledge of DNA analysis, the search for missing would become very difficult. Including families in discussions was an important aspect of giving the process legitimacy that led to the inclusion of material redress into the Law. The willingness to cooperate was induced by a temporarily more lenient RS narrative about the war and significant external pressure that delivered both financial resources and institutional backing. The formal recognition of the victims by the top RS politician in June 2004, i.e. a few months before the state-law was adopted, resulted in victims’ deservingness being formally accepted by Bosnian Serbs too. The Law was discussed in the period before municipal elections when ethno-national politicians wanted to satisfy ‘their’ victim populations as some of my respondents stressed. The Law of 2004 was thus adopted in a favourable ‘window of opportunity’.

Indeed, in the period prior to 2004, the main ethno-national groups came together and the previous denial among Bosnian Serbs regarding Srebrenica was undermined. The 2001–2002 social democratic ‘Alliance for Change’ government in FBiH forced nationalistic parties out of office (assisted by the HR), prompting them to regain their electorship
through new policy platforms. At the same time, the leadership among the main ethno-national elites had changed by then and the wartime leaders were replaced by Sulejman Tihić among Bosniaks and Dragan Čavić among Bosnian Serbs. Bosnian Croat HDZ BiH was internally divided from 2002 and a more moderate fraction was in the making. Consequently, Bosnia was going through its peak period of rapprochement between the former enemies and entities. This period was also the apex of major institutional reforms initiated by the HR Paddy Ashdown who has since become one of the most polarizing HRs in Bosnian history, with Bosniaks strongly supportive views and Bosnian Serbs very negative ones (see Merdžanović, 2015). During this period, membership in the EU became the stated goal of the main political representatives in the country, demonstrated by the fact that only a year after the Law’s adoption in November 2005, Bosnia fulfilled several conditions that allowed it to open the negotiations about the EU Stabilization and Association Agreement (signed in June 2008). Victim associations in this period generated higher mobilization resources, demonstrated by their shift from street demonstrations to more sophisticated tools such as collective legal action. Some of their legal successes were critical at the opening of the Srebrenica debate in RS, where the genocide was denied, most notably demonstrated by Čavić’s recognition of the crime. The formal apology for Srebrenica (even if limited) led to the support of a state law by the Serb authorities and missing people’s families that were mostly in line with their political incumbents. Indeed, a state-level law could not have been passed in BiH without the support of Bosnian Serb deputies in the state Parliament. As the context at the time of the adoption offered domestic authorities several financial and reputational rewards from its enactment due to the progress of Europeanization and the strong role of external actors, the result was a positive response to the victims’ pressure. Figure 5.4 depicts the key milestones that preceded the adoption of the Law.

5.5 **Access After the Adoption of the 2004 Law**

Adoption is only the first step in the struggle for redress. Access as legal implementation is the second—and practically more important—step. This book does not outline theoretical propositions for access; however, it is important to discuss how access played out in the case of missing people. While the 2004 legal change was a great victory, it has not ensured
Fig. 5.4 Milestones in the adoption of the law on missing persons (Source Author)

- Local victim associations created
- Srebrenica Genocide
- Srebrenica Women Protests in Tuzla
- Izvor established
- ICMP established
- Ex-Yugoslav Regional Coordination
- First UN Report on Srebrenica
- First Potočari Commemoration
- Bosniak Union of the Missing established
- DNA analysis developed
- First ICTY conviction on genocide (Krstić case)
- Dutch Report on Srebrenica and the Dutch cabinet resigns
- ICMP launches debates about the state law
- Panel for victims organized at MHHR
- ICMP meeting with the Bosnian Presidency
- Potočari Memorial Complex opened
- Ćavić's acknowledgment of Srebrenica
- Municipal Elections
- Law on Missing Persons passed by the Bosnian Parliament
- Institute for Missing Persons opened
- Preliminary CEN created
- Dodik official renounces the 2004 report
the change that victims hoped for. After the Law’s adoption in 2004, victims believed that the process of identification would accelerate and that they would be recognized and receive the same redress across BiH. The first post-adoption years provided hope. Mechanisms were put in place to collect existing documentation from the entities, victim associations and international bodies so that the CEN could be created. The new Institute for Missing Persons, INO, was opened in 2008, providing associations a stake in its running through an Advisory Board. The first board was efficient, according to both the ICMP, as well as the Bosniak Union of the Missing’s leader, Ahmet Grahić. ‘We had really good cooperation and we could press INO for reports; whatever we wanted to know from investigators and we received it’, Grahić noted.

