The role of victim organizations in the transitional justice process is examined in post-war Bosnia and Herzegovina (BiH). These organizations emerged in the context of the top-down accountability agenda driven by the international crisis intervention in the Balkan wars and the International Criminal Tribunal for the former Yugoslavia (ICTY). By contrast, in Latin America victim organizations emerged as a self-conscious movements of individuals galvanized by their traumatic experience of state repression and demanding accountability from the bottom-up. In BiH accountability became a condition for re-establishing state political and legal authority but also international financing for reconstruction and progress towards EU accession. Victim organizations were part of the NGO sector which grew rapidly in response to the neoliberal governance model of self-organizing civil society to transform post-socialist and postwar BiH. Non-governmental organizations (NGOs), run largely by professional middle class displaced from careers in the downsized state bureaucracy, became intermediaries between external donors and war affected populations. Victim organizations participated in the transitional justice process by supporting victims/witnesses in international and national prosecutions, tracing the missing persons and supporting the right of return of displaced populations. In BiH, victims’ organizations did not emerge as social movements advocating for citizenship and social justice, but became incorporated in the neoliberal governance model, sponsored by international agendas for stabilization, democratization and EU accession.

**Keywords:** victims, transitional justice, civil society, human rights, Bosnia and Herzegovina.

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The wars in the Former Yugoslavia between 1992-1995 changed the perception of war and its victims from a humanitarian crisis to a human rights crisis. The shift in the construction of war to a human rights crisis represented the first major expansion of the ‘legalization of the international sphere’ after the end of the Cold War (Schoenfeld, Levi, Hagan, 2007: 37). The victims of these wars became the focus not just of international humanitarian relief, but international intervention to prevent further human rights violations. The international impact of large scale ‘ethnic cleansing’ saw human rights prevail over political diplomacy in the Dayton Peace negotiations. The new human rights priority made accountability for war crimes, crimes against humanity and genocide in the International Criminal Tribunal for the former Yugoslavia (ICTY). But accountability went beyond past crimes, it now included human rights protection. The new states had to cooperate in the prosecution of indictees by arresting them and extraditing them to the Hague but also to recognize the rights of victims such as the families of the missing and those displaced by war. Accountability in this broader sense was also made a condition for the new states that emerged from the former Yugoslavia to receive reconstruction assistance, financial and political support for reform and progress towards EU accession.

With the suffering victim as its focus, international criminal law expanded to become a form of international crisis management to alleviate suffering through holding those responsible accountable before the law (Humphrey, 2011). The victim was turned into a global citizen through global witnessing of their suffering and through the advocacy of human rights activists and families of victims. The use of the term ‘victim’ refers to the analytical construct, the subject position of the victim of human rights violation and the fulcrum around violence changes polarity from harming to healing (Humphrey, 2002). In transitional justice the victim has become a moral, legal and political focus for identifying injury, prosecuting those responsible, promoting reconciliation and providing protection. Ironically, while the universalizing discourses of human rights and trauma are inclusive on the basis of our shared humanity and our shared experience of having a sentient body, the victim becomes the fulcrum for selectivity and exclusivity. Only those victims considered to be morally deserving have their human rights protected (Humphrey, 2010).

The victim has been instrumentalized in the project of transitional justice, constructed as a bridge between the political cruelty and suffering of the
past and the future based on human rights. However the ‘victim’ is a complex construction. Human rights constitute the victim as a subject position (perpetrator v. victim), psychology creates the victim as the bearer of traces of violence (trauma), and politics creates the victim as a moral focus for social solidarity. Justice and reconciliation increasingly focus on the well-being of the victim – materially, bodily, psychologically and socially – i.e. reparations, health, inclusive citizenship.

