

Chapter 8

Truth in the Shadow of Justice

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In Bosnia and Herzegovina (BiH), divisive nationalist narratives about the causes and consequences of the war dominate the social and political landscape. In order to maintain power, leaders within the country's two entities—the Federation, which is now primarily Muslim and Croat, and the Republika Srpska (RS), which is now primarily Serb—continue to point out how their constituencies were victimized during and after the war (see Chandler 2000; Toal and Dahlman 2011). In the meantime, survivors find themselves with few economic opportunities and remain concerned that the country may divide further (see Bougarel et al. 2007). In light of these challenges, survivors looking for information about the violence are losing hope that either domestic or international policy makers can provide some semblance of truth in the shadow of justice.¹

To address ongoing social and political tensions, several civil society organizations, defined as those that enjoy autonomy in relation to the state and are formed voluntarily by like-minded individuals to protect or extend their interests or values, are trying to establish a fact-based account of the violence (White 1994, p. 379). Since the end of the war, organizations working in BiH have pursued a variety of innovative truth-seeking initiatives, defined here as strategies to investigate, document, and publicize facts about the violence. Given their relative autonomy, these civil society actors have had some success in pursuing their goals. However, these organizations also struggle to dispel ongoing disputes over the number of dead and missing, and which national group is to blame for the violence.

Transitional justice scholars have much to learn from civil society organizations that are pursuing truth-seeking initiatives. The goals of transitional justice include

¹ Although truth is a contested concept, I use it to refer to a fact-based account of the violence, and in reference to scholarly debates about truth and justice that defined the early literature on transitional justice (see Roht-Arriaza and Mariezcurrena 2006; Zalaquett 1994).

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ensuring accountability, improving survivor well-being, and preventing future violence (see Elster 2004; Teitel 2002; Vinjamuri and Snyder 2004; Olsen et al. 2010; Roht-Arriaza 2006). Given the recent war, many civil society organizations in the Balkans also set their agendas around these goals. While many focus on helping individuals of only one national group, particularly victims or veterans from the war, others have been working since the war to help bridge social and political divides in the region. As the focus of this chapter is to examine civil society organizations (CSOs) that are pursuing truth-seeking initiatives in order to meet these goals, I will focus on three prominent BiH organizations: the Coalition for RECOM (ZaREKOM, which translates to “for RECOM”), the Information and Documentation Center (IDC), and the Youth Initiative for Human Rights (YIHR). In addition, this discussion includes information on the International Commission of Missing Persons (ICMP). This organization, though more an international organization than a civil society organization, is relevant to the analysis of transitional justice in BiH due to its ongoing efforts to improve the quality and impact of truth-seeking initiatives in the region.

The analysis reveals that these organizations face numerous challenges and points to ongoing dilemmas for those seeking new approaches to redress mass violence through truth-seeking in the Balkans and beyond. In addition, the study also highlights the various approaches these organizations use to involve survivors in their truth-seeking initiatives. With this strategy, the organizations work to counter the prevalent belief that foreign actors, domestic and international courts have not adequately addressed the needs of those who suffered (see Delpla 2007; Stover 2007).

Transitional Justice and Civil Society in BiH

Given the ongoing social and political divides in BiH, transitional justice scholars have much to learn from a study on how civil society organizations are trying to ensure accountability, improve survivor well-being, and prevent future violence. In the beginning of the 1990s, the republics in the former Yugoslavia began to declare independence, and the Muslim population in Bosnia, as the territory was then called, voted to create an independent state. The political leaders in Belgrade did not recognize their declaration and newly independent Croatia to the west and Serbia to the east attempted to take control of different parts of the territory. The violence intensified as military leaders tried to “cleanse” entire towns and cities of individuals with a different nationality. With 80% of the casualties occurring in BiH, this country experienced most of the violence in the wars that culminated in the dissolution of the former Yugoslavia. Following the Dayton Peace Accords, BiH was divided into two entities, the Federation, which is now primarily Croat and Bosniak, and the Republika Srpska, which is now primarily Serb.

During the war, the United Nations created the ad-hoc International Criminal Tribunal for the Former Yugoslavia (ICTY), hoping to deter ongoing war crimes and crimes against humanity (see Hagan 2003). National groups continue to express

divided opinions about courts, particularly the ICTY (Nettelfield 2010). Bosnian Serbs feel victimized by the court, which they see as biased against them, and Bosniaks feel victimized by what they view as lenient sentences for convicted war criminals. This divide is also salient for the Bosnian War Crimes Chamber, which has struggled to overcome challenges related to funding and local politics (Barria and Roper 2008).

In addition, youth throughout the country are educated in “Two Schools Under One Roof,” the name used to describe the segregated education system developed by the Organization for Security and Cooperation in Europe in 2001. While this educational system was designed to encourage survivors from different national groups to return to their communities, it has resulted in a generation of youth learning disparate, nationalist accounts of the war (Bartulović 2006; Kreso 2008). The courts and education system are two of many examples that highlight how well-intentioned policies created additional challenges for the already polarized country.

