

Exploring the ICTY as Cultural Heritage



From Frozen Archive to Multidirectional Memory Practice

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Abstract

The past decennia have shown an increase in ad hoc international law institutions. Although some of them are now reaching the end of their lifespan, the *afterlife* of tribunals remains relatively unknown. How can the International Criminal Tribunal for the former Yugoslavia (ICTY), located in The Hague, as a site of cultural heritage representing layered narratives, be transformed into a place of multidirectional memory? This entry starts with identifying six narratives that the ICTY has accumulated during its lifespan and explores which areas of peace and justice were not addressed by the ICTY—but could be in a place of cultural heritage. We then conceptualize the potential of this afterlife of the tribunal as both a legal institution and an archive. The entry concludes by exploring how artistic

representations of the ICTY can help understand its potential as a heritage site and develop it into a multidirectional place of memory that will keep growing and expanding our imaginations during its afterlife. The ICTY-as-heritage might gain a richness in relations and stories that could result in a deeper understanding of its history *and* future. Starting with the (material) evidence and (archival) silences and moving to reflections on the more symbolic meaning of the tribunal as a promise for peace and justice, artistic interventions complexify the ICTY's narratives. These interventions also have the power to change the story of the tribunal. The ICTY has had a very specific trajectory. Nevertheless, it could inspire more creative thinking on the cultural afterlife of tribunals everywhere.

Introduction

In its almost 25 years of existence, the International Criminal Tribunal for the former Yugoslavia in The Hague (ICTY, 1993–2017) has acquired many layers of meaning. This is particularly true not only for those who testified, for victims, relatives, perpetrators, and their families but also for the Western Balkans in general, including those in the diaspora, and citizens in the Netherlands and abroad. The ICTY represents a specific vision on peace and justice that is relevant to many—both in its building, its archive, and the memory it holds. In the words of architect

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Sabina Tanović, the ICTY is “part of our collective European history” (Toepoel 2023, authors’ translation). In some way or another, the now mostly empty building is bound to become a place of cultural heritage—and perhaps already is.

The tribunal always remained somewhat clouded in an aura of promise. Parts of this promise were fulfilled: it dealt with 161 indictments, sentenced 90 war criminals, and produced a large archive on what happened in the former Yugoslavia. In 2017, the ICTY finished its key tasks and closed down. Its remaining tasks and those of the International Criminal Tribunal for Rwanda (ICTR) were continued by the International Residual Mechanism for Criminal Tribunals. Still, while the ICTY is internationally well-known, it is less visible in the local Dutch context, even though the tribunal is located in the “City of Justice,” The Hague.

In the capacity as a site of cultural heritage, the building encapsulates multiple narratives on peace and justice that the ICTY came to symbolize in its lifespan. Still, while a lot has been written on the ICTY’s work and impact (for example: Orentlicher 2008; Subotić 2011), we know far less about the afterlife of tribunals. While the Nuremberg tribunal preceded the ICTR and ICTY by 50 years and also inspired their work, reflections on Nuremberg’s quality as cultural heritage were late to emerge and have only recently manifested in actual heritage practices. The establishment of the ICTY, a Nuremberg curator argues, actually “pushed” the neglected interest in the tribunal again (Stojanovic 2023). The story of the ICTY’s afterlife is therefore relevant to all (ad hoc) institutions of international law. Luckily, some have recently explored the monumental potential of the ICTY. Otto Spijkers (2021), for instance, states that “these legal monuments [the ICTY court documents] need the help of monuments from other disciplines, such as history and the arts” (2021, 122). Relatives of those killed during the Srebrenica genocide, the perpetrators of which were tried in The Hague, have expressed a wish for a monument close to the ICTY (Mustafić and Spijkers 2020). As such, there is a need to (re)consider the future of the ICTY and connect it to its role as a site of cultural heritage and multidirectional memory.

