

## Remembering, Visiting and Placing the Dead: Law, Authority and Genocide in Srebrenica

Olivera Simić

The Srebrenica-Potočari Memorial Room is a museum, established on the territory where the crime of genocide was committed against thousands of Muslim men and boys in the summer of 1995. It is attached to a cemetery and serves as a cultural and symbolical representation of the atrocity committed there. The Memorial Room is also a space where the identity of some of the deceased men has been partially reconstructed by displaying various belongings found at the scene, and forensically collected and preserved to be seen by curious visitors. Over the last few years, the Memorial Room and its surroundings have been frequently visited not only by scholars, but also by tourists who have been attracted to this ‘beautiful and touching place’.<sup>1</sup> This article addresses the recent development of ‘dark tourism’ in Srebrenica and the blurring between voyeurism and educational enlightenment that such tourism provokes. The article then examines the legal and ethical disputes surrounding the authority over the dead who rest in the Srebrenica-Potočari Memorial and Cemetery complex (hereinafter the Srebrenica-Potočari complex). It examines the law enacted in 2007 which gave the authority over the Srebrenica-Potočari complex to the State of Bosnia and Herzegovina. The Srebrenica-Potočari complex was originally under the authority of Republika Srpska. While the enacted law aims to ‘reconcile the peoples of Bosnia and Herzegovina’,

it paradoxically breaches the Dayton Peace Agreement and the Constitution of Republika Srpska which declared that the territory on which the Srebrenica-Potočari complex was established belonged to the entity of Republika Srpska. The article concludes that ‘dark tourism’ and the recent law enacted over the Srebrenica-Potočari complex were intended to secure a reconciliation and respectful remembrance of the dead. However, they both, to various degrees, have raised serious ethical and legal concerns. These concerns have been produced, both by the law and the self-designed ethics guidelines for tours to the crime scenes.

## **Introduction**

The ground is still giving up the secrets of Srebrenica. Ten kilometers from the center of town they’ve uncovered another mass grave from the massacre here 13 years ago. Under the makeshift cover, bones, and shoes, and rags, the only earthly remains of lives ended up violently (*Al Jazeera* May 18 2008).<sup>2</sup>

The most terrible moments in Bosnia and Herzegovina’s (BiH) recent history are epitomised by Srebrenica, described by the former Prosecutor Judge Raid as a site where ‘truly scenes from hell [were] written on the darkest page of human history’.<sup>3</sup> The Srebrenica massacre is considered to have been the largest mass murder in Europe since World War II and one of the most horrific events in recent European history.<sup>4</sup> It was also the first case of genocide legally established by the international courts in Europe.<sup>5</sup> During the war in BiH, Srebrenica was an isolated enclave which hosted thousands of Bosnian Muslims who had fled their homes as a result of the attacks by Serb forces. In 1993, the UN Security Council (SC) ‘demanded’ that Srebrenica should be treated as a ‘safe area’ by ‘all parties and others concerned’ and thus should be ‘free from any armed attack or any other hostile act’.<sup>6</sup> Tens of thousands of civilians entrusted their lives to the international community who promised local people that they would be safeguarded. Despite proclaiming Srebrenica as one of the six ‘safe zones’ in BiH protected by the UN peacekeeping mission (UNMBIH), safe areas on

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the ground proved to be among the most unsafe places in the world (Silber and Little 1996: 274). Only a few months after the promulgation of Srebrenica as 'safe area', on 11 July 1995, Bosnian Serb forces executed between 7000 and 8000 men and boys (*Prosecutor v Radoslav Krstić*).

Because of its particularly violent past, Srebrenica has become a symbol of the armed conflict that has marked BiH, and of the enduring effects of that bloodshed. For several years, the genocide in Srebrenica has attracted the attention of scholars, researchers, world leaders, and even Hollywood celebrities. While it has become the object of numerous studies on genocide and human suffering (Honig and Both 1997, Rohde 1998, Waller 2002, Wagner 2008) Srebrenica remains, as Halilovich points out, first and foremost 'a private tragedy' of the survivors who lost their closest family members in July 1995 (Halilovich 2007). Thus, besides having a 'historical [and] cultural link to the site' (Singleton and Orser 2003: 143), the descendant communities of Srebrenica are also linked by their common tragedy. The grieving families have come to symbolise 'the continuing trauma experienced by the thousands of Bosnian Muslim families' (Bardgett 2005: 1) who have been brought together by two main activities: *preserving the memories of the dead* and *placing the dead where they belong*. As Zumra Sehomirovic from the association 'Mothers of Srebrenica' said, 'we [women survivors] give each other the willpower to keep going towards our aim — to find the missing and bury them. Finding them is so important. I need to go to a specific place and say, finally he is at peace' (Vulliamy 2005). In the aftermath of the genocide, for Zumra and other women survivors, finding and burying their loved ones became the central activity in their everyday lives. Their need to mourn and dispose of the dead following appropriate rituals is one of the reasons why the Srebrenica survivors want the bodies returned to them (Fforde 2004).

## Remembering the Dead: Srebrenica Memorial Room

“Only when you come here and see this field of graves, and meet the families, you start to understand the scale of the crime - genocide - that took place here 12 years ago,” said Miroslav Lajcak, the High Representative of the International Community in Bosnia and Herzegovina (*Srebrenica Genocide Blog* July 13 2007).



Figure 1. Olivera Simić 2007, The entrance in the Memorial Room in Srebrenica-Potočari.