Though scholars increasingly discuss the need to examine nongovernmental efforts to ensure accountability, improve survivor well-being, and prevent future violence, there is not yet a robust literature on civil society truth-seeking initiatives (Backer 2003; McEvoy and McGregor 2008). Empirical studies reveal that survivors want to share their stories and learn from others about what actually happened during the violence (Crosby and Lykes 2011; Riaño-Alcalá and Baines 2011). However, as Daly (2008) notes, policy makers often respond to this desire and create truth commissions in countries where leaders may ignore “alternative suitors that might bestow similar outcomes” (23). Scholars suggest that outreach to local communities might increase the impact of transitional justice initiatives, yet it is not clear how civil society organizations can effectively communicate and involve survivors who want to provide information or learn more about the violence (Backer 2004; Hodžić 2010; Van der Merwe and Chapman 2008; Vinck and Pham 2010).

Scholars who are interested in how transitional justice is being “localized” must pay particular attention to civil society organizations (Shaw et al. 2010). The challenges they face, and the opportunities they create, illustrate broader theoretical and policy questions related to the value of investigating, documenting, and publicizing information about violence. By looking at advances in nongovernmental efforts for justice, one learns effective and efficient ways to bypass policy makers. Given that CSOs in post-conflict settings usually get funding from transnational actors in order to serve local communities, an examination of CSO goals and strategies can serve as window into the beliefs and practices of both local and transnational actors interested in promoting accountability, improving survivor well-being, and preventing future violence.

In order to examine new developments along these lines, the rest of this chapter will focus on four organizations that are working to meet the goals of transitional justice. While there are a variety of organizations that are trying to investigate, document, and publicize information about the violence, these organizations are particularly well-known and influential in the country, in the region, and internationally. Moreover, this sample of organizations was selected on account of their innovative

truth-seeking initiatives, and due to the fact that several of them have adopted and adapted the concept of transitional justice to explain their goals and strategies. As a result, they are a useful sample to explore truth-seeking, civil society, and transitional justice in the Balkans. The data for this study were collected from 2009 to 2011 during four field visits to the Balkans, and include open-ended, in-depth interviews with 56 interviewees involved in various civil society initiatives to assist survivors and the new generations. All but two of the interviews were conducted in English, one relied on a professional interpreter and the other was conducted in the local language and translated by the author. Interviewees who chose to remain anonymous are identified by the number under which their interview transcript was filed. The interview questions focused on the goals and strategies of their work, as well as their understandings of transitional justice.²

The findings and analysis of this study suggest that civil society initiatives focused on investigating, documenting, and publicizing information can provide important insights into how transitional justice initiatives may develop and take shape in the future. In particular, they reveal how these organizations are taking advantage of science and technology to improve communication and outreach to those transitional justice is supposed to serve—those who must live together after the violence.

Coalition for RECOM (Regional Commission Tasked With Establishing Facts About The War 1991–2001)

The Coalition for RECOM (ZaREKOM or “for” RECOM) originated from a partnership between three leading human rights organizations in the Balkans: the Information and Documentation Center (IDC) in BiH, the Humanitarian Law Center (HLC) in Serbia, and Dokumenta in Croatia. During internal discussions, the founders became interested in a new initiative to address ongoing concerns that the international and domestic courts were not contributing to an authoritative account of the war. These organizations began holding regional forums around the region, seeking input from survivors, scholars, youth, and others interested in new strategies to investigate, document, and publicize facts about the violence.

The founders knew that they would have to address the skepticism with which survivors view both governmental and civil society initiatives designed to help them, particularly when foreigners are involved (Coles 2002). As a former HLC staff member who participated in early discussions explained, the organization was particularly wary about calling their proposal a truth commission:

² The data also include detailed notes on 14 public events in Sarajevo where civil society leaders presented their work, and a content analysis of dozens of documents provided by the individuals and organizations analyzed here. For more information on these methods, please see Jamie Rowen, (forthcoming 2012), “Mobilizing truth: Agenda setting in a transnational social movement,” *Law and Social Inquiry*.

The founders of the RECOM Initiative would say it's not about a truth commission. They would say it's about a fact-finding body. They want to get away from this idea from using the term *truth*. In essence, it remains the same. It's essentially a truth commission, but they were talking about a body that would establish the facts about human rights violations rather than a body that would establish the truth, which seems more sort of esoteric and just—a bit out there, really (67, personal communication, 16 May 2011).

Part of this skepticism towards truth commissions came from the leaders' awareness that most people in BiH are unfamiliar with truth commissions. For example, A 2010 United Nations survey study of 1,600 individuals throughout BiH found that two-thirds of the population do not know what a truth commission is and, among those who do, 90% want one in the country. 70% of the respondents said that "facts about the war have not yet been fully established."³ Moreover, ZaREKOM was not the first attempt to create a truth commission in BiH, though it was the first effort initiated by regional civil society leaders. At the turn of the millennium, the United States Institute of Peace lobbied the governments for a truth commission, but some local civil society organizations as well as the ICTY prosecutor were concerned that a commission might usurp the authority of the tribunal and survivors were not properly consulted about its functions (Kritz and Finci 2001). Serb delegates in the BiH parliament proposed a commission that would uncover the "scientific truth" about the violence in Sarajevo, but this initiative failed when the parliament would not vote on the proposal (Buljugic 2007). There was commission of inquiry into the events at Srebrenica, which had no public hearings but helped establish the number of victims killed in the massacre, and another commission on violence in Bijeljina that began but never concluded its work (Somun 2010).