For this, we need to know both which meanings already accompany the ICTY and what could be the potential for new meanings as a place of cultural heritage. This entry will therefore first identify six layered narratives that have grown to represent the ICTY during its lifespan. It explores which areas of peace and justice were not addressed by the ICTY—but could be in a place of cultural heritage. We then conceptualize the potential of this afterlife of the tribunal as both a legal institution and an archive. While we know such archives stay relevant and extend into the public sphere, thereby gaining new meanings, scholarship could use more clarity on how this happens. After having conceptualized cultural heritage as more dynamic practice, this entry will conclude by exploring how artistic representations of the ICTY can help understand its potential afterlife. After all, artists have already shown that they are capable of engaging with the ICTY as a multidirectional place of memory and will keep doing so during its afterlife as a site of cultural heritage. Concluding, the entry answers the overarching research question: *How can the ICTY, as a site of cultural heritage representing layered narratives, be transformed into a place of multidirectional memory?* The ICTY has had a very specific trajectory. Nevertheless, the answer to this question can inspire more creative thinking on the cultural afterlife of courts and tribunals everywhere.

History of the ICTY: Narrating the Relation Between Peace and Justice

The ICTY has represented many narratives on peace and justice. Understanding the ICTY’s potential as a site of cultural heritage thus requires an interdisciplinary knowledge of the expectations surrounding the tribunal. The ICTY is a “site where competing discourses of transitional justice and memory intersect in the myriad of links between international and regional conceptions and institutions” (Campbell 2013, 250). This section identifies six narratives that became crucial for the place the ICTY took in the legal and international system, as well as in popular imagination:

- **Legal:** the ICTY as contributing to the transformative power of international criminal retributive justice
- **War crimes deterrence:** the ICTY as contributing to the end of war crimes
- **Transitional justice:** the ICTY as contributing the peace, security, and reconciliation
- **Historical:** the ICTY's trials and archive contributing to fact-finding about the war.
- **International relations:** the ICTY as mechanism in the international community's relations with and moral role toward the Balkans
- **Countering denial:** the ICTY as a place that counters denial in the region following mainstreaming of nationalism

These narratives do not function in parallel, but are relational and time-specific. While the legal narrative is at the center of what the ICTY represents, later years and ensuing expectations added the five other narratives as layers around this core task. In Fig. 1, we modeled this relationality between the different narratives. The years give a rough indication of the lifespan of each narrative, with the start indicating when the narrative became more prominent, emphasizing how the narratives built on top of each other and changed throughout time.

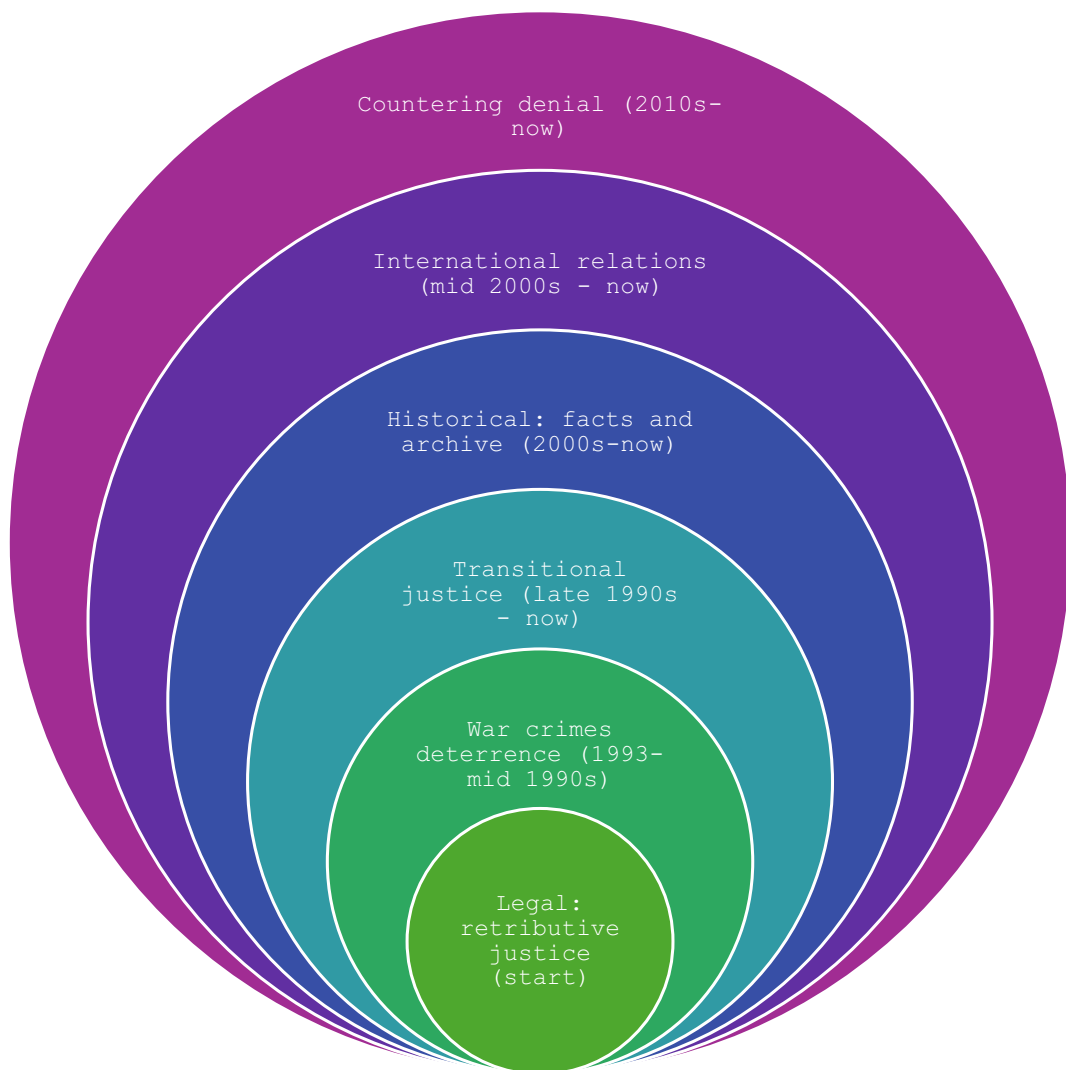
At the time of the ICTY's establishment in 1993, the global popularity of international law was at a high. After all, the international criminal justice regime represented by the Nuremberg and Tokyo trials had been dormant during the bipolar order (Smeulers and Grünfeld 2011, 17). The recent end of the Cold War had academic and political communities believe that a new global legal order was possible. The Western Balkans and ICTY were thus thought to be a "laboratory" for this ideal (Dragović-Soso and Gordy 2011, 193). As such, the ICTY right from the start came to symbolize the expected transformative power of a **global order dictated by international law**.