However, the material stipulations were not carried out as planned. The Fund was never established (Ball, 2015, p. 151). The main conflict was about the method of its financing. The RS government refused to agree on a proportional contribution to the Fund, worried that its contributions would have to be much higher as most of the mass graves were located on its territory (Clark, 2010, pp. 5–6). Some respondents further argued that since the Fund would distribute money across all family associations equally, regardless of their background, victim associations would become independent and could afford to criticize nationalist parties more forcefully. This was dangerous for any Bosnian political party that ran on nationalist platforms, i.e. the majority (Zuber & Szőcsik, 2019). Similarly, children of missing parents should have priority in employment. As several respondents noted, that has rarely been the case. For example, in one case a young woman whose parents went missing in Srebrenica applied for a position for which she was not only qualified but for which she should have been interviewed according to the law. Instead, the role was offered to a candidate with links to a political party. Štela, as biased partisan employment is called in Bosnian, seems to be above any law.

As the Law was not fully implemented in terms of its material provisions, the state-level ‘status’ of an indirect victim as a relative of nestali has existed only on paper but not in practice, as neither the Fund nor other benefits stemming from the Law have been implemented at the state level. With limited access to the Law’s provisions, families of the missing adopted a variety of strategies on how to demand their status and rights. As the existence of missing persons is recognized in the current entity legislation for veterans in RS, families have been able to access the material rights (such as pensions) of their family members if declared
deceased. In FBiH, both civilian and military entity laws recognize families of the missing but condition the attainment of rights by certification about the circumstance of disappearance, which is for many difficult to attain. Nonetheless, entities have at least agreed to financially sponsor the burials and ceremonies of the uncovered bodies. Furthermore, individual victims’ adaptation strategies have been similar to those of civilian victims of war. ‘Status shopping’ has become an important strategy of navigating the post-war complex system of redress in BiH. However, many individual victims have not been able to exercise any rights.

Similarly, while the number of missing has been established by the ICMP, it has been challenged as biased mainly by Bosnian Serbs. The domestic INO continues to face harsh criticism from many victim associations. While Bosniak and Croat associations complain about its slow pace of work and Srebrenica bias, Bosnian Serb organizations see it as anti-Serb (Ball, 2015, p. 146). For example, the Bosniak member on the Board of Directors, Amor Mašović, has been continuously accused of SDA bias as he is also a deputy at FBiH’s Assembly representing SDA:

For years we have been protesting as one of the directors – Amor Mašović – is in conflict of interests with the Law on Missing (Art 5, point 5) where it says that directors of INO cannot be part of the judiciary or hold executive functions. He has again been selected as a deputy to the FBiH parliament for SDA, so a parliamentarian is at the same time in charge of implementing a law. This is impossible!70

At the level of associations, Srebrenica groups have leveraged their moral authority and international salience in FBiH, increasing their legal mobilization, while other associations (with the notable exception of Izvor) have increasingly become financially dependent on their municipal governments. As the moral authority of Srebrenica victims could not be questioned, over time they became more prominent in their actions and increased their mobilization resources—sometimes even directed against Bosniak authorities. The ICJ’s ruling in 2007 (that Serbia was responsible for not preventing and punishing the genocide but not directly responsible for its commitment) relieved Serbia of any obligation to pay any reparations to Bosnia (ICJ, 2007). Srebrenica survivors were devastated by the ruling and decided to stage mass protests in Sarajevo (Dnevni Avaz, 2007). Earlier in 2007, some Srebrenica survivors—but with only limited participation by the leading female victim association Movement—started
a public campaign for the ‘special status’ of Srebrenica. They threatened the SDA government in the Federation, noting that unless they negotiated a special status for the Srebrenica municipality and turned it into a separate district alongside Brčko, they would register as residents in FBiH, thus reversing the ethnic structure of the municipality. The Bosniak member of the Presidency and the main competitor to the SDA, Haris Silajdžić, came to their support and addressed a letter of appeal to the UN on their behalf. The OHR subsequently created a special envoy to investigate the initiative (Nettelfield & Wagner, 2013, pp. 126–131). The initiative was ultimately unsuccessful because it received only lukewarm support from the Movement that preferred to direct its contentious actions against external actors, rather than their Bosniak political leaders. Indeed, the Movement sued the Netherlands and the UN for not preventing the genocide in 2007, also prompted by the February 2007 ICJ decision (Nettelfield, 2010, pp. 99–100).