Rather than promote a commission that would investigate the violence in one town or in one country, the founders decided to promote a regional commission. It would be a treaty body signed by the governments of BiH, Croatia, Serbia, Montenegro, Macedonia, Slovenia, and Kosovo, though neither BiH nor Serbia recognizes Kosovo as an independent country. This issue caused immediate friction within the growing coalition, and other challenges quickly arose.

First, the IDC, which was to lead the effort in BiH, stepped out before the Coalition was formalized. The director explained to me his concern that the initiative was doomed to fail from lack of popular and governmental support:

Yes, I was involved, and then I withdrew. Why? Simply because three years of our very intensive work, there is no reaction from State.... Then I don't want to travel, like a circus around the region, and to have every two, or one, or three months consultation with somebody, and stop my practical work. And then what will happen finally? Nothing. Why? Because there is no political atmosphere. The States are not ready, Serbia doesn't recognize Kosovo, Bosnia doesn't recognize Kosovo.... So this is not time for commissions basically.... And I have to reiterate. It is my moral act. I don't want to spend money, my dollars, and then to say, "Look, we failed" (Mirsad Tokaca, personal communication, 6 November 2009).

³ Pajic, Zoran, and Dragan Popović, "Dealing with the Past and Access to Justice from a Public Perspective," Presentation from UNDP Conference on Transitional Justice, 31 March 2010.

Despite the withdrawal of the BiH leader, the HLC and Dokumenta decided to forge ahead with an ambitious set of goals: (1) to create an accurate, official, and unbiased account of war crimes and other serious violations of human rights, (2) to increase recognition of victims' suffering, and encourage recognition of each nationalist groups' suffering, and (3) to prevent a recurrence of violence (Alma Masic, university lecture, 20 May 2011). To ensure public support, individuals and organizations could become members of the Coalition by signing its charter. During 2008–2010, coordinators in each country would lead consultations with victims associations, religious leaders, public intellectuals, youth groups, and others interested in learning about the new truth-seeking initiative. At the consultations, leaders would provide information about transitional justice and the benefits and limitations of truth commissions in other countries. In this way, they hoped to educate survivors as well as learn about their hopes and desires for this proposed commission.

To replace the IDC, the Serbian and Croatian leaders chose civil society organizations throughout BiH to coordinate consultations with those interested in a new fact-finding strategy. These organizations included Izvor, a victims association from Prijedor, the Citizens Forum from Tuzla, the Youth Initiative for Human Rights from Sarajevo, and the Center for Civic Cooperation in Livno. The Helsinki Committee for Human Rights-Republika Srpska was chosen as the primary leader for the BiH activities. In addition, a working group of individuals knowledgeable about war crimes, law, and transitional justice would draft a mandate for the proposed commission. At the end of the consultations, the Coalition would begin a media and signature campaign to rally public support throughout the region. The leaders envisioned that there would be enough public pressure to compel the governments to create the proposed commission.

Even with the new BiH leaders, challenges arose throughout the consultation process. In particular, though the International Court of Justice (ICJ) determined that Serbia is not liable for its collaboration with Bosnian Serb generals, the ICTY and the ICJ declared the massacre at Srebrenica part of genocide against the Bosniaks.⁴ Some Bosnian Serbs hoped that a commission might be able to undermine this judicial finding, while most Bosniaks would not support an initiative that calls the genocide into question. Early on, ZaREKOM's founders decided that the commission would not revisit the question of genocide and would simply build from the tribunals' conclusion. Two important RS organizations, the Association for Prisoners in Republika Srpska and the Republika Srpska Team for War Crimes Research, eventually called on its supporters to boycott the Coalition. Moreover, many Bosniaks worried that the HLC is from Belgrade and that the proposed commission would be used to justify Serb aggression. A Croat civil society leader noted his concerns that Bosnian Croats groups were not included in early discussions and, thus, he declined to join the Coalition (79, personal communication, 7 May 2010).

⁴ Krstic Decision. (ICJ Bosnia and Herzegovina v. Serbia and Montenegro), case 91, International Court of Justice (ICJ) Judgment returned on 26 February 2007.

Thus, despite the founders' intent to reach out to survivors, important representatives from all of the national groups were reluctant to join the Coalition.⁵

From the perspective of some Coalition leaders, these problems had more to do with BiH civil society and nationalism rather than this particular initiative:

And as time elapsed, we see that there are no strong organizations who are capable to, for example, convince people from other entity to come on consultations. So there is no authority among these organizations.... I see a weakness of civil society really in this fact that civil society is not independent from present political elite or context (52, personal communication, 1 April 2010).