The empirical focus of this paper is the role of war victims in transitional justice in postwar Bosnia and Herzegovina (BiH), where the accountability agenda, defined broadly as prosecution for serious political crimes and human rights protection, has dominated something very distinctive, and insufficiently recognized, about transitional justice in BiH. It examines how the rights of victims have been realized through a top-down accountability agenda driven by international intervention in the Balkans wars, the ICTY prosecutions in The Hague and human rights protection in postwar BiH. The study focuses on two categories of victims, ‘the families of the missing’ and ‘displaced populations’ and the way the ‘right to know the fate of missing family members’ and the ‘right of return’ have been addressed in BiH. The research is based on fieldwork conducted in BiH in September-October 2010, in which interviews were conducted with 20 non-governmental organisations (NGOs) and a variety of professionals working in the broad field of transitional justice. The NGOs included international non-governmental organisations (INGOs), civil society organisations (CSOs) and victim organisations (VOs). This nomenclature of organisations reflects the classifications produced under the international legal bureaucratic governance in BiH, distinguishing between internal and external and local, national and international organisations. The paper also draws on the extensive academic research, diverse surveys, reports from NGOs and international agencies on the experience of national and international justice, the role of civil society organizations and the issue of rights protection in BiH.

The analytical perspective is comparative, contrasting BiH with the transitional justice experience in Latin America. In the post-dictatorship democracies amnesty prevailed and human rights became the discourse of victim organisations who became mobilized with the aim of overturning amnesty laws through public protest, regional cooperation and transnational legal strategies, including the use of the Inter American Commission for Human Rights and the support for prosecutions under international law
in Spain, Belgium and Italy. By contrast victim organizations in BiH did not emerge as bottom-up human rights movements mobilized by their shared experience of state repression and demands for ‘truth’ and ‘justice’ (Humphrey, Valverde, 2007). As everywhere, victims in BiH were socially constituted by their shared experience of violence, trauma and loss, but they became instrumentalized by the top-down organizations of civil society, mobilized as part of the internationally supervised project of social and political transformation through rule of law, democratization, institution building and the strengthening of civil society. The space of civil society was constructed as the domain for instituting neoliberal governmentality, based on self management and self responsibility organized by a market model of competition for grants to support NGO activities.

The challenges of transitional justice in BiH, and the justification of the extent of the international intervention creating BiH as a virtual international protectorate (Knaus, Martin, 2003) are: the scale of war destruction, the size of the rebuilding task and the proportion of the populations directly affected by the war through loss of family members, injuries, displacement, loss of homes, as well as internal and external exile. The emphasis on accountability points to another dimension of transitional justice in BiH, the judicialisation of politics and the resort to justice to achieve the broader transitional justice goals of national unity, rule of law and inclusive citizenship. A recent report of the Organisation for Security and Co-operation in Europe (OSCE), Delivering Justice in BiH: An Overview of War Crimes Processing from 2005 to 2010, highlights the daunting task of the accountability route for BiH courts. It notes the lack of resources, the undetermined size of the caseload and the fact that task of determining ‘the level of gravity of cases, level of responsibility of accused, quality of case investigation, potential availability of suspects, nexus to prosecution priorities etc. has not taken place’ (OSCE Report, 2011: 24). The shortcomings of justice are even more acute in particular areas such as the prosecution of rape in war where only 12 cases have been prosecuted out of a possible 50,000 to 60,000 cases of wartime rape (Arslanagić, 2012).

Internationally, the transitional justice project has had ambitious goals, going beyond mere justice before the courts to include large-scale political reform and social healing. Transitional justice has involved a pragmatic assessment of how far justice can be pursued under the prevailing political conditions. The expansive use of the term ‘reconciliation’ captures the extra-judicial scope of the transitional justice project: ‘firstly, wrongs arising from
violence must be identified, secondly, a public recognition of suffering should be made, and thirdly, attempts to redress the harm resulting from violence should be made’ (Djokić, 2002: 129). In BiH the legal mechanisms for accountability for past political crimes were externally imposed and were an integral part of the extensive programme of international intervention to bring peace, reconstruct war-damaged cities, rebuild state institutions, promote reconciliation and promote EU accession as a strategy of post-socialist transformation. Victim organizations became a focal point of intervention to support their participation as witnesses/victims at the ICTY, to provide documentation to support families of victims of the missing and help trace the missing, to certify victims status and their entitlement to welfare and reparation payments, to support specific victims (women), to support the process of return of internally displaced persons (IDPs) and refugees to their homes and to promote local reconciliation.

