

INTERNATIONAL  
SCIENTIFIC CONFERENCE

# SREBRENICA

## REALITY AND MANIPULATIONS





# SREBRENICA - REALITY AND MANIPULATION



# **SREBRENICA – REALITY AND MANIPULATION**

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**SREBRENICA -  
REALITY AND MANIPULATION**

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## FOREWORD

Old and efficient policy directed by the great powers, divide et impera-"divide and rule" was applied and used such scenario provoking political crises in many countries of the world, and had a special role during the demolition of Yugoslavia through the nineties of XX century.

Artificial inciting of ethnic intolerance, multiplication of problems in functioning of the political and economic system of the former socialist Yugoslavia, inflation, degradation of the living standards, beginning of strikes and riots, protests and general intolerance among the republics, were used for the bloody breakup of Yugoslavia, a country that was among the victors at the end of WW II. The main "tool" in the process of breaking up was the national-chauvinism and it was used as a policy of "clean hands" by the "director" of the breakup of Yugoslavia and finally the civil war.

Intolerance as a political and economic problem and nationalism in general, were very precisely directed against the basic values built in the Yugoslav society: primarily the so-called brotherhood and unity that were the fundamental values of the Yugoslav political and economic system.

Pictures of Yugoslav disintegration had to be very bloody, medieval, to anyone who would want, in the future, an independent development of a country in an original way, outside the umbrella of globalists, so that they would immediately give up such intentions, otherwise they would face repression.

From the geostrategic point of view, the objectives of the new, united Germany, and earlier through the nineties, coincided with the interests of the United States and some European Union states member, which had committed to permanently deal with "communism". Thus, Germany did not generally hesitate to "squeeze the neck" of Yugoslavia and in a special way to express anger over losses in past wars and, in 1992, through the last bloody civil war, to make the final blow to the thorn apart and divided Yugoslavia.

In order to understand it better, we need to be reminded of the famous debate from the Reichstag in 1848 when it was discussed who would rule the world in the twentieth century, Germans or Slavs, (Fritz Fischer "Reaching Out to the world of power politics and war aims of imperial Germany, 1914-1918 (foreword of Milorad Ekmečić). We need to remember the policy of "walking on a wire" (ger. periklitieren) and planned purchases of farmland in the plains of Pannonia and organized settlement of 100,000 Germans, promoted by Ludvig Vindhorst, which later still would prove a decisive devastating policy for Slavic people in Helm (Balkans).

Back in 1872, six years before the occupation of Bosnia and Herzegovina by the Austro-Hungarian Empire, the Habsburg diplomacy advised the Ottomans, that in order to strengthen security along the Drina River, they should settle the Catholic and Islam population in order to break the Serbian corpus, or Orthodox people and completely separate them down the river Drina.

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Contemporary Vindhorst or Bismarck were certainly: Helmut Kohl, Warren Zimmerman, Gianni de Michelis, Alois Mock and others, and in the end the Yugoslav crisis: Angela Merkel, Emanuel Macron, and before them the UK prime ministers - Margaret Hilda Thatcher, John Major and Tony Blair. There were Vatican and Jewish interests, as well as the NATO military that has neither state nor national territory. They cannot avoid the historical responsibility for causing the war against Yugoslavia, which is the most serious international crime - a crime against peace, which produced other war crimes.

As a result of the world powers policy, the internationally recognized state Yugoslavia vanished, although it had the specific international legitimacy, was a member of all relevant international organizations and the United Nations founder.

Thus, the special “merits” of the Yugoslav disaster, for hundreds of thousands of victims, more than one million refugees, for the mass destruction and material damage measured in thousands of billions of dollars, the violence against the environment, certainly belongs to Germany, Austria, France, Italy, USA, England, Turkey, Iran, who tore down the country.

Those national leaders who were blinded by success as apparatchiks or sycophants, cannot be absolved of responsibilities; those who lived in fear or were dependent of blackmail or potential blackmail, gave in under pressure and ultimatums and thus agreed with the destruction of not only Yugoslavia, but also the principles of the legal system and economic system of the international community.

Mr. Pierre-Marie Gallois, the French anti-fascist and retired general of aviation, spoke about the masterminds and actors of making war against SFR Yugoslavia, citing the direct responsibility of Germany and the US in the destruction of SFR Yugoslavia, and then contrary to international law, the bombing of SR Yugoslavia.

He emphasizes: "It should be said that the dissolution of SFR Yugoslavia was a long-planned operation in Germany. It was not just that about waiting for the death of Tito in 1980, but also reparing for the period after him, using his death, for dislocation of the territories that Germany considered not as the national territory but the territory made of different ethnic groups and religions. Germany was interested in obtaining a broad support for dividing the Yugoslav territory. “It happened that it was indirectly involved in the flow of these conversations, because I regularly attended meetings with Josef Strouse, Germany's defense minister and later finance minister, and the meetings were regularly held (1976 and 1977) in Germany, at a small farm around Munich. There was a representative of the United Kingdom Brian Krouzo, a representative of Spain - former Minister Sanchez Beja, a Vatican representative lawyer Pol Viola. I was the representative of France.

Bon thought that the Serbs' resistance contributed to Germany's loss of the World's wars and that they should severely punish the Serbian people. Another German idea was to reward Croats and Muslims who joined the German side during the WWII and thank them for the support.

The third objective was to enable the entry of Croatian and Slovenia into the economic zone of the European Union, which was in those days chaired by Germany. In this way, they would open up great opportunities for the realization of overall German interests for the Dalmatian coast and the domination at the Mediterranean.

To these reasons should be added the confidence of Germany in the USA intervention, since important command posts in NATO were held by German officers ".

Of course, many sides in the Yugoslav crisis found their own interest to support Germany and directly and secretly got engaged.

The USA interest was focused in the following: "To show the Europeans that they are not able to act alone, because if America is out of the "job", there would be chaos, disorder, war, making most of them again, forced to return to the scene." That and such demonstration of force demonstrated a need and necessity for survival and functioning of NATO.

On the other hand, Russia should be completely humiliated. At that time, Russia was in the hands of Yeltsin and with the coordination of Harvard brain trust they were supposed to implement market economy instead its former, planned economy and implement "the democratic" changes according to their specific instructions.

It was envisaged that the Slavic solidarity should be put at the test through the entire project of transformation.

As time went by Germany increased its power in the economic and political sense, politicians and economists believed that it would be useful to occupy certain areas in the Balkans. Which zone should be given a priority? To Albania as a whole, to Durres or the intersection of Corridor 8, which one day would transport oil and gas from the Caspian region, to the Adriatic? For different reasons, the USA and NATO as extraterritorial army intervened and completely took over command of the operation of military forces, and after the Kumanovo agreement between the conflicted sides in Kosovo and Metohija, built a military NATO base - Bondsteel.

The War drums in the form of false information were aimed at global public opinion to fix the victim as its defense would flow with the consensus of public opinion of the powerful countries in the world. For these reasons it was necessary to invent a Serbian war crime to discredit the Serbs!

One of the first fictional crimes was the rape of 48,000 women in Tuzla. One American expert on the Balkans in the study of this phenomenon, found that the number of raped was, according to his text, reportedly 4,000 women, and later the number was 40, a figure of 40 in the end had to be subjected to special investigation! That was followed by allegations of concentration camps, ethnic cleansing and biological experiments. The inventing went further, a bomb explosion in Vasa Miskin Street in Sarajevo, the massacre at the Markale market, they put blame on Serbs, and, in fact, the Muslim leaders of the secret service AID directed the whole event and crimes to the Serbs.

There was a false picture constructed about invasion of Sarajevo, the former so called Serbian JNA siege of Sarajevo. The same scenario was used in Račak in Serbia as the pretext to start the bombing of Serbia.

American strategist Yossef Bodansky in the study "The offensive in the Balkans," states: "Over the cynical manipulation of the Western media and generous funding of the information services and various agencies of propaganda in the world, dominated by fabrications agency" Ruder Finn "from America, owned by the

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grandson of the largest slave owners from the early period of the formation of America, and Muslims and their Croatian allies, were in an excellent position to demonize the Serbs and distort the picture of fighting in Bosnia and Herzegovina.

For the outcomes of the breakup of Yugoslavia, everyone was punished except the real culprits, and they appear today in the role of a humanist chaplains, prosecutors and prosecution witnesses at various courts, which has the effect of concealing the whole background and character of the Yugoslav crisis and civil war, a special responsibility for the breakup Yugoslavia and the subsequent genocide in Srebrenica.

The Serbs from Bosnia and Herzegovina were punished at the so-called International Court in The Hague with over 1,600 years in prison. It should not be allowed to forget everything that was done about the break-up of Yugoslavia and the production of an armed conflict among the nations, done by German Chancellor Kohl, foreign ministers and heads of the German intelligence service Genscher and Kinkel and a whole plethora of others who were responsible for the realization of a such dark and bloody project.

The revenge and the thirst for revenge is charged by colonization of new emerged states, rewarding allies and the trial of those who dared to defend their country and then apply the existing constitutional and legal norms. As the colonizers are too anxious with the new narrow frameworks of national states at the Balkans, aiming at large profits from the projects, we should not rule out planned changing of the actors of hatred and conflicts into a new garb of a new Yugoslavia who will overtake the idea of new Balkan integration born in the minds of the most illustrious people.

The civil war in Bosnia and Herzegovina in 1992 was driven by the mutual conflict of all three ethnic groups. In one situation the two groups against one side, and in the second case there was also a costly conflict within a single Bosniak ethnic and religious group. The crimes were committed on all sides, and only the Serbs were accused of genocide in Srebrenica.

Bearing in mind the earlier killing of Serbs in the First and the Second World War, when the Serbian people massively were persecuted and destroyed, so that in the first war they lost their lives in 1/3 of the population, and in the second nearly two million people. In this conflict began the turning out of Slovenian and Croatian from Yugoslavia, and the refusal of Muslims and Croats in Bosnia and Herzegovina to respond to the call at mobilization in defense of Yugoslavia, as well as their homeland. The Serbs again, as before, had to be saved from a new genocide or mass destruction.

However, to avoid the fate of twelve babies from Banja Luka, the fate of Serbian wedding ceremony in 1992 or killings and suffering of at least 7,500 Serbs in Sarajevo, the Serbs decided for the military breakthrough of the Corridor of life through the Posavina Valley and the encirclement of Sarajevo with the aim to self-defense.

Using the victims of the conflict in the eastern part of Bosnia and Herzegovina, as the ultimate goal of fighting against the Serbian people, designed with the advertising agency of the West and the concept of genocide was skillfully launched and, of course, placed as a cuckoo's egg against the Serbs in Bosnia and Herzegovina.

The organization "Mothers of Srebrenica" with propaganda, which, at the time, *reaches the level of hysteria* and the fact, is that there is no such example among women of Croats and Serbs after the war. The Serbian mothers appear in cemeteries or places where their children died, especially around Sarajevo or in Sarajevo during church prayer for returning bodies of sons or husbands.

The Dayton and the original principles are undermined by Muslim (Bosniak) politicians and intellectuals, who did not give up their war goals. Insisting on genocide against the Bosniaks in Srebrenica and claims that the Republic of Srpska is founded on systematic and planned ethnic cleansing of all non-Serbs, aimed at unitarization of B&H and further demonization of Serbs in Helm.

The pressures last even twenty-five years after the war. Thus, for example, previously announced British resolution on the Republic of Srpska as genocidal, was not accepted, thanks to the veto by Russia. This resolution is also known, in the Republic of Srpska as the resolution of no confidence. If the creators of resolutions really cared about the respect towards all victims of war, especially the innocent, they would not forgotten 3,600, Serbs mostly civilian victims, that the Muslim forces led by Naser Oric, executed in the criminal war acts in the Drina Valley before the so-called genocide occurred in Srebrenica.

Some theorists believe that based on charges of genocide in Srebrenica, the UN prosecutors and judges revived the mechanism of absolute power of the international community in Bosnia and Herzegovina and the division into "good" and "bad" guys, nationalists, which, in fact, concealed the responsibility of the directors for the breakup of Yugoslavia, and was revenge on Serbs for their participation in WWI and WW2 on the side of the victors.

Thus the war walls and barbed wire of the war, moved into the minds and consciousness of all in Bosnia and Herzegovina. The Hague has held that Bosnia and Herzegovina must be a slave to the past.

The Executive Directors of the occupation forces, emboldened by foreign support (bombing of the Serbs, financial assistance without limitation, supplying weapons and judgment by order ...), converted, after the war, to the local occupiers, trying to put the free thought, national freedom and the nation-state, at narrow party or religious goals and frames, and in the service of foreign neocolonial power, and globalists, all according to the familiar sayings that everything has to be paid back.

Not reconciling with the labeling as a genocidal nation and unjustified accusations of genocide in Srebrenica, several institutions and organizations of the Republic of Srpska, primarily the Independent University Banja Luka, as a higher educational and non-governmental institution, the Research Institute of the suffering of Serbs in the 20th century in Belgrade and non-governmental Association of the military officers of the Republic of Srpska, launched an initiative and organized an international; scientific conference in order to scientifically and objectively approach and to establish the truth and real events that happened in Srebrenica in July 1995.

Establishing the truth about Srebrenica is a historically necessary process that requires serious historical-scientific approach that will lead to the realization of real-scale of the events in the Drina valley during the last civil war in Bosnia and

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Herzegovina. Without consideration of the total “picture”, it is impossible to place it in the objective historical context.

In the absence of scientific and professional approach there will be continued expansion of constructed stories about the Republic of Srpska and further manipulating with the actual facts and events. By such attitudes, they collectivize the guiltiness of the Serbs who are unjustly accused, and it is contrary to the international law.

Only through the objective scientific methodology, all the circumstances can be seen, the real picture and consequences of the events in Srebrenica as a condition of coexistence and reconciliation of people in Bosnia and Herzegovina. One of the goals of the international conferences is to prevent the further manipulation of the actual events and the number of deaths, to determine the circumstances of deaths and to objectively determine the facts and to seek for criminal liability of the actual perpetrators of the crime in Srebrenica and the Drina valley in general.

This generation must answer the question of what really happened in and around Srebrenica, and has to initiate of the removal of the anathema that the Serbs are genocidal people, because no nation in the world can be qualified as genocidal nation. We have invited to the conference, eminent scientists from the USA, Great Britain, Germany, Austria, Netherland, Portugal, Canada, Czech Republic, Bulgaria, Japan and Russia, and experts from the region and representatives of the Serbs’ and Bosniaks’ parties to state out their position about Srebrenica and the recent war events in BH.

We insisted on the participation of the Netherlands Institute for the War Documentation, which did five years researching of the events about Srebrenica and published a report on 7,000 pages, but they refused to participate due to the previous commitments. After all, they have their own truth and are not ready to engage the scientific debate probably they stick to the attitude of the Dutch Government that the officers and soldiers from the Dutch battalion of UNPROFOR, as well as the State Administration cannot make any statements and cannot participate in meetings about Srebrenica. We sent the invitation to PhD. Smail Cekic and PhD. Mirsad Tokacha, who are carriers of propaganda of the genocide committed by the Serbs. They did not even respond to the invitation, probably, considering that the issue of genocide in Srebrenica has been cemented and there is no need for further discussion. The invitation directed to the four professors and researchers from Croatia had the same answer, and it shows how much they care about the objective truth.

It is known that the Serbian National Assembly at its session on 14 August 2018, proclaimed the Republic of Srpska Government’s report on Srebrenica dated 2004 inadmissible because it came after strong pressure and blackmails of the High Representative in Bosnia and Herzegovina, Paddy Ashdown, and it was full of inaccuracies, insinuations and manipulation. According to those opinions and conclusions of the National Assembly of the Republic of Srpska Government at its session from 18 August 2018, annulled the incriminating report of 2004 and announced the formation of the new Commission with international experts, which would objectively investigate everything that happened around Srebrenica.