This statement, from a Coalition leader in Serbia, was echoed by BiH civil society leaders. These actors noted that the tenuous political situation leaves little opportunity for initiatives that require independence from the government and collaboration across nationalist groups. Moreover, victims associations continue to hold tremendous political power in the country, and efforts to investigate, document, and publicize facts about the violence require their support.⁶

Among those who did participate in the consultations, some felt that they benefitted from having the opportunity to speak publicly about their experiences and hear the perspectives of other national groups.⁷ However, several leaders from the victims' associations expressed that they were silenced in the consultations and leadership meetings, and nationalist newspapers reported on how tensions grew between the HLC, particularly its director, and the other BiH Coalition members.⁸ At the end of 2009, the HLC brought in a media organization, the BiH Association of Journalists, to help their initiative gain public support in the country. Disputes continued through the first half of 2010, and the five BiH organizations that had been leading the consultations stepped out of the Coalition.

The BiH Association of Journalists, along with the Center for Informative-Legal Support in Zvornik, remained in charge of the consultations and was able to publicize ZaREKOM through its connections with local media outlets. In the previous year, leaders created an online website for individuals to sign the petition and aired TV commercials to prepare for the signature campaign in the spring. Paid volunteers stood at major thoroughfares in towns and cities throughout the region and people throughout BiH quickly learned about the initiative. However, even with a deadline extension from June 6 to June 26, the Coalition was unable to meet its target of gathering one million signatures on a petition asking the governments to

⁵ For a detailed overview of these challenges, including the responses of the various victims' associations, see Igor Mekina, Analysis of Public Criticism and Support for the Initiative for RECOM. www.zarekom.org/uploads/documents/2011/09/i_1647/f_1/f_2826_en. Accessed August 2011.

⁶ One well publicized example of their power can be seen in the dispute over Angelina Jolie's movie on a Bosnian war camp. The plot involved a romance between a rape victim and her perpetrator. A BiH rape victims group was able to lobby the government to temporarily withdraw the filmmaker's production permit.

⁷ See Regional Debate on the Mandate of RECOM: Review of opinions, suggestions, and RECOMmendations Report May–December 2009, Novi Sad, Vojvodina, Serbia, 20–21 March 2010.

⁸ See, e.g., Kandić Asks that Donations to her Critics be Revoked!/? *Dnevni Avaz*, 25 March 2010.

create RECOM. At the end of the campaign, 122,473 signatures were collected in BiH and 542,660 in the whole region.⁹ Several prominent BiH politicians expressed support for RECOM in theory, but it remains to be seen whether their statements will lead to any action.¹⁰

While nationalism in BiH might undermine any collaborative truth-seeking initiative, ZaREKOM's challenges extend beyond existing social and political divides. By setting its goal to create a government sponsored commission, the Coalition may have created expectations that are impossible to fulfill. Following the campaign, the director of the Helsinki Committee for Human Rights-Republika Srpska publicly stated "the entire RECOM project is envisioned completely wrong, too ambitious and is completely unrealistic."¹¹ Although the Coalition faced criticism from a number of civil society organizations in BiH, it engaged thousands of people and sparked public debate about truth-seeking initiatives and the organization leaders state that they will continue their efforts through 2013.¹² Its successes and ongoing challenges highlight both the challenges and the opportunities for civil society organizations hoping to engage survivors in a participatory truth-seeking initiative.

Investigation and Documentation Center

Like ZaREKOM, the IDC has set its agenda around investigating, documenting, and publicizing facts about the violence. The Center originated in 1992 from the State Commission on War Crimes and Genocide, and was tasked with collecting data on victims of the ongoing war. From that original data, the IDC created the Human Losses Project in order to develop an accurate count of deaths caused by the violence. At the time, leaders from different nationalist groups presented various figures, from 30,000 to 300,000 dead and missing, depending on whether they wanted to minimize or exaggerate the consequences of the war.¹³ Based on years of

⁹ These figures are cited in Youth Initiative for Human Rights, "Newsletter, July/August 2011," YIHR Index: YIHR-08-13727 24 August 2011. In order to understand these overall numbers, it is also important to highlight how the shadow of justice extended to neighboring countries. The Coalition leaders in Croatia seemed to have more success bringing together various parties, but the indictment of popular war-time general Gotovina in May 2011 undermined their efforts to collect signatures. Many Croatians believe that Gotovina is a hero who defended the country from Serb aggression and resent the international community for condemning him as a war criminal. The Coalition was only able to collect 19,668 signatures. ZaREKOM seemed to have most success in Serbia and Kosovo, where many youth appear interested in understanding the recent wars.

¹⁰ Notably, the chairman of the BiH Presidency, Zeljko Komšić, pledged support for the establishment of RECOM.

¹¹ L. Kovacević, Is RECOM Collapsing? *SETimes*, <http://www.eurasiareview.com/03072011-is-recom-collapsing/>. Accessed 3 July 2011.

