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**Are there ‘greener’ ways of doing transitional justice?  
Some reflections on Srebrenica, nature and memorialization**

*Janine Natalya Clark*

**Abstract**

The year 2015 marked the twentieth anniversary of the Srebrenica genocide. Two particular events, however, overshadowed the annual commemorations at the Potočari Memorial Centre. The arrest of the former Bosnian army commander, Naser Orić, in the run-up to the commemorations, and the attack on the Serbian Prime Minister, Aleksandar Vučić, in Potočari, not only detracted from the victims and their suffering. These events also highlighted the heavy politicization of Srebrenica and its memorialization. The purpose of this article, thus, is to explore possible bottom-up ways of memorializing Srebrenica’s dead and missing as a complement to the annual state-led commemorations. Drawing on the field of ‘green criminology’, it introduces the concept of ‘green’ transitional justice and the concomitant idea of ‘green’ memorials. The article’s central argument is that incorporating nature and the environment into the process of dealing with the past creates opportunities for more inclusive forms of transitional justice – and specifically memorials – that empower victims and local communities. To develop the concept of green memorials, it utilizes the notion of civic ecology.

**Key words**

Srebrenica; memorials; victims; green criminology; green transitional justice; civic ecology.

**Introduction**

More than 100 women were packed like sardines into a room, many of them sitting on the floor. They chatted loudly, enjoying this opportunity to be together. The lively sounds which drifted through the house, mixed in with the delicious smells of homemade Bosnian cooking, contrasted sharply with the stillness and silence outside. Only a barking dog could be heard somewhere in the distance. The scene was Potočari, in eastern Bosnia-Herzegovina (BiH). The women had come together, as they did every other Saturday, to socialize and exchange news with each other. They were the wives, mothers and sisters of some of the Bosniak men and boys killed during the Srebrenica genocide in July 1995. Their fortnightly group

meetings were made possible by *Snaga Žene* (Women's Strength), a Bosnian non-governmental organization (NGO) that has been working with and supporting women in Potočari and Srebrenica for more than a decade. As part of its occupational and horticultural therapy-based approach to post-trauma healing, *Snaga Žene* has provided these women with roses, seeds, medicinal herbs, greenhouses and gardening tools to help them re-build their lives without their loved-ones.<sup>1</sup>

Opposite the Potočari Memorial Centre, where those killed in the genocide are buried, a Bosniak woman who lost her husband and son in the bloodshed runs a small shop. She established the business with the aid of *Snaga Žene* and she sells, among other items, the roses which local women grow. She sits in her small shop all year round, waiting for customers. She likes to keep busy and to be out of the house. Business is slow during winter months. In contrast, huge crowds descend on the Potočari Memorial Centre on 11 July each year, for the annual commemorations of the genocide. Like the women gathered in the nearby house, she complains that politicians only care about Srebrenica once a year. And then they get back in their cars and leave. The heavy silence thus returns.

Memorials are an important part of transitional justice, the process of dealing with the legacy of past human rights abuses. However, political interests frequently shape and influence memorial practices in post-conflict societies.<sup>2</sup> The example of Srebrenica exemplifies this. Such politicization, in turn, highlights the broader point that transitional justice processes are often driven from the top down,<sup>3</sup> resulting in the marginalization of local voices and on-the-ground needs.<sup>4</sup> For scholars and practitioners working in this field, thus, a key challenge is to identify and develop more bottom-up ways of theorizing and doing transitional justice that counter-balance elite-driven approaches. This is essential for building the type of 'holistic' transitional justice that Boraine has called for.<sup>5</sup>

This article takes as its starting point the twentieth anniversary commemorations, in July 2015, of the Srebrenica genocide. The genocide was an inherently political event and, inevitably, the process of official memorialization that surrounds it is similarly politicized. The purpose of this research, thus, is not to look for means of 'de-politicizing' the annual commemorations in Potočari. However, by analyzing two particular events – in June and July 2015 – that critically detracted from the victims of the genocide, it poses a fundamental

question: are there more bottom-up, community-driven ways of remembering Srebrenica that squarely put the victims and their families first? Drawing on the concept of ‘green criminology’, which quintessentially addresses ‘environmental crimes and environmental harm, from a criminological perspective’,<sup>6</sup> this article introduces the idea of ‘green’ transitional justice. It argues that integrating nature and the environment into the process of dealing with the past provides a basis for developing more grassroots forms of transitional justice that primarily reflect local needs rather than macro political agendas. More specifically, it explores the notion of ‘green’ memorials, concretizing the concept by examining how other societies have harnessed the power of nature in memorial processes. The article is not suggesting that green memorials offer an alternative to the annual commemorations in Potočari. Nor is it arguing that green memorials are a superior form of memorialization. Rather, it seeks to demonstrate that they constitute a grassroots *complement* to official state-led commemorations – and thus a potential starting point for developing more ‘holistic’ memorial practices.

### **Instrumentalizing Srebrenica**

In July 1995, Bosnian Serb forces, led by General Ratko Mladić, overran the town of Srebrenica, supposedly a United Nations (UN) ‘safe area’.<sup>7</sup> In the months preceding the fall of Srebrenica, the humanitarian situation in the enclave became increasingly desperate. According to the International Criminal Tribunal for the former Yugoslavia (ICTY), ‘Many Bosnian Muslims in the Srebrenica enclave were forced to beg for food and some resorted to searching the DutchBat [the UN peacekeeping force based in Potočari] garbage dumps’.<sup>8</sup> On 6 July 1995, the Bosnian Serb army (VRS) began its military offensive against Srebrenica, gaining complete control of the enclave just five days later. Women and children flocked to the DutchBat compound in search of safety and protection. They were subsequently put on buses and taken to Bosnian army-controlled territory. The ICTY notes that ‘By the early evening of 13 July 1995, all of the Bosnian Muslims – excluding the wounded and sick – had been transported out of Potočari’.<sup>9</sup> Large numbers of men fled through the forests in the hope of reaching safe territory. Others were taken to various locations in and around Potočari soon after the fall of Srebrenica; and ‘Most of the men separated at Potočari on 12 and 13 July 1995 have not been seen alive since’.<sup>10</sup> More than 7,000 people were ultimately killed in and around Srebrenica in July 1995. The ICTY has indicted 20 individuals for crimes committed

in Srebrenica.<sup>11</sup> Of these, four defendants – namely Vujadin Popović, Ljubiša Beara, Zdravko Tolimir<sup>12</sup> and Radovan Karadžić – have been convicted of genocide.

The importance of criminal trials notwithstanding, transitional justice is much broader than legal accountability. It comprises the ‘full range of processes and mechanisms associated with a society’s attempt to come to terms with a legacy of large-scale past abuses’.<sup>13</sup> Dealing with these past abuses, however, is an inherently political process; and one that elites can co-opt to protect their own interests and/or to propagate a particular version of ‘truth’ that bypasses ‘inconvenient facts’ about the past.<sup>14</sup> As Rubli underlines, ‘...various [political] actors attempt to shape a transitional justice process...so as to ensure that they are favourable to them and that they reflect their ideological preferences’.<sup>15</sup> Srebrenica is a poignant example of such ‘shaping’, and this is visible in four key ways.

Firstly, Srebrenica can be viewed as a ‘chosen trauma’,<sup>16</sup> the atrocity which Bosniak politicians have elevated above all others. Representing the ultimate crime and the apex of man’s inhumanity to man, and ‘unique in terms of its magnitude and concentrated time frame’,<sup>17</sup> it is Srebrenica that has most firmly cemented the image of Bosnian Muslims as the victims of the Bosnian war. For this very reason, it has intrinsic political value, not least in deflecting attention from the crimes committed by the Bosnian army in eastern BiH in 1992 and 1993.<sup>18</sup> This political utility has, in turn, sometimes encouraged a cynical instrumentalization of Srebrenica. According to Hodžić, for example,

There is hardly a single Bosniak politician in power or opposition who did not fall for the temptation of profiting from what has become an orchestrated, macabre spectacle of mass burials on 11th July, where masses descend for the televised ceremony, pierced by columns of expensive cars carrying VIPs who must be seen to sympathize with the mothers of Srebrenica only to leave before the first shovels of earth are thrown into the graves.<sup>19</sup>

Secondly, when the ICTY determined that the crimes committed in Srebrenica in July 1995 constituted genocide,<sup>20</sup> this was an example of what Edkins terms ‘codification’; and once an event is codified, ‘the traumatic experience is something that can be appropriated’.<sup>21</sup> One illustration of this appropriation is the persistence of highly politicized debates over how to define Srebrenica, with both the Serbian government and the government of Republika Srpska remaining steadfast in their refusal to acknowledge the commission of genocide.

Serbian Prime Minister Vučić, for example, has gone only as far as categorizing Srebrenica as ‘a big, horrific crime’;<sup>22</sup> and in June 2015, the President of Republika Srpska, Milorad Dodik, scornfully described Srebrenica as ‘the greatest deception of the twentieth century’.<sup>23</sup> This genocide denial and the political appropriation of the meaning of Srebrenica are an attempt to exert control over how the war is remembered, and such control ‘is crucial for the Republika Srpska’s claim to legitimate existence within the international system...’.<sup>24</sup> *Realpolitik*, in other words, plays a central role in determining how the past is remembered and made sense of.