Eminent world's intellectual, Professor Noam Chomsky, in several articles and editorials objectively wrote about Srebrenica, that this event cannot be characterized as genocide, because that if it was, there must be the intention but it has not found by a single court. His participants at the conference would be an honor, but he sent a letter that due his years and severe mobility he wished success of conference and there to get real and objective indicators what really happened in Srebrenica.

It occurs these days that the Canadian general Lewis MacKenzie, former commander of UNPROFOR, in Belgrade's daily paper "Večernje novosti", says: "In Srebrenica in 1995, happened a war crime, but not genocide. Previously, war crimes happened against Serbs in the villages around Srebrenica, committed by the group, led by Naser Oric. His units used to come out of the enclaves that were protected by UN forces and attacked Serbs using very hard brutality. It was also a war crime. There cannot be a word of genocide against Bosniaks because the Serbs evacuated all civilians, women, children and the elderly from the area of combat operations. "

What is particularly interesting, that the members of the intelligence service of the FRY, the Army of the Republic of Srpska and other secret services, which had the tasks of their government to be in the territory of Bosnia and Herzegovina and, according to many sources, they prepared and implemented the operation "Srebrenica", Bratunac, Zvornik, Zepa, etc., and now stubbornly remain silent. This is demonstrated by the fact that there is not a single paper from them about the subject at this international conference. Why?

It is known that many of the secret services and armed forces of so called international community, hidden among the volunteer units stayed in Bosnia and Herzegovina during the war and participated in the fighting committing serious crimes. There is no need to write or mention them, but it remains as a puzzle why today the foreign intelligence units, the intelligence and counterintelligence structures in Serbia and the Republic of Srpska, do not speak a word about the war crimes committed by the "Dogs of War" units against the Serbs.

National Assembly of the Republic of Srpska, as noted above, at its meeting on 14 August 2018, declared the report of the Government of the Republic of Srpska about Srebrenica dated at 2004, as wrong and nullified it. It should be expected that in this way the Serbs' national corpus in the near future reject the verdict of the Hague Tribunal of the command responsibility and accountability of individuals' war crimes and genocide from the command responsibility of the Serbs.

The rejection of verdict of the Hague Tribunal for the alleged crime of genocide, oblige the Serbian judiciary for trial for war crimes of individuals.

We should not forget motives of mobilization of soldiers and citizens in 1991, nor the separatism of individual republics, which so strongly embraced nationalism as a tool for inciting destruction of Yugoslavia, as opposed to internationalism and solidarity based on the education of the population and soldiers of the Yugoslav Army. Yugoslav Peoples' Army war based its strategy at defense against attacks from the outside. Only a few years before the breakup of Yugoslavia, it affirmed the defense theory of Yugoslavia at the territory of the attacker.

Nationalist elite in Slovenia, Croatia, Macedonia, and Muslims from Bosnia and Herzegovina, loudly declared that "this is not their war," and everyone went to their

## FOREWORD

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own people. The truth is that as soon as the members of the two people in Bosnia and Herzegovina, were found at "their" territories, they were mobilized in the army of Alija Izetbegovic or Tadjman's army. Only those Muslims who had crossed into Serbia, were not mobilized for war operations. There were many examples.

Whatever the reason had been for its creation, Yugoslavia had a place for all South Slavic people of the Helm peninsula. Whatever said by the nationalists in the Serbian nation that Yugoslavia was not supposed to be created, it is necessary to establish a court to determine responsibility for the demolition of the South Slavic country. There were a lot of traitors. This idea cannot be achieved, but historians will ask, together with sociologists and philosophers, lawyers and new generations, accountability and lessons from the betrayal, bribery, hypocrisy, omissions and responsibility for the deaths of almost 100,000 people and the displacement of nearly two million people.

If it was inevitable to "split up", was it not possible to make a deal? Therefore, the responsibility for the war lies among the members of the Presidency of Yugoslavia and then in the Constitution of the country which was not agreed, and they ,with the help of mentors agreed to disagree.

In whatever way the executors of bloody unraveling scenarios of Yugoslavia wholeheartedly did their bloody hyena job, the Serb people in the Republic of Srpska must gather the intellectual power and on the scientific basis illuminate the scenario of the Srebrenica war crime and have to reject the alleged responsibility for genocide and the verdict of the Hague Tribunal.

It is necessary to carefully prepare and carry out a constant campaign, through media and diplomacy among the people of Europe and the world trying to explain the real causes of the war, as relate exclusively to the breakup of Yugoslavia and the fact that only the Serbs were punished with more than 1,600 years in prison.

Such campaign must be simultaneously focused on building a modern state of the Serbs at Helm, with a strong, self-sustaining economy and a modern education system, which will, through the traditional natural intellect, clarity and insight, provide young and educated personnel, ready and determined to build a new Serbian state in the interest of nation, to live in respect and understanding with their neighbors.

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Rector of The Independent University Banja Luka

# GEOPOLITICAL POSITION OF PODRINJE AND A CIVIL WAR IN BOSNIA AND HERZEGOVINA

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**Abstract:** The behavior of international factors before, during and after the ending of the breakup of the SFRY is indisputably telling of their direct involvement in the complication and disintegration of the Yugoslavian Crisis as a whole, as well as in the transmission of the conflicts in BiH, which inevitably resulted in the outbreak of a nationally and religiously colored civil war. Western powers (primarily Germany, USA and Great Britain) have decisively helped the violent secession of Slovenia and Croatia, and then Bosnia-Herzegovina from Yugoslavia, knowing beforehand that such a solution, especially with regard to the secession of Croatia and BiH, cannot go without bloodshed.

The war in BiH served as an excuse for the new role of NATO in Europe and the world. The terrorist excesses in Sarajevo and Srebrenica had to happen, as NATO was rushing to consolidate and test its functioning, in order to prepare for the harder tasks, it expected in its quest towards east. The Srebrenica case served to intervene in other regions of the world under the pretext of preventing humanitarian catastrophes.

For centuries, Podrinje has been the border between the East and the West, and various rulers and states have been continually captured around this border. The division of Europe into Roman and Byzantine parts has remained to this day. A genuine Europe is identified as a "Roman Europe" with the borders that the Vatican draws. It is precisely on this division that Yugoslavia was broken up, with the Western Europe being joined by the Catholic republics of Slovenia and Croatia, and the war was deliberately transferred to BiH with the goal of "processing" and converting the people to the West and joining them to NATO.

The intelligence services of the West (United States) certainly had the right information about the events in Srebrenica, but their political decision was to prove the guilt of the Serbs. Charging the Serbs for the Srebrenica genocide served to justify the thesis of the Serbs being a genocidal people. Otherwise, no legal remedies can confirm their thesis on genocide in Srebrenica. So here we have a conflict between the science (law) and politics, and it is known that there is a powerful force behind the politics. That is why the struggle of science with politics is so ungratifying. Nevertheless, it is worthwhile, at least for the sake of history, to provide evidence of real events in and around Srebrenica.

**Key words:** *Bosnia and Herzegovina, Podrinje, geopolitical position of Podrinje, genocide, radicalization of Podrinje, events in Srebrenica*

## INTRODUCTION

In April 1993, the British "Sunday Telegraph" emphasized the thesis that the causes of the crisis in Yugoslavia and Bosnia and Herzegovina were not about the aggressiveness of the Serbs (who were attributed this feature by the world), but the

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fight of the Serbian people was extorted due to their fear of the repetition of a genocide against them. This statement serves as an answer also to those who believe that the Serbs by nature are aggressive, quick to pull the trigger, and that this time they really did intend to create a "Great Serbia" by force.

In the introduction of the "Book on Balkan", published by the Balkan Institute, it was emphasized, *inter alia*: "... when the Balkan peoples stop to allow external, non-Balkan factors and influences to interfere selfishly and destructively in the internal affairs of the Balkan, meaning when they are completely emancipated from all harmful and degrading spiritual, political and economic influence from the side, then the Balkans will become a force, a great force at a great destiny bearing crossroads on the road between Europe, Asia and Africa."<sup>2</sup> It was also noted that the unrest in the Balkans contributed more to its centuries long subordination to foreign powers than it was so due to the power of the invaders. It was also written that "with Christians, there were no harmony, honesty, order, devotion to state, duty, home, religion, but there was unsurpassed personal self-centeredness and utterly shameless pretence"<sup>3</sup>.

The Balkans became the command bridge in the Crusade of the West to the East and the clash of civilizations. The conflict line will be the fiercest just along the separation line between these civilizations. The Balkans is a division of these cultures, and Podrinje (the Drina) is the backbone of these divisions. Hence, it is not by chance that the decisive clash took place in that area, and the Srebrenica case was intended to stop the civil war in BiH, but so that the Serbian side, as a "deterrent factor" in the Balkans, is imposed collective guilt for the mass crime against the Bosniaks. This gave the Western planners of the new division of influential spheres in the Balkans the right to blackmail the Serb side in further over-balancing the space in the Balkans in favor of the NATO countries in relation to Russia.

Bosnia and Herzegovina has always served for negotiation between the world and regional forces. This has not changed since the Ottoman Empire to this day. Only the direct actors of usurping the territory of Bosnia and Herzegovina were changed. In the latest hand of cards, the creation of unitary Bosnia and Herzegovina has been planned, which would be dominated by the Bosniaks, through which Bosnia and Herzegovina would easily become a prey of NATO. It is particularly indicative and it confirms the thesis that the Vatican never gave up the prolongation of its hand to the entire Balkans, and that the spiritual interests of the Catholic Church go, in parallel, and sometimes before the world interests of NATO. The Pope has already visited Albania and Bosnia and Herzegovina, and hints at accepting the Macedonian, and also the Montenegrin Orthodox Church under the crown of the Vatican. So, there is a plan to unify the Macedonian and Montenegrin Orthodox people. Accordingly, NATO and the Pope go hand in hand as regards conquering the European space, because both are essentially the exponents of the insatiable expansion of the capital of the Western states.

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<sup>2</sup> Group of authors, *Knjiga o Balkanu I, Izdanje* Balkanskog instituta, Beograd, 1936, p. IX.

<sup>3</sup> Group of authors, *Knjiga o Balkanu II, Izdanje* Balkanskog instituta, Beograd, 1937, p. 150.

## **GEOPOLITICAL INTERESTS OF THE WEST IN THE BALKANS**

The restructuring of the influence spheres is accelerated in the Balkans. The Yalta agreement on the division of the Balkans, as the territory of Yugoslavia is concerned, is divided so that the USSR and the US have domination in a 50:50 ratio, with the Drina being the border line of those halves at that time! However, according to information on the preventive distribution of influential spheres in the Balkans dating back to the 1980s, when the break-up of Yugoslavia was planned, it could be noted that the United States claimed domination in the strip along the Adriatic coast including Dalmatia and the area of Bosnia and Herzegovina south of Sarajevo, as well as Montenegro, Kosmet, the southern part of central Serbia, Macedonia and Albania. Germany was left with the influence exercised in Croatia (other than the already mentioned strip), and in the northern part of Bosnia and Herzegovina. The central part of Serbia remained undefined at the time. What was particularly worrying was the statement of the US Secretary of State, Baker, from 1991 in which it was mentioned that Serbia would be reduced to the Belgrade pashaluk in case it did not comply with the demands of the West for their influence throughout Yugoslavia.

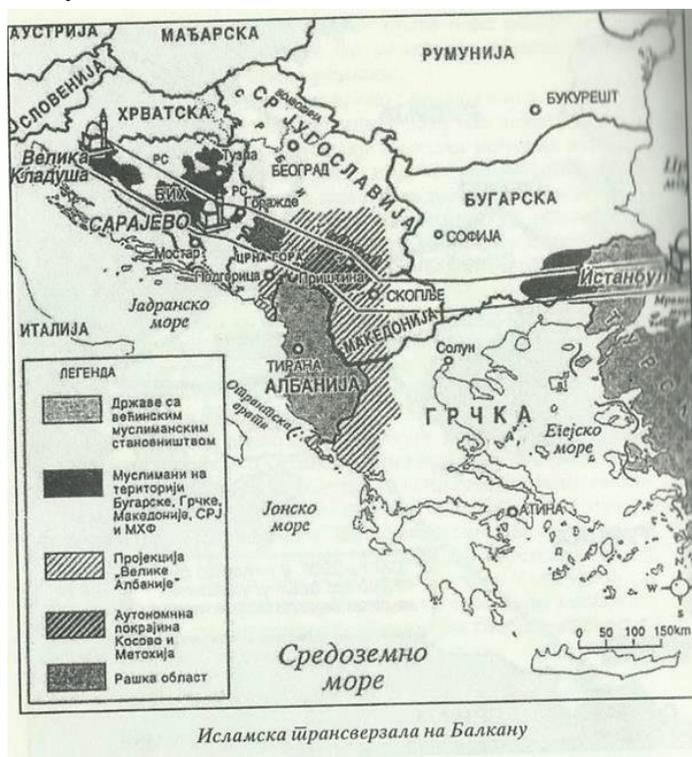
The American geopolitical interest in the Balkans is to evaluate this area in the context of its global interests and in accordance with its geo-position in relation to other regions, within the framework of the economic and political globalization of the world. The US uses the Balkans as an "aircraft carrier", reducing the cost of maritime transport and reducing the time of transportation of people and goods to the Middle East. The Mediterranean, the Balkans and the Middle East are the "navel of the world," and nothing happens in the world of conquest without the use of this geo-spot. The United States is therefore continuously present in the region and, in particular, they use the services of Israel, Turkey and Saudi Arabia. The USA provide for their interests in the Balkans and their interests further along the way towards the East mainly by the use of NATO.

The German interest in their expansion towards the Middle East has not been reduced to this day, and it dates back to the time of Charles the Great. Germany, with the help of the Vatican and Austria, has imposed its own formula for the dissolution of the SFRY on all Western powers, in order to achieve the goals of the domination in the Danube region and spreading to the Adriatic through Slovenia and Croatia, without the breaking of the war. Germany devoted its interests in the Balkans to the breakup of Yugoslavia. Therefore, it is no surprise that Germany, together with the Vatican, has been leading in this breakup. The German Minister of Foreign Affairs revealed that in June 1991 he was telephoned by the Minister of Foreign Affairs of the Vatican, Sodano, and on behalf of the Holy See instructed as follows: "Recognize quickly Croatia. We will urge Poland and Austria to follow your example, and the Holy See will intervene as the fourth one. We cannot do it first." It is well known that the Vatican then approved a favorable loan to Croatia, which was used to acquire arms in Hungary.

Turkey also has aspirations to return to the previous Ottoman Empire areas. It uses the interests of the US in the Middle East to gradually exercise its interests in the Balkans, with the support from the USA. Hence Turkey supports to the Muslims

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in Bosnia during the civil war, as well as open sympathy for the Albanians in Kosmet and Albania, because they serve as a bridge for Islam to cross to Europe. Turkey is trying to get closer to the current government in Serbia by offering the best loans for infrastructure construction, especially in Sandzak. Namely, the political leaders of the Bosniak people in Bosnia and Herzegovina, as well as in the Raska region in Serbia are seeking to unite the Bosniak territories in the Balkans, with the help of Turkey. With this aim, the so-called "Green transversal" from Istanbul to Velika Kladusa was projected. The Gorazde navel in Podrinje was left to the Federation of Bosnia and Herzegovina to serve as a bridge between Sandzak and Sarajevo. Lately, the activities around building a highway along this transversal have increased, with the help of Turkey.



### **PROJECTION OF ISLAMIC BOSNIA AND HERZEGOVINA**

Unlike Christian and other religions, Islam is not only appealing to the spiritual, but also to the worldly life of a believer, whereby the Muslim world cannot be an atheist one. Accordingly, a man does not have his own individuality, but he is in the service of Islam, or its leaders, or rulers of such a formed mass of people, with all his being and ideas. It is already known as such in the rule of caliphate in Arab countries. This ideology is dangerous opium for the Muslim people who justify the "holy war" by promoting the justification of sacrificing the lives of the people for the holy purposes of Islam. This was also demonstrated in the civil war in Bosnia and Herzegovina, in the example of Markale and Srebrenica.