¹² To Establish RECOM in 2013, *Nezavisne Novine*, 9 July 2011.

¹³ A prominent Croatian human rights advocate and scholar relayed to me that the only time he has been verbally attacked for speaking about the war was when he arrived in 1996 and said that 100,000 people were killed (79, personal communication, 8 May 2010).

data collection and statistical analysis, the organization published its estimate that 97,207 individuals were killed during the war in BiH. Three independent international experts, including one from the ICTY, validated the findings and the IDC became known internationally for its compilation of statistics in the study of the dead and missing.¹⁴

Despite the international attention, the Center has struggled to gain support from the survivors in BiH. As a former staff member explained:

I can't say that we were physically attacked in any of those municipalities or threatened in any concrete way. The biggest obstacle—the biggest resistance [had to do with] our impartiality, trying to make a connection between offices that we have in Sarajevo, Gorazde, and Srebrenica—places—mostly communities or places, towns, mostly inhabited by Bosnian Muslims. And [the] head of the IDC was the former chief of the state commission for gathering facts on war crimes and genocide established in 1992 by the President of Bosnia and Herzegovina. In several ways, those nationalistic representatives tried to blame the IDC in that direction of bias (73, personal communication, 18 May 2010).

The former staff member's statement highlights the ongoing problems that civil society organizations face when trying to change entrenched narratives about the war. Given that the director of the Center is a Bosniak, many survivors assume that he will enhance the number of Muslim victims. Ironically, given that the IDC's estimates of the dead are far less than what Bosniak leaders had claimed, the leader has struggled to convince members of his own national group that his findings are unbiased.

Following their work on the Human Losses Project, the Center decided to develop new strategies to investigate, document, and publicize facts about the violence. One project is called the "Positive Stories" and includes volumes of information about those who risked their lives to save others during the war.¹⁵ In addition, the organization wanted to reach more survivors and interested parties than is possible with published reports and town visits. Using Google Earth technology, the organization developed the War Crimes Atlas, launching the project in November 2009.¹⁶ At the launch event, the director projected the website, found the geo-coordinate of the building where the audience was sitting, and clicked on an icon. The audience sat still as a video showed the building ablaze during the war.

As the brochure for the Atlas states, the goal was to make "research more accessible to a wider public in a simple and efficient way both in the country and abroad." Individuals can search the site for information on loved ones who were killed, post pictures of memorials, and find documents from domestic and international tribunals. Like the ZaREKOM initiative, this project is designed to provide survivors with the opportunity to inform others about their personal experiences. As the

¹⁴ See, e.g., Bosnia War Dead Figure Announced, *BBC News*, Accessed 21 June 2007. <http://news.bbc.co.uk/2/hi/europe/6228152.stm>; Balkan Investigative Reporting Network, Justice Report: Bosnia's Book of the Dead. <http://birn.eu.com/en/88/10/3377/>. Accessed 21 June 2007.

¹⁵ Another Sarajevo-based organization, Gardens of the Righteous Worldwide (GARIWO), has been engaged in similar work to gather and disseminate stories of survivors who saved others.

¹⁶ See Information and Documentation Center, War Crimes Atlas. <http://www.idc.org.ba/>.

director of the IDC explained in our interview, he presents truth-seeking as an individualized process involving self-expression:

I need individual history. I need to offer you my story. I need to offer you my personal or family history ... to have confidence in the people, the grass roots organizations, victims' groups, to offer them something, to respect the individual rights of people to know (Mirsad Tokaca, personal communication, 6 November 2009).

In this statement, he implicitly contrasts his project with that of the tribunals. The idea that people have a “right to know” shifts the notion of rights away from judicial accountability and provides a legal foundation for truth-seeking initiatives.¹⁷ In a similar vein, the director also explained that War Crimes Atlas is designed to enable individuals to make their own judgments about the facts. In a conference on the legacy of the ICTY, the IDC’s director explained his reasoning behind this decentralized approach to truth-seeking:

[E]ach of us has our own personal truths. Munira’s truth (a female audience member who commented)—is her truth about the suffering of her kids, her children, and no one has the right to take that away from her. As well it is true for Mr. Dukic (a male audience member who commented) that someone took him out, beat him up, and shattered his ribs or whatever else they did. So we keep ignoring things because of our narrative. And our narrative, our past narrative, has been that only my truth and only my tragedy is what is valuable (Mirsad Tokaca, personal communication, 6 November 2009).

In his comments, he reiterates the belief that the narrative needs to change but truth-seeking initiatives should not be seeking to establish a unitary “truth,” which he views as a goal of courts. Following this reasoning, a web-based approach to investigating, documenting, and publicizing facts can be particularly useful. It has the potential to efficiently inform many survivors and others who are interested in learning about the violence, but are skeptical of the courts. However, while creating a platform on the web may disseminate facts more effectively, it requires the IDC to assess the accuracy of the information and to protect the rights of those accused of violence. Moreover, only those with access to the web and an interest in this information will actually seek it out. Despite these limitations, this organization is but one example of several civil society initiatives that use the web to make sure that information of the violence reaches as many people as possible.