The Srebrenica-Potočari Memorial Room (hereinafter the Room) is a museum, established on the territory where the crime of genocide was committed on Muslim men and boys in the summer of 1995. The initial idea for the Room came from Lord Ashdown, the fourth High Representative in BiH. After his visit to the Holocaust Exhibition at London’s Imperial War Museum, the establishment of the Room

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began (Bardgett 2005: 3). While it has been acknowledged that it was 'clearly too soon' to open a historical museum, nevertheless there was agreement that 'some kind of museum-style explanation of what happened' could be established (Bardgett 2005: 6). The official opening of the Srebrenica-Potočari Memorial Room and Cemetery for the Victims of the 1995 Genocide was on 20 September 2003, when almost 1,000 individuals who died during the fall of Srebrenica in July 1995 were laid to rest.<sup>7</sup>

The purpose of the Room is two-fold: preserving the memory of the dead, but also reminding people of those who survived the genocide. There are two main areas within the Room that symbolically illuminate the darkness; shedding light on the lives that are gone, but also on the lives of survivors. One of them has a cinema projector and a few benches where visitors can sit and watch a short documentary film, *Srebrenica, July 1995*, a combination of authentic footage from the day Srebrenica fell and narratives by a few women survivors of the genocide. The film tells a powerful story, allowing women to speak about their everyday struggle to come to terms with losing their loved ones and surviving in post-war BiH. The film was made by Muhamed Mujkić, a film maker from BiH, and Leslie Woodhead whose documentary about the fall of Srebrenica, *A Cry from the Grave*, won many awards (UK 1999). It simultaneously tells the story of the dead and of the living, reminding the visitors that the dead are still present in the everyday lives of surviving families.

Other sources of light in the otherwise dark room are showcases which highlight both mass and individual loss. They not only represent collective tragedy, but also reconstruct the lives of the dead. They do this by giving identity to 20 men who were found in mass graves. As Minow argues, one of the goals of genocides has been the obliteration of the remembrance of individuals, their lives and dignity (1998: 1). The Srebrenica genocide is no different. Often presented as numbers, anonymous and generic victims, the men who died in the Srebrenica death fields lacked identity and human faces. The 20 showcases in the Room aim to shed light on the personal life stories of the dead boys

and men. Each of the cases contains personal items found on or with the dead when they were exhumed from the mass graves (Bardgett 2005) and the short texts about the dead can take the reader on a journey into the lives they once had. Thousands of pieces of clothing and small objects such as lighters, watches, tobacco boxes and glasses were found with the dead when they were exhumed by a team of forensic criminologists (Bardgett 2005). These personal effects provide a narrative to their lives, and rebuild the memory of what happened to Srebrenica and its people. The personal stories of the dead have been researched and written by Emir Suljagić, a survivor of the genocide who lost his father in a massacre.<sup>8</sup> Emir has said that:

The objects were exhumed along with the bodies, and have been recognised by the families. The idea is to make a personal portrait out of each object. When you tell someone that 10,000 people died, they cannot understand or imagine that. What I want to say is that these people were peasants, car mechanics or masons. That they had daughters, mothers, that they left someone behind; that a lot of people are hurt by this person's death (Vulliamy 2005).

With the support of the families, Emir researched and wrote short personal stories about each person. These stories are shown together with objects found with the dead in the showcases. This work reminded me of Teresa Margolles and the Servicio Medico Forense (SEMEFO) exhibition in 1997 of a collection of clothes that were being worn by people at the moment they were executed (Scott Bray 2007: 20). Other memorials, such as the Jewish Museum Vilnius in Lithuania, contain similar objects. Likewise, in 2005 Polish artists made an installation of seven glass cases called *Memory Fugue* in which the artists placed objects which had belonged to the dead, such as teddy bears (Bojarska 2005). However, some scholars such as Uzzell, have been critical of exhibits of clothes of the dead 'as if the most remarkable thing about so many thousands ... of people ... is the clothes in which they died' (1992b: 35).

Holocaust sites particularly often display artefacts that attract curious tourists from around the world and transform their curiosity

into a spectacle (Lennon and Foley 2000: 57). For example, at Auschwitz-Birkenau concentration camp 'there are rooms full of clothes and suitcases, toothbrushes, dentures, glasses' (Lennon and Foley 2000: 57). Yet Lennon and Foley argue that there is a lack of explanation, historical documentation and orientation for visitors to support the display of such disturbing objects. As a result, they believe some of these exhibitions can become spectacles rather than having an educational purpose. In the Room in Srebrenica-Potočari, the objects are accompanied by personal narratives of the human loss. Here the notion of which narrative is appropriate, and even if *a* narrative is appropriate, is open for discussion. Do, in fact, objects accompanied by some sort of narrative have a less spectacular, but more educational effect? Alsford and Parry suggest that so-called 'live' interpretation (incorporating multi-media, for example) can be effective if the aim is to engage audiences in sensitive or controversial issues (Alsford and Parry 1991: 63). It seems that one thing common to all these exhibits is that they strive to achieve 'highly-emotional effect' and maximise 'audience engagement' (Wight 2005: 129).

Although exploring mass murder through personal narratives and photographs, or displaying personal objects, is considered a good educational tool which can stimulate and encourage personal reflection,<sup>9</sup> the issue is still contested and scholars have raised questions about how and why experiences are produced and for what purpose: be they for educational, political, entertainment or financial gain (Ashworth and Hartmann 2005, Stone 2006). Hollinshead, for example, argues that the sites and themes are constructed narratives of past events that 'can manipulate tourists to become involved in configurations of political power' (Hollinshead 1999: 271). Specifically, elsewhere I have questioned the value of recent tours to the Room and genocide site in Srebrenica by various scholars and tourists, and discussed their purpose and aim (Simić 2008). Undoubtedly, the Room with its showcases aims to preserve the memory of victims of genocide, but I argue that the recent growth of organised tours might blur its primary purpose and become a mixture of politics, education, entertainment and financial gain. In that sense, my interest coincides with the existing scholarly

literature on dark tourism which is mainly concerned with the social and political context of the representation of dark 'attractions' (Smith 1998, Lennon and Foley 2000).

### **Visiting the Dead: the Cemetery and the Crime Scene as a Dark Tourism Destination**

In the Srebrenica-Potočari graveyard, Mia Farrow, actress and spokeswoman for the global organisation 'Dream for Darfur' said:

I have no words to describe what happened to the people of Bosnia-Herzegovina. The international community failed you. My country failed you. The United Nations failed you. The world betrayed you. My country and all the countries of the world have let you down. Simply, we ask forgiveness from you (*B92 News* December 7 2007).