Thirdly, although the ICTY’s trials have been fundamental in helping to establish and expose the facts pertaining to the fall of Srebrenica and the ensuing genocide, they have been far less successful in creating a common, cross-ethnic truth regarding these events. Indeed, the ICTY’s work, and the strong on-the-ground resistance that it has so often generated, has arguably helped to entrench rather than to weaken competing ethnic narratives.<sup>25</sup> The result is that any developments related to Srebrenica are inherently political and interpreted as such. When the aforementioned Naser Orić was arrested in April 2003, for example, and transferred to The Hague to stand trial at the ICTY, some 200 Bosniak women from Srebrenica protested in Tuzla, describing Orić’s arrest as ‘an act of hatred towards the Moslems’.<sup>26</sup>

Fourthly, the issue of Srebrenica has often exposed political divides within the international community. In 2015, for example, ahead of the twentieth anniversary commemorations, the British government drafted a Resolution on Srebrenica, according to which ‘acceptance of the tragic events at Srebrenica as genocide is a prerequisite for reconciliation’.<sup>27</sup> On 8 July 2015, however, during a vote in the UN Security Council, Russia vetoed the Resolution (and Venezuela, Angola, Nigeria and China all abstained from voting). Moscow’s ambassador to the UN, Vitaly Churkin, additionally described the British-drafted Resolution as ‘not constructive, confrontational and politically motivated’.<sup>28</sup> Given that Russia is a close ally of Serbia, none of this was unforeseeable. Afterwards, the Serbian President, Tomislav Nikolić, described Russia as a ‘true and honest friend’.<sup>29</sup>

The politicization of Srebrenica culminates in the annual commemorations of the genocide. On 11 July each year, politicians, government ministers and dignitaries flock to the Potočari

Memorial Centre to honour the dead. And each year, one is struck by the enormous contrast between these ‘men in suits’ and the grieving women whose loved-ones were prematurely taken away from them. As Halilovich emphasizes, ‘What we should be reminded of...is that for the Srebrenica survivors, regardless of where they live today, “Srebrenica is not just a once a year event” but an everyday reality’.<sup>30</sup> In July 2015, the ‘once a year event’ in Potočari became even more disconnected from the reality of what Srebrenica represents to those left behind. Specifically, in the run-up to and during the twentieth anniversary, two particular events occurred that deflected attention from the victims and the crimes committed in Srebrenica.

### **The political overshadowing of the twentieth anniversary commemorations**

#### *The arrest of Naser Orić*

On 30 June 2006, the ICTY Trial Chamber sentenced Naser Orić, the former senior commander of Bosnian Muslim forces in eastern BiH, to two years’ imprisonment for violations of the laws or customs of war, in a judgement that lists a series of crimes against Serbs in and around Srebrenica.<sup>31</sup> Two years later, however, the Appeals Chamber acquitted Orić. It emphasized that:

Where an accused is charged with command responsibility pursuant to Article 7(3) of the Statute, as in the present case, the Prosecution must prove, *inter alia*, that his subordinate(s) bore criminal responsibility and that he knew or had reason to know of his/their criminal conduct. The Trial Chamber made no findings on either of these two fundamental elements.<sup>32</sup>

Yet, significantly, the Appeals Chamber also underscored that, ‘like the Trial Chamber’, it had ‘no doubt that grave crimes were committed against Serbs detained at the Srebrenica Police Station and the Building [a building behind the municipal building referred to in paragraph 22 of the Indictment against Orić] between September 1992 and March 1993’.<sup>33</sup> The acknowledgement by the Appeals Chamber that Orić’s forces did indeed carry out crimes against Serbs in Srebrenica helped to create a sense of ‘unfinished business’. Six years later, on 3 February 2014, Serbia issued a warrant for Orić’s arrest, linked to the killing of nine Serb civilians in Zalazje near Srebrenica on 12 July 1992.<sup>34</sup> On 10 June 2015, Swiss authorities arrested Orić, triggering a political tug-of-war between Serbia and BiH. While the

former sought Orić's extradition to Serbia to stand trial there, the latter insisted that he must be sent back to BiH.

Orić's undecided fate overshadowed the preparations for the twentieth anniversary commemorations of Srebrenica. It remained uncertain how the Swiss authorities would respond to competing demands from Serbia and BiH; and amidst what Hodžić has described as 'the manufactured cacophony of reactions and counter-reactions over Orić's arrest',<sup>35</sup> families of the dead and missing were left in limbo. On 23 June 2015, for example, the organizers of the commemorations threatened to cancel the memorial event in Potočari, unless the Swiss authorities extradited Orić back to BiH. Ćamil Duraković, Srebrenica's mayor and the head of the organizing committee, raised security concerns about the event going ahead, claiming:

The situation is alarming. I am afraid of what might happen after the expiry of his [Orić's] detention...It will be disastrous if we get to July 11 with Naser being where he is now. Then indeed we cannot guarantee what people can do, especially the people of Srebrenica who apparently are the only ones in this case who have emotions for Naser Orić.<sup>36</sup>

Such arguments were unconvincing and suggested that people cared more about Orić than they did about the victims of Srebrenica. Fundamentally, political considerations were driving the polemics surrounding Orić's detention in Switzerland. How could the 2015 commemorations go ahead with this 'hero'<sup>37</sup> of Srebrenica held in custody? Indeed Duraković himself, in urging BiH state authorities to establish direct contact with their counterparts in Bern, acknowledged that the Orić situation was 'more a political than a legal issue'.<sup>38</sup>

The Swiss authorities ultimately extradited Orić back to BiH. This was in accordance with European laws on extradition and the fact that Orić is a Bosnian national accused of crimes committed in BiH.<sup>39</sup> He is now on trial at the State Court of BiH in Sarajevo (the trial began on 26 January 2016), together with Sahabudin Muhić, a former member of the Srebrenica Territorial Defence armed forces. The indictment against the two men was confirmed on 9 September 2015 and both men pleaded not guilty on 19 October 2015. They are charged with war crimes against prisoners of war, in violation of Article 144 of the Criminal Code of the Socialist Federative Republic of Yugoslavia.<sup>40</sup> According to Srebrenica's mayor, 'This indictment is a political document, against a hero of Srebrenica. If this is how the judiciary



will work, then Bosniaks don't need it'.<sup>41</sup> This 'politics of war heroism' remains one of the enduring legacies of the Bosnian war – and one of the greatest obstacles to successful transitional justice. Indeed, according to the State Court of BiH, it has faced significant and 'intolerable' pressure as a result of its proceedings against Orić.<sup>42</sup>

#### *Prime Minister Vučić's visit to Potočari*

In July 2015, 136 victims were buried in Potočari, bringing the total number to over 6,000. Yet, they were not the main focus of the twentieth anniversary commemorations. Rather, it was the attack on the Serbian Prime Minister, Aleksandar Vučić, which took centre stage. According to one commentator, there has never been such a trading of human tragedy.<sup>43</sup>

Up until the last minute, it was unclear whether Vučić would attend the commemorations. Having commenced his political career in 1993 as a member of the far-right Serbian Radical Party, led by the ultra-nationalist Vojislav Šešelj,<sup>44</sup> Vučić is a deeply controversial figure in BiH. Just nine days after the fall of Srebrenica, in a speech delivered to the Serbian Parliament, he infamously declared – in response to NATO airstrikes against Bosnian Serb positions – that 100 Bosnian Muslims would be killed for every Serb killed.<sup>45</sup> Inevitably, therefore, his visit to Potočari generated strong and diverse reactions. Following the official announcement that the Serbian Prime Minister would travel to Potočari, Jean-Claude Juncker, the President of the European Commission, declared:

...I welcome the decision of the Prime Minister of the Republic of Serbia to attend the commemoration. His decision is an example of the forward-looking approach that is required for the countries of the region to move ahead on their path to the European Union, where their future firmly lies.<sup>46</sup>

In a similar vein, Al Jazeera confidently asserted that 'Vučić's attendance at the July 11 ceremony in eastern Bosnia will be a landmark for the reconciliation among former Yugoslav republics after the 1990s wars that killed some 135,000 people'.<sup>47</sup> The reality on the ground, however, was far more complex. Vučić was booed as he laid flowers on the Potočari memorial plaque; and some members of the crowd carried banners emblazoned with the words: '*Vučiću, rekao si: Za jednog Srbina ubićemo 100 muslimana*' (Vučić, you said: For every Serb [killed], we will kill 100 Muslims) – a reference to his aforementioned speech in

the Serbian Parliament. As the atmosphere grew increasingly tense, some members of the crowd began throwing stones and bottles at Vučić and his entourage. His glasses were broken and he was quickly bundled to safety. According to one commentator, Vučić, by being made to leave, may have understood for the first time how the victims of Srebrenica might have felt when they were forced to flee from General Ratko Mladić's forces in 1995.<sup>48</sup>

Vučić subsequently disclosed that he had received a warning from the Serbian Ministry of Interior Affairs and the Security-Information Agency the day before he travelled to Potočari.<sup>49</sup> This later led him to admit that: 'I made a mistake and I am not embarrassed to accept that'.<sup>50</sup> The fact that he did not change his plans, however, necessarily raised important questions about his visit. Was it a genuine act of sincerity on his part, or simply a public relations stunt?

