

After Mladić: The Limits of “Never Again”

*“Genocide’s final shot is fired the
moment denial begins.”*

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(Özge Elif Kızıl - Anadolu Agency)

Ratko Mladić—the Bosnian Serb militia commander, convicted war criminal, and primary architect of the Srebrenica genocide, notoriously dubbed the ‘Butcher of Bosnia’—has died at the age of 84 in his cell at the United Nations Detention Unit in The Hague. However, his demise marks far more than merely the biological closure of one of the darkest chapters in contemporary European history. The systematic extermination of over 8,000 Bosniak men and boys at Srebrenica, the suffocating, years-long siege of Sarajevo, and the campaign of ethnic cleansing waged across Bosnia and Herzegovina have left an indelible scar not only on the historiography of warfare, but upon the conscience of the international community.

Introduction

The failure of international institutions to prevent these atrocities remains a persistent and well-documented indictment. However, when examined through the lens of post-conflict reparative and transitional justice, the Bosnian case presents a more nuanced and potentially unprecedented legacy. Unlike other contemporaneous crises, Bosnia and Herzegovina became a foundational example in which the dual doctrines of individual criminal accountability and state responsibility were applied with significant normative rigour, illustrating that the framework of international justice can, albeit imperfectly, translate statutory principles into concrete legal consequences.

However, this consensus—anchored in the universal condemnation of the Srebrenica genocide and the imperative of accountability—remains fraught and incomplete. While broad international accord formed around the verdicts of The Hague, certain global actors consciously positioned themselves outside this normative alignment. Crucially, this selective disengagement has fostered a pernicious precedent: an arbitrary, self-imposed estrangement that undermines the principle of indivisible justice and trivialises mass atrocities occurring elsewhere and at different junctures.

Bosnia therefore presents a paradox for international justice. Its legacy is both a jurisprudential achievement and a political failure. The tribunals in The Hague demonstrated an unprecedented capacity to identify perpetrators, establish individual responsibility and clarify states' obligations under the Genocide Convention. Yet, neither those judgments nor the wider architecture of post-conflict justice proved capable of eradicating the political narratives, institutional incentives and cultures of denial that sustained the violence. This distinction between adjudicating atrocity, preventing its recurrence and transforming the conditions that enable it provides the central lens of this policy outlook. Mladić's death closes one chapter of legal accountability; it does not settle the larger question of whether the lessons embodied in his conviction have actually been learned.

From Anonymous Crime to Tangible Culpability: The Bosnian Legacy of International Law

Although the tragedy of Bosnia and Herzegovina etched indelible scars into humanity's collective memory at the close of the twentieth century, the institutional and judicial response under international law provided the global conscience—belated and incomplete though it was—with a measure of substantive solace. In the shadow of this pro-

found grief, the conflict evolved into an unprecedented proving ground where the normative dialectic between the two foundational pillars of public international law—individual criminal responsibility and state responsibility—was operationalised with historic coherence, depth, and jurisprudential force.

The primary pillar of this juridical architecture rested on the institutionalisation of individual criminal accountability inherited from the Nuremberg principles. Established by the United Nations Security Council under its executive enforcement powers under Chapter VII of the UN Charter, the International Criminal Tribunal for the former Yugoslavia (ICTY) embodied the most rigorous paradigm of modern international criminal justice. It stripped perpetrators of the anonymity conferred by the sovereign apparatus, transforming them from faceless functionaries into directly accountable agents of international crime. Over its mandate, the Tribunal indicted 161 individuals—spanning from former Yugoslav President Slobodan Milošević and foot soldiers on the ground, to senior political and military architects such as Radovan Karadžić and Ratko Mladić—and convicted 90 perpetrators of genocide, crimes against humanity, and war crimes. By disaggregating criminality from the apex of command down to the trigger-puller, this jurisprudence shattered the intellectual complacency of collective guilt. It propelled international justice through a qualitative transition: moving beyond the monolithic assertion that *"the state did this"* toward the forensic inquiry of *"who perpetrated these atrocities, under what legal title, with what mens rea, and through what specific contribution?"*