Transitional justice in BiH can be differentiated into two phases, corresponding to the shift from the ‘protectorate’ phase, dominated by the Office of the High Representative, to a focus on making BiH state institutions and NGOs more engaged and responsible for justice and reconciliation. The emphasis on strengthening BiH institutions and accountability also relates to the process of EU accession and compliance. In fact, the use of the ‘transitional justice’ discourse has really only emerged in the second phase, in the context of emphasis on repatriating justice and reconciliation. Hence the Humanitarian Law Centre *Transitional Justice in Post-Yugoslav Countries* Report notes the repatriation of war crimes trials to BiH, but in other areas, such as compensation and memorials were made for the benefit of majority groups (HLC, 2007). The transitional justice lens has gained prominence in BiH through the United Nations Development Programme (UNDP) *Transitional Justice Guide book in BiH* (UNDP, 2009a, 2009b) and UNDP *Facing the Past and Access to Justice* project (UNDP, 2011). Recent scrutiny of the war-related payments system for veterans and civilians run by each Entity has introduced a transitional justice lens to clarify the nature of payments as welfare or reparation, as well as review the financial sustainability of these payments (Popić, Panjeta, 2010).
NGOs and transitional justice

The transitional justice project in postwar BiH is just one dimension of a top-down interventionist legal-bureaucratic project of postwar reconstruction, state-building and reconciliation. While, on the one hand, international intervention sought to re-establish the central political and legal authority of the state, on the other hand the legal-bureaucratic project also supported the rapid expansion of NGOs growing from only a handful during the war to around 1500 a decade later, as an essential element for successful state building (Evans-Kent, Bleiker, 2003; Belloni, 2001). Their growth was enabled by the international donors and agencies, who saw NGOs as the most cost effective way to deliver services (Evans-Kent, Bleiker, 2003). Hence the top-down legal-bureaucratic project promoted civil society capacity building, which led to the emergence of a NGO sector organized around a market-oriented logic of competitive contract projects and reform the legal environment regulating NGOs through the internationally led LEA/LINK project (Belloni, 2007: 114). The main multilateral organizations and pledging states explicitly gave preference to NGO projects which promoted neoliberal democratization (Evans-Kent, Bleiker, 2003). Hence the Organization for Security and Cooperation in Europe (OSCE) promoted civil society development, drawing on the Dayton Agreement, as the basis for peace and stability (Chandler, 2000).

Civil society in BiH was constituted by a local NGO sector, but dominated by international NGOs and their local affiliates as ‘partnerships’ (Mitchell, 2006: 394). The agendas and resources of international donors largely determined the activities of NGOs and their longevity. Far from being independent and organic expressions of social mobilization and responsibility, one of their alleged strengths, they were financially dependent on external donors. As the different phases of reconstruction, development and nation-building proceeded, NGOs could only survive by acquiring the neoliberal attributes of flexibility, self-responsibility and entrepreneurialism to survive. They were forced to reinvent themselves and forge new roles and new relationships, in order to compete for grants with increasingly shorter-term contracts. In other words, transitional justice reached beyond state institutions and became concerned with the organization of society itself.