Youth Initiative for Human Rights: Sarajevo

The Youth Initiative for Human Rights (YIHR) is well-known in the region for bringing together youth from different national groups to learn about each other and the war. In the past few years, the organization has also engaged in new strategies to

¹⁷The Human Rights Council has developed a doctrine on the “right to the truth” as critical to “end impunity and to promote and protect human rights.” United Nations Human Rights Council, *Resolution on the Right to Truth*, A/HRC/9/11, 18 September 2008.

investigate, document, and publicize information about the violence. For one project, “Mapping Genocide,” the organization created a website with information about legal definitions of genocide and the history of violence at Srebrenica. The site states that the organization engaged in “comprehensive research” to develop this strategy for outreach:

In order to get a modern and user friendly tool, particularly intended for younger population[s], after comprehensive research, we decided to adopt documentary animation as a new model of presenting facts, whilst applying modern technology for its user-friendly application and dissemination.¹⁸

This description reveals how the organization’s goal was to reach a broad audience, particularly the youth of the region. As younger generations are accustomed to seeing images on film or on the web, utilizing documentary animation and the web seemed an effective and efficient strategy to meet its goals. Despite its stated goal of educating others on the history of Srebrenica and genocide, referring to Srebrenica as genocide is very problematic for those Bosnian Serbs who believe the violence should not be classified in this way. Thus, while the information may be more accessible, it may reinforce contentious narratives about the causes and consequences of the war.

The organization is also involved in a project called “Survivor House,” which includes an online repository of documents with information on how residents of Sarajevo survived the 1992–1995 siege of the city. This latter project is being designed to memorialize the resilience alongside the suffering of survivors. As the YIHR director Alma Masić noted, truth-seeking initiatives that investigate, document, and publicize information about how people survived is necessary to create a sense of solidarity:

The idea is that it is dangerous when everybody behaves as a victim. This is to make something dignified. Even the people reading texts on the mapping genocide project, the voices are plain. We don’t want to tell you to make conclusions. Here are facts, judge it, it’s not about victimization.... We will see a sense of solidarity came out, sharing an apple or an onion. No one had it but after the war, the world collapsed, you forget and become greedy, looking for status, grabbing, all basic values behind. Your sign of success is when you show it off. Big house, big car, skiing in exotic places, but no underwear on you.... Where is solidarity? Does something like this have to happen again (Alma Masic, personal communication, 17 May 2011)?

Here, Masić expresses a common concern among civil society leaders that courts entrench existing feelings of victimization. Moreover, her comments highlight the challenges of being a civil society leader who has been working for decades in order to bring together the different national groups. In discussing both projects, Masić provided insights into a major source of this frustration:

One main issue here is the cost.... I was always a grassroots worker and believe you can do fabulous things with little money. It doesn’t spoil you. It doesn’t become the purpose of your existence (Alma Masic, personal communication, 17 May 2011).

¹⁸ Mapping Srebrenica, About Us. Retrieved from <http://www.srebrenica-mappinggenocide.com/en-m/>.

Her comment is representative of statements by other civil society leaders who are worried about funding, both how to get it as well as how it shapes organizational goals and strategies. As civil society organizations continue to develop new approaches to investigate, document, and publicize facts about the war, they necessarily think about their own survival as well as the long-term stability of BiH. With this in mind, they will look for cost-effective ways to conduct outreach. The web may be a particularly useful strategy to address this challenge. Although it requires technical expertise, it can be a more cost-efficient medium than print and enables civil society actors to present the information in more creative way.

International Commission on Missing Persons

Although it is not technically a civil society organization, the International Commission on Missing Persons (ICMP) deserves the attention of scholars investigating civil society and transitional justice because of its unique organizational structure and ongoing work with courts, policy makers and survivors to investigate, document, and publicize the violence. The ICMP originated in a political agreement between the countries involved in the Dayton Peace Accords; though autonomous from BiH, and the Commissioners and steering committee include government representatives from around the world (Wagner 2008). Working with the BiH Council of Ministers, the organization helped found the Missing Person Institute (MPI), a BiH government agency that was developed to take over the ICMPs work on investigating missing people, storing the data, and working with the tribunals.

Like the IDC, ICMP has developed several innovative, science-based strategies around truth-seeking. The Commission's primary goal is "to ensure the cooperation of governments in locating and identifying those who have disappeared during armed conflict or as a result of human rights violations."¹⁹ It relied on DNA-based techniques to identify the remains of victims exhumed throughout the region. Since its inception, the ICMP has developed a database of nearly 90,000 relatives of over 29,000 missing people, gathered more than 36,000 bone samples. By matching DNA from survivors' blood, the Commission has been able to identify over 16,000 victims.²⁰

Referring to the organization's goals, the chief operating officer explained to me:

For some people it's a forensic science program. For some people it's a humanitarian action to be taken with people who've lost family members. But really what it comes down to is ICMP supports the rule of law and ... it really tries to build the capacity of governments to address the human rights needs of their citizens (Adam Boys, personal communication, 9 November 2009).