The sites of death and disasters seemed to attract people when they are touring a country. They visit and gaze upon sites of atrocities while purchasing souvenirs and taking photos at places such as 'Ground Zero' in New York City, Auschwitz-Birkenau, or the Killing Fields of Cambodia and Rwanda. Over the last few years, the Srebrenica-Potočari graveyard and its sites of mass exhumation have joined the list of places that curious visitors wish to see. This growing body of attractions and representations of death and suffering have acquired the label 'dark tourism', first coined by Foley and Lennon (1996). The phrase quickly entered academic discourse (Foley and Lennon 1996, Lennon and Foley 2000, Seaton 1996). 'Dark tourism' refers to traveling and visiting places where mass atrocities have happened, where human suffering has been unspeakable and where death is still present (Stone 2005). Likewise, Tarlow identifies 'dark tourism' as visits to places where tragedies or 'historically noteworthy death has occurred and continues to impact our lives' (2005: 48). While Foley and Lennon (2006) first coined the term 'dark tourism', Rojek considers the concept of 'Black Spots', or 'the commercial developments of grave sites and sites in which celebrities and large numbers of people have met with sudden and violent death' (Rojek 1993: 136). The Srebrenica-Potočari



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cemetery, established on the road between Bratunac and Srebrenica, is one of these places. It stretches across green hillside where around 3,000 people have been laid to rest (*International Herald Tribune* July 11 2007). It is frequently visited by a number of people, who come to the site individually or on organised tours. They come to this 'outdoor museum' (Strangstad 1988: 5), often to express their sorrow and bitterness that the world did nothing to prevent the Srebrenica tragedy.

Mia Farrow is probably the first Hollywood celebrity who came on an official visit to the Srebrenica-Potočari complex. She came as a part of a campaign 'The Genocide Prevention Project' organised by the organisation 'Dream for Darfur' established in the US.<sup>10</sup> This visit was welcomed by some representatives of the genocide survivors, in particular the 'Mothers of Srebrenica'. While some of the survivors did positively comment, I could not help but feel troubled by seeing Farrow crying and kneeling in the cemetery with the 'Mothers'. She even ritually prayed with them, and blamed the whole world for doing 'nothing' to prevent the genocide (*Srebrenica Genocide Blog* December 8 2007). She looked like an actress well prepared for her role: praying in a Muslim way and crying, embraced and surrounded by women whom she had never seen before. Farrow has also asked for forgiveness on behalf of the 'betraying world' (*Srebrenica Genocide Blog* December 8 2007). While I understand the politics behind her visit and that she can attract attention to important issues, I was still concerned by her visit. What was she thinking while she was crying with the 'Mothers of Srebrenica'? How much did she know about the people of BiH and the people of Srebrenica? What message did she want to send to the world? Whose consciousness she did want to raise? And what kind of authority and accountability did she have to apologise on behalf of the whole world for not preventing the Srebrenica massacre?

I discussed Mia Farrow's Srebrenica visit with visual artist Fayen d'Evie, who has been examining celebrity participation in political campaigns. D'Evie is a Melbourne-based artist whose practice draws on previous work in the sphere of peacebuilding education. She is broadly interested in representations of violence and in the relationship between

the personal and the political. Her specific projects concerning the role of celebrities as activists and representations of atrocities coincided with my interests, so we decided to work together. d'Evie isolates the issue of Farrow's star power outshining survivors' experiences, suggesting that Farrow's visit achieved more in directing public attention to her new role as a humanitarian than in deepening understanding of the genocide (see Figure 1). Farrow is cast as a saintly figure, dominating the photographic frame with her cultivated pose of sorrow. As we are drawn to her otherworldly allure, the props of her scene — the graves and survivors of Srebrenica — recede in importance. Thus, could it be that Farrow's visit actually detracts, pulling our gaze away from the lived stories of Srebrenica?



Figure 2. Fayen d'Evie 2008, *M.I.A.*, digital collage. Reproduced with permission of the artist.

As a Hollywood celebrity, Farrow has enjoyed fame and media attention. Some researchers argue that just as people are fascinated by and attracted to celebrities, they are also attracted by 'dark tourism',

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finding the subject matter ‘fascinating’ and ‘seductive’ (Steiner 1971: 30). It seems to me that Mia’s kneeling and crying at the graveyard amplifies the attraction: with her as a celebrity and with death in the Srebrenica-Potočari complex.

Likewise, d’Evie has pointed out that Farrow’s pronouncements on Srebrenica may be problematic because her fame has been shaped through the popular consumption of horror (see Figure 2). Farrow rose to international acclaim following her leading role in the classic horror movie, *Rosemary’s Baby*, in which Farrow is raped by a demonic presence and gives birth to the antichrist. Subsequent roles have included a satanic nanny (*The Omen*) and a blind woman fleeing to escape a mass murderer (*See No Evil*). Since Farrow’s celebrity is associated with the camp theatrics of such performances, d’Evie questions how this affects an audience’s reception of Farrow’s statements on the genuine horror of Srebrenica.



Figure 3. Faye d’Evie 2009, *MIA: Help!*, video still. Reproduced with permission of the artist.