The essence of the message of the "Islamic Declaration" by Alija Izetbegovic is its call for action directed to the entire Muslim world in order to spread Islamic culture and the Islamic movement throughout the world and ensure its domination; and raising awareness of the Muslims and calling them for "the creation of a unique Islamic community". As a force for the realization of the Islamization program, Izetbegovic argues that "There is no force that could prevent a new Muslim generation not to cease this abnormal state." And Izetbegovic refers to the condition of Muslim peoples living in separate states as this abnormal state. His ambition is even to take over the role of a leader in the creation of this large Muslim community, if no one else would do it, heading the Bosnian Muslims (and raising the half-moon flag up high). He, like many others before him, chose Islam as the philosophy of life and faith. He sought to inspire, discipline and activate the dormant energy of the masses to implement the idea of Islamization by means of a code of Islamic faith, or, in other words, to create such cohesion and activities of the Muslim world that will not encounter any obstacles in subordinating the "pagan" nations and putting them obedience.

One of the most important conclusions from the definition of the Islamic order is the "incompatibility of Islam and non-Islamic systems", by which Izetbegovic excludes the coexistence of Islamic and non-Islamic social systems and orders. In the creation of the Islamic order, Izetbegovic poses a dilemma: which way is shorter to the goal. Is it first to create a renaissance movement in the souls of Muslims, i.e. the religious and moral revival, or first go towards conquering the power, and then to proceed towards the "systematic religious, moral and cultural education of the peoples, as a prerequisite for building an Islamic society". Apparently, Izetbegovic not have the patience to go gradually in the Islamization of Bosnia and Herzegovina, but he took the shortcut - first to take over the government and create a unitary Bosnia and Herzegovina, and then to carry out the internal revival and preparation of the souls of Muslim and non-Muslim population. In his haste, and having trust in the Islamic communities, Izetbegovic chose a wartime option and the violent takeover of power throughout Bosnia and Herzegovina, although he himself noted that "no history of Islamic upheaval has come from coup d'état". Of course, history is the best teacher. Even the "all-encompassing" Turkish Empire did not manage to Islamize the subjugated Orthodox countries.

Why the truth about the crime which, according to the convictions of the International Tribunal in The Hague, has reached the stage of genocide, has not yet been revealed the world. The motives of foreign civil warfare creators in Bosnia and Herzegovina, as well as the domestic leaders of their own people and the army, are still being summed up, and not to mention the scale of crimes in Srebrenica. Perhaps the motives of the decisive factors in the preparation of this crime will not be known for a long time. Judging by the outcome of the end of the war in Bosnia, this event served as the main trump card in taking away from the Serbian side the territory that it had previously held in Bosnia and Herzegovina, and also having the crime against Muslims in Srebrenica used as a constant pressure on Republic Srpska to comply with the plan of the Bosniak parties in the establishment of the unitary Bosnia and

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Herzegovina. It is part of a global powers plan that the Serb forces in the former Yugoslavia become lesser, obedient and dependent on the world rulers.

And there are historical facts showing how the process of unification and Islamization in Bosnia and Herzegovina was going on. In the period of the Austro-Hungarian rule (1878-1918), the ethnic composition of the population of Bosnia and Herzegovina was transformed. According to the first census of the population carried out by the Austro-Hungarian authorities in 1879, there were 42.88% Orthodox persons, 38.75% Muslims, and 18.08% Catholics. According to the 1910 census, the proportion of the Orthodox population increased slightly, amounting to 43.49%, the Muslim population decreased to 32.25%, and the Catholic population grew rapidly and rose to 22.87% in the total population. According to the 1948 census, the Orthodox population was 41.62%, Muslim 34.71% and Catholic 22.61% of the total population in Bosnia and Herzegovina. At that time, the Serbs accounted for 44.29% of the population of Bosnia and Herzegovina, while 30.37% were the undecided Muslims.

According to the 1981 census, there had been a disproportionately higher immigration of the Muslim population in Bosnia and Herzegovina in the last decade. During this period there was a faster population growth of the Muslim population. This was especially evident in the period from 1961 to 1971 when some political machinations led to the constitution of the "Muslim" nation. Thus, according to the 1981 census, the Serbs lived in settlements with 50% or more of the Serb population, which included 53.3% of the territory of Bosnia and Herzegovina. At the same time, the Serbs owned 61.4% of the land in which the Muslim population was ethnically dominant. The Muslim territory is smaller than the Serb territory in that year, and in 1981 it amounted to 25.8% of the total area of Bosnia and Herzegovina. The disparity in the number of inhabitants and the size of the territory inhabited by the Muslim population is associated with their concentration in urban settlements and in areas of lower altitudes, where the population is considerably denser.

### **CIVIL WAR IN BOSNIA AND HERZEGOVINA**

Arguments and persuasions can be found for the civil war in Bosnia, which argue that it was also an escalation of the intercivilizational conflict, as a latent state that did not cease to exist since the breakup of Christianity (1054), and was only heated by the Islamization of the Balkan population with the invasion of the Turks on the Balkans. The Ottomans, to our misfortune, since they were stopped on the Military Border, which was largely guarded by the Serbs in the past, realized that in such circumstances it was possible for the Serbs to preserve their identity only in a community in which they were not in a minority. Of course, this Serbian concept fought with the concept of Islamic fundamentalism in Bosnia and Herzegovina, which did not promise smooth end of the crisis in the first place.

It has been confirmed that in crisis situations religious identities become stronger, so that inter-ethnic conflicts become highly religious based. It was particularly striking (by the end of the communist ideology) the raising of the awareness of the Bosnian Muslims and their moving towards the Islamic identity that was labeled by Alija Izetbegovic in the "Islamic Declaration", transforming it

into the program for the functioning of the Party of Democratic Action - SDA. The main goal of the Muslim terrorist actions during the war in Bosnia and Herzegovina was to provoke an external intervention that would replace the military inferiority of the Muslim army. On the other hand, the request for the intervention coincided with the interests of NATO, which was well received, in the absence of a real enemy, and thus such experimental engagement and preparing for any possible major actions in the coming time became useful.

The French publicist Jacques Merlino states in his book, "It's not a good thing to tell all the truth about Yugoslavia", in which, among other things, he claims that "special groups were trained to carry out a series of provocations in Bosnia and Herzegovina, aimed at provoking the reaction from the Western powers against the Serb side". The events that followed were just the desired reactions. Of course, the reaction of the international community soon followed with the accusation of the Serbian side and the introduction of very rigorous sanctions.

However, as the time passed, there were less and less arguments that confirmed the accusations addressed to the Serbian side in the civil war in Bosnia and Herzegovina, both in terms of the war targets and the transfer of civil war from Croatia to Bosnia and Herzegovina, as well as the total losses of civilians, including the victims in Srebrenica, which were used to engage NATO in ending the operation in western Bosnia, when the territory of Republic of Srpska was reduced to 49%, so that the Federation of Bosnia and Herzegovina would still have "majority of shares" in the ownership over Bosnia and Herzegovina. The collected data on the losses of all parties in the war show that the total losses of the Bosniak side were intentionally exaggerated towards the end of the war in Bosnia and Herzegovina. This is important information, and it was given by the Bosniak party following their research. According to the data delivered by the Sarajevo Research and Documentation Center, led by Mr. Mirsad Tokac, the total number of 97,207 people died in the civil war in Bosnia and Herzegovina from 1992 to 1995. Out of that number, there are 16,662 persons who were reported missing. The victims count is as follows: Bosniaks 64,036 or 65.8%; Serbs 24,905 or 25.6%; Croats 7,788 or 8% and others: 478 persons.

### **WHY SREBRENICA – A HISTORICAL ASPECT**

The area of Podrinje has been for centuries the border between the East and the West, and various rulers and states have been continually captured around it. The Roman authorities, starting with Augustus, built roads from the Adriatic to the Black Sea. Bosnia and its mines became the center of the metal industry, and Dalmatia got rich on it and simultaneously Romanized. The emperor of Rome, Theodosius the Great, divided the empire in 395 AD, i.e. divided it to his sons in two parts, and this division remained crucial ever since for the culture of the Balkans. Most of the Balkan Peninsula, approximately to the Sirmium-Shkodra line, belonged to the East. In the eastern, Byzantine part, the Hellenic (Greek) culture prevailed, having its center in Constantinople, while the western part was leaning towards Rome. Over time, this division became the cause of unrest, break up and weakening. This division

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also marked the beginning of ethnic disorders and religious intolerance in the Balkans. The Romans built roads for trade between Dubrovnik and Sirmium. In the area of Srebrenica (originally Domovija), a mining center for the Roman province of Dalmatia was founded. In the Middle Ages, Srebrenica was the seat of the first Serbian Diocese in Bosnia. In 1232 the first Orthodox Metropolitanate was founded. Golden money was coined in Srebrenica even before the Nemanjić. Later, minerals of silver, zinc and lead were extracted there. On the other hand, Podrinje was always the backbone of the Serbian corpus and it was the very first thing to be destroyed. That is why Izetbegovic planned to cut the roots of everything Serbian there.

The division of Europe into Roman and Byzantine parts has remained to this day. A genuine Europe is identified as a "Roman Europe" with the borders that the Vatican draws. That is why the alliance of the "Holy Alliance" established between Regan and Pope John Paul II (1983)<sup>4</sup> marked the conjunction of the world and spiritual power and the rulers of the fate of all Europe. In his report at the Trilaterale meeting, Jacques Delors emphasized, among other things, that "Byzantine Europe is separated from the West by profound cultural and historical differences ... The political, economic and cultural maturity of the Western Europe and the Western world can hardly be achieved in the short term, in one or two generations in the "Byzantine" Europe."<sup>5</sup> It is precisely this division that was used for the breakup of Yugoslavia, when the Catholic Republics of Slovenia and Croatia joined the Western Europe, and the war was deliberately transferred to Bosnia and Herzegovina with the goal of "processing" and converting that space and its people into the West and to NATO.

That is why it was high time that the Eastern peoples (Orthodox, for whom Huntington says that they do not belong to NATO, as a security organization for the Western world)<sup>6</sup>, were able to unify, unite, and accelerate their general development in order to counter the domination of that West in every respect. This is why one can easily understand the main reason behind Tudjman's tendency to expel Orthodox Serbs from Croatia. It seems that a similar fate may await the Serbs in Bosnia and Herzegovina, since, as it can be seen, Montenegro has been accepted and in NATO under the promises of the leaders of Montenegro to unify the Montenegrins, as the Bulgarians and the Greeks did.

The new plan for completing the geopolitical transition in the Balkans lacked legitimacy. The thesis on genocide in Srebrenica served as a factor in establishing the thesis on the Serbs and the Balkans as a whole. The accusation of the Serbs for the Srebrenica genocide served to justify the recreation of the earlier bipolar balance in the Balkans. The conclusion is simple: the Western power needs the Balkans for its geopolitical domination over Russian domination in this part of Europe. It was important to have the Srebrenica case used for the justification of the NATO military interventions all over the world, under the motive of preventing various disasters, as

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<sup>4</sup> Stanko Nisic, *Velike sile i Balkan*, VIZ, Beograd, 1999, p. 279.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid. p. 280.

the one allegedly occurring in Srebrenica. Very soon after the Srebrenica event the Serbian side was punished by allowing the expulsion of 220,000 Serbs from the Republic of Srpska Krajina.

One of the examples of successful unveiling of lies about Srebrenica is the scientific meeting on Srebrenica that was held in Moscow in April 2009. The participants of the event also spoke, the documents of the special services of several countries were published, and serious analytical research was carried out, among others, by Western scholars and publicists. These are new arguments that deny the official version of the genocide against the Muslim people in Srebrenica. The Canadian General, Luis McKenzie, a commander of the peacekeeping forces in Bosnia and Herzegovina in 1993, criticized the classification of the Srebrenica events as genocide, stressing out that the ones who do not kill women and children do not commit genocide. Also, Efraim Zuroff, the director of the Simon Vizental Center, believes there was no genocide in Srebrenica because: "the Serb forces enabled women and children to leave Srebrenica, they did not kill them. It's obviously not genocide. The West, for its own political reasons, decided that Srebrenica would be a symbol of Serbian war crimes. But in order to empower this symbol, they turned it into a genocide, which it was not." Also, Hakija Meholic, the head of the police station in Srebrenica, testifies: "Alija Izetbegovic in 1993 asked to have 5,000 Bosniaks killed in Srebrenica". Later, it was discovered that this plan was tailored in agreement with President Clinton. It was only a matter of waiting for the most favorable moment to proceed.

Former military police commander and member of the Srebrenica War Presidency, Meholic said that Alija Izetbegovic personally offered him money so as not to publicly talk about Bill Clinton's offer to NATO military intervention against the Serbs after the Serbs soldiers entered Srebrenica and killed the planned 5,000 Muslims. He accused the Muslim military and political leadership of selling out Srebrenica and, as evidence to that, told the content of the conversation he had with Ibrahim Tepic, a man from Srebrenica who was the dean of the Faculty of Philosophy in Sarajevo during the war, and a member of the General Staff of the so-called Army of Bosnia and Herzegovina. Tepic then bitterly said that Srebrenica had been sold. He confirmed the claims of the Norwegian film: "Srebrenica - a Betrayed Town". According to the documents seen in this film, the Serbian people around Srebrenica were intentionally provoked by Muslim forces from the demilitarized zone that attacked the surrounding Serb villages in which they previously committed large crimes.

## **CONCLUSION**

As the time passes, there are more and more arguments that deny the number of the victims of the crimes and the way many Muslim fighters were killed in the battle for Srebrenica. Thus, Mirsad Tokaca, the director of the Sarajevo Research and Documentation Center at the presentation of the "Bosnian war crimes atlas", states that the victims list contained some 500 Srebrenica Bosniaks who are found to be alive.

The intention to use Srebrenica for future plans of the West and NATO in other regions can be also derived from the thoughts presented by the British Ambassador to Bosnia and Herzegovina, Edward Ferguson, who spoke on the occasion of the Memorial gallery 11/07/95 opening in Potocari, stating: "We hope that this accessible to all and carefully researched educational package will be a valuable tool in the efforts of future generations to understand what happened and how it happened, and that by recognizing and deepening our understanding and awareness it will enable us to prevent similar offenses in the future."<sup>7</sup> Soon this intention was implemented in 1999 by the bombing of Serbia. Then followed Libya, Iraq, Syria...

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<sup>7</sup> Ljiljana Bulatovic, *Srebrenica – Laži i podvala srpskom narodu*, Beograd, 2016. p. 39

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## SUFFERING OF THE SERBS IN SREBRENICA IN THE SECOND WORLD WAR

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**Abstract:** The paper is an authentic scientific paper that deals entirely with research and emphasis of facts and authentic sources confirming the massive suffering of the Serbs in Srebrenica during World War II. This has clearly confirmed that the Independent State of Croatia had a clear goal of destroying the Serb people in the wider area of Podrinje, especially in Srebrenica, to bring together the Ustasha forces and the forces in Sandžak.