In September 2015, during a regional evaluation workshop in Montenegro on the Women's Court that took place in Sarajevo four months earlier,<sup>51</sup> this author had an opportunity to speak to some of the women from Srebrenica who testified at the Court and to hear their views on Vučić's visit to Potočari. They unanimously insisted that his motives were purely political. According to a Bosniak woman whose husband disappeared during the genocide and remains missing, the Serbian Prime Minister had no reason to go to Potočari and his visit was motivated by *inat* – which can be roughly translated as 'spite'. Another witness, whose husband was killed in Potočari in 1992 by members of the 'Tigers' – a Serbian paramilitary unit – argued that Vučić simply went to Potočari in order to deflect attention from the victims. He became the 'victim on the day', she stressed, and everybody was talking about him. For her part, a Women's Court witness whose husband was killed by Serbian forces in in the municipality of Zvornik, also in eastern BiH, described how, during the twentieth anniversary commemorations, all eyes were on Vučić. In her view, it was a '*sramota*' (disgrace) that he did not allow the victims to be peacefully buried and that he took all the attention away from them.<sup>52</sup>

In contrast, Vučić himself has maintained that he went to Potočari with good intentions. Speaking at a press conference after the attack, he declared: '...I express my sorrow that something like this happened, and I am sorry that some people did not recognize my honest intention of building friendship between Serbs and Bosniaks'.<sup>53</sup> Accusing Serb football hooligans of having incited the attack, he further pronounced: 'Bosniak friends and

neighbours, I once again extend my hand to you, with sincerity, and do not worry about the fools who took part in this [incident]. There are such individuals everywhere'.<sup>54</sup> Some Bosniaks themselves believe that Vučić attended the commemorations for the right reasons. The mayor of Srebrenica, Ćamil Duraković, for example, noted that 'Vučić hugged Srebrenica mother Munira Subašić and attended the ceremony to honour the victims. He even placed a symbolic flower on his jacket to show his sympathy for our pain';<sup>55</sup> and according to the political commentator Hajrudin Somun, Vučić was visibly moved when he met some of the Mothers of Srebrenica.<sup>56</sup>

These diverse reactions highlight one of the central issues surrounding apologies in post-conflict societies: how do we know when they are genuine? According to Andrieu, apologies 'recreate the communication that has been lost through mass violence'.<sup>57</sup> Yet, while Vučić apologized for what happened in Potočari on 11 July 2015, he did not apologize for what took place there 20 years earlier. The fact that his apology was thus incomplete necessarily affected how many people viewed it. As Lundy and Rolston underscore, 'A disconnected, free-standing apology runs the risk of being less than authentic'.<sup>58</sup> Four months after the twentieth anniversary commemorations, however, Vučić returned to Potočari. It was highly significant, politically and symbolically, that Bakir Izetbegović, a member of BiH's tripartite presidency, accompanied him.<sup>59</sup> A week earlier, moreover, the Bosnian and Serbian governments held their first joint session in Sarajevo, with the declared aim of improving relations between the two countries; and Vučić announced that he wanted Serbia to become BiH's main trading partner.<sup>60</sup> All of these developments are important. Govier and Verwoerd highlight that 'The issuing of a statement of apology is a short event, but such a statement should initiate a process showing commitment to reform and practical amends'.<sup>61</sup> By the time of Vučić's second visit to Potočari, it can be argued that this process had been set in motion.

Whatever the genuine reason for his first visit, what is certain is that Vučić's presence at the Potočari Memorial Centre on 11 July critically detracted from the purpose of memorialization. The twentieth anniversary commemorations should have been an occasion for quiet reflection and remembrance, but high politics dominated the event and victims were thus pushed into the background. Highlighting this point, Munira Subašić, the president of the Mothers of the Enclaves of Srebrenica and Žepa, described the attack on Vučić as 'an attack on us mothers, on the victims, on our dignity'.<sup>62</sup> Keen to return the focus to where it should

be, Reis-l-ulema Husein Kavazović, the head of the Islamic Community in BiH, strongly denounced the incident, while also pointing out that the humiliation and embarrassment which Vučić suffered in Potočari were nothing compared to the pain that the Mothers of Srebrenica have had to bear for years.<sup>63</sup>

If Vučić's presence in Potočari helped to sideline victims, it also created divides within victims' groups. One of the most poignant and memorable moments of Vučić's visit was when Hatidža Mehmedović, who lost her husband, two sons and two brothers in the genocide, pinned the green and white handmade Srebrenica flower onto Vučić's jacket and welcomed him to Potočari. As she later explained, she does not want young people in Serbia to carry the burden of the past, adding that: 'I will fight for as long as I am alive for every child to have a normal childhood and a bright future'.<sup>64</sup> For her part, Munira Subašić disclosed that she had wanted to help Vučić when he was attacked but had quickly lost sight of him.<sup>65</sup> On one hand, such gestures on the part of women like Mehmedović and Subašić might be seen as small steps on the long and sinuous path towards reconciliation. On the other hand, some of the Mothers of Srebrenica reacted very negatively to them. During the author's aforementioned discussions in Montenegro, in September 2015, with some of the witnesses who testified at the Women's Court in Sarajevo, those from Srebrenica and the surrounding areas were unanimous in their conviction that the leaders of their associations had betrayed them. 'Why did they not leave when Vučić arrived?' one witness asked. 'Why did they welcome him?' If Vučić's visit to Potočari thus fostered and/or exacerbated internal divides and tensions within associations like the Mothers of the Enclaves of Srebrenica and Žepa, it also underscored that 'victims' are not a homogenous group who speak with one voice.<sup>66</sup>

Fundamentally, the polemics and controversies surrounding Orić's arrest and Vučić's decision to go to Potočari detracted from the victims of Srebrenica. If, as this article maintains, they thus highlight the importance of developing more bottom-up forms of transitional justice that put victims and their needs first, they also raise a key question which the remaining sections of this article address, namely: what might more community-led ways of commemorating the dead of Srebrenica, alongside the official annual commemorations, look like?

## **Green transitional justice**

Transitional justice processes are intended to benefit victims by, inter alia, giving them an opportunity to be heard, to have their suffering acknowledged and to find out the truth. While these goals are important, they are generic and do not address victims' contextually-specific needs. Given that transitional justice is often driven from the top down,<sup>67</sup> too many assumptions are often made about victims and what they require.<sup>68</sup> Not only is this deeply disempowering, but it can help to create major disconnects and 'frictions'<sup>69</sup> between the aspirations of transitional justice and on-the-ground realities.<sup>70</sup> It is important, therefore, as Doak underlines, that victims are 'afforded the respect and dignity of being treated as individuals with their own specific needs and rights which need to be safeguarded by legal and political processes'.<sup>71</sup> In order to address significant 'victim deficits' within transitional justice, some scholars have called for more bottom-up and inclusive forms of justice that counter-balance top-down processes and give a greater role to victims.<sup>72</sup> This article both builds upon this critical body of literature and develops it in a new 'green' direction.

### *Dimensions of 'greening'*

'Greening' has occurred within many different fields. Opatow and Clayton, for example, write about 'green justice', defining this as 'conceptions of fairness toward the natural world...'.<sup>73</sup> Dominelli utilizes the term 'green social work', to refer to social workers operating on the ground in the aftermath of environmental disasters.<sup>74</sup> Hamilton examines the 'greening' of nationalism, by focusing on nationalist parties – such as Plaid Cymru and the Scottish National Party – that embrace green issues.<sup>75</sup> This article further adds to these 'green' examples by introducing the novel concept of 'green' transitional justice. In so doing, it draws on the field of 'green criminology'.

Lynch first introduced the idea of green criminology during the mid-1980s, to emphasize 'the importance of studying environmental issues in the modern era given the vast environmental impacts humans have on local environments and on the world environmental system...'.<sup>76</sup> While green criminology, thus, is fundamentally about exploring and addressing environmental crimes and harms, green transitional justice – as it is defined and theorized in this article – is about utilizing nature and the environment in the complex process of dealing

with the past and addressing harms done to others. Precisely because it is a bottom-up concept, it is local communities who drive green transitional justice, and this, in turn, allows for a far closer alignment between process and needs. Concomitantly, it also allows for the exposure of certain harms that more top-down approaches may miss or ignore. Genocide, for example, creates meta narratives,<sup>77</sup> but embedded within these narratives are varied ‘microhistories’<sup>78</sup> and, by extension, micro harms. Green criminology, similarly, is about drawing attention to types of harms that traditional criminology has ignored. Fundamentally, it looks beyond state-defined ‘crime’ to consider a much broader and more diverse set of harms.<sup>79</sup> In this regard, green criminology can be construed as a mainly bottom-up concept;<sup>80</sup> it is the harms themselves and how they affect societies and environments that are key, not the definitions that they are accorded and the top-down priorities assigned to them. Highlighting this point, Short has applied the concept of green criminology to the study of genocide, to draw attention to genocides that have received little attention – including those committed by First World nations – and to ‘the plight of the victims’<sup>81</sup>. Green transitional justice goes one step further. It is not only about highlighting the plight of victims, but about empowering them to express what it is that they need from transitional justice processes.