In the few references to Farrow’s visit I could find on the internet, I learned that the Srebrenica-Potočari complex was one of the stops on her tour to visit the countries which have experienced genocide and

mass crimes. The tour to Srebrenica was part of a campaign raising public awareness of the genocides committed worldwide. It was also aimed at ending the genocide in Darfur (*Bosnia News* December 10 2007). While it seems that the purpose of her tour was education and consciousness raising, I agree with Lennon and Foley who argue that there is, in visits such as Farrow's, a 'fundamental difficulty of delineating education and entertainment/spectacle and an uncritical approach to history' (Lennon and Foley 2000: 90). While her presence undoubtedly raised awareness, even though it is not clear for whom, some might argue that it crossed the line into contrived spectacle. Surrounded by some of the Srebrenica survivors during her visit in BiH, Farrow certainly did not need to raise their awareness about the appalling consequences of genocide. Rather, she mobilised the survivors to jointly press the government of China to help end abuses in Darfur. She spoke on behalf of them in Sarajevo and said to the press that 'the aim is to push with all our mind on China which is the only leverage we have to stop the genocide and mass atrocities in Darfur' [sic] (*International Herald Tribune* December 6 2007). Farrow spoke on behalf of the world and of the Srebrenica genocide survivors. In my reading of various accounts of her visit to BiH, I could not find one statement given by the survivors themselves.<sup>11</sup>

While her visit drew no public criticism, the visit of Richard Gere to BiH and Sarajevo did. Gere came to BiH a few months before Farrow to shoot a movie, *Spring Break in Sarajevo*,<sup>12</sup> a black comedy based on a story in which a journalist tries to track down and then free a war criminal Radovan Karadžić, who was charged with genocide and war crimes in BiH. Senad Pećanin, a journalist and the editor of an influential weekly magazine in BiH said, 'For me it's [Gere's visit] a Hollywood invasion of tragic reality' (*New York Times* October 25 2006). I think Pećanin is suggesting that Gere's visit invades the private space and grief of survivors by making a comedy about arresting the world's most wanted war criminal and thus mocking the crimes committed during the war. Was Farrow's visit to Srebrenica intruding into the pain of the survivors as well? Although the deployment of celebrities by the UN aims to insure that some issues stay in the media

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spotlight, even some Hollywood celebrities themselves are critical about this trend, warning that before they travel somewhere, celebrities should be well informed about the country (*UN News Centre* 2006).

Besides celebrities, the government of BiH actively participates in promoting 'dark tourism'. It encourages visits by tourists to Srebrenica. The official BiH tourist web site promotes Srebrenica and the Srebrenica-Potočari complex as something that *must* be seen. It says:

Not long time ago the memorial cemetery was opened in Srebrenica. The memorial centre is *a beautiful and touching place*. Despite its tragic past, the **beautiful dense forests** that line the hillside or **the plethora of bears and wolves** that roam the wilderness to the southeast of town are certainly a sight to see. Go to Srebrenica. There are nice places to see in and around Srebrenica. The **natural thermal springs**, the stunning pine covered hills, and lovely villages that dot the countryside (BH Tourism-Srebrenica).

Paradoxically, while acknowledging the violent past and atrocities, the tourist agency wants to stress, and does so by *bolding* particular letters, that Srebrenica is still 'beautiful' and has a lot to offer to tourists. Marcel (2004: 1) suggests that dark tourism is the 'dirty little secret of the tourism industry' where 'death makes a holiday'. Interest in death and catastrophes, although 'distasteful', is widely shared (Rojke 1993: 138). Critical research in tourism studies has shown that countries celebrate their exotic cultures, ethnicities, territories and nature, and try to generate income from them (Barbero 2002, Brown 1995, Halavais 2000, Rojek 1998, Selwyn 1996, Silver 1993). As Volcic argues in her analyses of governmental websites of the former Yugoslav republics, including BiH, these new states are all 'transformed into brand-states that serve the function of relegating their citizens to the role of either exotic Others ready to be consumed by rich western tourists, or goods for foreign investment' (Volcic 2008: 395). Contemporary society increasingly consumes, both willingly and unwillingly, commodified death and pain through the media, popular culture and audio-visual representations (Stone and Sharpley 2008: 580). Likewise, Lennon and Foley suggest that 'horror and death have become established

commodities, on sale to tourists who have an enduring appetite for the darkest elements of human history' (Lennon and Foley 2000: 58).

Similarly, the genocide sites in Rwanda are promoted as tourist sites and recommended by the Rwandan tourist agencies. For example, a recent internet site about sightseeing in Rwanda offers information about what visitors can and cannot do while touring genocide sites.<sup>13</sup> One of the things recommended and encouraged by the agency is taking photographs of the sites.<sup>14</sup> However, it was unclear why photographs of killing sites should be taken. If not for education, why should photographing such places be encouraged? As Ludlow argues, the significance of an image depends upon who created it and for what purpose (2006: 139). If Ludlow is right that a photographer takes a photograph for her/his 'own end', then what is the 'own end' for those taking images of killing sites or dead bodies at exhumation sites in Srebrenica? In his work on Holocaust images, Baer argues that the overwhelming artistic attention to genocide sites 'obscures and even blocks an understanding' of their impact while the representations of Holocaust in popular culture give the impression that the 'unspeakable' is easy to communicate, represent and remember (2000: 44). In one of the tours to the Srebrenica-Potočari complex recently organised in BiH, I visited the exhumation site with a group of law and history scholars. A few of them had cameras and were taking photos of the sky-blue cover through which you could see the bumps made by human remains beneath (Simić 2008). As colleagues took photographs and even took their cameras into the open grave where human remains were waiting to be taken out and identified, it was difficult to imagine why they did so and what they intended to do with the images. Were they going to look at them over and over again at home? Can photographing and looking at these images bring a better understanding of the genocide? If so, the final message in the Rwandan brochure contradicts this idea. It reminds visitors that they 'should accept that the genocide is far beyond your own experience and is something you'll never fully understand'.<sup>15</sup>

It seems that this message to visitors is written with two thoughts in mind. In one way it presumes that visitors to genocide sites are *only* people who never experienced genocide themselves. Second, it says that

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no matter how much these people tried, they will never understand the implications of genocide. This message is contradictory and may inadvertently offend survivors of genocides from other countries who come to empathise with Rwandan survivors and who are thus able to understand the extent of pain and grief that follows genocide. On the other hand, the message seems to undermine the purpose of organising tours to genocide sites. The tours aim to bring various people to the sites of atrocities for them to better understand the scale of the tragedies. If no one ever understands, why organise tours and encourage taking photographs at the sites? Why promote genocide sites as tourist destinations at all? Lambert and Lester offer one suggestion that speaks of discourse on global memorialisation and humanitarianism as a 'channel of compassion linking the west and its colonial 'periphery' that were instituted by colonial philanthropists' (2004: 322).