The second pillar of this normative edifice was erected around the law of state responsibility for internationally wrongful acts. The landmark 2007 judgment of the International Court of Justice (ICJ) in *Bosnia and Herzegovina v. Serbia and Montenegro* marked a watershed in applying the 1948 Genocide Convention. The Court affirmed that the Convention does not merely mandate the prosecution of individual perpetrators; it directly establishes the international responsibility of sovereign states for acts of genocide or their failure to avert them. To be sure, the Court adhered rigorously to its demanding 'effective control' threshold, thereby stopping short of attributing the conduct of the Army of Republika Srpska (VRS) or paramilitary formations such as the 'Scorpions' directly to Belgrade, and declining to find Serbia directly complicit in the commission of genocide. Nevertheless, it decisively held Serbia internationally responsible for breaching its substantive *duty to prevent* genocide, given Belgrade's manifest influence over the Bosnian Serb forces and its wilful failure to avert the impending slaughter at Srebrenica. Furthermore, Belgrade's protracted harbouring of indictees—foremost among them Ratko Mladić—was formally adjudged a direct violation of the obligation to punish and cooperate judicially under Article VI of the Convention.

Ultimately, the Bosnian conflict broke through the shield of sovereign impunity by codifying personal criminal accountability and establishing state inaction in the face of genocide as an actionable wrongful act under international law. Although this dual approach to judicial reckoning cannot reverse the devastation inflicted on Bosnia, it remains an enduring legal milestone, demonstrating that the international legal order is neither powerless against extreme violence nor indifferent to the fundamental requirements of global justice.

The Collective Will of the Global Conscience

Behind these landmark judicial achievements lay an inescapable, if painfully belated, reality: despite unforgivable operational delays and humanitarian paralysis on the ground, the international community ultimately marshalled a degree of collective political resolve in the face of catastrophe. To be sure, the inertia of the United Nations Protection Force (UNPROFOR) and the catastrophic collapse of the designated 'safe areas' remain indelible indictments—enshrining Srebrenica as one of the most ignominious failures in the annals of modern multilateralism. However, global decision-making organs did not entirely abandon the region to untrammelled barbarism; rather, they enacted structural and normative interventions of enduring significance.

First and foremost, the UN Security Council—paralysed for decades by Cold War veto politics—achieved an extraordinary and historic diplomatic convergence. The unanimous adoption of Resolutions 808 and 827, which established the ICTY, cut directly through the era's geopolitical fault lines, passing without a veto from either Moscow or Beijing. This marked a rare moment of collective mobilisation in which the traditional bulwark of state sovereignty yielded to the demands of international criminal justice. For the first time, the Council invoked its coercive powers under Chapter VII of the UN Charter to forge an independent judicial tribunal, establishing a binding legal precedent that impunity would no longer be tolerated as a sovereign prerogative.

Furthermore, the protracted siege of Sarajevo and the atrocities at Srebrenica fundamentally subverted the orthodox doctrine of absolute non-interference in domestic affairs. The proposition that the slaughter of a population within a state's borders or under its effective control could never be justified under the guise of sovereign authority was catalysed by collective Western guilt, planting the normative seeds for what would later crystallise into the Responsibility to Protect (R2P) doctrine. Concurrently, comprehensive economic sanctions and an arms embargo imposed upon the Milošević regime demonstrated an unequivocal commitment to diplomatic quarantine. This collective stance was not confined solely to the operational phase of the war; recent multilateral milestones, such as the UN General

Assembly's resolution designating the Srebrenica Genocide Remembrance Day, reaffirmed that the overwhelming majority of the international community steadfastly aligns with historical truth against revisionist erasure.

Undeniably, this collective response remains morally compromised by its failure to arrest the slaughter in real time. Nevertheless, the multilateral diplomacy of that juncture succeeded in establishing an essential global denominator: refusing to leave the perpetrators' identities ambiguous, denying shelter to impunity, and reinstating the foundational tenets of international legality.

However, this normative edifice, meticulously constructed by international tribunals and global consensus, fractures profoundly when confronted with political and societal realities on the ground. Put differently, the global condemnation of genocide does not automatically translate into an unyielding local repudiation. Within prominent sections of the Serb political establishment and public discourse, a systematic denialism persists—one that rejects the international consensus and, in its most virulent iterations, valorises the slaughter as an existential triumph. This revanchist sentiment steadily corrodes the foundation of reparative justice from within. The universal imperative to condemn and avert genocide—a crime intrinsically condemned to recur whenever it is forgotten or denied—collapses at this precise juncture into a profound structural crisis that transcends parochial denialism.