### *Green transitional justice from concept to practice*

The relationship between nature and transitional justice is completely unexplored within existing scholarship. Positive empirical examples of this relationship do exist, however, even though they are not explicitly framed as green transitional justice. As one illustration, this author recently spent a year in BiH, as part of a Leverhulme Research Fellowship.<sup>82</sup> During this fieldwork, she worked closely with *Snaga Žene*, a Bosnian NGO based in Tuzla<sup>83</sup> that supports trauma victims, from war rape survivors and families living in collective centres to women who lost their loved-ones in the Srebrenica genocide. Focused on occupational and horticultural therapy,<sup>84</sup> *Snaga Žene*’s work is characterized by a holistic approach to post-trauma healing that harnesses the therapeutic properties of nature and the environment. Providing victims with the resources to, inter alia, grow and harvest (and in some cases sell) their own fruit, vegetables and herbs, the NGO seeks to improve their physical and mental well-being,<sup>85</sup> to restore their confidence and sense of self-respect and to contribute to their economic empowerment. *Snaga Žene* pioneered this model in Srebrenica in 2006, as part of its *Cvjetna dolina* (Flower Valley) project. The NGO’s exceptional work in Srebrenica (and in nearby Potočari and Bratunac), which is ongoing through its new *Cvjetne bašte* (Flower

Gardens) project,<sup>86</sup> has given many women there a new lease of life and sense of purpose, as well as an opportunity to voice and articulate their wants, needs and aspirations. It also offers a concrete example of bottom-up, needs-based transitional justice.

*Snaga Žene*'s activities constitute part of a wider 'green approach' to healing and community-building in the aftermath of conflict and social upheaval. In 1996, for example, a group of refugee women from BiH initiated the creation of an inter-cultural garden in Göttingen, Germany. These gardens have facilitated and encouraged inter-cultural exchange, as well as enabling individuals to work on themselves. To cite Moulin-Doos,

The experience of intercultural gardens enables migrants, in their capacity as gardeners, to landscape and tend this land, and often to regain lost self-respect. By producing and sharing experience, knowledge, and products, members of intercultural gardens recover a sense of their own worth which may have been lost in situations of social exclusion or uprooting. This regaining of self-respect then becomes the first step towards developing mutual respect.<sup>87</sup>

In the year 2000, the American Friends Service Committee brought a variant of the inter-cultural garden to BiH, by establishing the Community Gardens Association (CGA) as an organic community gardening project. According to Vesna Malenica from the CGA, community gardens have an increasingly important role to play in post-war BiH. If practical concerns, like putting food on the table and re-building their homes, dominated people's everyday lives in the immediate aftermath of the war, '[n]ow psychological problems have room to surface'.<sup>88</sup> The two main gardens are in Stup (central Sarajevo) and in Kula (East Sarajevo). All of the gardens are multi-ethnic and represent significant experiments in 'peacebuilding from below'.<sup>89</sup> As Helphand observes, 'In Sarajevo, these gardens both attempt to let the society move on and attempt to re-create the prewar peace among the city's diverse inhabitants'.<sup>90</sup>

A 'green' approach has also been used in post-conflict Sierra Leone to complement official transitional justice processes. In the aftermath of the country's 11-year civil war (1991-2002), both the Special Court for Sierra Leone and a truth and reconciliation commission (TRC) were established. In 2007, concerned that these institutions were not sufficiently reaching out to local communities, particularly in rural areas, John Caulker, the chairman of the TRC Working Group, founded *Fambul Tok* (Family Talk in Krio).<sup>91</sup> Described by Iliff as

representing ‘an important innovation in grassroots TJ [transitional justice] in Sub-Saharan Africa’,<sup>92</sup> *Fambul Tok* aims at facilitating reconciliation and healing. The process culminates in a bonfire ceremony in which both perpetrators and victims are encouraged to speak and to reconcile with each other.<sup>93</sup> Once the ceremony is over, *Fambul Tok* continues to work with communities to aid reconciliation. Common projects include the creation of peace gardens<sup>94</sup> and community farms. Graybill notes that in Kailahun,<sup>95</sup> for example, ‘...people have begun farming together again – something that had not been practiced since before the war’.<sup>96</sup> At the end of *Fambul Tok*’s second year, 30 community farms had been established in four districts.<sup>97</sup>

What all of these examples powerfully illustrate is that transitional justice is not just about institutions – courts, TRCs, fact-finding bodies – and macro agendas. It is also about victims (and local communities) and how they deal with the past, heal and move on with their lives; and it is about giving them the *tools* to do so. The work of *Snaga Žene*, the CGA and *Fambul Tok* demonstrates that nature can be a valuable part of this process. By extension, nature can play a significant role in commemorations. Introducing and exploring the concept of ‘green’ memorials, the final part of this article argues that green memorials potentially offer an important bottom-up and ‘everyday’ complement to the annual state-led commemorations of the Srebrenica genocide.

## **Green memorials**

Although memorials are a relatively under-explored dimension of transitional justice,<sup>98</sup> the relationship between nature and memorials has been discussed and examined in a variety of different contexts. In their work on the World War Two Birkenau and Plaszow camps, for example, which they approach as ‘ecological landscapes’ – to emphasize ‘the macro-ecological features that would be obvious to any visitor and would thereby influence their experience of the place’<sup>99</sup> – Charlesworth and Addis essentially look at how nature impacts on memorials and the way that they function. As one illustration, a plan was introduced at Birkenau to effectively use nature to help preserve the integrity of the memorial site. The plan included ‘the conservation of the trees extant in 1943/44 and the replanting of identical species at places where the records and survivors indicated they had been’.<sup>100</sup> However, this plan developed into a ‘managed ecology of tidiness’ and thus impacted on visitors’



experience of the memorial site, both by ‘taming’ it<sup>101</sup> and by altering how the victims are represented. ‘Uniform lawns’, the authors maintain, ‘are more likely to let us regard the victims as the authorities did, as “Figuren”, objects, a mass’.<sup>102</sup>

If, in the example of Birkenau, nature – and more specifically its management – effectively de-authenticated the site, this research argues that nature and the environment also offer possibilities for creating new sites – chosen, designed and managed by local communities – to memorialize the dead. A notable example in this regard is the ‘1965 Park’ in Bali, Indonesia. From 1965 to 1966, 500,000 to one million Balinese were killed in anti-communist massacres in Bali. Forty years later, a group of young people, whose parents and grandparents survived the violence, proposed the creation of a memorial to commemorate the victims. According to Dwyer,

Inspired by transnational discourses of transitional justice and reconciliation that stress the importance of publicly articulating the truths of the past, these young people hoped to create a monument to a community’s suffering that could act as a catalyst to local political transformation and as a liberatory challenge to erasure of the massacres from official Indonesian histories.<sup>103</sup>

Consisting of a small area of lawn, and surrounded by a low wall of concrete inset with stones that form the numbers ‘1965, 1965, 1965’, the Park is an illustration of both bottom-up transitional justice and green memorialization. What it also fundamentally highlights, however, is that neither of these concepts should be idealized or treated as unproblematic. The 1965 Park raised difficult and complex questions about memory – and about suffering and its representation – and significant grassroots divides quickly began to emerge along different axes. One of these was a generational axis. Those who had lived through the violence, for example, were often reluctant to narrate their experiences in detail, which frustrated the younger generation.<sup>104</sup> The latter, in turn, antagonized the elders by increasingly speaking of 1965 as “‘their history” as well as their elders’, despite the fact that most of them had been born after the violence’.<sup>105</sup> In other words, the past became an inter-generational site of struggle and contested meaning. Divides also manifested themselves along a gendered axis. Some female survivors – and in particular those who had suffered sexual assaults – had highly sensitive stories that they struggled to share, or simply did not wish to share. Yet, these women were not always shown the understanding and respect that

they deserved. As Dwyer notes, ‘...women who showed ambivalence about openly sharing their memories were cast by the younger people as ignorant of politics or trapped by a misplaced maternal protectiveness inherent to a feminine self’.<sup>106</sup>

What the example of the 1965 Park in Bali powerfully underscores is that transitional justice requires contextual sensitivity. Something that works in one community or society may not work in another. Just as every conflict is unique and has its own particular dynamics, so too every post-conflict environment is unique with its own specific challenges and needs. The fact, therefore, that green memorialization proved deeply divisive in the Balinese context does not mean that it would be similarly schismatic in a community such as Srebrenica. A major difference between the two is that, in contrast to Bali, a variety of transitional justice work has already been done in Srebrenica, including through the ICTY’s trials. The fact, moreover, that Srebrenica has received so much attention from, inter alia, international donors, NGOs, the media and researchers means that the past is kept alive and regularly discussed. This has created space for divisions to appear among the victims of the Srebrenica, as they did during the 2015 commemorations, and to be addressed. The situation in Bali is very different, and one of the conclusions that can be drawn from the 1965 Park is that the context has to be ‘ripe’ for green memorials. They are likely to work better alongside, and as a complement to, other transitional justice processes, rather than as stand-alone memorials that unearth issues which have hitherto been neither discussed nor dealt with.