The conflict over the ‘special status’ showed that victim associations had drifted apart and that their lack of unity compromised their ability to lobby the main political authorities to implement the Law. Unfortunately, the prominent Srebrenica associations subsequently polarized the victimhood landscape. In one of the most famous cases in 2008, Munira Subašić in an interview stated that although she ‘lived like a lord’ she was unsatisfied with her income of 2000 Euro per month, an amount eight times higher than the mean salary in FBiH at that time (Dani, 2008). The Bosnian weekly Dani that published the interview called her bahata (arrogant). As her income was the result of private donations from the state-owned company BH Telecom, she has for many of my respondents become yet another ‘professional victim’.71 As some noted, Subašić would never speak against Naser Orić despite his dubious past. She indeed evaded questions regarding these topics when I visited her offices in Sarajevo 2019. It is notable that the office was fully equipped with TİKA stickers (Turkish Development Agency) on all its equipment.72 Turkey’s current regime has been a close ally of SDA. Nonetheless, many victim associations accept support from wherever they can get it. While Women of Srebrenica rely on Dutch NGO support, the Movement relies either on local municipalities and cantons or Turkish support.

Meanwhile in RS, the revolutionary 2004 admission of guilt was forgotten a year later. After much criticism within RS, Čavić began to dispute the results of the investigation and his admission was soon retracted (Dragović-Soso & Gordy, 2010, p. 205). The subsequent
advent of the nationalist politician Milorad Dodik, who advanced an efficacious ‘culture of denial’, reinvigorated opposition towards the Srebrenica victims and their moral authority among Bosnian Serbs (Nettelfield & Wagner, 2013, p. 259). The Bosnian Serb mounting denial of crimes committed in Bosnia during the war has resulted in a stalemate regarding any state-level consensus of victim-related affairs. While neighbouring Serbia has already issued two formal apologies for the Srebrenica ‘massacre’ (still evading the word genocide), the RS leadership invented the concept of the ‘Srebrenization’ of Bosnia, accusing Bosniaks of hijacking Srebrenica to justify the creation of the Bosnian state (Obradovic-Wochnik, 2009). These efforts became prominent in 2008 when Milorad Dodik set up the ‘Historical Project of Srebrenica’ as an entity-funded commission of denial, aimed at disputing the numbers of victims in Srebrenica. He later also funded new institutions of investigating war crimes on Serbs and missing people. By 2018, Dodik at a special session of the RS Assembly fully denied the 2004 report as enforced and fabricated (NSRS, 2018), calling for new commissions for investigating events in Srebrenica and Sarajevo to be created in 2020 (Sorguć, 2019). While Srebrenica became a pillar of Bosniakhood, its denial has after 2005 become the pillar of the Bosnian Serb identity. ‘Accepting [Srebrenica as a genocide] would be accepting that RS is an entity that was created on genocide, which no political leader can afford to do and only few Bosnian Serbs dare to say’, a former Bosnian Serb soldier admitted in our discussions.

Also at the local level, clear opposition to state-level policies and denial culture took root. For example, in Prijedor, any efforts to implement a state-wide law have become increasingly difficult since Marko Pavić took office after the municipal elections in 2006. The ‘fortress of silence’ that Pavić created in Prijedor led to Izvor being framed as ‘tainting the image of Prijedor’ and its members have been threatened and attacked if they disclose information or speak against the mayor. The culture of denial in RS has only grown in the last decade, intersecting with the growth of ethno-populism of the RS leadership. An interviewed leader of a victim association in Eastern Sarajevo shared his view that the genocide was an international conspiracy and that it was the ICTY that had brought the bodies to eastern Bosnia. He was later arrested (and then acquitted) on charges of inciting hatred after he had called Srebrenica ‘God’s punishment’ (Muslimovic, 2017). During our three-hour long interview in Banja Luka in 2015, Mitrović steered his answers to provide a historical
elaboration of Serb suffering on the Bosnian territory from the Ottoman Empire to the recent war. He also described Srebrenica as a tool to demon-
ize and dehumanize Serbs, who in his words have in fact ‘been the main
victims of Bosniaks’ in recent history. Mitrović’s endorsement of Srpska
nationalism also manifested in his unflaltering support for Milorad Dodik.
In 2009, when Dodik faced corruption charges by Bosnian state’s prose-
cution, Mitrović stated that ‘an indictment against Dodik is an indictment
against RS’ (Šegrt, 2009). ‘Many of these victim leaders get involved in
high politics instead of serving the population which they represent’, an
interviewed human rights activist noted.79 The politicization of many
victim associations has become part of the public life in BiH. This also
had clear repercussions for the Law’s implementation. Matthew Holliday
of ICMP stressed that soon after the Law’s adoption, it became clear that
RS authorities—both among the SDS politician and SNSD—wanted to
return to divided institutions, which would each publish their own data
and propose their own narratives to underpin their policies.80