Figure 4. Olivera Simić 2007, The graveyard in Srebrenica-Potočari.

Although this article has raised some questions about images of genocide sites being taken by visitors, they are nevertheless included.

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As suggested, the images have become a crucial part of a ‘dark tourism’ dynamic that aims to confront the viewer who is ‘required to witness’ (Young 2005: 100). The images bring to the foreground unsettling questions, whether they represent *an appropriate way* of remembering and visiting the dead and whether they possibly speak more effectively of genocide than written words. The following graveyard images were taken by the author and the crime scene images by the author’s colleague who wishes to stay anonymous. By juxtaposing these images which were taken during the tour to Srebrenica (Simić 2008), the viewer is confronted with not only two genres of images, but also the complex histories behind the author and author’s colleague’s decisions<sup>16</sup> to take the photos of remarkably different scenes.



Figure 5. Olivera Simić 2007, The graveyard in Srebrenica-Potočari.



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Figure 6. Anonymous 2007, Mass exhumation site/crime scene in Srebrenica-Potočari surrounding area. Reproduced with permission.



Figure 7. Anonymous 2007, Mass exhumation site/crime scene in Srebrenica-Potočari surrounding area. Reproduced with permission.



Figure 8. Anonymous 2007, Mass exhumation site/crime scene in Srebrenica-Potočari surrounding area. Reproduced with permission.

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Susan Sontag would argue that images can 'say *this* is what it's like. This is what war does ... War tears, rends. War rips open, eviscerates. War scorches. War disremembers. War *ruins*' (2003: 8). The only 'failure' of ours is one of imagination, empathy as 'we failed to hold this reality in mind' (Woolf 1963: 46). Woolf and others believe that if the horror can be made as vivid as possible, 'most people would finally take in the outrageousness, insanity of war' (Sontag 2003: 14). Unfortunately, although we live in an era where images of war visit our living rooms on an almost daily basis, there has not been less war, but rather more armed conflicts, even more destructive than before. Sontag also says that a photograph of an atrocity and its various representations may trigger opposite reactions: a cry for revenge or a call for peace (Sontag 2003: 13).

Finally, it is important to contrast the difference between photographs of graveyards and photographs of mass exhumation sites (which are not graveyards but places where crimes were committed). Unlike photographs of graveyards — with their cemetery markers and closed, settled graves — exhumation images reveal scenes imbued with an ability to disturb and trouble us. It is their graphic forensic content (mutilated bodies and skeletal remains in open graves) that is so disquieting in the struggle to assimilate the acts of murder and suffering that they attest to. The sights revealed in exhumation images are 'uncomfortable aesthetics' and should only serve to record the evidence of crimes required for criminal investigations (Young 2005: 22). They shock and distress viewers and bring them within 'unbearable proximity' to violent crime scenes (Young 2005: 41). In a 'darker-lighter tourism paradigm', Miles suggests that there is a distinction between 'dark' and 'darker' tourism (Miles 2002). He claims that there is a crucial difference between sites associated *with* death and suffering, and sites that are *of* death and suffering. According to Miles, the death camp site Auschwitz-Birkenau is darker than the one in the US Holocaust Memorial Museum in Washington DC (Miles 2002). Likewise, Stone makes an attempt to identify various 'degrees or shades of darkness' on a scale of seven applied to dark tourism products (Stone 2006). According to his scale of 'darkness' the Srebrenica graveyard would

be at number four on the scale ('dark resting place') while places such as mass exhumation sites in Srebrenica are 'concentration of death and atrocity'. According to Stone, these sites are at the darkest edges of the 'dark tourism spectrum' (Stone 2006: 157).

While the first section of my article discussed remembering the dead in the light of the Srebrenica-Potočari Memorial Room, this section has examined the various ways people behave in the graveyard and at the crime scene so as to explore the differences (if any) between visiting the dead at different sites (the Room, the graveyard, the crime scene). I argue that Farrow's visit to the graveyard and visits to the crime scene/mass exhumation site may generate tourist voyeurism and stand in the way of understanding the Srebrenica tragedy. Likewise, the photographs of the crime scene keep the wound of the crimes open and visible and often leave viewers in shock. On the other hand, photographs of graveyards, such as Srebrenica-Potočari, offer solace to the living who — in visiting these spaces or looking at images of them — are better placed to grieve for and remember the dead.

## **Placing the Dead: The Law and Authority Over the Dead**

Why is it important for you to have them [corpses] buried in Srebrenica?

That would allow for our return because if dead people go there, living people would go after that (Pollack 2003: 797).

After being displaced, most of the Srebrenica survivors lived in temporary group shelters. According to UNHCR, the majority of them lived in collective centres in and around the municipality of Tuzla.<sup>17</sup> The Dayton Peace Agreement (DPA), which divided the country into two entities, the Federation of BiH (FBiH) and the Republika Srpska (RS) granted under Annex 7 that 'all refugees and displaced persons have the right freely to return to their homes' (DPA 1995). However, both the governments of RS and FBiH established legal barriers to prevent land reclamation. They declared some properties, including

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Figure 9. Olivera Simić 2007, 'Srebrenica' spelt in both Serbian and Bosnian language on a sign located at the entrance to the town of Srebrenica.

land, as 'abandoned' by the original owners. As such, they could be claimed by settlers who had moved in during and after the war (Fischel de Andrade and Delaney 2001). In 1999, in order to abolish such legal barriers and facilitate the refugees claim to their land, the High Representative enacted the Property Legislation Implementation Plan (OHR 1999). While 7,000 Srebrenicians submitted requests to reclaim their property in 2000 (*The Advocacy Project* 2000), as of 2005, only around 3,000 Muslim pre-war settlers actually returned to Srebrenica. Camila Osmanovic, who was saved by Dutch peacekeepers from hanging herself in July 1995, said 'I thought I would never return. Everyone is afraid to come back because everyone has bad memories (*International Herald Tribune* July 7 2005). However, she continues that she was drawn back by her husband's grave which is 'the contentment of the soul' and makes her feel 'close to him' (*International Herald Tribune* July 7 2005).