Civil society is often juxtaposed to the state. It is used as ‘a catch all term for everything below the state’, or defined as in ‘opposition to the state’ (Hearn, 2001: 340). It is also seen as an antidote to the state and seen to
embody an ethical idea of social order on the basis of voluntary and private arrangements (Hearn, 2001). In BiH, the international community viewed local NGOs as counterweights to entrenched political elites and nationalist parties. They set about promoting organized civil society – i.e. developing local NGO partners – by targeting the urban professional middle class to play the role of intermediaries between the international organizations and national institutions and Bosnian society (Chandler, 2000: 140). They saw civil society as the locus for the empowerment of individuals, by developing their capacity for democracy rather than government’s (Chandler, 2000: 149). The proliferation of NGOs in postwar BiH was itself an index of structural change, in which the new state bureaucracies no longer provided a career path for middle class professionals. The NGO sector became the arena of opportunity for the middle class, displaced by the dismantling of the welfare/socialist state of Yugoslavia first by war and now by the new neoliberal model of governance. Through their international connection with international NGOs and donors, the middle class professionals also played the role of ‘translating ideas from the global arena down and from the local arena up’ (Merry, 2006: 39).

In the case of transitional justice, the external agenda of justice and accountability through the ICTY dominated until 2005, when increasing capacity building in the justice sector coincided with the focus on repatriation of war crimes and crimes against humanity in the BiH legal system – the BiH Court, the BiH Office of the Prosecutor and the BiH Ministry of Justice. These also coincided with the growing EU focus on transitional justice as a holistic strategy between human rights and conflict resolution (Unger, 2010). In fact, the term transitional justice was only adopted in BiH human rights and law reform policies and programmes after 2005, coinciding with the increasing emphasis on local responsibility and capacity. The UNDP programme on Transitional Justice was the most prominent and effective through the survey on ‘Justice and Truth in BiH: Public Perspectives’ (2005), conferences, the *Transitional Justices Guidebook for Bosnia and Herzegovina* (2009) and the programme *Access to Justice: Facing the Past and Building Confidence for the Future* (2009-2013). The main aim of these transitional justice projects was ‘to inform and support victims of war in their pursuit of justice and individual human rights’ (UNDP, 2009a, preface). Even though this transitional justice project seeks to develop local capacity working through civil society organisations and victim organizations, it still remains supervised and
monitored by EU institutions as set out under Stabilisation and Association Agreement for Bosnia signed in 2008 (Subotić, 2009: 164)

Victims in BiH were integrated into the top-down international architecture of policy agendas and conditional funding, that deliberately sought to develop civil society as an intermediary space to mediate and translate policy. From the end of the war, victims and victim organisations played the role of information providers and support for witnesses in court hearings. The public perception of civil society organisations and victim organisations in BiH is that they have been critical in the fight against denial of war crimes and in their documentation (They were part of the international selection of partners, which sought to make accountability a mode of governance, which sidelined local and national politics in favour of international administration.)

**Victims and Human Rights Protection**

Civil society organisations overlap between those organized for victims and those organized by victims. But once formally constituted as a NGO connected to the network of NGOs, seeking grants for specified projects, they became neoliberal actors competing for international development and assistance grants to survive like all NGOs. While victim organisations invariably formed on the basis of their shared experience of violence or a particular event, they became recruited into a top-down transitional justice process rather emerge as human rights movements advocating for rights, citizenship and social justice. To illustrate the way war victims pursued human rights in postwar BiH, we will turn to case studies of ‘the families of the missing’ and ‘the returnees’. I will consider the role of the International Commission on Missing Persons in organizing families of the missing to advocate for their rights and trace the missing, and the role of Reconstruction and Returns Task Force (RRTF) as an agent in the recovery of ‘multiethnic society’ through enforcing the right of return.
Missing Persons in BiH

The question of ‘missing persons’ has been a major issue in transitional justice in BiH as a crime against humanity and the right of family members to know the fate of their missing members and for reparation under the International Convention for the Protection of All Persons from Enforced Disappearance (2006). The scale of the missing produced by ethnic cleansing in BiH the issue of the missing became the subject of a UN Special Process as early as 1994. Since then the ‘the missing’ have become the focus of a complex network of international initiatives seeking to improve tracing, speed up identification of remains and address the rights and needs of the families with missing members (Novak, 1998). However the coordination of the variety of international actors investigating missing persons, being able to secure cooperation of the Entities to investigate mass graves and organize families as advocates for their rights has been a major challenge.