Yet some organizations such as Women of Srebrenica but also smaller
local associations have tried to stay outside of politics mainly due to
the wide support they have received from external actors and NGOs.
While such organizations have been able to maintain their independence
and diverse support, other nestali organizations have become increasingly
isolated. Since the start of the economic crisis of 2008 that decreased
the amount of external aid coming to Bosnia, they have become fully
dependent on municipal financing, which has only increased their internal
competition for funds.81 For example, although missing Croats account
for the smallest percentage of the missing (around 3 percent), in some
regions such as in Brčko and Mostar, they are formally entitled to the
same support as other associations. As a leader of a Bosniak municipal
organization in Brčko mockingly noted, ‘Croats search for two people
and get 30,000 KM [15,000 Euro] and an office just like we do.’ In other
areas where resources have been limited, local politics has been conducted
in a transactional manner (see Hulsey, 2016). A cantonal governmental
official in Bihać explained that only those victim associations that are
‘close to the political option’, i.e. which support the governing party, have
generally been financed from public funds. Matthew Holliday lamented
that the current members of the Advisory Board of INO are ‘deeply
influenced by politics’.82
5.6 Conclusion

Reflecting on the lessons of Srebrenica for the Syrian war, Derek Chollet, a former senior advisor on foreign affairs in several US administrations, described the effects of the UN failure to act in July 1995 as follows:

[Srebrenica], the worst atrocity in Europe since World War II, one that occurred while UN peacekeepers stood by fecklessly and NATO refused to intervene – shamed the international community, and its lessons still loom over the debate about US military intervention today. (Chollet, 2015)

Not only dominating debates about intervention at the international level, Srebrenica also came to define debates related to victim-centric policies in Bosnia after 1995. Its prominence, combined with the ability of the survivors’ leading associations to amplify the resonance of their suffering and leverage it in their mobilization, ultimately led to the adoption of the state-wide 2004 Law on Missing Persons. The case of the families of the missing people presented in this chapter illustrates the ‘Optimal Route’ scenario of a victim group with strong overall victim capital. Despite the success of the Law’s adoption at the state level, its implementation has stalled because of the internal fragmentation of the victim associations, the growing political divisions between the entities and the dwindling external commitment. While international salience was critical in convincing Bosnian Serb authorities to agree to a central mechanism to the search for the missing, it has not been effective in convincing them to commit to its work. As the politics of denial, separatism and victimhood competition started dominating Bosnian politics in the past decade and half, there has not been another window of opportunity to put the 2004 redress provisions into practice. At the same time, dominating the Bosnian victimhood landscape, some Srebrenica associations have overshadowed other victims. The disregard for other than Bosniak—and mainly Srebrenica—victims has driven other victim groups with fewer resources and lower authority and salience towards full dependence on their political patrons. This has been clearly the situation in RS. Victims have also been forced to resort to status shopping in order to received material redress. Although the ICMP has been the only international organization that has tried to include all associations across the country, its efforts have been frequently constrained by financial priorities of the main donors and the general international concern for Srebrenica. ‘In
Srebrenica, they focus on *their* victims, not *ours*. … If we all understood that, forcing the Parliament into implementation together, we could make a change; we could succeed. This way – divided – we fail’, a representative of a victim associations from Brčko summarized the situation in 2015. ⁸³