It is argued that green memorials can be usefully developed within the meta framework of civic ecology, which essentially refers to neighbours and communities coming together in pursuit of a common purpose. In the words of Tidball et al.,

...civic ecology practices, including urban community forestry, community gardening, and other self-organized forms of stewardship of green spaces in cities...are manifestations of how social and ecological memories can be instrumentalized through social learning to foster SES resilience [social-ecological system] following crisis and disaster.<sup>107</sup>

An important example of civic ecology in practice is the Living Memorials Project, which was set up after 9/11. Led by the United States Department of Agriculture Forest Service, it is an initiative, according to the Project’s website, which ‘invokes the resonating power of

trees to bring people together and create lasting, living memorials to the victims of terrorism, their families, communities, and the nation'.<sup>108</sup> As part of this grassroots-oriented project focused on local needs, more than 200 open public spaces have been created to help communities find their own ways of dealing with the tragedy. Svendsen and Campbell, for example, explain that in the months following 9/11, it emerged that '...communities needed public space to establish a locus of control, to create, to teach, and to engage in the physical act of restoration'.<sup>109</sup> Reversing the sense of powerlessness and vulnerability which crime engenders and entrenches, in short, is a fundamental part of any healing process. Another example of civic ecology is Hike for Katreena, a non-profit organization established by New Orleans resident Monique Pilié to raise awareness of the ecological damage wreaked by Hurricane Katrina in 2005. Committed to replanting the tens of thousands of trees which the hurricane destroyed, the organization's website states: 'We invite participation from volunteer groups, schools, environmental and non-profit groups, local and national businesses and committed individuals...'.<sup>110</sup>

Although the examples of Hike for Katreena and the Living Memorials Project are contextually specific, and do not relate to post-conflict societies, civic ecology can nevertheless contribute to transitional justice – and particularly to memorialization and remembrance. Firstly, as this article has demonstrated, high-profile memorial events like those in Potočari can easily become as much about politics as remembrance. This politicization, in turn, creates contextual dislocation, disconnecting commemorative events from the everyday lives of families of the dead.<sup>111</sup> Civic ecology potentially offers a way of bringing memorialization back to victims and giving these groups greater control over how their dead are remembered and respected. By organizing their own 'greening activities',<sup>112</sup> such as planting trees and establishing memorial gardens, victims can actively and positively interact with the living memorials they create.

Secondly, a key element of civic ecology is building resilience<sup>113</sup> through human-nature interactions. During their research in New Orleans after Hurricane Katrina, for example, Tidball et al. found that '...trees and replanting trees were critical in bolstering people's resolve to rebuild their lives...';<sup>114</sup> and Helpland describes how 'Gardens promise beauty where there is none, hope over despair, optimism over pessimism, and finally life in the face of death'.<sup>115</sup> Building resilience, in turn, is a fundamental part of transitional justice. The

latter is about enabling societies to deal with a legacy of past war crimes and/or mass human rights violations; and as part of this process, communities and individuals within those societies must channel their inner resources and find their own ways of coming to terms with the past. Civic ecology can potentially help them to do this.

Thirdly, one of the purposes of transitional justice is to facilitate improved relations in post-conflict communities and societies. Ultimately, however, reconciliation has to be built from the bottom up,<sup>116</sup> in the everyday interactions that people have with each other.<sup>117</sup> In this regard, civic ecology is valuable because it not only creates opportunities for these interactions, but it also provides a basis for the formulation of common goals. This is important both for helping to bring fractured communities together and for giving them a new future-oriented focus. Those who have experienced violence and mass human rights violations can easily become ‘stuck’ in the past and unable to think about the future.<sup>118</sup>

The aforementioned examples of green memorials discussed in this section are diverse, and it is not the author’s intention to suggest, to reiterate, that something that works in one society can be ‘cut and pasted’ into another. This article expressly rejects a template, ‘cooker cutter’ approach to transitional justice; and indeed it emphasizes the importance of developing more bottom-up ways of doing transitional justice precisely to underscore that victims have their own contextually-specific needs and requirements. By considering a variety of examples from a range of different societies, what this section has expressly sought to highlight is that green memorials already exist. In other words, although the concept itself is novel, its practical translation is not. This distinction between concept and practice is fundamental. The aim of this article has been to advance the *idea* of green memorials. As a practice, however, it can only take shape at the local level, according to individual and community needs. Accordingly, this research has deliberately refrained from suggesting how communities in Srebrenica and Potočari might utilize and develop green memorials. Only they themselves can decide this – and indeed whether they support the idea of green memorials.

Green criminology, a concept that underpins this article, is about addressing ‘green’ harms – and the human rights abuses which potentially result from them.<sup>119</sup> Green transitional justice is specifically about ‘green’ responses to human harms. Neither concept, however, prescribes uniform or de-contextualized responses. Hall and Farrall’s core description of ‘environmental justice’ – an important strand of green criminology – is equally applicable to green

transitional justice. Both of them, in short, are about ‘the involvement of people and community in decisions’ which might affect them and their environment, broadly defined.<sup>120</sup>

## Conclusion

This article began by focusing on the twentieth anniversary commemorations of the Srebrenica genocide. It sought to show how the arrest of Naser Orić and the attack on the Serbian Prime Minister, Aleksandar Vučić, overshadowed the anniversary and detracted from the victims and their suffering. The core aim of this research, thus, was to examine whether there are more grassroots ways of memorializing the dead of Srebrenica that counter-balance the state-led annual commemorations in Potočari. In so doing, it sought not to downplay the importance of the annual commemorations but, rather, to develop a framework for creating more holistic memorial practices. Highlighting various examples of ‘greening’ within different academic disciplines, and drawing in particular on the field of ‘green criminology’, it introduced the concept of ‘green’ transitional justice and the concomitant notion of ‘green’ memorials. It has argued that the inclusion of nature and the environment in the process of dealing with the past offers unexplored ways of building more bottom-up forms of transitional justice that empower victims and local communities, by allowing them to make their own decisions and to set their own goals. Although this article is the first to coin the term, green transitional justice is already occurring in diverse post-conflict societies; and similarly, many examples of green memorials already exist. It remains to be seen whether green transitional justice will ultimately become a burgeoning field like green criminology. Quintessentially, however, the concept is about hope and renewal. In the words of Jeb Dickersen, ‘A setting sun still whispers a promise for tomorrow’.<sup>121</sup> This is the essence of green transitional justice.

## Notes

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<sup>1</sup> See <http://www.snagazene.org/index.php/programi/projekti/item/13-cvjetne-baste>

<sup>2</sup> Ibreck, for example argues that ‘There are ways in which Rwanda’s genocide memorials, and especially the annual commemorations, are shaped by RPF [Rwandan Patriotic Front] interests. Memory is neither plural, nor openly contested. The post-genocide state has a dominant role in setting limits on whose lives are to be remembered publicly and how’. Rachel Ibreck, ‘The Politics of Mourning: Survivor Contributions to Memorials in Post-Genocide Rwanda’, *Memory Studies* 3 (2010): 330–343, at 330. Similarly, in post-war Sri Lanka, Short notes that ‘The families of LTTE [Liberation Tigers of Tamil Eelam] fighters killed during the civil war have been prohibited from commemorating or mourning their dead, a policy which functionally extends to much of

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the civilian Tamil population'. Damien Short, *Redefining Genocide: Settler Colonialism, Social Death and Ecocide* (London: Zed Books, 2016), 121.

<sup>3</sup> As one illustration, Oomen underlines that 'The rise in the number of countries essentially governed by outside forces has...led to a lot of work being done on prefabricated "justice packages" like criminal codes ready to be implemented in situations as diverse as Afghanistan, Iraq and Liberia'. Barbara Oomen, 'Donor-Driven Justice and Its Discontents', *Development and Change* 36 (2005): 887–910, at 891.

<sup>4</sup> This, however, is a broader problem that is not specific to transitional justice. In the context of state-building in post-conflict societies, for example, Kurz is highly critical of how '...interveners view state-formation in war-torn countries through analytical frameworks that do not allow them to fully understand the realities on the ground'. Christof P. Kurz, 'What You See is What You Get: Analytical Lenses and the Limitations of Post-Conflict Statebuilding in Sierra Leone', *Journal of Intervention and Statebuilding* 4 (2010): 205–236, at 206.

<sup>5</sup> Alexander Boraine, 'Transitional Justice: A Holistic Interpretation', *Journal of International Affairs* 60 (2006): 17–27.