Equally damaging as overt denial or open glorification is the selective morality displayed by actors who claim to support reckoning with the past. This hypocrisy ultimately undermines the global effort to prevent and address genocide.

Reckoning, Denial, and Pride: Three Distinct Reflexes, One Shared Illusion

The legacy of atrocity can be distorted in different ways, and those differences matter. Serbia's official reluctance to accept the legal characterisation of Srebrenica, the glorification of convicted perpetrators within Republika Srpska, and the contested implications of Germany's institutionalised reckoning with its past (*Vergangenheitsbewältigung*) are neither morally nor legally equivalent. Yet they illuminate a common problem: the difficulty of translating remembrance into genuinely universal principles—and, more consequentially, into a consistent commitment to public international law's most fundamental imperative: the *duty to prevent*.

The most visceral transgression resides in the dialectic of denial and glorification. Despite the binding judgments of

the International Criminal Tribunal for the former Yugoslavia, the Serbian state has long pursued a revisionist policy that relegates Srebrenica to an unfortunate 'great tragedy', obstinately repudiating its legal characterisation as genocide.

Within Republika Srpska, however, this official denial mutates into a far more corrosive societal pathology. Architects of extermination such as Ratko Mladić and Radovan Karadžić are systematically lionised—their portraits consecrated on street murals and their legacies invoked from parliamentary rostrums. War criminals are consciously kept alive in public consciousness, transforming systemic atrocities into an alleged 'existential triumph of the nation' and a fountainhead of collective pride. Glorifying the crime and its perpetrators inevitably amounts to approving the mass murder of thousands of innocent civilians. These dual mechanics of repudiation and revanchist pride serve a singular purpose: through historical whitewashing, this culture of impunity persists as an active, simmering threat of recurring genocidal violence.

Consequently, Mladić's enduring resonance across significant swathes of Serbian society in both Serbia and Bosnia and Herzegovina exists in complete detachment from the forensic and legal reality established at The Hague. In the popular imagination, Mladić is rarely viewed as a convicted war criminal; rather, he remains venerated as the defender of Serb existential survival and the founding patriarch of Republika Srpska. This sentiment has long ceased to be merely private sympathy, institutionalising itself into a pervasive politics of public memory. Murals, posters, and banners exalting Mladić have stubbornly dominated public spaces from Belgrade to Banja Luka and Trebinje.

Indeed, following Mladić's definitive conviction in 2021, the then Serbian Prime Minister Ana Brnabić denounced the verdict as an instrument deepening Balkan divisions, whilst the leader of Republika Srpska, Milorad Dodik, categorically dismissed the Srebrenica genocide as a 'myth'—laying bare the unbridgeable gulf between judicial facts and regional political myth-making.

Crucially, this ethos extends far beyond mere rhetoric. Following Mladić's death, the Serbian state's decision to accord him full military and state honours at his funeral stood as the most potent symbolic affirmation of Belgrade's enduring alignment with his legacy. The presence of senior state functionaries alongside thousands of mourners in Belgrade proved unequivocally that, in the eyes of official remembrance, Mladić was never genuinely cast out as an illegitimate war criminal. This spectacle starkly exposes the conceit that fascism was decisively vanquished eighty years ago in the docks of Nuremberg. Its foundational spirit remains stubbornly among us—an uncomfortable epiphany that constitutes the indispensable prerequisite for any meaningful resistance against it.

At the opposite end of the spectrum lies the deepest moral paradox: Germany's selective posture towards genocide, historically lauded as the gold standard of transitional reckoning. In Berlin, the institutional and pedagogical absorption of the Holocaust has failed to evolve into a categorical, universal human rights reflex. Instead, it has calcified into a fortress of selective, transactional solidarity. Germany's doctrine of *Staatsräson* (reason of state), which conflates historical atonement with unconditional allegiance to the state of Israel, has effectively paralysed its moral and legal apparatus in the face of the annihilation and forced displacement unfolding in Gaza—conducted before the eyes of international criminal tribunals and in contravention of provisional measures ordered by the International Court of Justice. By extending diplomatic, military, and rhetorical cover to the Israeli government, Berlin has made clear that its celebrated culture of remembrance defines victims and perpetrators not by universal humanitarian tenets, but through the contingent neuroses of its own historical guilt complex.