Additionally, international law was thought to positively impact the course of wars. In Resolution 827 that founded the ICTY, the United Nations Security Council stated its belief that such a tribunal would "contribute to ensuring

that such violations [of international humanitarian law] are halted and effectively redressed" (UNSC 1993, 1). Thus, the ICTY functioned in an overarching narrative on justice and peace: **trials would lead to less war crimes**. This was expected in a direct manner—the threat of being sent to the tribunal would stop people from committing war crimes—as well as indirectly: by removing war criminals from their respective societies, the region would become more peaceful.

This connection between justice and peace was sustained even when it became apparent that the work of the tribunal did not actually deter war crimes. After all, many of the worst war crimes, including the Srebrenica genocide, occurred after the establishment of the ICTY. Then, expectations and narratives shifted to the realm of **transitional justice: tied to the path toward a peaceful future**. This reasoning followed the narrated memory of the Nuremberg tribunal that had similarly, especially in the European imagination, paved the way for European powers to reconcile and peacefully co-exist (Delpla 2013, 553; Wentholt 2017, 92). During the ICTY's lifespan, its website spoke of commitment to its "mandate" of "contributing to peace and security in the region" (ICTY n.d.). This narrative was most commonly used in relation to its Outreach Program, which garnered a lot of financial support and expectations from the EU (Clark 2009b, 105). In ensuing resolutions, the United Nations too emphasized that the tribunal would promote "reconciliation" and "lasting peace" (UNSC 1994, 12–14). This narrative of the tribunal's contribution to peace thus far exceeded retributive legal claims, or the discipline of war crimes. It entered the sociological, transitional justice realm of people's coexistence, positive peace, and the ideal of reconciliation.

With the years and the growing number of trials at the tribunal, another expectation grew in strength. While the ICTY's archive was first considered in ordinary terms and as an "administrative problem," from the 2000s, it became clear that it would remain a rich source for future purposes (Campbell 2013, 251). Historians were also quick to acknowledge the wealth of **historical**



Exploring the ICTY as Cultural Heritage, Fig. 1 Six layers of narratives the ICTY is embedded in

fact-finding and the tribunal's growing archive. The ICTY can be said to have recorded, as well as produced history—and even constructed memory (Campbell 2013, 249). While the sheer volume has its challenges for historians to navigate, the “colossal” and diverse archives provide an unparalleled chance to understand exactly what happened at different moments during the war, from different perspectives (Vukušić 2022). Not only did its investigators collect many documents, but also did it request historians to give testimony in court. In addition, it also recorded many unique witness testimonies.