<sup>6</sup> Lorenzo Natali, 'The Contemporary Horizon of Green Criminology', in *Routledge International Handbook of Green Criminology*, eds. Nigel South and Avi Brisman (Abingdon: Routledge, 2013) 73–84, at 74.

<sup>7</sup> UN Security Council Resolution 819, adopted on 16 April 1993, demanded, inter alia, that '...all parties and others concerned treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act'. [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/819](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/819)

<sup>8</sup> Judgement, *Tolimir* (IT-05-88/2-T), Trial Chamber, 12 December 2012, §198.

<sup>9</sup> *Ibid.*, at §291.

<sup>10</sup> Judgement, *Popović et al.*, (IT-05-88-T), Trial Chamber, 10 June 2010, §331. In the recently-concluded ICTY trial against the former Bosnian Serb leader, Radovan Karadžić, the Trial Chamber found that in one location alone (the Kravica warehouse) on 13 July 1995, 'between 755 and 1,016 Bosnian Muslim men were killed by members of the Bosnian Serb Forces...'. Judgement, *Karadžić* (IT-95-5/18-T), Trial Chamber, 24 March 2016, §5286.

<sup>11</sup> See ICTY, 'ICTY Remembers: The Srebrenica Genocide, 1995-2015', <http://www.icty.org/specials/srebrenica20/?q=srebrenica20/>

<sup>12</sup> Tolimir, the former Assistant Commander for Intelligence and Security of the Bosnian Serb Army Main Staff, died in his cell at the UN Detention Unit in Scheveningen on 8 February 2016.

<sup>13</sup> UN, *Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice*, March 2010, [http://www.unrol.org/files/TJ\\_Guidance\\_Note\\_March\\_2010FINAL.pdf](http://www.unrol.org/files/TJ_Guidance_Note_March_2010FINAL.pdf)

<sup>14</sup> A. James McAdams, 'Transitional Justice: The Issue that Won't Go Away', *International Journal of Transitional Justice* 5 (2011): 304–312, at 304.

<sup>15</sup> Sandra Rubli, '(Re)Making the Social World: The Politics of Transitional Justice in Burundi', *Africa Spectrum* 48 (2013): 3–24, at 9–10.

<sup>16</sup> Vamik D. Volkan, 'Transgenerational Transmissions and Chosen Traumas: An Aspect of Large-Group Identity', *Group Analysis* 34 (2001): 79–97.

<sup>17</sup> Jasna Dragović-Soso, 'Apologising for Srebrenica: The Declaration of the Serbian Parliament, The European Union and the Politics of Compromise', *East European Politics and Societies* 28 (2012): 163–179, at 165.

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<sup>18</sup> See Judgement, *Orić* (IT-03-68-T), Trial Judgement, 30 June 2006; Judgement, *Orić* (IT-03-68-A), Appeals Judgement, 3 July 2008.

<sup>19</sup> Refik Hodžić, 'Twenty Years since Srebrenica: No Reconciliation, We're Still at War', 29 June 2015, <https://www.ictj.org/news/twenty-years-srebrenica-no-reconciliation-we%E2%80%99re-still-war>

<sup>20</sup> Judgement, *Krstić* (IT-98-33-T), Trial Judgement, 2 August 2001, §598.

<sup>21</sup> Jenny Edkins, *Trauma and the Memory of Politics* (Cambridge: Cambridge University Press, 2003), 190.

<sup>22</sup> Radio Free Europe, 'UN Officials Use "G-Word" to Describe Srebrenica Massacre', 2 July 2015, <http://www.rferl.org/content/serbia-bosnia-russia-srebrenica-genocide-un-commemoration/27105458.html>.

Although the Serbian Parliament adopted the 'Srebrenica Declaration' in 2010 and apologized for events in Srebrenica, it avoided using the word genocide and referred only to 'the crime against the Bosniaks of Srebrenica'. Dragović-Soso, moreover, submits that 'Rather than symbolising a change in the official approach towards the war crimes issue, this apology is more accurately understood as an instrument of foreign policy, whose primary audience is the European Union and whose main aim is to aid Serbia's project of European integration'. Dragović-Soso, 'Apologizing for Srebrenica', at 164–165.

<sup>23</sup> D. Džidić, 'Srebrenica Commander Orić Extradited to Sarajevo', 26 June 2015, <http://www.balkaninsight.com/en/article/srebrenica-commander-oric-arrives-in-sarajevo>

<sup>24</sup> Sara Correia, 'The Politics of Memory in Bosnia's Republika Srpska', in *Bosnia-Herzegovina since Dayton: Civic and Uncivic Values*, eds. Ola Listhaug and Sabrina P. Ramet (Bologna: Longo Editore Ravenna, 2014), 329–350, at 349.

<sup>25</sup> See Janine N. Clark, *International Criminal Trials and Reconciliation: Assessing the Impact of the International Criminal Tribunal for the former Yugoslavia* (Abingdon: Routledge, 2014).

<sup>26</sup> North Atlantic Treaty Organization (NATO), 'Main News Summary', 12 April 2003, <http://www.nato.int/sfor/media/2003/ms030412t.htm>

<sup>27</sup> BBC, 'Srebrenica "Genocide Vote" to Take Place at UN', 7 July 2015, <http://www.bbc.co.uk/news/world-europe-33430951>

<sup>28</sup> The Guardian, 'Russia Vetoes Srebrenica Genocide Resolution at UN', 8 July 2015, <http://www.theguardian.com/world/2015/jul/08/russia-vetoes-srebrenica-genocide-resolution-un>

<sup>29</sup> Denis Džidić, 'Russia Vetoes UN Srebrenica Genocide Resolution', 8 July 2015, <http://www.balkaninsight.com/en/article/russia-vetoes-un-srebrenica-genocide-resolution>

<sup>30</sup> Haris Halilovich, 'Long-Distance Mourning and Synchronized Memories in a Global Context: Commemorating Srebrenica in Diaspora', *Journal of Muslim Minority Affairs* 35 (2015): 410–422, at 418.

<sup>31</sup> Trial Judgement, *Orić*.

<sup>32</sup> Appeal Judgement, *Orić*, at §189.

<sup>33</sup> *Ibid.*

<sup>34</sup> In Serbia Network Foundation, 'Interpol Serbia Issues International Arrest Warrant for Naser Orić's Arrest', 4 February 2014, <http://inserbia.info/today/2014/02/interpol-serbia-issues-international-warrant-for-oric-arrest/> The ICTY's judgements against Orić do not refer to this crime. A footnote in the Trial Chamber Judgement simply states that an attack by the Bosnian army on the village of Ježestica on 8 August 1992 was 'aimed at

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Glogova [a village in the municipality of Bratunac] and was coordinated with the attack on Zalazje in which he [Orić] participated'. Trial Judgement, *Orić* (2006), at n1679.

<sup>35</sup> Hodžić, 'Twenty Years since Srebrenica'.

<sup>36</sup> World Bulletin, 'Switzerland Not to Extradite Bosnia's War Hero', 22 June 2015, <http://www.worldbulletin.net/bosnia/161041/switzerland-urged-not-to-extradite-bosnias-war-hero>

<sup>37</sup> For many Bosniaks, Orić is a hero who defended his people. Simić, for example, notes that 'His sudden release from detention was mistakenly interpreted by Tihic [a member of the BiH presidency] and a majority of Bosniaks as evidence of his innocence. Orić's meeting with a member of the BH presidency [Sulejman Tihic] was reported by major TV stations and press in the country, and sparked a number of welcomes spontaneously organized by Bosniak citizens'. Olivera Simić, 'Bringing "Justice" Home? Bosnians, War Criminals and the Interaction between the Cosmopolitan and the Local', *German Law Journal* 11 (2011) 1388–1407, at 1394. Orić was not, however, in Srebrenica when the enclave fell. According to Rhode, 'Naser insists the Bosnian government barred him from returning to the enclave. The Bosnian government insists that they ordered Naser to return, but that he refused'. David Rhode, *Endgame: The Betrayal of Srebrenica, Europe's Worst Massacre since World War II* (London: Penguin Books, 2012), 353.

<sup>38</sup> Maja Zuvela, 'Organisers Threaten to Cancel Srebrenica Anniversary Event over Swiss Arrest', 23 June 2015, <http://uk.reuters.com/article/uk-bosnia-srebrenica-idUKKBN0P31SX20150623>

<sup>39</sup> Katharina Bart and Maja Zuvela, 'Bosnian Serb Leader: Srebrenica was 20th Century "Greatest Deception"', 25 June 2015, <http://www.reuters.com/article/us-bosnia-serbia-arrest-idUSKBN0P51OL20150625>

<sup>40</sup> State Court of BiH, 'Indictment Confirmed in the Case v. Naser Orić et al.', 14 September 2015, <http://www.sudbih.gov.ba/index.php?id=4159&jezik=e>

<sup>41</sup> Denis Džidić, 'Srebrenica Commander Naser Orić Charged with War Crimes', 27 August 2015, <http://www.balkaninsight.com/en/article/srebrenica-commander-oric-charged-with-war-crimes-08-27-2015>

<sup>42</sup> State Court of BiH, 'Pritisici na sud Bosne i Hercegovine moraju prestati', 27 January 2016, <http://www.sudbih.gov.ba/index.php?id=4266&jezik=b>

<sup>43</sup> Jakub Salkić, 'Dženaza u Potočarima: Žrtve ponovo izigrane', *Dani* 944, 17 July 2015, 14–17, at 15.