**Keywords:** *Podrinje, Srebrenica. Independent State of Croatia (ISC, Ustasha forces, crime of genocide*

### INTRODUCTION

According to the census of 1931, the Srebrenica district had a total of 35,210 inhabitants, of which 17,766 were Orthodox Serbs, 17,332 Muslims and 103 Catholics.<sup>2</sup> Thus, Orthodox Serbs constituted the majority of 50.54% of the population, Muslims constituted 49.22%, while the percentage of Catholics was negligible. Organized municipalities of the Srebrenica district were: Fakovići (3308 Orthodox and 1520 Muslims), Kravica (3308 Orthodox and 2230 Muslims), Skelani (3784 Orthodox and 2112 Muslims), Bratunac (2882 Orthodox and 3423 Muslims), Osatica (1582 Orthodox and 2925 Muslims ) and Srebrenica (2808 Orthodox and 5122 Muslims).<sup>3</sup>

### FORMATION OF THE USTASHA GOVERNMENT

The first German army troops entered Srebrenica in mid-April 1941 and established their command. Soon after, the first detachment came to Srebrenica under the command of Captain Slijepčević, a former Yugoslav Army officer who had previously served in Bjelovar. The Muslim population of Srebrenica organized

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<sup>2</sup> *The definitive results of the census of March 31, 1931*, Vol. II, Belgrade 1938, 6.

<sup>3</sup> *Ibid*, 41.

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a festive welcome to the home guards, and the welcome speech was held by a local mullah, who said, among other things, that “the Muslims have groaned for 20 years under Yugoslavia and that the time of their freedom has now come.”<sup>4</sup> The festive welcome was also attended by a former deputy Ismet Bektašević. The festive welcome for the Croatian army was also organized in Bratunac, where the welcome speech was given by the then President of the Bratunac municipality, Jusuf Verlašević.<sup>5</sup> In a short time, Croatian civilian authorities were established throughout the Srebrenica district and, given that there were only a hundred Croats in that area, the new authorities relied on the local Muslims. Thus, Ibrahim Lakišić was appointed the first District Head in Srebrenica, and he was then replaced by Sakib Uzunović. In Skelani, Avdo Delić became the President of the municipality, followed by Huso Junuzagić.<sup>6</sup> In Fakovići, Redžo Halilović became the President of the municipality,<sup>7</sup> while Hasan Hasanović became the first President of the Osatica municipality after the establishment of the Croatian government.<sup>8</sup>

Immediately after the arrival of the home guards, an Ustasha camp was formed in Srebrenica and it was led by the camp commander Muhamed Đozić. In addition, Jašar Ibrahimović, Safet Abdurahmanović and others also became members of the Ustasha camp.<sup>9</sup> After that, the Ustashas distributed weapons to the Muslim population, mostly younger, and thus formed the Ustasha-Muslim militia. Meho Temin called “Mostarac” became the Ustasha commander in Bratunac, and members of the camp were: Ethem Efendić, Osman Verlašević, Resko Efendić, Osman Đogaz and others.<sup>10</sup> Omer Mustafić became the Ustasha commander in the municipality of Skelani, while Kadrija Softić and Nezir Tić became his closest associates.<sup>11</sup> In an identical way, the Ustasha-Muslim militia was formed in all other municipalities of the Srebrenica district.

Immediately after the establishment of the Croatian authorities in Srebrenica, the torture of the Serb population began. The first who came under attack were the Serbian Orthodox Church and its clergy, followed by the more prominent Serbs. All Orthodox churches in Srebrenica were closed and all the activities of the Serbian priests were forbidden. The parish home in Srebrenica was converted into the Ustasha home, and during the first days of the ISC authorities, the Srebrenica Serbs had to, according to an order from the Ustashas, demolish the monument to a hero of the First World War, Major Kosta Todorović. Even if not forbidden, soon there was no one to serve the service in Orthodox churches, because the new authorities

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<sup>4</sup> The Archives of Bosnia and Herzegovina (hereinafter: ABiH), the fund: *National Commission for the Identification of Crimes of the Occupiers and their Helpers* (hereinafter: ZKUZ), box. 2, wrap 40, inv. no. 6.

<sup>5</sup> Ibid.

<sup>6</sup> ABiH, ZKUZ, box 204, inv. no. 56396.

<sup>7</sup> ABiH, ZKUZ, box 204, inv. no. 56392.

<sup>8</sup> ABiH, ZKUZ, box 204, inv. no. 56393.

<sup>9</sup> ABiH, ZKUZ, box 204, inv. no. 56384.

<sup>10</sup> ABiH, ZKUZ, box 204, inv. no. 56385.

<sup>11</sup> ABiH, ZKUZ, box 204, inv. no. 56396.

diligently carried out the order to arrest all the Orthodox priests and send them to concentration camps or expel them to Serbia. For example, as early as May 11, 1941, Dragoljub Jolović, the priest of Srebrenica, received a written order from the Croatian place of command in Srebrenica to move to Serbia within three days.<sup>12</sup> Fortunately for him, Jolović immediately followed the issued order, thus getting hold of Serbia, although robbed and without any property, but still alive. Other priests of the Vlasenica-Srebrenica Archdiocese were not so fortunate, and they were imprisoned, tortured, taken to the Caprag camp, and some were killed in the harshest of ways. The priest Blagoje Đurić succeeded in escaping and arriving to Serbia after his imprisonment and torture, while Srbislav Blažić, the Kravica priest, and Marko Katić, the Fakovići priest, were arrested on July 12 and taken to the Caprag camp, and then they were expelled from the camp to Serbia. At the end of July 1941, after sadistic torture, Drago Miskijević, the Jeremići priest, was killed. The priest Srbislav Blažić watched with his own eyes the mutilated corpse of the priest Miskijević and said: “I was watching the corpse of the younger brother, the priest Miskijević. It was terrible. The eyes were taken out, the ears were cut off, and the skin on his back was peeled off.”<sup>13</sup> In addition to Miskijević, the priests who were killed in the first months of the ISC rule were: the archpriest Dušan Bobar, Miloš Savić, Ljubomir Jakšić and Marko Savić, who were killed in the Vlasenica-Srebrenica archbishop’s office.

In addition to the clergy, all the Serb intelligentsia and the more respectable peasants also found themselves under the strike of the new Croatian authorities. They were first arrested and held hostage, including their torturing and beating up, and were, then, released for ransom to go home and were, yet again, captured and then killed or taken to the Caprag camp. In one document, the National Commission for the Identification of Crimes said literally: “As soon as the Muslims formed the Ustasha militia and got well-armed, they joined the vigorous persecution of the Serbs. Serving the sermons and all other activities were forbidden in Orthodox churches. The arrest of hostages followed, which peaked before St. Vitus Day. On the eve of St. Vitus Day, the Ustashes imprisoned all the Serb pupils and took them to Sarajevo; it remained unknown as to what happened to them afterwards; an accomplished theologian Blažić Mito was also among the arrested people. The Ustasha arrested the Serbs and beat them terribly in jail, then they released them for money. The Ustashes went around villages, arrested more prominent Serbs and took them hostages, taking them out of prison at night and killing them. In the village of Drinjača, the headquarters of the Croatian company, in the storehouse of an agricultural cooperative, the Ustashes slaughtered, over a barrel, eight prominent Serbs from Drinjača and the surrounding area.”<sup>14</sup> The mentioned priest, Srbislav Blažević, who managed to escape from the Ustasha prison, said: “I watched with my own eyes their coagulated blood in the barrel and the common grave from which the bones stuck out with the flesh still on.”<sup>15</sup>

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<sup>12</sup> ABiH, ZKUZ, box 2, inv. no. 2.

<sup>13</sup> ABiH, ZKUZ, box 2, inv. no. 1.

<sup>14</sup> ABiH, ZKUZ, box 2, inv. no. 6.

<sup>15</sup> ABiH, ZKUZ, box 2, inv. no.1.

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Since the very first days of the establishment of the Croatian authorities in Srebrenica, the abuse of adult men was followed by the abuse of Serbian children in villages as well as the massive robbery of the Serb property, in which the role of the notorious Muslim militia was particularly emphasized. The way it looked like was described in a document of the National Commission as follows: "They broke into the Serb houses, on the pretext of seeking arms and Chetniks, and in fact they would take away all things of value: money, rings, watches, suits, footwear, food, in a word, whatever they liked. The Ustashas also raped the Serb women and girls, especially in villages. The Ustashas Pašalić Ibro and Jašar, both from Srebrenica, were especially active in this.<sup>16</sup> "These robberies were often accompanied by brutal killings, and even of the elderly, women and children. Thus, for example, the notorious detachment of the Muslim militia, formed and led by Jašar Ibrahimović from Pasmolići, by the beginning of August 1941, killed about 30 Serbs in the village of Podravnje only, mostly including the elderly, women and children, who were captured by Ibrahimović's Ustashas in their houses or intercepted on the road. According to witnesses, the most frequent motive for their killing was the plunder of their property.<sup>17</sup> The Ustasha terror in the Srebrenica district reached a culmination on the eve of St. Vitus Day in 1941, when a large number of Serbs were arrested.

According to the documents of the National Commission for the Identification of Crimes, 110 Serbs were killed in the area of Srebrenica in July and August 1941.<sup>18</sup> The most terrible scaffold of the Serbs from Eastern Bosnia, and consequently Srebrenica, was in a cooperative warehouse in Drinjača. When the insurgents entered Drinjača on August 14, they witnessed a horrible sight, which the commander of the insurgents Pero Đukanović testified about as follows: "The entire room, including the ceiling, was sprayed with human blood. Next to the warehouse, there was a big open oaken barrel, which about 150 liters of human blood was found in. The victims were detained in larger departments at the warehouse cooperative attic. From there, they were taken to a separate empty room and stripped naked, thus led down the stairs and slaughtered over the barrel full of blood. The executioners performed especially ferocious acts over some of them. Thus, hands, legs and other parts of the body were cut off to some, probably to fill up the barrel, as they, already drunk, spoke about sending a gift to Ante Pavelić, the leader, to Zagreb."<sup>19</sup> Next to the warehouse, the insurgents also found a mass grave with over 100 corpses.

Further crimes against the Serb people were interrupted by an uprising that broke out in the Srebrenica district on August 5, 1941. In only two months of fighting, the Serb insurgents liberated the districts of Vlasenica, Srebrenica, Zvornik and Kladanj.<sup>20</sup> However, this situation did not last long. In January 1942, a German-

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<sup>16</sup> ABiH, ZKUZ, box 2, inv. no. 6.

<sup>17</sup> ABiH, ZKUZ, box 204, inv. no. 56403.

<sup>18</sup> ABiH, ZKUZ, box 2, inv. no. 53

<sup>19</sup> "The Notes of Pero Đukanović – Uprising on the Drina" (*Zapisi Pere Đukanovića – Ustanak na Drini*), edited by Dr. Zdravko Antonić, Belgrade 1994, 66.

<sup>20</sup> Petar Đukanović, a farmer from the village of Kravica near Bratunac, who was a Thessaloniki volunteer and holder of several decorations, including the Karađorđe's Star with Swords, organized the

Homeland-Ustasha punishment expedition stormed through the eastern Bosnia, which brought a new massive suffering, but it was all just a prelude to mass and organized slaughter.

### **JURE FRANČETIĆ'S BLACK LEAGUE SAWS DEATH AGAINST SERBS**

Due to the needs of the Eastern Front, the Germans had to withdraw the 342<sup>nd</sup> Division, which was replaced by the infamous Jure Francetić's "Black Legion", which, in cooperation with some other German units, launched a new offensive against Eastern Bosnia. The insurgents, already deeply ideologically divided into Chetniks and Partisans and warring with each other, were unable to organize an effective and unique resistance to the new Ustasha offensive. The Partisan proletarian brigades, after their confrontation with the Chetniks, were taken out of the territory of Eastern Bosnia under the order of Josip Broz, and the Chetniks, disoriented first by the German-Ustashes and then Partisan actions against them, were unable to provide effective resistance.<sup>21</sup> Francetić's Ustashes arrived in the area of Srebrenica district in early April and, within a month, they carried out the horrific massacre of the innocent Serb population, mostly children, the elderly and women. The particular problem was that a large number of Serbs fled from the Ustashes, mostly children from the region of Romania, and from the Rogatica, Vlasenica and Kladanj districts. Together with the population, they tried to cross the Drina and find their rescue in Serbia. However, a large number of them were caught up by the Ustashes on the Drina who mercilessly slaughtered everyone who fell into their hands. The witnesses cite terrible scenes that took place on the bank of the Drina River or on the river itself. "The Ustashes kept throwing the stabbed and butchered victims were thrown into the river, which was full of corpses" - says one document of the National Commission for the Identification of Crimes. The exact number of the Serb population killed in such a way on the Drina river banks in April and May 1942 had not been established and estimates ranged from 4 to 6 thousand.

As soon as Francetić's Ustashes appeared, the Muslim militia squads got activated in the area of the Srebrenica district, so, among others, Meha Arpadžić's and Osman Verlagević's detachments also participated in the massacre of the Serb children on the Drina as well as in the massacre of those who remained at their

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uprising among the Serbs from the Srebrenica district. He was also arrested by the Ustashes, at the end of June, and imprisoned in the Ustasha prison in Drinjača, but in the night of 6/7 July 1941, he managed to escape from the Ustasha prison and retreat to the forest. After that, he started gathering people and organizing village guards in the villages of the Kravica municipality, and on August 5, 1941, he started an open uprising against the Ustasha terror squad in the Srebrenica district. (*"The Notes of Pero Đukanović - Uprising on the Drina (Zapisi Pere Đukanovića – Ustanak na Drini)*, 20, Dr. Zdravko Antičić, *"Uprising in Eastern and Central Bosnia in 1941" (Ustanak u istočnoj i centralnoj Bosni 1941)*, Tuzla 1983, 165).

<sup>21</sup> Zdravko Antičić, Crimes against the Serbs and the Jews in Eastern Bosnia 1941-1942 in: *"Genocide against the Serbs in World War II" (Zločini nad Srbima i Jevrejima u Istočnoj Bosni, 1941-1942 u "Genocid nad Srbima u II svjetskom ratu)*, Proceedings of the International Scientific Conference SANU held from 23 to 25 October 1991, Belgrade 1995,<sup>423</sup>.

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homes.<sup>22</sup> Francetić's legion in this massacre was commanded by Josip Tomić, Francetić's deputy, Rafael Boban, Ante Žižanović, the Ustasha emigrant, Karlo Siber and Ante Caratan. The few Serb combatants tried to slow down the progress of the Ustashes and protect the crossings on the Drina. It should be said that Nedić's border guards also assisted them as well as Serbian peasants along the border, who protected the transfer of people across the river at certain crossings with machine-gun fire from the right bank of the Drina River. Thus, for example, the peasant Ljubo Jović from the village of Podnemići, using the machine-gun that he had saved since the April war, managed to save a lot of people from the Ustasha dagger at the crossing under Bjelovac.<sup>23</sup> According to Pera Đukanović's testimony, about 45,000 Serb citizens were transferred to Serbia, most of them from Srebrenica, Kladanj, Vlasenica and Zvornik district, only at the crossings across the Drina in the Srebrenica district, in the April of 1942.<sup>24</sup> According to the testimonies of some eyewitnesses, the killing at the crossing over the Drina River in Skelani was stopped only by the vigorous intervention of the German officers who, together with Nedić's officers, moved to the left bank of the Drina to see what was happening. Under the orders of the German officers and under their control, two flatboats transported women, children and elderly from the crossing in Skelani to Serbia all night, while the Ustashes took 56 men from there and took them to Fakovići where they were killed and buried in several joint graves, while the other group of 58 people was taken to Skelani, slaughtered at the barracks there and thrown into the Drina.<sup>25</sup> According to the testimony of some eyewitnesses, the German soldiers who watched the massacre on the left side of the Drina, shot at the Ustashes when they saw how brutally they impaled young children on bayonets and threw them into the Drina River. On that occasion, one German soldier killed an Ustasha on the other side of the river.<sup>26</sup> Many children did not even manage to get to the Drina, because the Ustashes caught up and killed them ruthlessly. Thus, for example, in the village of Fakovići, over 200 people, women and children were detained by the Ustashes in a coffee-house, who had been captured between the Drina and Fakovići, and then they were brutally killed the same night. 56 of them were slaughtered by the Ustashes in front of the house of a priest from Fakovići, and their bodies were thrown into the Drina River. The remaining 179 victims were killed by the Ustashes by machine guns and buried in two pre-prepared pits in Fakovići.<sup>27</sup>

In the spring of 1942, the Serb population of the Srebrenica district massively suffered during the Francetić's invasion on Eastern Bosnia, that is, those who did not

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<sup>22</sup> ABiH, ZKUZ, box 204, inv. no. 56385.