In 1996 the US government established the International Commission of Missing Persons (ICMP) to support investigation into the missing internationally. In BiH ICMP became one of the most prominent international NGOs tracing the missing alongside the ICRC. The priority of ICMP office in BiH priorities was to put ‘political pressure on all parties concerned, support families and survivors, and financial assistance to assistance to forensic activities … aimed at bringing a solution to the problem of missing persons’ (Novak, 1998: 113). In 2000 the ICMP established the Missing Persons Institute (MPI) to help overcome the problems of working across the entities. They sought to improve national coordination in tracing the missing in BiH and in 2003 invited the BiH Council of Ministers to become a co-founder of the MPI creating a joint international NGO and governmental institution. Its goal was to overcome Entity divisions and establish a sustainable national mechanism to investigate missing persons irrespective of gender, ethnic or religious background. In addition, the ICMP promoted a Law on Missing Persons designed to improve the tracing process, establish a Central Records office and realize the rights of family members and missing persons. While the Law was legislated in 2004, obstacles such as the failure to establish a Central Records database of missing persons and disagreement on financing the Fund for Support to Families of Missing Persons Associations has so far made the Law ineffective. The Law represents the only state based law with the
provision for compensation of families of victims but it has not been allocated a budget (Popić, Panjeta, 2010).

As well as reinforcing national level human rights bodies the ICMP supported associations of family members as civil society organizations to advocate for their rights through small grants, support surviving family members, build their capacity and provide training workshops to become self-reliant through grant writing and making applications. They engaged family associations through funding small project and organized conferences and workshops to address current concerns and planning. They also sought to make them more effective by cooperation and networks between associations. For example, these provided a forum to confront difficult dilemmas such as the technical, legal and emotional questions about closing cases raised by co-mingled and disarticulated mortal remains recovered from multiple mass graves. However in the context of the changing international priorities for NGO support in BiH the ICMP is changing its relationship to the associations of families. Its latest strategy is to encourage greater self-sufficiency through the ‘civil society initiatives programme’ which has four primary goals – building self-sustainability of associations of families of missing persons; developing effective coordination structures; supporting projects connected to transitional justice and dealing with the past; and promoting education and awareness of rights (ICMP, 2012). At the same time the ICMP, through its forensic capacity and links to family associations, has supported international and national courts in the prosecution of war crimes, crimes against humanity and genocide.

The attempt to strengthen central state institutions through the MPI and the Law on Missing Persons, while apparently constructive and designed to achieve the objective of identifying the missing, informing families about the fate of their missing members and contributing to investigations and prosecution confronts the politicized reality of transitional justice in BiH. Transitional justice has been channeled by the straight jacket of the divided entities and the ethno-nationalist perspectives they hold onto. So when family associations accept money from political parties they become vehicles for ethno-nationalist parties to promote their particular versions of statehood (Subotić, 2009: 163). Thus from the perspective of ethno-nationalist politicians in Republika Srpska the ICMP advocacy for the MPI was to strengthen the central state and delegitimize the Bosnian Serb entity.
The displaced became highly symbolic in the postwar reconstruction and reconciliation project. The war project of ‘ethnic cleansing’ in BiH had produced an estimated 250,000 dead and displaced more than half the 4.4 million from their homes of which over 1 million ended up as refugees outside the country (Ó Tuathail, Dahlman, 2005). Through the Dayton Agreement the international community made the right of return an important mechanism to reverse the gains of ethnic cleansing, to affirm the rights of victims of displacement and contribute to the re-establishment of rule of law and the authority of central institutions. Return was seen as a key to ‘sustainable post-war recovery’ (Jansen, 2006: 180). An international inter-agency body, the Reconstruction and Returns Task Force (RRTF), acted as a ‘powerful political force with real capacities and sanctioning power in negotiations with ethno-nationalist run local authorities’ (Ó Tuathail, 2010: 261). In 2002 the RRTF began to establish local Municipal Return Commissions which were designed to act as a local RRTF body. The ‘right of return’ gave displaced individuals the opportunity to reclaim their property and the choice of whether to return. However return meant re-entering a radically altered social and political landscape where ‘Bosnian places had a majority people; all others were small minorities’ (Ó Tuathail, 2010: 262).