The power of this statement poignantly highlights the difference between visitors, such as Farrow, or other scholars and celebrities, and women survivors of the genocide. On the one hand, visits by Farrow and others raise a series of questions about the implications of 'dark tourism'. On the other hand, the return of survivors to both place and remember the dead —while a deeply personal journey — does raise serious legal concerns.

While the Law on Property allowed a return to the land formerly owned by local Muslims, the RS officials were pressing refugees and displaced persons to stay on the land, in order to maintain an ethnic majority over the returnees.<sup>18</sup> By the year 2000, over 4,000 bodies had been collected and stored at the central repository in the town of Tuzla. However, less than 100 of them had been identified (ICMP 2000). As the bodies piled up, it became obvious that a discussion on what to do with them was required. The women of Srebrenica conducted a poll of 10,000 survivors and the overwhelming majority wanted to bury the corpses near the Dutch base in Srebrenica where the killings were carried out (Pollack 2003). After the survey, Potočari was chosen as the site. 'Potočari,' says the organiser of a poll, Munira Subasic, 'is not Serbian land, it is ours' (Vulliamy 2005). On 3 April 2000, the council passed proposals that allowed for a burial site in the Srebrenica municipality and formed a committee of four people (two Serbs and two Bosniaks) to locate suitable sites. Since the commission formed could not agree on one site, the High Representative (HR) Ashdown decided to allocate a plot of land opposite the Battery Factory in Potočari in the Srebrenica Municipality, for use as a cemetery and memorial (OHR 2000). The HR said that this was an important decision 'for the relatives of those killed, and those that survived which will ensure an adequate way of keeping the memory of the dead and that committed crimes are not forgotten [sic]' (OHR 2000). This will be a place where 'they can mourn their dead, and from where they, and the rest of Bosnia and Herzegovina, can try to come to terms with the past and build a future' (OHR 2000). While not explicitly stating the gender of 'the relatives of those killed', it is clear that Ashdown's decision indicated an awareness of the grieving widows and mothers from Srebrenica,

who became 'a metaphor for suffering' (Kleinman et al 1997: 99). The 'Mothers of Srebrenica' have gained quite prominent social and political authority in the BiH public space and their widowhood influences decisions related to Srebrenica in national and international policy discourses (Simić 2009). Consequently, their moral authority has inevitably matched other agendas and even outweighed the possible political agenda of the HR.

On the other hand, the HR's decision also echoes the American common law that grants 'quasi-property rights' of human remains to the relatives of the deceased, granting those relatives the right to access land where the remains are buried (Price 1991: 23). Relatives are also allowed to protect the remains and 'direct the proper disposition of them,' which could be extended to rescuing endangered remains and reburying them in a proper cemetery (Price 1991: 23). To assert their right to make decisions regarding what should happen to their ancestors is also a way for survivors to reclaim their own past and determine what should or should not be part of their cultural heritage (Fforde 2004). The HR also created a Foundation for the Srebrenica-Potočari Memorial and Cemetery (OHR 2001). The first 600 bodies were buried in Potocari in 2003.

While the enacted decision to create the memorial centre aims to help people of BiH to 'come to terms with the past and build a future', it paradoxically breaches the DPA and the Constitution of RS which declared that the territory on which the Srebrenica-Potočari complex was established belonged to the entity of RS. Precisely, it breaches Article 2 of the RS Constitution and Articles 1 and 2 of the DPA (Annex II). Article 2 of RS Constitution states that 'the territory of the Republic is unified, indivisible and inalienable'. Likewise, Article 1 of the DPA considers the Inter-Entity Boundary Line and says that 'The boundary between the Federation of Bosnia and Herzegovina and the Republika Srpska (the 'Inter-Entity Boundary Line') shall be as delineated on the map at the Appendix'. And finally, Article 2 of the DPA states 'The parties may adjust the Inter-Entity Boundary Line *only* by mutual consent' (emphasis added). Equally important is Article

3(b) of the Constitution of BiH regarding the Law and Responsibilities of the Entities and the Institutions. It states that 'all governmental functions and powers not expressly assigned in this constitution to the institutions of BiH shall be those of the Entities.' Article 3, 2(d) of the Constitution of BiH says that the responsibility to govern its territory for all its citizens in a safe and secure environment is 'solely under the authority of entities'. However, the *Law on the Center for the Srebrenica–Potocari Memorial and Cemetery for the Victims of the 1995 Genocide* (hereinafter the law) enacted by the HR of BiH in 2007, in Chapter III on Institutional structure, Article 8(1), identifies the role of the State of BiH to 'manage the Memorial Center'. Thus, the law *de iure* gives authority over the Srebrenica-Potočari complex which was in the territory of the RS to the State of BiH.

For survivors of the Srebrenica genocide it is important to be close to the memorial. As Fadila Muharemovic states 'there are people [survivors] who want to be close to cemetery in Potočari, so they can visit the graves where their loved ones are buried' (Vulliamy 2005). Pollack argues that repatriation and burial are linked in the minds of the survivors from Srebrenica (2003). Burial, and consequently graveyards promote repatriation, strengthen ties to homelands and thus create physical and symbolical reasons to return (Pollack 2003).