**Notes**

1. Personal interview with a president of a human rights NGO in Sarajevo, 2014.
2. Personal interview with a victim in Srebrenica, 2019.
3. Art. 1, Law on Missing Persons, Official Gazette of BiH No. 50/04.
4. Personal interview with a victim in Srebrenica, 2019.
5. For more see ICMP’s official website, [https://www.icmp.int/](https://www.icmp.int/).
6. The exact figure was 32,169 in 2017 (ICMP, 2017).
7. Personal interview with Nura Begović, 2019.
8. There were later other associations (Delpla, 2014, pp. 282–283).
9. Eastern Sarajevo is the mostly Serb-inhabited part of Sarajevo that belongs to RS.
10. There are also three ethno-national associations in the District of Brčko.
11. Personal interview with Munira Subašić, 2016.
12. Personal interview with Aleksandra Letić, 2015.
13. Personal interview with a social worker in Tuzla, 2016. See also Nettelfield (2010, p. 108).
14. Personal interview with a victim in Srebrenica, 2019.
15. Personal interview with a victim, 2019.
16. Personal interview with a lawyer in Sarajevo, 2014. See also Williams (2004).
17. Official Gazette of BiH No. 50/04, 9 November 2004.
18. Set up in 1981 in Costa Rica as a day to commemorate those abducted in Latin America in the 1970s.
19. Personal interview with an ICMP representative in Sarajevo, 2015.
20. For full accounts, see Human Rights Watch (1995), Rohde (1998), Nuhanović (2007), Wagner (2008), Leydesdorff (2011), Nettelfield and Wagner (2013).
21. Several women were also uncovered in the graves, as well as Croats.
22. The UN previously ordered all men in Srebrenica to surrender their weapons so that the zone could be demilitarized.
23. Shame later featured in commemoration projects, most notably in a memorial called the ‘Pillar of Shame’ in 2010 in the shape of letters ‘U’ and ‘N’ filled with shoes symbolizing disappearance (Simić, 2012).
24. Of course, disasters in Somalia and Rwanda featured as a motivator too (Chandler, 2009).
25. See the case online at http://www.icty.org/case/erdemovic/4, accessed 4 May 2018.
26. Prosecutor vs. Krstić, IT-98-33. See online at http://www.icty.org/case/krstic/4, accessed 9 May 2018.
27. For all Srebrenica-related cases, see online at https://www.irmct.org/specials/srebrenica20/, accessed 14 May 2018.
28. Personal interview with Hajra Čatić, 2019.
29. During the largest ceremony in 2010, 775 exhumed bodies or their parts were buried (Associated Press, 2010).
30. The issue entered public awareness in the late 1970s when families of civilians that had disappeared during dictatorships in Argentina, Chile, and Uruguay, among others, mobilized to demand the truth about their children’s whereabouts (e.g. Mothers of the Plaza de Mayo in Argentina) (Quinn, 2014; Stover, 1985).
31. It has been funded by the US government, C. S. Mott Foundation, European governments and the EU For history see Wagner (2008), Sarkin et al. (2014).
32. As Srebrenica became part of RS, physical access to some locations was initially dangerous.
33. Personal interview with Nura Begović, 2019.
34. Personal interview with a human rights activist, 2014.
35. Personal interview with Ahmet Grahić, 2015.
36. Personal interview with an NGO worker in Tuzla, 2015.
37. This is documented by frequent news about such meetings (ONASA, 1999).
38. Since 2003, Bosnia has become the world’s hub for the search for missing persons. ICMP identified victims of the 9/11 attacks, Hurricane Katrina, and the Haiti tsunami, among others (Wagner, 2008, pp. 245–265).
39. Personal interview with a victim representative in Banja Luka, 2015.
40. Personal interview with Saliha Đuderija, 2015.
41. Literally, the ‘place of memory’ (Nora, 1989).
42. Personal interview with a political analyst in Sarajevo, 2014.
43. See also Hoare (2004, 118).
44. Personal interview with an NGO worker in Tuzla, 2015.
45. Personal interview with Nedeljko Mitrović, 2015.
46. Jasenovac was a concentration camp located in northern Bosnia where Croatian nationalist Ustaše during World War II executed around 80,000 people, over half of whom were Serbs.
47. Personal interview with Nedeljko Mitrović, 2015.
48. In the so-called ‘Srebrenica Cases’, Selimović and 48 Others (CH/01/8365), Decision on Admissibility and Merits, Human Rights Chamber for Bosnia and Herzegovina.
49. Personal interview with Srdan Puhalo, 2015.
50. During the COVID-19 pandemic in April 2020, the women for the first time decided not to go out on the street but instead asked their friends and supporters to send them photos with names of the missing to display online.