<sup>44</sup> Šešelj's trial at the ICTY began on 7 November 2007. He was indicted on nine counts in total – three for crimes against humanity (persecution, expulsion and inhumane act) and six for war crimes (murder, torture, cruel treatment, destruction of villages without a military motive, deliberate destruction of religious or educational objects and pillaging of public or private goods). On 31 March, 2016, the Trial Chamber acquitted him on all counts. He was charged with being part of a Joint Criminal Enterprise (JCE), the goal of which was to force non-Serbs to permanently leave around one-third of Croatia, large parts of BiH and areas of Vojvodina. Judgement, *Šešelj* (IT-03-67-3), Trial Chamber, 31 March 2016, §222. The Majority, however – Judge Lattanzi dissenting – found that the Prosecution had failed to establish the existence of a JCE (§281). Šešelj was also charged with being individually responsible for certain crimes, and specifically persecutions, through the speeches that he gave in Croatia and in Vojvodina (in Serbia). The Majority adjudged that, again, the Prosecution had not established its case. One of the issues was that even if Šešelj's speeches were narrowly construed as targeting non-Serb civilians, there was insufficient evidence regarding their impact (§284).

<sup>45</sup> Jutarnji List, 'Video: Ovako je pričao mladi radikal Vučić prije dvadeset godina – "Ubijte jednog Srbina, mi ćemo stotinu Muslimana"', 11 July 2015, <http://www.jutarnji.hr/ovako-je-govorio-vucic-prije-dvadeset-godina--ubijte-jednog-srbina--mi-emo-stotinu-muslimana-/1380990/>

<sup>46</sup> European Commission, 'Statement by President Juncker on the Twentieth of the Srebrenica Genocide', 11 July 2015, [http://europa.eu/rapid/press-release\\_SPEECH-15-5357\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-15-5357_en.htm)



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<sup>47</sup> Al Jazeera, 'Serbian PM to Attend Srebrenica Genocide Commemoration', 8 July 2015, <http://www.aljazeera.com/news/2015/07/serbian-pm-attend-srebrenica-genocide-commemoration-150708000922904.html>

<sup>48</sup> Tamara Nikčević, 'Vučić u Srebrenici', *Dani* 944, 17 July 2015, 20.

<sup>49</sup> Cited in 'Ja sam uvijek kriv', *Dnevni Avaz*, 12 July 2015, 6.

<sup>50</sup> Author's translation from Serbian. Cited in Nikčević, 'Vučić u Srebrenici', at 20.

<sup>51</sup> See Janine N. Clark, 'Transitional Justice as Recognition: An Analysis of the Women's Court in Sarajevo', *International Journal of Transitional Justice* 10 (2016) 67–87.

<sup>52</sup> These conversations took place in Tivat in Montenegro between 24 and 28 September 2015. The author attended the Women's Court in May 2015, and was given the opportunity to subsequently participate in the regional evaluation workshop in Tivat.

<sup>53</sup> Author's translation from Serbian. 'Budala ima u svakom narodu, moja ruka ostaje ispružena', *Dnevni Avaz*, 12 July 2015, 6.

<sup>54</sup> *Ibid.*

<sup>55</sup> Denis Džidić and Katarina Panić, 'Attack on Vučić at Srebrenica Widely Condemned', 13 July 2015, <http://www.balkaninsight.com/en/article/vucic-srebrenica-attack-brings-new-instability-for-region>

<sup>56</sup> Cited in Kenan Kešmer, 'Somun: To je bilo huliganstvo na nivou ISIL-a!' *Dnevni Avaz*, 13 July 2015, 4.

<sup>57</sup> Kora Andrieu, "'Sorry for the Genocide: How Public Apologies can help Promote National Reconciliation', *Millennium: Journal of International Studies* 38 (2009) 3–23, at 21.

<sup>58</sup> Patricia Lundy and Bill Rolston, 'Redress for Past Harms? Official Apologies in Northern Ireland', *International Journal of Human Rights* 20 (2016) 104–122, at 107.

<sup>59</sup> BBC, 'Serbian PM Vučić Returns to Srebrenica Memorial after Attack', 11 November 2015, <http://www.bbc.co.uk/news/world-europe-34788014>

<sup>60</sup> BBC, 'Serbian and Bosnian Governments Hold Historic Joint Session', 4 November 2015, <http://www.bbc.co.uk/news/world-europe-34720815>

<sup>61</sup> Trudy Govier and Wilhelm Verwoerd, 'Taking Wrongs Seriously: A Qualified Defence of Public Apologies', 65 *Saskatchewan Law Review* 65 (2002): 139–162, at 143.

<sup>62</sup> Author's translation from Serbian. 'Napadnute su majke Srebrenice!' *Dnevni Avaz*, 12 July 2015, 5.

<sup>63</sup> 'Ovo se nikada nije trebalo dogoditi!' *Dnevni Avaz*, 12 July 2015, 5.

<sup>64</sup> Author's translation from Serbian. Cited in Erol Avdović, 'Majka pomirenja', *Sedmica*, 18 July 2015, 3.

<sup>65</sup> *Dnevni Avaz*, 'Ovo se nikada nije trebalo dogoditi!', at 5.

<sup>66</sup> In 1986, for example, Argentina's *Madres de Plaza de Mayo* – composed of mothers whose sons were 'disappeared' during the period of the military junta from the mid-1970s to the early 1980s – split in two. As a result of this schism, two new organizations came into existence, the *Asociación Madres de Plaza de Mayo* and the *Madres de Plaza de Mayo–Línea Fundadora*. Fernando J. Bosco, 'The Madres de Plaza de Mayo and Three Decades of Human Rights' Activism: Embeddedness, Emotions and Social Movements', *Annals of the Association of American Geographers* 19 (2002): 342–365, at 352.

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<sup>67</sup> Simon Robins, 'Towards Victim-Centred Transitional Justice: Understanding the Needs of Families of the Disappeared in Postconflict Nepal', *International Journal of Transitional Justice* 5 (2011): 75–98, at 76.

<sup>68</sup> As McEvoy and McConnachie point out, 'Once major legal edifices are created and underpinned by an emerging body of law, it is all too easy for powerful political, institutional and professional needs of lawyers to come to be viewed as synonymous with those of victims'. Kieran McEvoy and Kirsten McConnachie, 'Victims and Transitional Justice: Voice, Agency and Blame', *Social and Legal Studies* 22 (2013) 489–513, at 494.

<sup>69</sup> Alexander L. Hinton, 'Introduction: Toward an Anthropology of Transitional Justice', in *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence*, ed. Alexander L. Hinton (New Jersey: Rutgers University Press, 2011) 1–22, at 9.

<sup>70</sup> According to Lambourne's research, for example, 'In Sierra Leone, people seemed less concerned about the role of truth in providing a sense of justice or peace...Whilst interviewees did seem to appreciate that the TRC hearings had contributed to peacebuilding, they were more concerned with the immediate needs of socioeconomic and political justice than with promoting peacebuilding in the country'. Wendy Lambourne, 'Transitional Justice and Peacebuilding after Mass Violence', *International Journal of Transitional Justice* 3 (2009) 28–48, at 41.

<sup>71</sup> Jonathan Doak, 'The Therapeutic Dimension of Transitional Justice: Emotional Repair and Victim Satisfaction in International Trials and Truth Commissions', *International Criminal Law Review* 11 (2011) 263–298, at 297.

<sup>72</sup> See, for example, Kieran McEvoy, 'Beyond Legalism: Towards a Thicker Understanding of Transitional Justice', *Journal of Law and Society* 34 (2007): 411–440; Patricia Lundy and Mark McGovern, 'Whose Justice? Rethinking Transitional Justice from the Bottom Up', *Journal of Law and Society* 35 (2008): 265–292; Anna Eriksson, 'A Bottom-Up Approach to Transformative Justice in Northern Ireland', *International Journal of Transitional Justice* 3 (2009): 301–320; Simon Robins, 'Towards Victim-Centred Transitional Justice'.

<sup>73</sup> Susan Opatow and Susan Clayton, 'Green Justice: Conceptions of Fairness and the Natural World', *Journal of Social Issues* 50 (1994): 1–11, at 2.

<sup>74</sup> Lena Dominelli, *Green Social Work: From Environmental Crises to Environmental Justice* (Cambridge: Polity Press, 2012).

<sup>75</sup> Paul Hamilton, 'The Greening of Nationalism: Nationalising Nature in Europe', *Environmental Politics* 11 (2002): 27–48.

<sup>76</sup> Michael J. Lynch, 'Reflections on Green Criminology and Its Boundaries: Comparing Environmental and Criminal Victimization and Considering Crime from an Eco-City Perspective', in *Routledge International Handbook of Green Criminology*, eds. Nigel South and Abi Brisman (Abingdon: Routledge, 2013) 43–57, at 45.