<sup>23</sup> "The Notes of Pero Đukanović – Uprising on the Drina" (*Zapisi Pere Đukanovića – Ustanak na Drini*), 179.

<sup>24</sup> Ibid, 180.

<sup>25</sup> ABiH, ZKUZ, box 204, inv. no. 56397.

<sup>26</sup> ABiH, ZKUZ, box 204, inv. no. 56387.

<sup>27</sup> ABiH, ZKUZ, box 204, inv. no. 56392.

succeed in fleeing over the Drina on time or did not want to flee at all, but remained at their homes, believing that nothing would happen to them, because they did not do absolutely anything bad. Most of them were slaughtered at their homes.<sup>28</sup> The Ustashes entered the very town of Srebrenica on April 10, 1942, plundering the Serb houses and executing individual murders. In that way, Bakotić Aleksa and his wife Julka, Tomić Đoka and others were slaughtered, but the massive massacre in Srebrenica itself was not conducted at that time.<sup>29</sup> A large number of people from villages in the Skelani municipality were slaughtered at their houses or on the bank of the Drina River, and some were also taken to the Ustasha camp in Skelani where they were terribly tortured. For them, the Ustashes prepared special and unprecedented methods of torture. Namely, the prisoners had to eat around a quarter of a kilogram of salt each day, all in order that the Ustashes could more easily skin them off, from head to neck, after a few days. The witness of that horror, Danilo Marinković, also ate three kilograms of salt in a few days, but he managed to escape from this place of torture in Skelani.<sup>30</sup> Some 24 Serbs were killed on the Drina riverbanks or in the village of Kostolomac only as well as 13 from the village of Božići, 5 from the village of Bujakovići, and so on.<sup>31</sup> When passing through the village of Brežane, the Ustashes took with them, as guides, Mirko Marjanović and Despot Balčaković from Brežane, and Jovan Gličić from Zvornik, and then they butchered them, skinned their faces alive, leaving them as mutilated as that on the road.<sup>32</sup> At the time, there were only a few women, elderly people and children in Brežani, and “on the third day after the departure of Francetić’s legion to Brežani, armed Muslims from the surrounding villages near Srebrenica came in and plundered all the houses in Brežani, drove the cattle, took away food, clothes and all agricultural inventory. The Serbs had to watch calmly how they were being robbed and did not dare resist, as some Ustashes came along with the Muslims. In the village then, these robbers killed three old men and one 14-year-old boy.”<sup>33</sup> Acting across the position of Bijelo Polje-Bučje, on May 3, 1942, the Black Legion opened a mortar and machine gun fire in the villages of Palež and Podravno, which enabled the people to start escaping towards the Drina. However, the Ustashes cut off the road to a large number of refugees, mostly women and children who could not run so fast, and massacred them. Only at one place called Široki dol, near the village of Podravna, 40 people, women and children were killed at once.<sup>34</sup> In the villages of the Kravica municipality, a terrible slaughter of Serbs was carried out during April and early May 1942. In the village of Banjevići, a large number of Serb children, who had settled there from various other districts, were killed from the machine gun, fleeing in front

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<sup>28</sup> ABiH, ZKUZ, box 204, inv. no. 56385.

<sup>29</sup> ABiH, ZKUZ, box 204, inv. no. 56384.

<sup>30</sup> ABiH, ZKUZ, box 204, inv. no. 56396.

<sup>31</sup> ABiH, ZKUZ, box 204, inv. no. 56397.

<sup>32</sup> ABiH, ZKUZ, box 204, inv. no. 56402.

<sup>33</sup> Ibid.

<sup>34</sup> ABiH, ZKUZ, box 204, inv. no. 56403.

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of the Ustashas, over 100 people were killed. From the village of Banjevići itself, there were about 50 people, women and children.<sup>35</sup> From the village of Konjevići, the Srebrenica district, about 20 people, women and children were killed there.<sup>36</sup> In the village of Lipenovići, the Ustashas killed every Serb whom they found in the house or in front of the house. 19 people, women and children were killed. In the village of Mratinci, 24 Serbs were killed.

The most terrible massacre in the Kravica municipality occurred in the village of Ježeštica, which was documented in the documents of the National Commission as follows: "In Ježeštica, the Ustashas carried out the largest slaughter by number of victims. The Ustashas took people from the village during the day and led them to the brook and slaughtered them at night. The victims were first terribly tortured, they cut girls' breasts, cut off parts of the body to people and then slaughtered them. In this village, the Ustashas slaughtered the people on several occasions, and they would always take people to various places near the stream, where they carried out their bloody acts. In such a massacre, only a 75 old woman accidentally survived who, all stabbed by an Ustasha's dagger, tumbled into the river and thus stayed alive for another 24 hours, so as to describe the slaughter itself. In the village, this slaughter was committed by the local Ustashas of the so-called legion "Šušnjarska", commanded by Mustafa and Atif Ademović from Šušnjari."<sup>37</sup> In the village of Brana Bačić, the Ustashas slaughtered 15 people who were found in their houses, 12 in the village of Opravdići and 5 in the village of Šiljkovići.<sup>38</sup> About 50 Serbs were killed in the villages of Lipovac, Palež and Slatina of the Srebrenica municipality, and the villages were thoroughly robbed and burned.<sup>39</sup> In the villages of the Local People's Committee of Toplica, which belonged to the municipality of Osatica before the war, 85 people, women and children were slaughtered.<sup>40</sup> Živko Milošević's family, from the village of Beširovići, the municipality of Osatica, was slaughtered on the doorstep by his neighbors Redžo Salkić, Šaćir Mehanović and Hasan Pitić from Rogatica.<sup>41</sup> The head of the village of Beširovići Hasan Mehić and Rašid Opić from the same village took from the house a thirty-year-old Živojin Radojčić from the village of Barbišići and killed him after ten days of terrible torture and then returned and killed his seriously ill father in the house.<sup>42</sup> Milan Lazić, from the village of Gladovići, the municipality of Osatica, and two of his relatives Milovan and Obrad Veselinović, were killed by their neighbors from Osetica, Beširovići and Sulica of the municipality of Osatica: Ibrahim Alić, Ibrahim Džinović and Suljo Nuinović, while they brutalized over Milan's wife Radojka for days, and even after seven days,

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<sup>35</sup> ABiH, ZKUZ, box 204, inv. no. 56386.

<sup>36</sup> ABiH, ZKUZ, box 204, inv. no. 56401.

<sup>37</sup> ABiH, ZKUZ, box 204, inv. no. 56386.

<sup>38</sup> Ibid.

<sup>39</sup> ABiH, ZKUZ, box 204, inv. no. 56403.

<sup>40</sup> ABiH, ZKUZ, box 204, inv. no. 56393.

<sup>41</sup> ABiH, ZKUZ, box 204, inv. no. 33737.

<sup>42</sup> ABiH, ZKUZ, box 204, inv. no. 33736.

their neighbor Asib Mehić came with his friends to rape her. The unfortunate woman succumbed in pain.<sup>43</sup>

In the village of Žedanjsko, the Ustasha Jašar Ibrahimović killed an entire family of Spasojevići, which had about 30 members.<sup>44</sup> Also, the whole family of Stanoje Stjepanović from the village of Ježeštica, the Kravica municipality, i.e. the wife Ruža (21 years old), daughter (2), mother Jovana (50), daughter-in-law Angelina (27), cousin Boško (8), brothers Petar (17) and Aleksa (9), and sister Darinka (14), the Ustashas took them about 500 meters from the house and slaughtered all of them with a knife in a stream. In addition, 13 other Serbs from Ježeštica were slaughtered there as well as three refugees from the Vlasenica district. Stanoje's mother Jovana lived for a few days after the slaughter, enough to tell the terrible tragedy of her family and to recognize Mujo Alispajić, Đamil Cvrk, Muharem and Ibro Zukić and some others as the killers.<sup>45</sup> Savo Maksimović from the village of Krnjići, in the middle of the day, was called to get out of the house by his neighbors Bekto Imširević and Mujo Spajić, who then slaughtered him on the doorstep.<sup>46</sup> Goja Mirković (39) from the village of Opravdić, the Kravica municipality, was stabbed by knives as many as 18 times by Amdija Džinić, with a group of Ustashas, and she was dying for the next four hours.<sup>47</sup> In the same village, Osman Đogaz with a group of Ustashas killed Perić Jefto (60) and Cvija (52), and Dragičević Todora (40). There were hundreds of such and similar examples at the time, since the Serbs could have been killed by whomever and whenever in the Srebrenica district. About 40 people, women and children, from the village of the Local People's Committee of Blažijevići, municipality of Skelani, were slaughtered or killed in houses, on the road, or on the run towards the Drina. On the Drina itself, a dozen of them were slaughtered. In the village of Karini, the municipality of Osatica, the Ustasha captured 15 people, tied them up together and slaughtered them in a stream near the village.<sup>48</sup> In the village of Zelinje, among other crimes, in the house of Vujadin Kostijerović, the Ustashas set on fire fifteen household members. The Ustasha unit that committed these crimes was commanded by Mujo Omerović from Glogovo. He took Milinko, Vujadin and Mislisav Abramović, Joco Simić, Ilija Milić and some other Serbs from Zelinje and killed them in Drinjača after a sadist torture.<sup>49</sup> In the village of Žlijebac, the municipality of Fakovići, the Ustashas slaughtered entire families of Tomo Balmazović (8 members), Spasoje Vasiljević (8 members), Milovan Savić (10 members) as well as many others. In the village of Jaketići, 13 members of the family Ljubo Jokić were slaughtered.<sup>50</sup>

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<sup>43</sup> ABiH, ZKUZ, box 204, inv. no. 33734.

<sup>44</sup> ABiH, ZKUZ, box 204, inv. no. 56403.

<sup>45</sup> ABiH, ZKUZ, box 204, inv. no. 13139.

<sup>46</sup> ABiH, ZKUZ, box 204, inv. no. 34839.

<sup>47</sup> ABiH, ZKUZ, box 204, inv. no. 13141.

<sup>48</sup> ABiH, ZKUZ, box 204, inv. no. 56394.

<sup>49</sup> ABiH, ZKUZ, box 204, inv. no. 56400.

<sup>50</sup> ABiH, ZKUZ, box 204, inv. no. 56395.

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After the arrival of Francetić's legion, the Serb villages of the Srebrenica district were almost abandoned because the people were either killed or fled to Serbia. In most of the villages, only the impoverished and few adult males who were hiding in the surrounding area remained there. Thus, for example, in the village of Zelinje, which until then had 137 Serb households, only one 50 year old woman remained there.<sup>51</sup> A special detachment of the Muslim police was particularly well-known by its evil deeds, commanded by Omer Mustafić, with his closest associates Ahmed Džinić from Dobrak, his deputy, Jusuf Jusufović and Jusuf Bakić from Karačići, Mustafa Smailagić and Redžo Hukić from Osmaća, and Suljo Ibrahimović from Krnjići.<sup>52</sup> Numerous crimes, slaughters, killings, rapes, robberies were conducted by this notorious unit over the surviving Srebrenica Serbs in 1942. Thus, for example, in the village of Karin, they tied up Cvijetin Gagić's family and led them into a brook to slaughter them, torturing and abusing them in an animal-like fashion. They were stabbing them with knives, beating them, and burning Cvijetin's hair on the back of his head with fire. However, Cvijetin managed to get away and escape, while the family, that is, three women and one child were slaughtered in the mentioned stream.<sup>53</sup> In June 1942, an Ustasha patrol led by Abid Smailović from Peć, the Skelani municipality, slaughtered Milka Škrnjić, a 50 year old woman who had lived alone, in the village of Srpski Pribidol.

At the end of June 1942, in the village of Ježeštica, the local Ustasha Muslims from the village of Blječeva, including Ibrahim Muratović, took Milojka, Anica and Radojka Đukanović and Radojka's little child and slaughtered them all in one stream behind the house. Only Milojka managed to survive the slaughter, who, all stabbed with knives and mutilated, managed to reach the Serb village of Suva.<sup>54</sup> In July of 1942, Muslim civilians from the village of Turski Pribidol, Aljić: Smajo, Daut, Mustafa and Suljo brought Ustasha militia to their neighbors, the Serbs, and together with them took away Janković Mlađo and his son Boško as well as Radosav Mitrović, who were detained in Fata Begić's basement in the village of Pajići. After an abundant dinner at Fata's, all three of them were slaughtered sadistically.<sup>55</sup> Also, in July 1942, seven Ustashes came into the village of Radoševići, the municipality of Osatica, and there they slaughtered Maksim Mitrović (75), Gospava Jevtić (55), Obrad Mitrović (83), Stevanija Petrović (85), Stoja Mitrović (50) and a little girl Đurđija Todorović (12), a refugee from the Vlasenica region, who failed to cross the Drina, remaining in that village. Jevto Jevtić, who watched the massacre hidden in the rye, recognized four murderers of seven of them. These were: Ramo Torlak from Osmaća, the brothers Suljo and Smajo Ibrahimović from Urisić, and Orhan Hadžić from Ljeskovik, all from the municipality of Osatica, the district of Srebrenica.<sup>56</sup> In

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<sup>51</sup> ABiH, ZKUZ, box 204, inv. no. 56400.

<sup>52</sup> ABiH, ZKUZ, box 204, inv. no. 56394.

<sup>53</sup> Ibid.

<sup>54</sup> ABiH, ZKUZ, box 204, inv. no. 33677.

<sup>55</sup> ABiH, ZKUZ, box 204, inv. no. 53738.

<sup>56</sup> ABiH, ZKUZ, box 204, inv. no. 33693.

September 1942, Mujo Omerović's Muslim militia found at their homes in the village of Polom, the municipality of Kravica, four Serbs and brutally killed them.<sup>57</sup> These operations by the Muslim militia continued in 1943. It is said, inter alia, about these operations against the Serb village of Brežani in 1943, in the papers of the National Commission: "The armed local Ustasha Muslims killed individual Serbs while working in the field, being at home and they also regularly robbed them. During these frequent robberies and incursions, the locals – Ustashes burned down the whole village of Brežane, and the people had already been killed. In Stevanović Gligor's house in Brežani, 12 people were burned together with the host, and in Vujica Jovanović's house 10 people, women and children were burnt down alive. In Stevanović Gligor's barn 8 women, girls and children were burnt alive. All this was done by the local Ustashes under the command of Ramo Torlak and Omer Skeljan."<sup>58</sup> The land of the killed and expelled Serbs from the Srebrenica district was cultivated by the neighboring Muslims and some Catholics under the order of the Ustasha authorities who were brought by the Ustashes from other places, and they received half of the income from that land.<sup>59</sup>

### **SUPPRESSING OF THE SERBS IN THE SREBRENICA DISTRICT**

A part of the Serb population from the Srebrenica district, who fled to Serbia, was killed in an attempt to return to the villages and cultivate the land. The Ustasha patrols watched over the crossings, catching returnees and brutally killing them. Thus, for example, four women from the Perić family: Smilja, Radmila, Velinka and Zorka from the village of Ratkovići, the municipality of Fakovići, were caught and slaughtered on the left bank of the Drina on their return from Serbia. Also, Milorad Pavlović was caught and slaughtered in a boat on the Drina bank.<sup>60</sup> During the following year, in 1943, the Ustashes also captured returnees from Serbia and killed them mercilessly. Thus, in January 1943, six members of the Ivanović family and six members of the Jevremović family, from the village of Kostolomci, as well as Milan Filipović from the village of Božići, were slaughtered when returning from Serbia.<sup>61</sup> In July 1943, the following members of the family Petrović were captured on the Drina on their return and slaughtered: Desimir, Simeun, Mitar, Dragoslav, Tomislav, Stojka, and Ilić Stoja.<sup>62</sup> This crime, among others, was committed by Hilmo Ramić and Salko Muratović from the village of Zapolje, led by the Ustasha camp leader Šefik Pašagić from the village of Tegare.<sup>63</sup> In the village of Rajkovina, the Skelani municipality, in a reservoir near the barracks, 30 massacred corpses of the Serbs who were returning across the Drina were later found, among them there

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<sup>57</sup> ABiH, ZKUZ, box 204, inv. no. 13140.