51. Personal interview with Nura Begović, 2019.

52. They have later created transnational networks with other similar goals elsewhere (Nettelfield, 2010, p. 104).

53. Some issues of the bulletin can be found online on scribd.

54. Personal interview with representatives of Srebrenica organizations, 2019.

55. Personal interview with a journalist, 2016.

56. The UN Secretary General published a report about the ‘Fall of Srebrenica’ in 1999 (53/35). Another report was commissioned by the French National Assembly in 2001 (see Wagner, 2008, pp. 21–22).

57. The board consisted of Munira Subašić and Ahmet Grahić for Bosniaks, Vanda Havranek and Zvonimir Kubinek for Croats, Boro Perilić and Smilja Mitrovic for Serbs.

58. The board consisted of Munira Subašić and Ahmet Grahić for Bosniaks, Vanda Havranek and Zvonimir Kubinek for Croats, Boro Perilić and Smilja Mitrovic for Serbs.

59. Personal interview with a political analyst, Banja Luka, 2015.

60. There were 29 RS organizations of special interest as of February 2016, which are allocated direct funding, one third of which belong to one of the veteran and victim categories.

61. For example, it received 30,000 KM (app. 15,000 Euro) from the RS government in 2014. (Data provided by the RS the Ministry of Labour and Social Affairs.)

62. Personal interview with a victim leader, 2015.

63. Diaspora support has been critical for its financial sustainability. During my interview with Ramulić, he was approached by members of the US diaspora offering donations.

64. Srebrenica has never ceased to capture external attention: the US Congress (in 2005), the European Parliament (in 2009) and most recently the United Nations (in 2015) all submitted proposals for resolutions condemning Srebrenica (for more see Dragović-Soso, 2012). The UN initiative failed in July 2015 because of a Russian veto.

65. Personal interview with INO investigator, 2015.

66. While Srebrenica women state in our interviews that they are most indebted to Paddy Ashdown for what he has done for them, victim associations in Banja Luka called him a criminal.

67. As noted, the issue of the missing was less prominent among Croats, which accounted for a fraction of the nestali. Yet some Srebrenica victims were also Croats, so Croat groups generally supported their Bosniak counterparts.
68. Personal interview with an international expert in Sarajevo, 2015.
69. The board consisted of Munira Subašić and Ahmet Grahić for Bosniaks, Vanda Havranek and Zvonimir Kubinek for Croats, Boro Perilić and Smilja Mitrović for Serbs.
70. Personal interview with a Bosnian Serb victim leader, 2016. Article 5 of the Law states that: ‘Officials with duties related to the tracing of missing persons cannot carry out this duty if they are members of steering and other boards, or executive bodies, of political parties, or if they are politically engaged representatives, and must not follow political party instructions.’
71. The concept of ‘professional victimhood’ as an approach to legitimize whatever claims on the basis of pure victimization without any acknowledgment of suffering of the others (see Meister, 2002).
72. Main Bosniak political parties are very close to the regime of Recep Tayyip Erdoğan (Firat Buyuk, 2019).
73. In 2015, the former Serbian Prime Minister Aleksandar Vučić pledged 5 million Euro to Srebrenica after he had attended the Potočari commemoration (Deutsche Welle, 2015).
74. The commission is chaired by Stefan Karganović. It has so far received 1,923,900 KM (close to 1 million Euro) from RS. See http://us.srebrenica-project.org/, accessed 24 March 2020.
75. Personal interview with a political analyst, 2015.
76. He is the leader of the Democratic National Union and previously served in RS government under Milorad Dodik.
77. Personal interview with a Prijedor-based activist, 2015.
78. Together with a youth NGO Kvart they set up the ‘Day of White Armbands’ in 2012, to remember all Bosniaks forced by Bosnian Serbs to wear a white ribbon on 30 May 1992 to mark them as Muslims.
79. Personal interview with Aleksandra Letić, 2015.
80. Personal interview with Matthew Holliday, 2015.
81. Personal interview with a Bosniak victim leader, 2015.
82. Personal interview with Matthew Holliday, 2015.
83. Personal interview with a Bosniak victim leader, 2015.

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