Return invoked the logic of the recovery of the past as ‘peaceful coexistence’ which in fact concealed the extent to which local worlds had been transformed by war, the creation of the new BiH state, and neoliberal post-socialist economic model promoted by international agencies and programmes. The international community’s model of social and political transformation emphasized ‘issues of return and reconciliation built on a non-military solution for nationalist tensions, through rule of law, including the punishment of war crimes and the protection of minority rights, and through decentralized administration within the bounds of state sovereignty’ (Jansen, 2006: 186). But displaced Bosnians were often less motivated to return because of attachment to their original homes than with ‘risk-minimization and securing wellbeing, including, crucially, opportunities for the next generation’ (Jansen, 2006: 185). War had already dismantled their old world and neoliberal economics only intensified their sense of ‘precariousness.’

In postwar BiH the number of returns were presented by international agencies as an index of the success of international intervention – in 2005
the official figure of over 1 million had returned of the 2.5 million displaced (Jansen, 2006). However the figures conceal the actual patterns of relocation and extent of social reintegration. Over half returned to internal displacement areas in which minorities concentrated (Jansen, 2006). This did not correspond with the ideal of local reintegration and in fact only reinforced communities as constituencies in nationalist/ethnic politics. The heavy moral, symbolic and financial investment by the international community and agencies in return had the consequence of reinforcing ethnicized minority identities as opposed to citizen. The ‘returnee’ became the focus of complex policies and NGO networks supporting reconstruction, microcredit, educational reform and employment creation. In addition, the patterns of return were also shaped by the source of the war violence in particular places – i.e. experienced as internal or external (Ó Tuathill, 2010).

The returns policy linked local cooperation with the benefit of reconstruction assistance. This conditionality created a complex problem for NGOs involved in reconstruction. They very easily became hostage to the goals of postwar local political elites and the rescaling of local geographies of power (Ó Tuathail, 2010). Thus local authorities accepted reconstruction assistance to consolidate ethnic constituencies in the interests of particular parties. For opposite reasons – the desire to limit minority returns – local authorities could obstruct returns by creating a climate of fear and intimidation through security incidents to dissuade potential returnees from seeking reconstruction funds. Official refusal to accept return refugees meant dismissal by the OHR. In addition, the market logic of competition amongst NGOs for reconstruction assistance resulted in NGOs making deals with local authorities in order to secure contracts – e.g. trade-offs to provide extra services to succeed (Devine, 2011). Instead of return policy ‘remaking home in Bosnia’ (recovery of past peaceful coexistence) it became ‘reduced to mere restitution of private property, embedded in a “technical” human rights discourse’ (Jansen, 2006: 195).
Conclusion

In BiH transitional justice represents a crisis model of international governance built on the expansion of the role of international criminal law and policy harmonization with the EU accession project. Transitional justice has been a top-down legal-bureaucratic exercise and closely integrated with governance. However, transitional justice has remained defined by its legal objectives and legal mechanisms and has not been successful in advancing reconciliation because of the failure to realize a unifying narrative of statehood in post-Dayton BiH. Accountability was just one dimension of the extensive international intervention which while foregrounding state-building and rule of law set out to organize civil society organizations as go-betweens as well as instruments of neoliberal governmentality shaped by international policy agendas and financial grants.