Now that the ICTY has closed down, its archive retains its significance to scholars of Western Balkan history and war.

The above identified four narratives (international law, deterring war crimes, advancing transitional justice, and historical fact-finding) directly corresponded to the tribunals' (imagined) core tasks. In addition, the tribunal came to function in an international political playing field that was beyond its control. The European Union (EU) explicitly turned cooperation with the tribunal into a condition for accession negotiations with the countries in the Western Balkans,

following the Thessaloniki summit in 2003 where the Balkans' "European perspective" was confirmed. The EU's dissatisfaction with indicted war criminals being still at large and other shortcomings resulted for Serbia specifically in several delays and hiccups in the accession process, most directly in 2006 and 2008 (Subotić 2011; Wentholt 2017). The United States also connected its financial support to progress in ICTY-cooperation, albeit less vehemently than the EU. Thus, the ICTY came to represent a moral order upheld by the international community.

At the moment the ICTY started working toward its finalization, another expectation thus arose: the hope that the tribunal and its legacy could function as a **counterweight to growing nationalist denial** of war crimes in the Western Balkans itself. The mainstreaming of nationalism and historical revisionism have led political elites in the region to increasingly deny the crimes committed on their part. Because of the ICTY's knowledge production and dissemination through the tribunal's Outreach Program, Diane Orentlicher stated already in 2008 that the Tribunal has "shrunk the space for denial" (Orentlicher 2008). This added to the significance of the fourth narrative, centering the ICTY's historical fact-finding archive in conversations about its legacy. It also became a narrative in itself, tied to the ICTY as a symbolic place of remembrance that can help us build a culture of justice, recognition, and peace. Architect Sabina Tanović, advising a working group on a future Srebrenica monument in The Hague, therefore calls for the ICTY as a place to "show what has happened here, and offer citizens the building blocks to prevent this [the war crimes in the former Yugoslavia, *authors*] from ever happening again" (Toepoel 2023, *authors'* translation). For the Netherlands specifically, it can then become a site that represents its commitment to these values.

Narrative Potential from Past Tribunal to Future Site of Memory

The above has illustrated how over its lifespan, the ICTY has acquired additional narrative layers and expectations. Apparently, this site prompts us to constantly re-evaluate and re-narrate the relation between peace and justice. This is particularly

relevant as multiple studies have now argued that the ICTY, despite its significance, also had several limitations and even flaws in its contribution to peace and justice (e.g. Clark 2009a; Delpla 2013; Dragović-Soso and Gordy 2011). Most of these can be accounted for by its *restricted mandate*, others by the too *overly ambitious* expectations that surrounded the court, but some are also in direct relation to the *tribunal's conduct*. In the first category falls the dichotomous character of the tribunal and the archive it produced. After all, the formal setting of a court room inevitably divides reality into perpetrators and victims. While a lot of knowledge on historical context and nuance was produced too and it is clear that judicial reality cannot replicate lived experience, the tribunal sometimes contributed to polarization. Even the inclusion of historian expert witnesses has been analyzed as a form of reproduction of the antagonism between the warring parties (Petrović 2007). Not only was the tribunal called a "political instrument" by nationalist politicians (Begicevic and Balint 2023, 19), also did nationalist leaders "welcome home" acquitted war criminals, even though that had more to do with lacking evidence and difficult commander structures than with their innocence.

Perhaps, even more importantly, scholars have pointed out that the central position that the ICTY came to take in the conversation on peace and justice, added to the individualization and ethnicization of the memory of the wars. The ICTY and other national war crimes chambers only prosecuted individuals after all. Consequently, state and institutional responsibility got out of sight (Begicevic and Balint 2023, 20–21), although historians largely agree that the violence was the doing of state-led campaigns and genocide (e.g. Karčić 2022). Nationalist leaders in the region even reinforced this lack by presenting the voluntary arrest of indicted war criminals as a "last patriotic act" to protect the state. Other politicians portrayed the arrest of high-ranking persons, like Milošević, as a way to externalize and individualize guilt (e.g. Spoerri 2018; Wentholt 2017).