<sup>77</sup> Buckley-Zistel, for example, notes that in post-genocide Rwanda, the government uses *ingando* – or civic education camps – as 'an opportunity to disseminate its particular version of the past and to influence a large number of participants according to its unification agenda'. Susanne Buckley-Zistel, 'Nation, Narration, Unification? The Politics of History after the Rwandan Genocide', *Journal of Genocide Research* 11 (2009) 31–53, at 44.

<sup>78</sup> Selma Leydesdorff, 'Stories from No Land: The Women of Srebrenica Speak Out', *Human Rights Review* 8 (2007): 187–198, at 190.

<sup>79</sup> Short, *Redefining Genocide*, at 4.

<sup>80</sup> Some scholars have discussed the idea of green criminology in both top-down and bottom-up terms. Emphasizing corporate influences, for example, Lynch and Stretsky maintain that 'Corporate constructions of green have led to widespread reinterpretations of what it means to "be green" and to take a "green" position'.

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Michael J. Lynch and Paul B. Stretsky, 'The Meaning of Green: Contrasting Criminological Perspectives', *Theoretical Criminology* 7 (2003): 217–238, at 220. However, the authors also look at green criminology and what it means through a bottom-up focus on environmental justice movements (at 225).

<sup>81</sup> Short, *Redefining Genocide*, at 194.

<sup>82</sup> The research project focused on the long-term consequences of the mass rapes committed during the Bosnian war.

<sup>83</sup> See <http://www.snagazene.org/>

<sup>84</sup> According to Frumkin, 'Horticultural therapy evolved as a form of mental health treatment, based on the therapeutic effects of gardening'. Howard Frumkin, 'Beyond Toxicity: Human Health and the Natural Environment', *American Journal of Preventive Medicine* 20 (2001) 234–240, at 236.

<sup>85</sup> According to Helphand, 'The empirical health benefits of contact with elements of the natural world are real – even just pictures of nature have a salubrious effect'. Kenneth I. Helphand, *Defiant Gardens: Making Gardens in Wartime* (San Antonio, TX: Trinity University Press, 2006), 12. Similarly, Pretty et al. underline that 'There is growing evidence to suggest that exposure to nature and green space positively affects human health, by providing accessible urban and rural spaces for recreation and interaction with nature'. Jules Pretty, Carly Wood, Rachel Bragg and Jo Barton, 'Nature for Rehabilitating Offenders and Facilitating Therapeutic Outcomes for Youth at Risk', in *Routledge International Handbook of Green Criminology*, eds. Nigel South and Avi Brisman, eds. (Abingdon: Routledge, 2013) 184–196, at 185.

<sup>86</sup> See <http://www.snagazene.org/index.php/programi/projekti/item/13-cvjetne-baste>

<sup>87</sup> Claire Moolin-Doos, 'Intercultural Gardens: The Use of Space by Migrants and the Practice of Respect', *Journal of Urban Affairs* 36 (2014): 197–206, at 201.

<sup>88</sup> Cited in Helen Babbs, 'Soil Stained Survivors: How Gardening is Helping those Caught up in the Balkan Wars', 22 February 2011, [http://www.theecologist.org/green\\_green\\_living/gardening/781586/soil\\_stained\\_survivors\\_how\\_gardening\\_is\\_helping\\_those\\_caught\\_up\\_in\\_the\\_balkan\\_wars.html](http://www.theecologist.org/green_green_living/gardening/781586/soil_stained_survivors_how_gardening_is_helping_those_caught_up_in_the_balkan_wars.html).

<sup>89</sup> T. Donnais and A.C. Knorr, 'Peacebuilding from Below Versus the Liberal Peace: The Case of Haiti', 34 *Canadian Journal of Development Studies* 34 (2013): 54–69.

<sup>90</sup> Helphand, *Defiant Gardens*, at 248.

<sup>91</sup> See <http://www.fambultok.org/>

<sup>92</sup> Andrew R. Iliff, 'Root and Branch: Discourses of "Tradition" in Grassroots Analysis', *International Journal of Transitional Justice* 6(2012) 253–373, at 263.

<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid.*, 263–264.

<sup>95</sup> Kailahun is where the war in Sierra Leone began.

<sup>96</sup> Lyn Graybill, 'Traditional Practices and Reconciliation in Sierra Leone: The Effectiveness of Fambul Tok', *Conflict Trends* 3 (2010) 41–47, at 46.

<sup>97</sup> *Ibid.*

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<sup>98</sup> See, for example, Janine N. Clark, 'Reconciliation through Remembrance? War Memorials and the Victims of Vukovar', *International Journal of Transitional Justice* 7 (2013) 116–135; Ibreck, 'The Politics of Mourning'; Williams, 'Witnessing Genocide: Vigilance and Remembrance at Tuol Sleng and Choeung Ek', *Holocaust and Genocide Studies* 18 (2004) 234–254.

<sup>99</sup> Andrew Charlesworth and Michael Addis, 'Memorialization and the Ecological Landscapes of Holocaust Sites: The Cases of Plaszow and Auschwitz-Birkenau', *Landscape Research* 27 (2002) 229–251, at 230.

<sup>100</sup> *Ibid.*, at 240.

<sup>101</sup> *Ibid.*, at 246.

<sup>102</sup> *Ibid.*

<sup>103</sup> Leslie Dwyer, 'Building a Monument: Intimate Politics of "Reconciliation" in Post-1965 Bali', in *Transitional Justice: Global Mechanisms and Local Realities after Genocide and Mass Violence*, ed. Alexander L. Hinton (New Jersey: Rutgers University Press, 2011) 227–248, at 231.

<sup>104</sup> *Ibid.*, at 236.

<sup>105</sup> *Ibid.*, at 235.

<sup>106</sup> *Ibid.*, at 238.

<sup>107</sup> K.G. Tidball, M.E. Krasny, E. Svendsen, L. Campbell and K. Helpland, 'Stewardship, Learning and Memory in Disaster Resilience', 16 *Environmental Education Research* (2010): 591–609, at 594.

<sup>108</sup> See <http://www.livingmemorialsproject.net/about.htm>

<sup>109</sup> E.S. Svendsen and L.K. Campbell, Living Memorials Project: Year 1 Social and Site Assessment, September 2005, available online at [http://www.fs.fed.us/ne/newtown\\_square/publications/technical\\_reports/pdfs/2005/ne\\_gtr333A.pdf](http://www.fs.fed.us/ne/newtown_square/publications/technical_reports/pdfs/2005/ne_gtr333A.pdf) (visited 28 October 2015).

<sup>110</sup> See <http://www.hikeforkatreena.org/>

<sup>111</sup> In Northern Ireland, in contrast, memorialization has assumed a more bottom-up form. Brown, for example, describes how 'A preferred approach is to create narratives (through speeches, oral history, publications and drama) on how the conflict affected everyday life and ordinary members of the community. These processes are then spatially flagged in the everyday present by means of plaques, memorials, ritual and the display of posters'. Kris Brown, "'What It Was Like to Live through a Day": Transitional Justice and the Memory of the Everyday in a Divided Society', *International Journal of Transitional Justice* 6 (2012): 444–466, at 453–454.

<sup>112</sup> Tidball et al., 'Stewardship, Learning and Memory', at 593.

<sup>113</sup> According to Waller, 'Resilience, simply stated, is positive adaptation in response to adversity'. Margaret A. Waller, 'Resilience in Ecosystem Context: Evolution of the Concept', *American Journal of Orthopsychiatry* 71 (2001): 290–297, at 292.

<sup>114</sup> Tidball et al., 'Stewardship, Learning and Memory', at 599. The authors explain that 'memories of trees and other living things that have died or been left behind, or that in symbolic terms represent place, hope, life, and rebirth, seem to play an important role in resilience at multiple levels following disaster' (at 593).

<sup>115</sup> Helpland, *Defiant Gardens*, at 7.

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<sup>116</sup> According to Nagy, reconciliation 'is best understood as an ethical solidarity or bond that remains respectful of difference'. Rosemary Nagy, 'After the TRC: Citizenship, Memory and Reconciliation', *Canadian Journal of African Studies* 38 (2004) 638–653, at 640.

<sup>117</sup> Clark, *International Trials and Reconciliation*.

<sup>118</sup> E. Alison Holman and Roxanne C. Silver, 'Getting "Stuck" in the Past: Temporal Orientation and Coping with Trauma', *Journal of Personality and Social Psychology* 74 (1998): 1146–1163.

<sup>119</sup> Short, *Redefining Genocide*, at 61.

<sup>120</sup> Matthew Hall and Stephen Farrall, 'The Criminogenic Consequences of Climate Change: Blurring the Boundaries between Offenders and Victims', in *Routledge International Handbook of Green Criminology*, eds. Nigel South and Avi Brisman (Abingdon: Routledge, 2013) 120–133, at 129.

<sup>121</sup> See <https://jrsyjueco.wordpress.com/2013/08/02/weekly-photo-challenge-foreshadow/>