<sup>58</sup> ABiH, ZKUZ, box 204, inv. no. 56402.

<sup>59</sup> ABiH, ZKUZ, box 204, inv. no. 56386.

<sup>60</sup> ABiH, ZKUZ, box 204, inv. no. 56391.

<sup>61</sup> ABiH, ZKUZ, box 204, inv. no. 56307.

<sup>62</sup> ABiH, ZKUZ, box 204, inv. no. 56390.

<sup>63</sup> Ibid.

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were 8 girls. Their braids, which the Ustashas pulled out from their heads when alive, were found around the reservoir.<sup>64</sup> Julka Mitrović from the village of Jaketići, was slaughtered with two small children as soon as she crossed the Drina River, and Jovanka Simeunović with her six-year-old daughter Lenka managed to get to her house in the village of Jaketići, but the Ustashas caught them there, took them to Fakovići and slaughtered both of them there mercilessly.<sup>65</sup> It would take entire volumes to describe all individual crimes committed against the Serb people in the Srebrenica district during 1942 and 1943; however, even then, it would not be possible to describe all the horrors that those unfortunates experienced while waiting for death under the Ustasha dagger.

The very town of Srebrenica, as well as some Serb villages belonging to the Srebrenica municipality, i.e. which were closer to the town itself, were less likely to suffer in this first massive massacre of Serbs of the Srebrenica district. And the very authorities of the Independent States of Croatia, under the pressure of the Germans, were forced to make at least the appearance of law and order to their clerical and fascist creation. Thus, the new district head of Srebrenica, Nikola Mladenović, tried to implement, according to the order of the ISC leadership, “the policy of internal appeasement”, and in that sense he even ordered the opening of the Orthodox church in the Srebrenica district,<sup>66</sup> forgetting that there was no Orthodox priest in that district left. In his report to the great mayor of the Great Parish of Usora and Sol in Tuzla of June 21, 1943, he argued that due to his policy of pacification, a number of refugees from Serbia, whom he had guaranteed security, returned to the Srebrenica district.

The notorious commander of the 29<sup>th</sup> active combat brigade, which occupied the town of Srebrenica after the Francetić’s offensive, and the commander of the place, First Lieutenant Josip Kurelac, planned, together with the Mayor of the Municipality, Suljo Hajder, and the camp commander of the Ustasha youth in Srebrenica, Vera Franc, the extermination of the remaining Serbs from Srebrenica. Such a decision was made at a meeting in Bratunac.<sup>67</sup> An ideal opportunity for the implementation of this plan appeared to the killers, when on June 11, 1943, in the afternoon, the Partisans attacked Srebrenica, and by the evening captured and expelled the Ustashas. Kurelac officially travelled to Bratunac that morning, so he was not in Srebrenica when the Partisans entered. However, they stayed in Srebrenica only for three days and on June 14 there were no Partisans there. On the same day, a courier informed Kurelac about this, and he immediately left Bratunac with his battalion and headed towards Srebrenica, ordering the courier that no one should leave his house until his arrival.<sup>68</sup> Kurelac, with one part of his battalion, set off on the road to Srebrenica, while another part of his battalion, commanded by the sergeants Pavao Španić and Mile Domazet, were sent over a hill over Čauša and Obod towards the

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<sup>64</sup> ABiH, ZKUZ, box 204, inv. no. 56387.

<sup>65</sup> ABiH, ZKUZ, box 204, inv. no. 56395.

<sup>66</sup> ABiH, ZKUZ, box 2, inv. no. 4242.

<sup>67</sup> ABiH, ZKUZ, box 2, inv. no. 2990.

<sup>68</sup> ABiH, ZKUZ, box 204, inv. no. 56384.

village of Zalazje. Kurelić's detachment entered Srebrenica without any resistance, without firing a bullet. However, Kurelić's Ustashes first blocked the town from all sides, and then began the massacre of the Serb civilian population.

These slaughters are presented in the materials of the National Commission for the Identification of Crimes, where among other things, it is said: "On the second day of the Orthodox Pentecost on June 14, the Serbs, including men as well as women and children, were being killed successively from one house to another. They were killed in various ways, using firearms, axes and knives, whereby 98 victims were killed on that occasion... Afterwards, the Ustashes robbed the houses of the killed victims, and also took off suits and shoes from their corpses, took jewelry from their fingers, and cut ears to females to make jewelry easier to remove. The Ustashes were killing people in their houses, in the streets and in every place where a Serb was found."<sup>69</sup> On that occasion, the Ustashes killed the head of the court in Srebrenica, Muhamed Aganović (34), and his whole family: his wife Zlata (31)<sup>70</sup> and their three children, a 7 year old son and two daughters, one 5 year old and the other only 13 months old.<sup>71</sup> Aganović's wife was a Serb, from the family of Tričković from Bela Palanka. Aganović and his family were killed by Kurelac himself, as well as a postal official, Džemal Plisko, whom some Ustashes accused of attending the shooting of an Ustasha by a Partisan in front of the post office. In addition, Kurelac together with the Ustashes searched around Srebrenica to kill the municipal official Ibrahim Tančića and his family, with his only sin being that he was also married to a Serb. However, Tančića managed to temporarily flee from Srebrenica with his family.<sup>72</sup> In this massacre of the Srebrenica Serbs, three Jews were also killed. The jamaat imam from Srebrenica M. Hfz. Raif Ulema Medžlis in Sarajevo, i.e. Hafiz Effendi informed about the terrible massacre of the Serbs in Srebrenica in the following way: "On the 10<sup>th</sup> day of this month, I went to visit the muhajirs around Drinjača and I went to the Zvornik district. The same day in the evening, i.e. on Thursday,<sup>73</sup> the Partisans suddenly entered Srebrenica. After heavy and bloody fighting, they occupied it and remained in Srebrenica until Monday, when they retreated into the hills around Srebrenica. On the same day, our Ustashes entered Srebrenica and committed terrible bloodshed. All the Serb women and children were killed, and every remaining male Serb. Then they killed the head of the court Aganović Muhamed and his wife and children as well as the postal trainee Džemal P. from Sarajevo. After that, they went to the villages to kill the rest of the Serbs. Srebrenica was once again robbed and experienced an ordeal again. Then they informed me that my family was alive. I do not believe that it will be possible to

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<sup>69</sup> ABiH, ZKUZ, box 204, inv. no. 56384.

<sup>70</sup> In the list of victims compiled by Judge Vejsil Hadžibegić, the name of Judge Aganović's wife was quoted as Ljuba, and not Zlata. However, the name Zlata is cited in this paper because her father, Živojin Tričković named her so, in the application of this crime to the bodies of the National Commission for the Identification of Crimes (ABiH, ZKUZ, box 204, Inv.№ 7186/1).

<sup>71</sup> ABiH, ZKUZ, box 204, inv. no. 7186/1.

<sup>72</sup> ABiH, ZKUZ, box 2, cover 40, inv. no. 4242.

<sup>73</sup> The Partisans entered Srebrenica on June 11 in the evening, as the letter says.

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remain further in Srebrenica because of retaliation for the bloodshed will occur and it will be aimed only against us Muslims.”<sup>74</sup> After the massacre in Srebrenica, the Ustashas headed to the nearby village of Brežane, which also suffered quite badly at the time of Francetić’s offensive and in which all the male Serbs, a total of 17, were picked up and brought to Srebrenica, and on the following day, on June 15, they were slaughtered in a tavern by the bridge.<sup>75</sup> All the victims of this Srebrenica massacre were buried in two mass graves, about 500 meters from the town, near the bridge at the former Austro-Hungarian barracks.

The same day when Kurelac entered Srebrenica, the second column of his battalion, under the command of Španić and Domazet, came near the village of Zalazje. As precursor, the first to enter the village was Jusuf Đozić with his division, who summoned the people and told them that a large Ustasha army would come there soon, but that nobody would do any harm to anyone and that the people should not leave their houses and the village. Knowing Đozić from before, the Serbs from Zalazje trusted him and peacefully waited for the arrival of the Ustasha army. But as soon as Španić entered Zalazje with the rest of the Ustashas, he collected 39 men, women and children in the middle of the village in front of Manojlo Maksimović’s house and ordered their killing with the use of machine guns. Then the Ustashas walked from house to house and slaughtered everybody they found there. In total, 105 people, women and children were killed.<sup>76</sup> After that, the camp scout Đozić went to the Serb village of Vitlovci with his division and slaughtered the whole family of Milivoje Jovanović, that is, Milivoje (30), his wife Mileva (25) and their four children, then Ruža Marković and her 12 year old son Božo and a 60 year old woman 60.<sup>77</sup> In the village of Zalazje, entire families were slaughtered, for example, 14 members of Stojan Rakić’s family, 8 members of Živojin Rakić’s family, 10 members of Manojlo Maksimović’s family, while Manojlo and his son Svetozar (16) were injured, but survived, followed by 8 members of Mato Dragičević’s family and so on.<sup>78</sup> The victims of the massacre in the village of Zalazje remained unburied until the next day when an Ustasha patrol came and ordered some Muslims from the village of Likari to dig pits and bury the dead. During the burial of the killed, two live infants were found on the chests of their mothers, whom they hid with their bodies and thus saved them from definite death. Surprisingly, the Ustashas did not complete their bloody feast on these infants and these children survived the war.<sup>79</sup>

Since an order had already been issued for the ISC to stop with the mass killing of the Serb civilians, the commander of the 3<sup>rd</sup> Homeland Corps, Colonel Lukić, ordered an investigation into this crime. As early as June 17, 1943, the Gestapo arrested 32 members of the 29<sup>th</sup> battalion and imprisoned them in Tuzla. It happened

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<sup>74</sup> ABiH, ZKUZ, box 2, cover 40, inv. no. 4236.

<sup>75</sup> ABiH, ZKUZ, box 204, inv. no. 56402.

<sup>76</sup> ABiH, ZKUZ, box 204, inv. no. 56388.

<sup>77</sup> ABiH, ZKUZ, box 13, the document is not numbered (List of Victims of Massacre made by Judge Investigator Vejsil Hadžibegić)

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

so that Vejsil Hadžibegić, a home-guard captain, was appointed an investigative judge, who maintained an illegal contact with the Partisans. Hadžibegić conducted a pretty detailed investigation and performed an exhumation of one of the mass graves and compiled a record of each exhumed body. In addition, he made a list of victims with their individual names and, upon his request, a list of all the Ustashas from the 29<sup>th</sup> battalion, who had participated in these slaughters, was also submitted. It is especially significant that Hadžibegić made all the documents during the investigation in three copies and kept one copy for himself, then hid the documentation and handed over to the UDBA authorities (State Security Administration)<sup>80</sup> after the war. Although his investigating was hampered in various ways, Hadžibegić completed the indictment with all the evidence, but the war tribunal of the 3<sup>rd</sup> assembly district in Sarajevo, led by General Prohaska and Judge Major General Osman Bey Firdus, acquitted the criminals of guilt and issued a decision that “any further proceedings in this matter are interrupted and the issue is being surrendered to oblivion.”<sup>81</sup> The stated reasons for this procedure were that the Ustashas had been provoked by the fact that, during the massacre in Srebrenica, Brežani and Zalazje, about twenty Ustashas had been killed in the past days in the struggle with the partisans, including the brother of First Lieutenant Kurelac among them, and that the Partisans allegedly massacred certain corpses of the Ustasha, and that the Serbs greeted the Partisans joyfully, voluntarily brought them food, and even, to make the irony of the Ustasha judiciary greater, they allegedly put Serbian forage caps on their heads when hilling up corn. Therefore, even if that was true, according to the Ustasha judges that was a sufficient and legitimate cause for the massacre. For Judge Aganović, as evidence of him being a partisan sympathizer, it was stated that on the same day when the Partisans entered Srebrenica, he went fishing that morning in the very direction where the Partisans came from. This was, therefore, the judiciary and justice of the Independent State of Croatia.

According to the list of victims compiled by Judge Vejsil Hadžibegić, on June 14 and 15, a total of 196 people were killed and 8 were injured in Srebrenica, Brežani and Zalazje.<sup>82</sup> However, this list is obviously not final, as can be seen from the fact that the youngest daughter of Judge Aganović was not registered, who was only 13 months old, and also 16 victims were registered from Brežani, and there were 17 of them. The strangest is that Hadžibegić registered only 74 victims from Srebrenica, and on exhumation of one of the mass graves on June 20, 1943, he exhumed 78 bodies in the town of Srebrenica, while he did not even open another tomb, of which minutes were kept.<sup>83</sup> Truth be told, over 30 bodies exhumed from this grave, according to Judge Hadžibegić’s record, could not be identified during exhumation. In addition, some witnesses cited 96, and some even 98 victims of the massacre only in the town of Srebrenica.<sup>84</sup> From the village of Zalazje, Hadžibegić recorded 100

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<sup>80</sup> ABiH, ZKUZ, box 204, inv. no. 60361.

<sup>81</sup> ABiH, ZKUZ, box 2, cover 53, inv. no. 4358.

<sup>82</sup> ABiH, ZKUZ, box 13, the document is not numbered.

<sup>83</sup> ABiH, ZKUZ, box 2, cover 57, inv. no. 4237.

<sup>84</sup> ABiH, ZKUZ, box 204, cover 53, inv. no. 56384.

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killed and eight wounded, and as we have seen the other source mentioned 105 killed on that day, as well as Timotije Lazarević who was killed the following day. However, in the list of the killed in the villages of Zalazje (Obadi), which was compiled by the Local People's Committee of Sase in 1946, 119 victims were registered to have been killed by the Ustashas in 1943.<sup>85</sup> In any case, on June 14 and 15, 1943, over 200 Serbs from Srebrenica, Zalazje (Obad) and Brežani were unquestionably slaughtered. Thanks to Judge Hadžibegić, who asked for the list of members of the 29<sup>th</sup> battalion who had participated in the massacre, the names of the members of this Ustasha unit who committed the crime are also known. According to that list, most of the men from the 29<sup>th</sup> battalion who went to Srebrenica were Muslims. There were 125 Muslims and 108 Croats in the command troop, 4 regiments of the 29<sup>th</sup> Battalion. There were 13 Croats and 2 Muslims in the 29<sup>th</sup> battalion.<sup>86</sup>

The suffering of the Serbs in the Srebrenica region did not stop even after this massacre. It has already been said earlier that during entire 1943 individual and sometimes group killings of Serbs across the Srebrenica district by the Ustasha Muslim militia continued. The returnees from Serbia were mostly affected, who were pressured by various troubles, and especially by hunger, so they were trying to return and at least partially cultivate their land. Some parts of the Srebrenica district were in the hands of the Partisans in 1943 and 1944, some in the hands of the Ustashas, and their authority sometimes changed occasionally, leading to new suffering of the people. Some parts of the region were also under the control of the Chetniks, so in their occasional conflicts with the Ustashas or Partisans, the civilian population continued to suffer. The Serbs from the Srebrenica region and other parts of Eastern Bosnia could only expect more suffering, when the Ustasha Colonel Stipković died in hunting in 1943, and in his place, that is, as the commander of a part of the Black Legion in Eastern Bosnia, a famous hijacker and a pathological killer Franjo Sudar came, who, as stated in the documents of the National Commission, was among the worst and most cruel war criminals.<sup>87</sup> The numerous individual and mass killings on the territory of the Srebrenica district were committed by Sudar's Ustashas and the Ustasha Muslim militia in the second half of 1943 and 1944. In the decision of the National Commission on the proclamation of Franjo Sudar as a war criminal, it is said about the crimes of his Ustashas committed in the villages of the Srebrenica district: "In February 1944, a detachment of the Ustashas - members of the Black

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<sup>85</sup> ABiH, ZKUZ, box 13, cover no. 1-2, the document is not numbered. It is interesting that only one victim from the village of Zalazje (Obadi), who was killed before the 1943 massacre, was recorded on the list, which is Stoja Josipović, who was killed in 1942 on the Drina River. Thus, this village was, until the massacre on June 14, 1943, unlike the other Serb villages in the Srebrenica district, for an unknown reason, spared from the Ustasha massacres.