Despite these obvious limitations in mandate, the aforementioned six narratives sometimes created larger-than-life expectations of the tribunal—

often reinforced by the tribunal itself and its supporters—that harmed other initiatives that could have contributed to a more holistic peace and justice process. The claim on the ICTY’s contribution to reconciliation, directly propagated through the Outreach Program, meant that unwilling regional politicians could pretend the peace and justice process was “over” when the tribunal would close its doors (Subotić 2011; Spoerri 2018). The ICTY thus got caught up in a discourse of “turning the page,” which ultimately enables historical denial.

To turn the ICTY into a formal place of cultural heritage, as it already is informally to many families and communities, would thus mean to re-examine this past and future as direct antidote to this ongoing discourse and denial. This urgency happens to coincide with two other factors conducive to the ICTY as place of cultural heritage: the closing of the institution itself, freeing up the building and the space around it, and the 30-year commemoration of the Srebrenica genocide in July 2025. The timing is moreover significant in terms of a new generation of adults having grown up that have not experienced the genocide directly. The genocide is part of their memory heritage, however. The genocide either directly features in their family and community histories in case of Bosniak survivors or raises important questions of responsibility and implication in case of Dutch and global citizens. Moreover, a well-designed cultural heritage site could counter the individualization and ethnicization of the violence that the tribunal has contributed to.

In imagining this process, it is important to not only look at the ICTY as “just another” international law institution. Its own specific trajectory needs to be taken into account. In fact, it can take little inspiration from other institutions. While the Nuremberg tribunal, as the most visible example, took generations to materialize into a place of commemoration, the ICTY seems to demand another timeline. The need to commemorate the war crimes committed in the Western Balkans, coupled with the urgency to remember and re-think the position of international law and the international community, as well as the generational timeliness, calls for such a memorial space.

Frankly, the Nuremberg tribunal would have most likely also benefitted from more shift action. Different from today, it did not have the historical context in its favor. The potential for the Nuremberg tribunal to become a place of heritage and be integrated as collective memory suffered from a shift in attention from press and the public to the new bipolar world structure, harming the belief in a universal international law regime (Donald Bloxham, cited in Lock and Riem 2005, 1822). Today, however, the need for international law as a global language and practice seems more urgent than ever. The international community has the chance to learn from the mistakes made at Nuremberg. Therefore, the next section will point out along which lines we can conceptualize (the after-life of) tribunals as a dynamic heritage practice.

The Value of Legal Places as Multidirectional Cultural Heritage

In order to understand the ICTY’s afterlife and potential as a cultural heritage practice, it is necessary to reflect on the multifaceted nature of heritage. Heritage exists in many forms—from sites that contain physical remnants of the past to intangible heritage that for instance revolves around community rituals or cultural practices. Moreover, heritage can be bound to hegemonic discourses about national identities but can also be created “from below” (Robertson 2012). Importantly, heritage is a dynamic contemporary practice: “a connection or a reconnection with the past that is active and alive in the present” (Waterton et al. 2017, 8).

Still, when thinking about heritage, its historical-material dimensions are often foregrounded. Material sites of heritage serve as physical anchor points for the collective memory, allowing people to grasp what societies, institutions, communities, or industries find important to tell about the past (e.g. Nora 1989). The heritagization of specific historical sites and their inclusion in an “authorized heritage discourse” (Smith 2006) is never neutral but depending on contemporary dominant perspectives on which stories of the past are deemed worthy to remember or even celebrate.

The presence of tangible traces of the past is often seen as an entry point to that past—these traces bear a sense of authenticity and as such point visitors to a historical reality. For a long time, discussions on authenticity have taken up a central position in heritage research and practices. Jones (2010) illustrates how two dominant perspectives on authenticity in heritage—a constructivist academic one and a materialist practical one—are often seen as extreme opposites. Where many researchers regard authenticity as culturally constructed and thus locate it in the eye of the beholder, in heritage management, promotion, and policy, the preservation of “original” objects and sites is the main focus area. However, Jones argues, authenticity is better understood by looking at it as the relation between objects and persons. While objects (or sites, places, and buildings) themselves do not “contain” authenticity, it is the relation between objects (and its history) and persons (and their histories) in which authenticity is produced. “The authenticity of heritage objects is bound up in the intrinsic and ineffable qualities, not just of past owners but of all the past experiences, people and places with which they have been connected” (Jones 2010, 190).