Except in the broadest sense that all victims desire justice, victim organizations in BiH have not been agenda setting and at the forefront of human rights claim making as in post-dictatorship Latin America. With the dominance of international NGOs and their affiliated organizations, NGOs have been less connected to local governmental organizations than to international agendas and funding opportunities (Chandler, 2004). Recent calls by BiH NGOs to develop relations with local government represent a crisis in NGO sector in sustaining themselves as international funding winds down.

In postwar BiH civil society can be conceived as a new post-socialist space created by international agendas rescaling state sovereignty. While the growth of NGOs might be seen as an expression of the vitality of civil society and democratic participation in the case of postwar BiH they are the product of the contraction of the state and its functions. Professionals and civil servants once employed by the socialist/welfare state have been displaced into the NGO sector and have to pursue their careers on the terms dictated by neoliberal governmentality and become go-betweens of local and international donors fulfilling the Dayton Agreement and EU stabilization and accession agendas. Jansen (2006) refers to the life condition produced by war and reinforced by neoliberal governance as ‘precariousness.’ As the international intervention and supervision withdraws so too will the predicament of NGOs tied to external funding will become more precarious.

One of the limitations of the top-down transitional justice model incorporating NGOs as flexible and self-resilient actors has been the failure to
make victims the fulcrum of an inclusive national postwar narrative. While the ICMP and RRTF both sought to promote non-discriminatory rights through national institutions to subordinate Entity institutions and ethnically based politics the outcomes of tracing the missing and achieving returns tended to reinforce differences rather than reconcile them. In this top-down model the recognition of victims’ rights create a legal façade of universality while in practice reinforce ethnic division, they appear to affirm the success of law over politics and become an indice of the relative success of tracing the missing and successful returns but have not led to the recovery of national society or produced reconciliation. Transitional justice has been caught between its politicization by ethno-nationalist parties to advance particular visions of statehood and, more recently, the discourse adopted by the international community to promote participation and ownership of justice and accountability in the process of repatriation of war crimes prosecution from the ICTY to BiH.

References


Michael Humphrey


Žrtve, civilno društvo i tranziciona pravda u Bosni i Hercegovini

Uloga organizacija žrtava je ispitivana u posleratnoj Bosni i Hercegovini (BiH) u okviru procesa tranzicione pravde. Ove organizacije su se pojavile u kontekstu agende odgovornosti „odozgo-nadole” koju su pokrenule međunarodna krizna intervencija u balkanskim ratovima i Međunarodni krivični sud za bivšu Jugoslaviju (ICTY). Nasuprot tome u Latinskoj Americi organizacije žrtava su nastale kao samosvesni pokreti pojedinaca podstaknutih traumatskim iskustvima državne represije koji su tražili odgovornost „odozdo-nagore”. U BiH odgovornost je postala uslov za ponovno uspostavljanje političkog i pravnog autoriteta države, ali i za međunarodno finansiranje vezano za rekonstrukciju i procese približavanja Evropskoj uniji. Organizacije žrtava bile su deo NVO sektora koji se brzo razvijao kao odgovor na model neoliberalnog upravljanja „samoupravno” organizovanog civilnog društva kako bi se transformisala post-komunistička i posleratna BiH. Nevladine organizacije, kojima su upravljali uglavnom profesionalci iz srednje klase koji su izgubili posao u procesu smanjivanja državne birokratije, postali su posrednici između spoljnih donatora i ratom pogođene populacije. Organizacije žrtava učestovale su u procesu tranzicione pravde tako što su podržavale žrtve i svedoke pred međunarodnim i domaćim sudovima, tako što su tražili nestale osobe ili podržavali pravo na povratak raseljenih lica. U BiH organizacije žrtava nisu iznikele kao socijalni pokreti koji traže državljanstvo ili socijalnu pravdu, već su se inkorporirale u model neoliberalnog upravljanja, koji su sponzorisale međunarodne organizacije koje se zalažu za stabilizaciju, demokratizaciju i prijem BiH u EU.

Ključne reči: žrtve, tranziciona pravda, civilno društvo, ljudska prava, Bosna i Herzegovina.