The grotesque juxtaposition of welcoming the chief architects of Gaza's devastation in European capitals with full diplomatic protocol, whilst remaining conspicuously silent in the face of systemic slaughters in Sudan and the Democratic Republic of the Congo, or subordinating violations of international law in Ukraine solely to national self-interest, paints a grim picture. It is a spectacle that the Nuremberg defendants themselves would have regarded with cynical vindication.

Ultimately, whether the crime is brazenly denied in Belgrade, celebrated with chauvinistic pride in Banja Luka, or transmuted in Berlin from moral atonement into active complicity with contemporary atrocity, each posture demonstrates how the memory of genocide becomes sterilised when instrumentalised for realpolitik. All three reflexes reduce genocide to either an abstract historical anomaly or an asset in geopolitical horse-trading—fatally crippling, through collective hypocrisy, the peremptory mandate of the Genocide Convention to prevent, punish, and eradicate the crime wherever it emerges.

Mladić is Dead, but His Legacy Still Divides the Balkans

While Ratko Mladić's death in his cell at The Hague may have brought biological finality to an individual dossier of international criminal justice, the ideological venom he championed and the ethno-political fault lines he engineered continue to rot the fabric of the Western Balkans from within. The physical elimination of a war criminal does not herald the dismantling of his institutional and social legacy. On the contrary, rather than a prisoner consigned to the

grave, Mladić has been transmuted into a living foundational myth: one that sustains the constitutional paralysis of Bosnia and Herzegovina, holds Serbia's democratic instincts hostage, and keeps the fragile regional peace teetering perpetually on the brink of collapse.

Mladić's ghost draws breath, first and foremost, from the structural deadlock forged by the 1995 Dayton Peace Agreement. The geographic territory that Mladić violently purged and ethnically homogenised through military atrocities has been refashioned by the Republika Srpska leadership under Milorad Dodik into an instrument of institutional blackmail. The systematic boycott of shared state institutions in Sarajevo, accompanied by brazen threats to dismantle the Armed Forces of Bosnia and Herzegovina, dissolve the joint judiciary, and re-establish a separate Bosnian Serb army, represents nothing less than the political consolidation of frontiers originally drawn by Mladić at the barrel of a gun. The ethnic cleansing achieved on the battlefield has thus mutated, through the constitutional loopholes of the peace accord, into an institutional doctrine of secession that paralyses the state from within.

This political intransigence is mirrored across the public sphere as a militarised, fetishised cult. The colossal murals of Mladić that deface facades from central Belgrade to the streets of Banja Luka have long ceased to be the rogue handiwork of fringe extremists. The spectacle of police cordons shielding these effigies from civil society activists—who are left vulnerable to state-tolerated nationalist gangs—lays bare the symbiotic alliance between historical revisionism and the official state apparatus. Permeating football terraces, popular folk ballads, and school corridors, this cult of the 'hero general' conditions emerging generations to rationalise ethnic cleansing as a legitimate reflex of national defence. While the fragmented remains of Srebrenica's victims are still being exhumed from mass graves for burial each July, provocative counter-commemorations staged mere kilometres away in Bratunac, alongside the systematic scrubbing of judicial genocide findings from school textbooks, stand as chilling triumphs of Mladić's doctrine. Compounding this affront, Mladić's wartime comrades—or more accurately, his co-conspirators—continue to roam Republika Srpska with complete judicial impunity, rubbing salt into unhealed communal wounds and keeping societal tensions acutely inflamed.

Here lies a deeper limitation of international criminal justice. The ICTY's great jurisprudential achievement was to individualise guilt: it attributed crimes to identifiable perpetrators rather than entire peoples. Yet nationalist memory can reverse that process. By recasting Mladić not as an individual convicted on forensic evidence but as the embodiment of collective Serb defence, political myth transforms personal criminal responsibility back into a question of national identity. Criticism of the perpetrator can then be portrayed as criticism of the nation itself, making acknowledgement of the crime politically harder.

Courts are poorly equipped to resolve this problem. They can establish facts, assign legal responsibility and imprison perpetrators; they cannot determine how societies remember them. Transitional justice therefore cannot end at the courtroom door. Education, public commemoration, political rhetoric, archives and civic institutions become part of the infrastructure of non-recurrence. The persistence of Mladić's cult suggests that Bosnia's legal reckoning advanced much further than its political and societal one.