The “authentic” appeal of the ICTY can be seen as relational—just as the six layered narratives identified above connected hopes and expectations with the tribunal’s actual work and mandate. The ICTY’s authentic appeal originates in its archives, in the knowledge that impactful events took place in the buildings, that strong emotions were felt in its halls, and that the promise of justice—at least in some cases—might have been materialized. Legal places, such as the ICTY, are therefore comprised of an interesting mix of tangible, symbolic, and emotional references to the research, testimonies, and sentences that occurred there. In this most direct sense, the monumental building in the center of the Hague is closely connected to the history of the tribunal. This building, then, also encapsulates the narrated meanings, hopes, and expectations of both individuals and collectives. As such, the “authentic” potential of ICTY can be found in the sometimes-intimate relations that visitors establish with the

place and the specific memories and histories it embodies, in the context of the narratives that have already come to represent its meaning.

While processes of heritagization often only consider a specific perspective on the history of a site and thereby “freeze” a place in time, we argue that heritagization should be seen as an ongoing process. When considering the central feature of a heritage site, its “authentic” appeal, as relational, it becomes possible to regard it as a dynamic place that might generate a multiplicity of stories and meanings in its “afterlife” (Biddolph 2020) in interaction with the narratives developed during its life span. It is often thought that such a differentiation of stories and meanings results in the reduction or even substitution of a sites’ key story with another one. However, following Michael Rothberg’s work on multidirectional memory (2009), the opposite might actually be true: by adding new interpretative layers to the ICTY-as-heritage, the place might gain a richness in relations and stories that could result in a deeper understanding of its history *and* future. Importantly, for Rothberg, multidirectional memory allows to redistribute inequalities existing in the mnemonic field. This is specifically relevant to the case of the ICTY—as the local (Dutch) collective memory on the Bosnian war tends to have a narrow focus on the actions of the Dutch UN troops stationed in Srebrenica in July 1995 (Mustafić and Wentholt *in print*); the ICTY, as a vessel for a relational and multidirectional practice, could mitigate this persisting inequality.

As a multidirectional memory practice, the ICTY could host the aforementioned conversation on state responsibility and citizenship that it and other institutions failed to do during its lifespan. The ICTY seems well positioned to take this role. After all, the years of live trial broadcasts, get-togethers in The Hague to together await rulings, and fact-finding through the procedures, in the words of educational expert and Srebrenica genocide survivor Alma Mustafić, have created a “community of people who feel connected to the tribunal” (Toepoel 2023, authors’ translation). In the next section, we will illustrate how artists have already started to show how the ICTY-as-heritage has the potential to

turn into an open site of remembrance, where new meanings can develop on top of the already multi-layered narrative history of the tribunal.

The Afterlife of a Tribunal: Artistic Interventions to the ICTY

The ICTY, as an institution representing and symbolizing a variety of narratives on peace and justice, has inspired many artists to work with its archives, its spaces, and its legacy. In particular, the archival material produced by the ICTY has been included and reflected on in various artworks—from film and documentaries to installations and performances. This archival material not only functions as “authentic” trace of evidence but also symbolizes the multiplicity of stories and events that relate to the tribunal, its history, and the meanings it accumulated over time. Still, as Viebach (2021, 406–407) argues, not much is known about the afterlives of transitional justice archives.

Aleida Assmann describes archives as “places where remembering and forgetting meet,” thereby differentiating between “functional archives” and “memory archives” (Assmann 2023, 30). Functional archives support politics and institutions operating in the present and lose value after said politics or institutions terminate. Memory archives, to the contrary, gain value in the historicization of their content, in which there is no direct relevance to present practices but in their (symbolic) place in memory and culture. In this perspective, after its closure, the ICTY is now transitioning from functional archive to memory archive. Of course, this is only a simplification of the process that is going on in reality. As argued above, both the narrativization and heritagization of the ICTY are multidirectional. However, emphasizing these dichotomous qualities of the transition helps us to ensure that the current transition is responsive and dynamic in itself. It allows for addressing silences, misrepresentations, and injustices that could have not been included during the archive’s functional phase.