¹⁹ International Commission on Missing Persons, About ICMP. <http://www.ic-mp.org/about-icmp/>.

²⁰ These numbers are regularly updated on the organizations website. See International Commission on Missing Persons, About ICMP. <http://www.ic-mp.org/about-icmp/>.

In this statement, he relates truth-seeking to justice by suggesting that accurate information is essential to ensure fair trials, and trials are a fundamental part of a democratic state. He further explained that there is no unitary truth that a judicial or quasi-judicial body can uncover but, rather, there are “some truths” to establish:

We can at least limit the narrative that sort of changes the truth about what happened and, therefore, if we can establish some truths, for example the number of killed and missing, the names of those people, feed those into court processes, then we’re no longer dealing in an abstract (Adam Boys, personal communication, 9 November 2009).

His comment reveals a common belief that truth-seeking initiatives might bridge the social and political divides. The goal of establishing “some truths” suggests that the organization believes its work might “limit the narrative” that nationalist leaders manipulate. To this end, the Commission has tried to avoid claims that it is biased in favor of one national group or the other. However, various media outlets and political leaders continue to criticize the organization in the same way they criticize the ICTY, claiming that the Commission is funded by governments who are biased against Serbs and staff contaminate their data to prove that Serbs defendants are genocidaires.²¹ Such claims have made their way to the ICTY, where defense lawyers for Karadžić have asked for verification of the ICMP’s work.²²

In an effort to address these concerns and increase its impact in the local community, the Commission developed a new program entitled “mutual understanding and transitional justice.”²³ The name of the program suggests that the Commission views transitional justice as a long-term process to prevent future violence. As part of this program, the Commission is engaged in discussions with local civil society leaders on how to memorialize victims and how to lobby the government for benefits. Moreover, the Commission has created an online inquiry center for family members to access information from the organization’s database.²⁴ From the site, individuals looking for missing persons can track the status of a case and provide information about family members who might be able to provide DNA.

As one staff member explained, these new strategies are necessary in light of what the ICMP has already accomplished, and what remains to be done:

There were 29,000, 30,000 people who went missing in Bosnia. ICMP has helped assist local institutions to find and identify about 20,000 of them—two thirds, which is just unprecedented anywhere in the world. And it’s probably going to become ever harder to find the remaining third. And so for us, we’re not turning our back on the exhumations and

²¹ The ICMP has been targeted largely because of its close relationship with the ICTY. Questions about the number of dead have come up in several cases at the ICTY. See, e.g., *Prosecutor v. Vujadin Popovic (Judgment)*, IT-05-88-T, International Criminal Tribunal for the former Yugoslavia (ICTY). <http://www.unhcr.org/refworld/docid/4c1f69fe2.html>. Accessed 10 June 2010.

²² International Criminal Tribunal for Former Yugoslavia, *Prosecutor v. Karadžić, Order on Selection of Cases for DNA Analysis*, IT-95-5/18-T (19 March 2010).

²³ International Commission on Missing Persons, Mutual Understanding and Transitional Justice. <http://www.ic-mp.org/activities/public-involvement-civil-society-initiatives/mutual-understanding-and-transitional-justice/>.

²⁴ International Commission on Missing Persons, Online Inquiry Center. <http://www.ic-mp.org/fdmsweb/index.php?w=intro&l=en&2956>.

the technical assistance we provide in terms of DNA identifications, but it's time to start thinking about how we commemorate the 20,000 that have been identified, and also how do we commemorate those that haven't? Ultimately, these efforts are designed to improve social relationships between the nationalist groups and prevent a recurrence of violence, the long term goal of many who advocate for transitional justice (76, personal communication, 20 May 2011).

His statement reveals a common desire to improve outreach around these truth-seeking initiatives in order to prevent a recurrence of violence. While the connection between truth and prevention is unclear, this organization wants to dispel skepticism about its work. Rather than focus on the courts or BiH policy makers, the ICMP is now working more closely with civil society organizations and survivors who might be able to use the Commission's information to bridge the ongoing divides between national groups.

Civil Society, Truth-seeking, and the Future of Transitional Justice

Through investigating, documenting, and publicizing facts about the war, these four organizations are trying to realize the goals of transitional justice. The findings suggest that, although they value investigation, documentation, and publicizing information, civil society organizations are focusing their efforts on new strategies to publicize information. Moreover, they are going directly to the people rather than relying on the courts or policy makers to conduct outreach. ZaREKOM's strategy of regional consultations, in particular, highlights this new emphasis on outreach. The IDC, which has been holding discussions in local communities for years, decided to invest in a web-based strategy to expand its impact. Similarly, the YIHR used the web with the hope that this medium would publicize effectively and efficiently. Like the IDC, this organization chose to examine how people survived, not only how they were victimized. Even the ICMP, which worked mostly with the government and the courts over the past decade, has decided to engage directly with survivors.