<sup>86</sup> ABiH, ZKUZ, box 2, cover 53, inv. no. 4234.

<sup>87</sup> Savo Skoko, Milan Grahovac, "*Crimes of the Independent State of Croatia and the German Occupier in Herzegovina 1941-1945*" (*Zločini Nezavisne Države Hrvatske i nemačkog okupatora u Hercegovini, 1941-1945*). Proceedings of Documents, Vol. I (hereinafter: Proceedings, volume I), edited by Draga Mastilović and Gordana Mastilović, Belgrade - Gacko, 2011, document no. 22, p. 141 (Decision of the BiH National Commission for the Identification of Crimes of the Occupiers and their Helpers No. 1873 on the Proclamation of Franjo Sudar a War Criminal).

Legion, stormed into the village of Stanatovići, the Srebrenica district, and in the house of a farmer Simić Radiša, slaughtered his family. On that occasion the Ustashas killed with machine guns Simić Ikonija, Radiša's wife, Simić Julka, a housewife, Simić Vojislav, a boy, Simić Jovanka, a girl and Simić Mitar, a child. The same evening, the Ustashas slaughtered five members of the Jović family in the village of Mlečva, the Srebrenica district, while in the village of Mandre they killed Subašić Obrenija, a housewife aged 58. In June of that same year, Sudar arrived with Ustashas to Srebrenica where he forced forceful mobilization as well as killings in the surrounding villages. In the villages of Opravdići and Brana Bačić, the Srebrenica district, these Ustashas slaughtered and burned 80 people, women and children. These villages were robbed by the Ustashas and most of the buildings were burned. In the village of Radonjići, the Ustashas killed 4 people, in the village of Pepovac 3 people and in the village of Zagon one person.”<sup>88</sup> As we see, during 1944 there were mass killings of Serbs in Srebrenica, such as, for example, slaughter in villages Opravdići and Brana Bačić. The slaughter in these villages was carried out by the Ustasha unit under the command of Mujo Omerović.<sup>89</sup> A large number of individual or group crimes committed in the area of the Srebrenica district in 1943 and 1944 were not registered in the cited Decision on the Proclamation of Sudar a War Criminal, but were registered in other materials of the National Commission. Such is, for example, a crime in the village of Blažijevići, when a unit of the Ustashas, under the command of Omer Mustafić, tortured and killed 7 people in Lazar Stevanović's barn as well as several other children, shepherds, who were found with the cattle.<sup>90</sup> There was almost no Serb village in the Srebrenica district in which Ustashas in 1944 did not commit a certain crime or individual murder.

## CONCLUSION

According to documents of the National Commission for the Identification of Crimes, in the period from 1941 to 1945, the Ustashas killed 1076 adult people, 546 women, 210 elderly and 430 children, totaling 2,262 victims in the Srebrenica district.<sup>91</sup> Apart from the rare exceptions, all the victims of the Ustasha terror were the Orthodox Serbs. This means that over 2,200 Serbs were killed in Srebrenica during the Second World War, but this figure is not final, because all victims were not registered, and especially small children and infants whose names had not been registered yet, so they were not on the list of victims. Out of the total number of the Srebrenica victims in World War II (3281), the Orthodox Serbs accounted for about 68%, which means more than two thirds of all victims. Most of them were killed by firearms - 1129, 9 hung, 663 slaughtered with a knife, 348 tortured using various methods of torture, 95 died later from the effects of torture, 18 killed in camps.<sup>92</sup> Undoubtedly, these data speak for themselves sufficiently and require no other comment.

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<sup>88</sup> Ibid, 140-141.

<sup>89</sup> ABiH, ZKUZ, box 204, inv. no. 56386.

<sup>90</sup> ABiH, ZKUZ, box 204, inv. no. 56389.

<sup>91</sup> ABiH, ZKUZ, box 204, the document is not numbered.

<sup>92</sup> Ibid.

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## **GENOCIDE IMPOSED ON THE VICTIMIZED SERBIAN PEOPLE**

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**Abstract:** The Independent State of Croatia committed genocide against the Serbs in the Second World War, by forces which consisted of Croatian and Muslim units - mainly Ustashas. The system of concentration camps Jasenovac stretched from the island of Pag to the river Drina. According to the report by the International Commission for Jasenovac, 700,000 people, women and children were killed in this genocide, mostly Serbs.

The Serbs who suffered the horrors of genocide in the past war are now under pressure of the descendants of criminals who committed this genocide who are now trying to take off the anathema and the responsibility from themselves and accuse the survivors and their families of the genocide against Bosniaks, with the help of the international powers. Research shows that by this allegation, the Serbs are being characterized as criminal and causative of all the suffering in the territory of the ex-Yugoslavia.

**Key words:** *genocide against Serbs, Jasenovac, UN Charter, charges of genocide of Serbs*

### **GENOCIDE AGAINST THE SERBS IN THE INDEPENDENT STATE OF CROATIA**

The Serbs in the Independent State of Croatia suffered immense casualties. According to the findings of the International Commission for the Truth about Jasenovac that operated for a long time in the United States of America and investigated the system of Croatian camps for the extermination of the Serbs, Jews and Roma, it was found that the Croats and Muslims, within the Ustasha formations, killed 700,000 Serbs, 23,000 Jews and 80,000 Roma, and among the victims there were 110,000 children under 14.

This finding was established by the International Commission on Jasenovac, composed of researchers from all five continents, among whom there were no representatives of Serbs and Croats. According to the data within the commission there were no representatives of other nations from the territory of the former Yugoslavia, so it can be pointed out that such a report is true and completely objective. The commission was led by Bernard Klein, PhD, an American professor from New York.

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During the communist dictatorship in Yugoslavia, forced eviction of the Serbian population from Bosnia and Herzegovina and Croatia was performed in order to weaken the Serbs genetically and economically in the border zones with Croatia, and thus create the preconditions for the complete domination over those territories.

What Croats failed at in the Second World War, they succeeded in during the past civil war at the territories of the former Yugoslavia. They expelled all the remaining Serbs from Croatia whom they had not slaughtered during the last war, so they continued to expel them during this war, especially in actions like Bljesak (Flash), Oluja (Storm) and other actions led by the US “retired” officers and generals. More than 300,000 Serbs from Croatia and Slavonia were expelled to Serbia alone and, according to the Croatian legislation, they were prevented from returning to their own homes, where they have lived for centuries in generations. According to the latest data, there are now less than 4% of Serbs living in Croatia and they represent a small national minority. The genocide continues, and Serbian children are forced to convert to Catholicism, much like the Ustashas did in the Second World War. What is important is that the children do not remain Orthodox Serbs, and it must be said this is in general supported by the Vatican. It follows that in the previous war the Croats committed a terrible genocide against the innocent Serbs who had lived in Croatia for centuries. Under all international regulations, this crime which Croats committed against the innocent Serbs is to be marked as genocide.

The so-called “International Community“, that is, the countries of Western Europe lead by the United States of America and allied in the NATO alliance, with the help of the US President, Bill Clinton, wanted to portray the victimized Serbs as a genocidal people, in order to easily eliminate the stigma from the State of Croatia because the Croats committed genocide against Serbs, Jews and Roma, and this should have been pushed away to the margins of history and erased from the memory of the future generations. This is the reason why Srebrenica was construed and invented as a place where the Serbs committed genocide against Muslims, which the Austro-Hungarian monarchy called Bosniaks during the period of occupation of Bosnia and Herzegovina. The crime in Srebrenica served the United States of America and the West to show that the Serbs were a genocidal people, and that the crimes of genocide committed by the Croats and Muslims, named the “flower of the Croatian nation“, in the past war, become completely forgotten.

### **MASS CRIMES AGAINST THE SERBS IN PODRINJE**

It is too well known that the Muslims committed a terrible genocide against innocent Serbs in Srebrenica and the surrounding areas. They killed the Serbs in succession, not saving children, neither the sick nor the disabled. There are documents and photographs showing the savage behavior of Muslims. In Srebrenica and in the surrounding areas (Bratunac and other places), there are living witnesses who watched the Muslims slaughter and kill the innocent Serb population ...

The international community, that is, the countries of the Western Europe, closed their eyes before those crimes committed by the Muslim in Srebrenica and in the surrounding areas, while at the same time they continually accused the Serbs of

committing the genocide. The so-called International Tribunal in The Hague under the leadership of the United States of America has released from the direct guilt and from all responsibility for the crimes of genocide committed by the Bosniaks against the Serbs, primarily the commander of the Muslim army in Srebrenica, Naser Oric, justifying this with the lack of evidence, although it is well known that many eyewitnesses and witnesses of the crime have died, that is, they lost their lives before and during the trial against Naser Oric and other criminals from Podrinje, but also from other places. Similarly, the Court of Bosnia and Herzegovina also acted in passing the acquittal of Naser Oric. In this way, the main organizer of the genocide, that is, the massacre of the Serbs in Srebrenica and neighboring places, Naser Oric, avoided the deserved punishment. It is well known that Naser Oric recruited Muslim fighters throughout Bosnia and Herzegovina to commit crimes against Serbs, and many international circles persist in being silent about it.

In massive massacres carried out by the Muslim forces, many Serbs lost their dear and loved ones, and these family members were violently killed or slaughtered on the doorstep, so probably those who lost their loved ones in such a way were revenging and committed crimes against the Muslims, which cannot be ever justified. Although it is the case of a small number of such crimes, they have still been labeled as genocide committed by the Serbs, although the available data confute this undeniably. The western European countries, led by the NATO alliance and the United States of America have accused the Serbs without any legal basis, while no one poses the question on what Muslims or the Muslim forces were doing in Srebrenica when the United Nations proclaimed Srebrenica and its vicinity to be a security zone and a demilitarized area cleared from the armed forces and weapons. Of course, no one asks the question why those Muslims committed the massacre of the innocent Serbs.

The aspirations of the countries of Western Europe, led by the United States and its president, Bill Clinton, were to justify their involvement in a civil war that erupted after the break-up of the state of Yugoslavia. They needed to explain to their peoples that they were leading a war for the “humanitarian reasons” and justify their political and military engagement. The Serbs needed to be demonized as much as possible and shown as a savage and disobedient nation, ready to commit the worst crimes. This served them to start a frenzied bombing of parts of Bosnia and Herzegovina held by the Serb forces that were defending the Serb people from the crimes of Muslims and Croats. Of course, the state of Serbia, that defended the Serb people in Kosmet, was later bombarded, as well. The United States of America and the countries of Western Europe have introduced terrible sanctions. Any traffic of goods was forbidden. It should not be forgotten that due to the lack of medicines, oxygen and equipment, 12 babies died tragically in Banja Luka alone. Because of the sanctions, those babies were deprived of any help, so they lost their lives. At the same time, besides the hospitals and schools, the entire infrastructure facilities were bombarded, which were declared legitimate military targets. The buildings of the Radio Television of Serbia in Belgrade and Novi Sad were among them. The bombs crashed them, and the workers who worked in the buildings were killed. Nobody answered the question “why”.

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Knowing quite well that the power of the mass media, or propaganda, is a very powerful weapon, which can affect the entire public opinion, the countries of Western Europe and the United States launched a real media war against the entire Serbian nation. All printed media in Western Europe and the USA, all radio and television shows, all the newly made films, especially those made in Hollywood, the USA, repeatedly said that the Serbs were “ugly“, “dirty“, “evil“, “filthy“, “spiteful“, “disobedient“. The Serbs are “hajduks (vigilantes)“, “opancars (hillbillies)“, “Byzantines“, “genocidal people“, etc. In addition, the Serbian religion was named a “heretical“ Orthodox, the same as the religion of the Russians. The Serbs also use a Cyrillic alphabet which differs from the “adopted Latin alphabet“ in the west. The US President Bill Clinton said that Serbia was “the heart of European darkness, the region of bombed mosques, murdered men and children, and raped girls“, etc. “The Serbs will pay for everything“. They are the “essence of evil“.

### WESTERN MEDIA IN DEMONIZATION OF THE SERBS

Muslims or Bosniaks claimed that the Serbs raped almost more Muslim women and girls than there actually were. The West accepted these claims and repeated them in its media. The population of America and the countries of Western Europe swallowed all those lies without ever giving second thoughts about the real truth. Madeleine Albright, then Secretary of the US government said: “The Serbs will kneel and pray for mercy.“ The NATO alliance's commander, US General Wesley Clark, said that he would “turn Serbia into dust and ash.“ English General Michael Rose said that “NATO will return Serbia to the “Stone Age“. At the same time, the president of France, who was allegedly “always“ a friend of the Serbian people, said “the Serbs are a people without law and faith, a people of robbers and terrorists.“ The German Chancellor Helmut Kohl then said: “Let the Serbs drown in their own stench.“ At that time, the US Secretary of State for Foreign Affairs Christopher Warren said that the Serbs were “an immoral race“. Our “friend“, the president of the National Assembly of France, Fabius Laurent, said: “Serbs are garbage“. All Western officials were simply racing with each other on who would say or write more against the Serbs as a nation, and not against those who were in power in Serbia. All journalists in the West, as well as all other media, constantly wrote articles and spoke lies against the Serbs and the Serbian people, and for such writing they received prestigious awards and they were praised in their countries. They maintained with what Hitler's close associate, Joseph Goebbels once said, and that is that “a lie repeated several times remains a lie, a lie repeated a million times becomes truth“. That's why all the media in the West kept repeating the lies for millions of times as they were delivered to them by the Bosnian Muslims from the field. Unfortunately, many intellectuals in the West have accepted the lies as served by various media. False propaganda was imposed on everyone as the real truth. That is why many intellectuals wrote and spoke against the Serbian people, and especially against Republic of Srpska in Bosnia and Herzegovina. Edgar Moren, Andre Glikzman, Henri Levy, Vaclav Havel, Suzan Sontag, and many other less known were some of the intellectuals mentioned above. It would take us a long time if we

tried to state everything what various people said and wrote against the Serbs and the Serbian people in the countries of Western Europe and the United States.

On the other hand, expert witnesses engaged in the work on the identification of the victims of the civil war in Bosnia and Herzegovina, especially victims of Muslims in Srebrenica, provided the findings in the expert forensic and judicial medical forensic journals which completely differed from those placed in the media that was orchestrated by the politicians from the Western countries. Many of those experts warned the politicians in power in their countries and around the world to avoid saying falsehoods. They pointed out that the methods which were used to identify the victims were completely uncertain. They thought politicians treated the Serbs unfairly as being the bad ones and that in most cases the Serbs were not guilty of all that happened in the civil war in Bosnia and Herzegovina. Many of them wrote that Bosnian Muslims, now referred to as Bosniaks, were not saying the truth and that they were trying to increase the number of their victims, as well as the number of those who were killed in Srebrenica. Muslims did not even mention the innocent Serbs who were killed in Srebrenica and in surrounding areas. In short, those experts wrote that the various testimonies by the Muslims were completely unreliable, and so on.

