

Jared O. Bell

# Frozen Justice

*Lessons from Bosnia and Herzegovina's Failed Transitional Justice Strategy*

SERIES IN SOCIOLOGY

## About the author

**Dr. Jared O. Bell** is a transitional justice and human rights scholar-activist based in Sarajevo, Bosnia and Herzegovina. He holds a Bachelor's degree from the Duquesne University in International Relations and Theology, a Master of Science Degree from the University of Baltimore in Negotiation and Conflict Management, and a PhD from Nova Southeastern University in Conflict Analysis and Resolution with a focus in International Peace and Conflict. During his doctoral studies, he focused his research on peace building, reconciliation, transitional justice, and human rights. In addition to his formal education, Dr. Bell has also studied and received professional training at the University of Leiden's Grotius Centre for International Legal Studies' Summer School for Human Rights and Transitional Justice, the Montreal Institute for Genocide and Human Rights studies, the European Inter-University Centre for Human Rights and Democratization's Venice Academy of Human Rights, the Universities of Groningen and Rijeka's Cres Summer on "Transitional Justice and the Politics of Memory", and Al Akhawayn University in Ifrane, Morocco. He has also worked with various human rights, peace building, and development projects with a variety of organizations such as Peace Direct, the United Nations Development Programme, the United Nations Human Rights Council, as well as, the American Red Cross and the Maryland Office of Refugees and Asylees. Dr. Bell has also written various articles and presented on a number of topics related to international affairs, transitional justice, and human rights across the United States and Europe. Dr. Bell is a member of the US Human Right's Network where he has served as a Co-Chair of the Domestic Implementation Working Group. He is also a member of the Delta Epsilon Iota Honor Society, the

International Studies Association, the International Network of Genocide Scholars, and the Alliance for Peacebuilding. He also serves on the editorial board of the Journal of Interdisciplinary Conflict Science and as a peer reviewer for the International Journal of Corporate Strategy and Social Responsibility.



## Summary

In May 1993 the United Nations Security Council founded the International Criminal Tribunal for the former Yugoslavia (ICTY). Based in the Hague, Netherlands, the ICTY was formed with the objective of prosecuting those who had committed war crimes, crimes against humanity and genocide in Bosnia and Herzegovina and elsewhere in the former Yugoslavia during the early to mid-90s. During its mandate (1993-2017), the tribunal heard many cases and tried numerous perpetrators, from those who carried out the killings to those who orchestrated and ordered them. In spite of its accomplishments, the ICTY is considered to be highly controversial. It is debated if the ICTY did enough to foster healing and reconciliation in many of the conflict-torn societies. Many scholars argue that the tribunal operated adequately within their mandate and sought to promote justice and reconciliation, however, those who lived through the brutal wars would argue that there has simply been no justice. Importantly, Bosnia and Herzegovina still remains a country divided by issues of post-conflict justice, among other things. In 2010 a government-led strategic plan emerged that was intended to deal with the unfinished "business" of justice and promote reconciliation throughout the country. However, it failed to do this, and there is currently no political will or momentum to revive it. But, was this strategy doomed to failure from the beginning? In the form of a quantitative study, this book examines the possibility of reconciliation being achieved in Bosnia and Herzegovina through the methods fostered by the strategy. Focusing on three major cities, Sarajevo, Mostar, and Banja Luka, Dr. Jared Bell surveyed nearly 500 people in order to shed light on the subject of the national transitional justice strategy and reconciliation from the perspective of the everyday populace.

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