Conclusion

Ratko Mladić is dead; however, the ideological environment and political conditions that enabled his actions remain largely unchanged. More concerning is the ongoing silence of the international community in the face of mass atrocities worldwide, and, as evidenced in Gaza, the active provision of political, diplomatic, and material support that facilitates further crimes. Large-scale crimes against humanity are not perpetrated solely by those who plan and execute them; they are also sustained by widespread indifference and a deeply rooted culture of impunity.

Given these realities, systemic failures to enforce international legal norms and a persistent lack of political will severely undermine one of humanity's most important tools for addressing mass atrocity. Nevertheless, the evident shortcomings of international law in practice should not justify abandoning its foundational principles. Instead, in a global context where power often overrides legal norms, the only effective response is a renewed commitment to the rule of law, justice, and universal equity. The true value of international law is demonstrated not in moments of easy agreement, but in its defence when it challenges the entrenched interests of powerful actors.

Indeed, the normative integrity and operational viability of international law underwent a defining crucible in Bosnia and Herzegovina, the setting of some of the most egregious crimes of modern history. While the international community catastrophically failed to discharge its preventive duty in real time, the architecture of post-conflict criminal justice discharged a pivotal, if belated, reparative function. By holding a decisive cohort of perpetrators personally accountable, it breathed life into a bedrock tenet of modern jurisprudence: no individual may seek sanctuary behind the shield of state sovereignty, military hierarchy, or collective identity to evade responsibility for international crimes. Mladić's definitive conviction therefore stands not merely as an outcome for Bosnia, but as an enduring precedent for international criminal justice—proof that impunity is not an inevitable historical fate.

However, determining legal responsibility is fundamentally different from shaping societal memory. The ongoing glorification of Mladić and his associates within Serbia and among influential segments of the Serb political sphere highlights the persistent gap between judicial findings and

public memory. There is a crucial distinction between a formal courtroom verdict and a society's genuine reckoning with crimes committed in its name. The foundational principle must remain clear: guilt is forensic, specific, and strictly individual. No nation or collective entity should be deemed collectively guilty for the actions of its members. Yet, rejecting collective guilt must not be confused with relinquishing the moral responsibility of collective memory. No society has the right to conceal, deny, or romanticise mass atrocity under the guise of patriotic pride.

Accordingly, while Mladić's depravity must never be imputed wholesale to the Serbian people, the systematic denial of these crimes and the glorification of their architect must brook no tolerance. A genuine societal reckoning demands the intellectual and moral courage to confront the atrocities without weaponising identity. The definitive closure of the Bosnian tragedy will not be attained solely through the sentencing of aged war criminals in The Hague; it will be realised only through the painstaking construction of an historical memory in which crimes are repudiated, the agony of victims is rendered visible, and murderers are stripped of their heroic mantles.

The urgent task now is to ensure that truth, accountability, and memory do not perish alongside Mladić. His demise must not merely mark the physical end of a genocidaire; it must serve as a watershed moment for how Bosnia confronts its past and what truths are bequeathed to successor generations. However, this imperative transcends the Balkans. The most profound lesson bequeathed by Bosnia is that the true value of international law does not lie merely in rendering post-facto judgments once the graves are dug, but in generating the normative clarity and political resolve necessary to prevent future slaughter.

In this regard, Bosnia's trajectory is part of a much broader global reckoning—stretching from Gaza to Ukraine, and from Sudan to forgotten conflict zones worldwide. To invoke 'never again' before the historical record of yesterday, while looking away from the visceral slaughter of today, is to dismantle the universalist pretensions of international law with our own hands. Mladić's conviction proved that the international community can, when forced, construct accountability. Current crises, foremost in Gaza, now test whether that same international community possesses the moral and institutional coherence to apply those very standards without double standards or political exceptionalism.

Mladić's death closes the biological ledger of his life; however, the struggle against the impunity, denialism, and systemic devaluation of human life he embodied remains far from concluded. The ultimate significance of his verdict will be measured not by what transpired in the twentieth century, but by our willingness to uphold these identical legal and moral principles for victims across the globe today. For international law can only lay claim to authentic

universality when the standard of justice demanded for Bosnia is applied with equal, uncompromising vigour to Gaza, Sudan, and wherever human dignity is systematically crushed.