Moreover, the study also points to the ways in which these organizations are utilizing science and technology to increase their impact. For years, scholars and scientists have been working together in order to improve advocacy efforts, and these organizations reveal the fruits of their labor (Doretti and Fondebrider 2001; Hagan et al. 2006; Stover 1985). The IDC is known for its statistical analysis of the number of dead and missing and the ICMP has been involved in investigations of the dead and missing outside of the Balkans. For scholars, policy makers, and advocates interested in improving the impact of transitional justice, the work of these organizations reveals a need for further inquiry into the opportunities and challenges of using scientific and technological advances to investigate, document, and publicize facts about violence.

These findings also raise important questions. First, what is the value of civil society truth-seeking initiatives when survivors distrust both governmental as well

as nongovernmental actors? Next, will scientific methods, statistical or forensic, have more legitimacy than other approaches to investigate, document, and publicize facts about violence? Finally, should civil society initiatives focus on allowing individuals to share their stories, or should they try to develop as close to a factually accurate representation of history as possible?

The first question has been addressed by many scholars who have surveyed and interviewed survivors of the recent war in BiH, as well as those studying truth-seeking more generally (Daly 2008; Bougarel et al. 2007; Ivković and Hagan 2006; Stover 2007). The highly publicized failure of the ZaREKOM signature campaign reveals the difficulties faced by civil society organizations trying to reach across national divides in BiH. It is unclear whether any truth-seeking initiative may ever affect the pervasive belief that one's own national group was most victimized. Moreover, given that scholars, policy makers, and advocates around the world are increasingly interested in civil society and transitional justice, these truth-seeking initiatives may receive unwarranted approval. For example, despite its struggles in BiH, international media promoted the ZaREKOM campaign throughout the world, with one outlet calling it "one of the most serious efforts to promote reconciliation in the region."²⁵ Those evaluating civil society truth-seeking initiatives from abroad must pay close attention to what is going on *inside* the societies these initiatives are supposed to help.

The second question speaks to the need for more scholarly attention on how to utilize new technologies in truth-seeking initiatives. The organizations reviewed in this chapter have been taking advantage of new media to investigate, document, and publicize facts about the violence. They are using the web to inform others about their work, solicit feedback, and expand the scope of their investigations. However, focusing on web-based outreach excludes those without access to the web, which may leave out some of the most vulnerable survivors. Moreover, those designing and monitoring websites will need to carefully monitor the information they publish and how they present it. For example, should information on Srebreniça be presented as a massacre or as genocide? Moreover, as scholars such as Davenport and Ball (2002) note, more information does not necessarily lead to a valid account of the violence. Rather, the available information may reflect the objectives of the observer, leading to more biased accounts of the violence.

This latter dilemma about biased information is also relevant to the last question on whether truth-seeking initiatives should focus on story-telling or a factual account of violence. In addition to the challenge of evaluating the validity of available information, psychologists have found that individuals are more willing to accept the outcomes of a judicial process if they are given the opportunity to speak, feel heard, and validated by a legitimate authority (Lind and Tyler 1988; MacCoun 2005;

²⁵ How to Think about the Balkans, *The Economist*, 17 November 2010. Vesna Terselić, executive director of Dokumenta, was recently awarded the Right Livelihood award for her efforts to promote peace in the region. Speaking with reporters, explained the value of ZaREKOM See, Right Livelihood Laureates from Thailand, Burma and Croatia, *Democracy Now*. http://www.democracynow.org/2010/9/16/right_livelihood_laureates_from_croatia_thailand. Accessed 16 September 2010.

Tyler 1975). Thus, survivors may want a venue for public speaking or participation, and civil society organizations will want to facilitate this desire. At the same time, initiatives that prioritize participation may avoid dealing with root-causes of conflict and survivors may sacrifice fair outcomes if they are distracted by the fairness of the process (Folger 1977; Nader and Grande 2002; Törnblom and Vermunt 2007). It is thus important to examine whether or to what extent scholars, policy makers, and advocates working under the banner of transitional justice are promoting an understanding of justice that prioritizes process over outcome, and how this might undermine their goals of ensuring accountability, improving survivor well-being, and preventing future violence (see Nader 1999).

In conclusion, this chapter points to ongoing challenges for scholars, policy makers, and advocates who hope that investigating, documenting, and publicizing facts might bridge the social and political divides in BiH, as well as other countries struggling in the wake of violence. Though these civil society organizations have developed innovative approaches to outreach, their efforts are limited both on account of their methods as well as the pervasive distrust between different national groups. The dilemmas they face reveal that civil society, like international and domestic policy makers, must continue to reflect on how to effectively and efficiently reach those they seek to serve. While researchers outside of the country may learn from the new websites and applaud local leaders for their innovation, all must continue to question whether they can meet their goals within the country, especially as local leaders as well as domestic and international courts continue to reinforce narratives of victimization. In this way, transitional justice scholars can continue to discover the opportunities and limitations of seeking some truths in the shadow of limited justice.

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