However, by placing the cemetery in the imaginative context of a Muslim land, it acquired another identity. *De iure*, the land of the state of BiH which is ethnically divided between two legally recognised entities, is still one piece of land with no administrative or other borders. Thus, the Srebrenica-Potočari complex is both, *de facto* and *de iure* on RS entity land, but at the same time on BiH land. Paradoxically, the Srebrenica-Potočari Memorial Room erases these ethnic divisions by dislocating the relationship between the living and the dead because willingly or unwillingly, all peoples in BiH have to share the dead. The Room runs through the imaginary ethnic boundaries between Serbs and Muslims, between 'Serbian and Muslim land'. The horror of the genocide in Srebrenica is what unites the living and the dead, what unites all ethnic groups in BiH. The Constitution of BiH states in



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Article 1(4), that ‘Neither Entity shall establish controls at the boundary between the Entities’ and that ‘people, services and goods enjoy full freedom of movement’. Thus, the boundaries are imaginary, invisible, marked by the cemeteries and clothes which bear traditional religious symbols. Although the Constitution of BiH guarantees full freedom of movement, the ‘Mothers of Srebrenica’ tried to prevent the Serbian president Boris Tadic from coming to Srebrenica two years ago on the anniversary of the massacre. They appealed to the Muslim member of the joint BiH presidency, Mr Tihic, to prevent Tadic from coming to the Srebrenica-Potočari graveyard (*OHR BiH Media* June 30 2005). Tihic rejected their request and asked the Mothers and survivors not to cause trouble during his visit. The Mothers also announced that ‘this year’s protocol requests all women attending the funeral to be dressed in accordance to Bosniak tradition’ (*OHR BiH Media* June 30 2005). This automatically either excludes women of other ethnic groups from attending the funeral, or forcing them to dress in a Muslim way although some of them might not be Muslims. As Holst-Warhaft argues ‘there is at least one public space that women dominate — the graveyard — and if their voice is restrained outside the house on other occasions, in the face of death it is heard by the whole community’ (Holst-Warhaft 1992: 53).

The appropriation of land by Subasic and her followers re-imagines ethnic and citizenship identities in all their complexity. The dead are used by the living to re-create the land and give it nationality and ethnicity. The dead give life to the land; they humanise the land. They also give power to the living — the survivors — who have absorbed the dead and who treat them as their exclusive possession. While the dead are localised by the survivors of Srebrenica, equally they are internationalised by Farrow and others. As McEvoy and Conway (2004: 545) argue in relation to indigenous peoples, the question of who ‘owns’ the dead is not only the question of the exclusive exercise of authority over the remains, but is inextricably linked to the notion of who ‘owns’ the past. In the case of Srebrenica it is about owning not only the past, but also the present and the future.

I argue that the law instead of reconciling the peoples of BiH has done the opposite. I believe that it promoted further mental and now even physical separation from the crime and, more importantly, accountability for it. Paradoxically, it may even have helped the Serbs to avoid dealing with the atrocities that some Serbs committed in Srebrenica, because the genocide site is no longer in their territory and thus 'not their responsibility'. The law separated the RS peoples from the need to confront and deal with the dead and the atrocities committed in their name. Although Serbs who live in BiH have rarely visited the Srebrenica-Potočari graveyard, the enacted law gave them even more legitimate excuses not to visit it and confront the crime scene, since it is not part of 'their territory' anymore. It is now a barren land, under the State of BiH which the majority of the Serbs in the RS do not recognise as their own State (Miljanovic 2007).

While the action of the HR was 'morally' based it was also political and it functions both inclusively and exclusively. It integrates the dead Muslims with the living Muslims, but prevents the living Serbs from coming to terms with the dead Muslims. Paradoxically, the ethnically dead are reconciled with the ethnically living and not with the 'other'. Thus, 13 years after DPA, it seems that only Serbs should live in the 'Serb territory', and only Muslims (even the dead) in 'Muslim land.' Ethnically mixed territories, including the dead and the living, still seem unimaginable. So, the Memorial Center territory is 'ethnically renamed and reclaimed' (Zarkov 2007: 154).

The government of the RS harshly reacted to the HR Law and said they believed that the law breached the RS constitution in terms of its authority over the territory of RS. The RS President advised the media that this decision 'cannot contribute to stability and peace in the territory of BiH' (*Danas* June 27 2007). In addition, the Serb representative of the RS governmental body for Srebrenica resigned after the law was enacted because of his 'deep belief that the enacted law made the work of the governmental body for Srebrenica senseless' (*Radio Hayat* June 27 2007). He also said, because domestic institutions should play a role in solving 'internal issues in the RS and BiH which

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are not under the DPA, I resign my membership from the governmental body' (*Radio Hayat* June 27 2007).

As Jonker argues 'the law produces and limits subjectivities and cultural identities since it invokes claims that are simultaneously claims of law and claims against law' (2005: 193). Thus, with the law enacted in 2007, the HR had powers, in the name of the dead, to reinvent and to remake the constitutions of RS and BiH as well as the DPA. This was exacerbated by pressure from the living. The HR invented a law hoping for a new legal compact. However, nothing *de facto* changed; the borders changed in the minds of people only. This struggle for placing and remembering the dead in a 'just context' made the Srebrenica-Potočari complex a 'constitutional monument' (Jonker 2005: 200) while informing a new constitutional regime's vision of justice and legality.

Is the pledge for the separation of the dead bodies from 'RS land' a process of depoliticised mourning? Is it about the living who must determine who has 'ownership' and control over the remains, carrying the burden of emotional, psychological and social consequences of death and seeking some form of 'closure' in coming to terms with loss and death (Clark 1994, Seale 1998, Davies 2002)? Is this the process of creating a category of 'political widowhood', where the widow became the custodian of the collective memory of the fallen hero (Ramphele 1996)? Or is this the first step in breaching the imaginary peace that the DPA hoped to bring to the peoples of BiH? As Munira Subasic, a public representative of the 'Mothers of Srebrenica' said in her comments after the ICJ decision that Serbia is not accountable for the crime of genocide in Srebrenica:

We will ask that Srebrenica does not stay in the RS. It must have special status. However, not only Srebrenica, but the whole region of Srebrenica where the genocide was committed on the citizens of Eastern Bosnia in the territory of the so-called RS. We will ask first that Srebrenica be excluded from the RS, and then all other cities with citizens who survived the genocide, because they can't be anymore under an establishment created by the genocide. Whoever thinks this won't happen, it will. I ask people from around the world to join us to demand the abolishment of the so-called RS. It will disappear as

administrative unit in BiH. It is our only chance to have one united BiH.<sup>19</sup>

Even though Srebrenica is still in the RS, the Srebrenica-Potočari complex has been run by the State of BiH since June 2007 when the law was enacted. This decision gave the Srebrenica Memorial a special status under the authority of the central government. However, the survivors think it is still not enough, and as Munira said, not only should the Srebrenica Memorial be excluded from the RS, as it is now, but so should the whole of Srebrenica and other towns in the RS where Serbs committed atrocities.