Archives are open-ended in nature and inform and extend into the cultural sphere in their

capacity as memory archive. Artistic projects can make important contributions to shaping the afterlife of a tribunal, on different levels. First, by working with archival material produced by the ICTY, artists reflect on the nature of this material. As archival documents not only refer to the facts presented by them but also inherently contain information about *how* they were created (Viebach 2021; Derrida 1996), this double nature can be exposed in artistic projects. Second, as the tribunal and its archives remain limited to the legal field and thus refer to its functional character, they present a narrow take on war crimes committed in former Yugoslavia and their impact on those involved. This overlaps with the risk of the tribunal’s individualization and ethnization as analyzed above. Artistic projects can counter such a one-directional focus by offering a platform to the voices and stories that were not heard by the tribunal, thus offering a multivoiced approach. Third, more broadly speaking, artistic practices contribute to transforming the tribunals’ closed status into a dynamic one that does justice to its open-endedness. To illustrate these three levels of artistic interventions and contributions to the afterlife of the tribunal, we discuss different artistic projects that have engaged with the (legacy of the) ICTY and explain how these engagements inform the tribunals’ position as a dynamic and multidirectional heritage practice.

In her multiple works on the ICTY, artist-researcher Susan Schuppli refers to status of archival material as “material witness” (Schuppli 2020). The concept of the material witness relates to “an exploration of the evidential role of matter as registering external events as well as exposing the practices and procedures that enable such matter to bear witness” (3). As such, the **archive produced by the ICTY has a double status**: it not only contains evidence of the cases researched but also is illustrative to *how* this evidence was collected. An example of this double role of the archive as “material witness” can be found in the documentary *Silence of Reason* (Novakova 2023). *Silence of Reason* is completely built around witnesses’ testimonies: the audience learns about the stories of women survivors of sexual violence by reading the exact texts they

spoke out in court. Through this choice of style, the director comments on the often emotionless questioning in court, exposing the limited function of the tribunal for survivors—it is not their story that is collected by the tribunal but only the facts necessary to build a case. Moreover, the documentary also critiques how the material was stored: as the written testimonies are only available in English and not in Bosnian, they are not only evoking a sense of distance through the use of an often-unfamiliar language, but are in many cases not accessible for those directly involved: witnesses, survivors, and relatives. Hence, by her use of the ICTY’s archival material and allusions to these testimonies as material witnesses, the director exposes the limitations of this specific archive.

Schuppli’s own artistic work also revolves around this **dual nature of evidence**. The installation *Entered into evidence* contains 42 pieces from the ICTY’s archive, thereby providing “insight, that is to say, ‘evidence’ of the complex processes whereby such matter – media artifacts and physical objects – were converted into things that matter legally: namely evidence of war crimes” (susanschuppli.com). Schuppli explains how the often-degraded technical quality of the evidence (blurry images, no focus, grain, or noise) seems to reduce their testimonial value but argues that the lesser quality should actually be seen as adding to the understanding of war as “incomprehensible” (Schuppli 2020, 191). In this way, the evidence not only is seen as holding value in court but also tells another story about documenting and comprehending war.

As archives both revolve around presence and absence (Viebach 2021; Assmann 2023), artistic projects **can address such silences**. Different artists participating in the group exhibition *Resolution 827*, shown at the SMBA Amsterdam in 2015, refer and comment on the ICTY and its archive. Resolution 827 was the UN resolution that led to the establishment of the ICTY and as such symbolized the birth of the tribunal. By explicitly referring to this resolution in different artworks on the history of the Bosnian/Yugoslav war and its unfolding, the exhibition not only questioned the promise of the ICTY to “find a

solution for a traumatic conflict” but also aimed to open up space for dialogue on issues brought up by evidence collected by the ICTY and to address Serbian and Dutch responsibilities (smba.nl). As such, issues that could not be discussed in the ICTY itself, such as those questions on governmental responsibilities, were taken up in this project.

Besides these specific projects, the **spaces of the ICTY allow for artistic interventions**, thereby transforming the building into a place that invites new narratives and new voices to emerge. Bearing in mind the history of the place and the narratives surrounding it, every project presented in the former spaces of the ICTY will—consciously or unconsciously—relate to this history and narratives, allowing it to become a dynamic place of accumulated meaning.

These few examples give an impression of how the ICTY has already inspired artists and filmmakers to reflect on its history, its building, its collection, and its promises. In doing so, these artists have exposed lesser-known sides of the tribunal and added new understandings to the ICTY. Starting with the (material) evidence and (archival) silences and moving to reflections on the more symbolic meaning of the tribunal as a promise for peace and justice, artistic interventions add new layers to the understanding of the ICTY and complexify its narratives. As such, they have become part of the ICTY and its afterlife. This means that these interventions also have the power to change the story of the tribunal, making it a multidirectional practice.

Summary

We risk that] the same happens in The Hague as in Neurenberg, where in 1946 the most important Nazis were sentenced. That tribunal was dismantled after the end of the trials. Only on second thought did we realize the importance of that place; not only as a place of memory, but especially as a future-oriented museum. Sabina Tanović, architect (Toepoel 2023, authors’ translation)

This entry can be understood as an academic intervention to prevent the ICTY from following

the fate of the Nuremberg tribunal. The Nuremberg tribunal represented the same belief in the legal and moral global order as the ICTY did five decades later and similarly succeeded in bringing major war criminals to trial. As described by Tanović above, insufficient thought was put into the afterlife of the tribunal, with a historical context hostile to universal international law, even though its significance to international justice was acknowledged already during its work.

To enable better decision-making for the ICTY, we need to understand both the past and potential future of the tribunal. Therefore, this entry first identified six narratives that came to represent the mandate of the tribunal during its lifespan, as well as hopes and expectations of its work. While the ICTY as a cultural heritage site is partially embedded within these narratives, there is also a need for a more future-oriented and multidirectional memory practice. To this end, the entry then presented a more dynamic conceptualization of heritage, the value of location and materiality, and a reflection on the nature of the archive. These conceptualizations can guide the imagination of the ICTY as place of cultural heritage. This is already a reality, albeit yet on a smaller scale. Art has already proven to design interventions to “unfreeze” the ICTY from its legacy to allow for reflections on the past and new interpretations. Therefore, this entry concluded with several examples of artists who have commented upon the legacy, role, and significance of the tribunal and proposed new narratives. These examples illustrate the potential of art to make the memory of the site more sustainable and diverse. Together, these ideas can also inform thinking about other institutions of international law and their heritage potential.

Assigning the ICTY with an official status as cultural heritage means a commitment to further embrace and explore this fluidity. Just like people are now realizing the value of the Nuremberg tribunal not only as a place of remembrance but also as a future-oriented museum, the ICTY as a site of cultural heritage has the potential to bridge past and future. The multiplicity of the narratives that have accompanied the ICTY over the years, as analyzed in the first part of this entry, offers a starting point for the creation of a site that offers

space for multidirectional memory practices. Just based on the history of the ICTY, the building invites us to keep re-assessing the relation between justice and peace as symbolized in the tribunal’s narratives on retributive justice, war crimes deterrence, transitional justice, fact-finding, the international community, and countering denial.

But the tribunal might do more than help us navigate its past: by considering the ICTY as a dynamic site of cultural heritage, the building could be used to invite artists, researchers, and educators to continue to engage with its history and its future. The added value of the tangible presence of the past and the authentic appeal that the site embodies should not be underestimated in this regard: it is through this that relations between people and the place are established. What this entry shows is that if we move beyond the traditional legal function of the tribunal, many more interpretations and stories might be found and created, allowing to do more justice to the complex and layered history of the ICTY.

This is particularly relevant for the Netherlands. Even though the ICTY symbolizes an international normative order, the very fact that the city of The Hague hosts the tribunal’s building offers the Netherlands a chance to build a more layered memory culture. The presence of Dutch troops during the Srebrenica genocide has resulted in a largely one-sided collective Dutch memory narrative that centers the experiences of Dutchbat veterans. The ICTY as a site of cultural heritage can thus provide the space to expand this narrative with other perspectives and memories, for example, from people of the Bosnian-Dutch community. By opening the ICTY for artistic interventions, Dutch society, the Bosnian diaspora, and other interested communities can commit to a future exploration of all these layers and memories. It will help unfreeze the ICTY from its time and place and instead bring the tribunal as a site of cultural heritage into the present and future.

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