## **Conclusion**

Drawing on different narratives, education, spectacle, and repatriation, this article has analysed the remembering of the dead, 'dark tourism' and the law enacted in Srebrenica-Potočari. As the article has suggested, the re-conceptualisation of death through the narratives discussed may allow for some form of a re-legitimation of death within the public domain. It may ensure that 'private death is publicly present and transformed into public discourse', and even into a communal commodity (Stone and Sharpley 2008: 558). Thus, although all narratives may raise various interpretations and understandings of the dead, they still contribute to a process of transformation 'through the representations, commodification and repatriation' that could influence our collective consciousness (Stone and Sharpley 2008: 558).

As Katherine Verdery argues, the process of exhuming and reburying dead ancestors has been at the core of the 'nation-building' project in the Balkans and beyond as nations re-emerged with the collapse of the Soviet Union (1999: 122). In this respect, the Srebrenica genocide commemorations have become a part of forming a new Bosnian '*ethnic hood*' where tens of thousands of largely Muslim people 'collectivised' and 'nationalised' the dead (Verdery 1999: 101). The final resort to law, seen in promulgation of the *Law on the Center for the Srebrenica-Potočari Memorial and Cemetery for the Victims of the 1995*

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*Genocide*, may be viewed as ‘an attempt to fix historical meaning and to shape how events or individuals are to be remembered’ (McEvoy and Conway 2004: 561). Likewise, the ‘memorialising’ capacity of law has been described as one of its most important functions (Osiel 1999, Teitel 2000).

In summary, the ‘consumption’ of the dead in Srebrenica is a complex process still to be uncovered and explored. Is the Srebrenica-Potočari complex a site of education, of remembrance and repatriation or of spectacle, or is it all of these at once? This is yet to be seen. However, as I have demonstrated, it has already joined to the list of popular ‘dark tourism’ sites from around the world. Also, it has become a site of a legal dispute among the living over the dead. Only the future will show whether the Srebrenica-Potočari complex will promote reconciliation, or whether it will further divide the already ethnically divided people living in this small yet overtly complex country of Bosnia and Herzegovina.

### Notes

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- 1 See <<http://www.bhtourism.ba/eng/srebrenica.wbsp>>.
- 2 See <<http://www.youtube.com/watch?v=C41510bG0cM>>.
- 3 United Nations General Assembly, ‘Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica’ (UNGA A/54/549 para 2).
- 4 United Nations Press Release 2000 UNIS/SG/2612 Secretary-General Kofi Annan ‘Srebrenica Tragedy Will Forever Haunt United Nations History, Says Secretary-General on Fifth Anniversary of City’s Fall’ 11 July <<http://www.unis.unvienna.org/unis/pressrels/2000/sg2612.html>>.

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- 5 *Prosecutor v Radislav Krstić*, IT-98-33 ‘Srebrenica-Drina Corps’ Trial Chamber Judgement (2 August 2001). On August 2, 2001, Trial Chamber I of the International Criminal Tribunal for the Former Yugoslavia (ICTY) ruled that the events at Srebrenica in July 1995 constituted ‘genocide’.
- 6 United Nations Security Council Resolution 819 (1993) on the situation in Bosnia and Herzegovina.
- 7 International Commission on Missing Persons, September 20 2004 ‘Official Opening of Srebrenica-Potocari Memorial and Cemetery’ at <<http://www.ic-mp.org/press-releases/official-opening-of-srebrenica-potocari-memorial-and-cemetery/>>.
- 8 See <[http://www.potocarimc.ba/memorijalni\\_eng/soba.htm](http://www.potocarimc.ba/memorijalni_eng/soba.htm)>.
- 9 See The Vilna Gaon Jewish State Museum <[http://www.muziejai.lt/vilnius/zydu\\_muziejus.en.htm#Gaon](http://www.muziejai.lt/vilnius/zydu_muziejus.en.htm#Gaon)>.
- 10 See <<http://www.dreamfordarfur.org/index.php>>.
- 11 These accounts comprised readings from mainly Bosnian media — daily newspapers, magazines and Srebrenica genocide blogs.
- 12 The film had two working titles during production: *Spring Break in Sarajevo* and *Spring Break in Bosnia*. It was ultimately released in 2007 as *The Hunting Party*.
- 13 See Travel Africa Ltd ‘Discover A New African Dawn’ <[http://www.rwandatourism.com/pdf/buyers\\_guide\\_HISTORY.pdf](http://www.rwandatourism.com/pdf/buyers_guide_HISTORY.pdf)>.
- 14 See page 3 Travel Africa Ltd ‘Discover a New African Dawn’ <[http://www.rwandatourism.com/pdf/buyers\\_guide\\_HISTORY.pdf](http://www.rwandatourism.com/pdf/buyers_guide_HISTORY.pdf)>.
- 15 See page 3 Travel Africa Ltd ‘Discover a New African Dawn’ <[http://www.rwandatourism.com/pdf/buyers\\_guide\\_HISTORY.pdf](http://www.rwandatourism.com/pdf/buyers_guide_HISTORY.pdf)>.
- 16 The photographer and owner of Figures 6, 7 and 8 wishes to remain anonymous. Name and written permission on file with author.
- 17 See <<http://www.unhcr.ba>>.
- 18 Helsinki Committee for Human Rights in Bosnia and Herzegovina 2002.
- 19 See Munira Subasic <<http://www.youtube.com/watch?v=AsG5ElhGBIU>>.

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