John Lofkland in his article *The Trial of Slobodan Milosevic and the Corruption of International Justice* wrote: “The policy of genocide is deeply rooted in the establishment of the New World Order during the nineties. There is no doubt that the Bosnian Serbs committed the massacre against the captured Bosnian Muslims in Srebrenica in July 1995. The characterization of the crime in Srebrenica as a genocide does not correspond with any evidence, or with the law on genocide. The characterization of the massacre as a genocide was achieved by defining a “group” which the genocidal intent of the Bosnian Muslims from Srebrenica was directed to. It is obvious that the establishment of a dominant narrative in this event as a genocidal one has been artificially set up in the sense that it was reduced to the definition of a protected group, so that the number of the allegedly killed constituted a significant part of that group. In my opinion, the primary goal of the perpetrators was the goal of revenge.”

How actually uncertain was the testimony of Muslims or Bosniaks showed Admar Jugo of the University of Durham, UK in his article. The quote from the article: “I think that's my brother. I know the pants. He was taken away in those pants. The experts who worked on the identification found that the lower part of the body that was preserved was of the female body.” Other experts also described cases such as, for example, the injury on the right-hand side of the body was actually injury on the left-hand side, or, for example, the injury of the leg was in fact the injury of the hand, and so on.

Edward Hermann of the University of Pennsylvania in his paper titled “Massacre and Srebrenica, facts, intentions and politics” states: “It is necessary to keep the myth on Srebrenica live, because Srebrenica has become a symbol of the Western intervention and the intervention of the United States, as an intervention against the “evil enemy.” It shows how evil and cruel the enemies of the United States and the West are. Now, you and I know it's a lie and a scam.”

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G. de la Grandmaison and Brian Durtgon speak about the International Tribunal for the Former Yugoslavia (ICTY) in an article entitled “The ICTY and the Forensic Pathologist Ethical Considerations”: “Scientists believe that their work must be neutral and accountable, and lawyers are more likely to “search for justice“. The motivation of the expert may be contrary to the judgment of the court. The judges do not hear the findings of the experts sufficiently enough“. Edwin Huffine, John Crews, and John Davoren write in their article “The re-exhuming of Srebrenica related primary graves and transporting bodies to different locations for secondary mass graves resulted in substantial disarticulation.“ Such exhumations and re-burial of corps lead to the fact that the bodies were actually found in several places and present in various mass graves that were sometimes miles away.“

Melanie Klinker in her article entitled “Proving genocide? Forensic expertise and ITCY“ (Evidence of genocide? Findings of court expert witnesses and the International Tribunal for the former Yugoslavia) wrote the following “Speaking of scientific evidence in the case of the trial of General Radislav Krstic, it has been pointed out that instead of the truth, it is here the case of the so-called imposed truth by the prosecutor. This is the case of the constructed and plotted truth.“

The following was stated in the article “Forensic Science Experts for International Criminal Proceedings: an old problem, a new approach and a pragmatic resolution”: “The pragmatic approach of the judges speaks of their bias, the uncertainty of their conclusions and the subjective interpretation of the findings of the judicial practice experts. Such is the International Court of Justice for crimes committed in Yugoslavia.“

Many authors complain that there is no internationally accepted method for the conduct of the court expert witness work. In her PhD thesis from the University of London, Natalia Mason claims: “There is currently no internationally recognized protocol for the work of expert witnesses in their research work on the war crimes. The internationally recognized standardization has yet to be devised. There seems to be a misunderstanding between expert witnesses and lawyers. Judges seek “justice“ and experts seek the truth.

There could be stated many more extracts from professional literature, but this is also enough to show that the truth about the Serbs committing genocide of the Muslims in Bosnia and Herzegovina, and especially in Srebrenica, is distorted and the extent to which the International Tribunal in The Hague was biased when it tried the Serbs for the alleged genocide committed against the Muslims.

There is the opinion that the entire process of establishing the truth about the alleged genocide committed by the Serbs against the Muslims in Srebrenica and throughout Bosnia and Herzegovina needs to be revised. The findings of the experts in forensic anthropology and medicine, and the specialists in international law and other specialists must be taken into account. The pragmatic opinions of the judges at the International Criminal Tribunal for the Crimes in Yugoslavia should not be accepted. Of course, it must be shown that the Muslims or Bosniaks in Srebrenica and in the surrounding places where the Serbs had lived also committed horrific

crimes against the innocent Serb population. That is why some Serbs were revenging for the loss of their family members and committing crimes. The real truth can only be established in this manner and only then can some kind of reconciliation and tranquility may come between the descendants of all the victims.

Of course, finding out the real truth about the “genocide“ in Srebrenica does not fit into the policy which, with the help of the NATO forces, helped the bombing of the territory of Bosnia and Herzegovina held by the Serb forces for 15 days. It is known that this bombing was managed by the “retired“ US officers and generals. It is also generally known that Germany and the United States, by their recognition of the independence of Bosnia and Herzegovina (April 6, 1992), initiated a civil war in which the Serbs were left out from the political life and in which there were so many victims on all three sides of the conflict.

### CONCLUSION

In the territory of the Independent State of Croatia, consisting of Croatia and Bosnia and Herzegovina, the armed forces composed of the Croatian and Muslim units, mostly of the Ustasha forces, committed genocide against the Serbian people in World War II, and nobody talks about that. The system of concentration camps Jasenovac stretched from the island of Pag to Jasenovac and the river Drina, and the Serbs were mercilessly killed in them. According to the International Commission for Jasenovac, more than 700,000 people, women and children, mostly from the Serbian people, were killed in the genocide. Today, these facts are being consciously ignored, and there is a tendency to have the executors justified and presented as civilized nations, while reducing the numbers of the real victims to a meaningless number.

The facts show that the descendants of those very same criminals committed new crimes in Podrinje from 1992 to 1995 over the Serb people, who suffered the horrors of genocide in World War II, which again caused general silence in the international community. Imposing the collective responsibility on the Serbs for the genocide against Muslims in Srebrenica is an attempt to remove the anathema from the Croats and Muslims, and transferring the responsibility to surviving victims and their families, accusing them for the genocide of the Bosniaks, with the help of the international officials.

It is undeniable that the past events in ex-Yugoslav territory were the result of manipulation and propaganda, which requires a real scientific review and determination of the truth about the alleged genocide committed by the Serbs and against the Muslims in Srebrenica and throughout Bosnia and Herzegovina, and, thus, a review of the attitude of the Western countries. For the sake of truth, it is necessary to hear the findings of the experts in judicial anthropology and medicine, international law and other specialists. The pragmatic opinions of the judges at the International Criminal Tribunal for the Crimes in Yugoslavia must not be accepted and the responsibility of the Serbs for them cannot be accepted, because they are far from reality and truth.

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## PROJECT OF ISLAMIC STATE IN BOSNIA AND HERZEGOVINA AND THE ISLAMIC DECLARATION OF ALIJA IZETBEGOVIC INITIATED CONFLICTS

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**Abstract:** Alija Izetbegović, belongs to the civilizational and political teachings of radical Islamism, whose content is based on the harmonization of the geopolitical principles of Wahhabism on the one hand and neo-Osmanism on the other.

Alija is not a historical figure who shaped political aspirations and national feelings among Bosniaks. Years before him, many had shown the ambition to bring these people back to the social relations of the old Turkish Empire in which they lived happily for 400 years, at a time when Christians were just their slaves. Alija Izetbegovic followed the teachings of the Nazi movements, mainly from the territory of Croatia and Bosnia and Herzegovina, like the 13th SS Division; the ideology of Ustasha-Islamic - fascist and terrorist organization, as well as other movements of similar thinking, like "El Hidaje" and "Young Muslims."

He had shown the tendency and the sincere desire to shape the Bosnian Muslims towards his ideas, so they can follow him and his program. We can say that Alija Izetbegovic's plan is an expression of folk madness. Although the people did not strictly follow this madness, they certainly gave him wings.

**Key words:** *Islam, radical Islam, Islamic Declaration Program, armed conflict, co-existence*

The day after the death of Alija Izetbegovic, Florence Hartmann, Hague Tribunal spokesman, in an official statement on behalf of the Tribunal, points out that he was on the list of persons whom the Tribunal suspected of war crimes during the war in B&H. "Alija Izetbegovic was one of the suspects and was under investigation. Because of his death, we suspended the investigation," said Hartmann at a press conference at the Hague Tribunal. However, she said that she could not reveal details from the investigation. Such relevant information from the Hague Tribunal, which is in favor of the Muslim side in Sarajevo has not been published or interpreted in Sarajevo's media at all.

### ISLAMIC DECLARATION - PROGRAM OF CONSTRUCTION OF ISLAMIC SOCIETY AND ISLAMIC POWER IN B&H

In essence, the *Islamic Declaration*<sup>1</sup> is an Islamic document, a program that was completed in pre-war Bosnia and Herzegovina, more than thirty years ago. The author is Alija Izetbegovic, but it incorporates a multitude of philosophical and

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<sup>1</sup> Alija Izetbegovic, *Islamic Declaration*, Belgrade, 1990; Originally published in 1970

political views of other Islamic thinkers, (above all Muhammad Qutb and his thoughts in "Dilemma around Islam"), with the evaluation and analysis of the then-contemporary political emigration of Bosnian Muslims (Teufik Velagić, Smail Balic, and others). The document, with which the public was more fully introduced in 1990, through the *Little Muslim Library*, is not only an original authorial version, but a final program of Alija Izetbegovic.

True, this plagiarized *Islamic Declaration* does not have any significant, philosophical or political reach. It acquires significance only as a "textbook" of a new morality, a manual and a guideline of a caste which is unconscious of its civilization and national affiliation. This document is neither a program nor an Islamic Declaration; it is confusing political and religious writing, which was the basis of prosecution and punishment of the group gathered around Alija Izetbegovic. In 1983, Izetbegovic and twelve other Bosniak activists were tried before a Sarajevo court. Izetbegovic was sentenced to fourteen years in prison.

The indictment alleges that Izetbegovic's group was accused for his program of the Islamization of society and for his cooperation with foreign intelligence services as well as for his obsession with the idea of Islamic revival and pan-Islamism. Izetbegovic's group was also accused of demanding the Islamization of children and youth through the imams and mothers. They treated mixed marriages as an ideological attack on a traditional Muslim family. They demanded that the children and soldiers not be forced to eat pork, to give Muslims Islamic names, and to dress up according to Islamic regulations. They claim that Islam should be incorporated in every aspect of everyday life including: religion, economics, politics, science, morality, culture and religious revolution. In short, emphasizing that Islam is the supreme religion.

The ideological champions of "Bosnian communism" did not even try to understand the aims and ideas of the *Islamic Declaration*, but they understood well that all that is not in the spirit of communism and everything that does not come from them, (because they are interpreters of national opinions) is directed against them and against their power. As long as the *Islamic Declaration* remained at the level of free thought and personal opinion, and its authors were persecuted and mistreated it was not necessary for the Bosnian communists to discuss its conceptual essence.

At the beginning of the armed conflicts in B&H, the circumstances changed, and the *Islamic Declaration* became the state program of the new spiritual reconstruction of Bosniaks. A program of active Islamization and terrorism is a program of religious hatred that, from the position of Izetbegovic's personal attitude moved into the field of political realization in the 1990s. Although in the *Islamic Declaration* there is no precise referral of locations where the Islamic government is to be established, it is clear that the program refers to B&H with its Muslims and other peoples.

The *Islamic Declaration* is an authentic, extreme and rigid interpretation of the political thought and will of the Islamic world. It is an expression of ruthless political consciousness, which does not seek peace in faith and salvation in God, but by calling upon God's authority, it creates space for its own messianism.

All who understand the essence of Islam will note that the *Islamic Declaration* by Alija Izetbegovic, is neither Islamic nor a Declaration, but a political agenda, which has nothing in common with Islam. In it, there are discursive and contradictory political assessments and visions that are trying to argue with a mere reference to the Quran in 33 cases about which I will talk more.

Alija Izetbegovic was not skillful in hiding his political intentions behind the authority of the Quran, and he made many mistakes in citing certain Ayahs (verse or sign). There are also mistakes of another nature. For example, Ayahs 34 in chapter 49 (surah = chapter) 49/34, even though the quoted section has only 18 Ayahs. On page 29 of the *Islamic Declaration*, Izetbegovic pointed out that "the recognition of the absolute power of Allah means the absolute rejection of any other authority," as per the Quran provision 7/3, even though it is the subject of 7/2, the second verse of chapter 7.

The quoted provisions do not speak about respecting the undertaken obligations, but about the ruthless, warlike attitude towards the people of another religion. "When the holy months pass, kill the iconoclasts wherever you find them, capture them, besiege them and place them in all kinds of ambushes! If they repent, pray to Allah and give charitable donations and leave them alone. God forgives and is merciful."<sup>2</sup> This was a trigger for the behavior of Muslim extremists at the beginning of the conflict in B&H, especially towards Serbs who are of another religion and who are the main obstacle in the realization of the Islamic state program.

Based on these constructions and his dirty politicization of God's spirit in the Annunciation, other religious communities see Islam as a religion of violence: "**There is no force in religion**"<sup>3</sup>, and also: "**... the right path is distinguished from the wrong way.**"<sup>4</sup>

The goal of the *Islamic Declaration* is to create a unique Islamic order. In addition to indicating the moment in which it is possible to do so, it shows the means and how to achieve this - as well as the forces which are obligated to do it, especially on the territory of B&H. Alija Izetbegovic finds the stronghold and legitimacy of this aspiration in Ayah 10, chapter 49: "**Muslims are brothers.**"<sup>5</sup>

The entire political structure of the *Islamic Declaration* starts from this Ayah, in which Izetbegovic saw the basis and obligation of all Muslims to live in one political community. But the Quran is not just one verse, and thank God that it is so – because if Izetbegovic read only three additional verses, he would realize that "Muslim Brotherhood" is only part of the universal human brotherhood. The Quran says: "all the people are brothers," and this does not refer only to Muslims: "Oh people! You are created from a man and a woman (father and mother), and we made you nations and tribes to know each other."<sup>6</sup>

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<sup>2</sup> Quran 9/6, p. 247

<sup>3</sup> Ibid 2/256 p. 61

<sup>4</sup> Ibid

<sup>5</sup> Ibid 49/10 p. 684

<sup>6</sup> Quran 49/13, p. 685

## THE ISLAMIC DECLARATION DOES NOT SUPPORT THE IDEA THAT PEOPLE ARE BROTHERS

All people are one nation. The division of people into tribes and ethnic groups does not impede their brotherhood because the brotherhood of all people is not based on tribal and national foundations, but on the awareness of God's justice and equality of all people before God.

According to the Quran: "You should argue with members of the book Tawrat (Torah) and Injil (Gospel) only in the most beautiful way, except with their perpetrators and say: "We believe what has been revealed to us and what has been revealed to you. Our God and your God are One, and we are obedient to him."<sup>7</sup> The basis of the *Islamic Declaration* is the necessity for the Muslim fraternity to act as a self-sufficient, isolated brotherhood, despite the fact that there is no support for it in the Quran. Therefore, Izetbegovic demanded that this fraternity had to be institutionalized and confirmed as a formal state, as the technical organization of that project has nothing to do with Islam.

The *Islamic Declaration* says: "The one whose image of the world allows and also seeks that the mosque and the factory stand side by side, and believes that it is necessary to properly raise the youth, as well as to facilitate and improve their life on earth, and that there are no reasons that these two goals should be sacrificed - that individual belongs to Islam! " But that person may also believe in communism or in any other ideology that promises much more than it gives while it takes away what is most essential - the soul of man. These are all empty phrases of ideological messiahs, which say nothing, but for Izetbegovic they mean: ..." **with faith in God, this contains the main message of the Quran, and this message is the whole Islam.**"<sup>8</sup> This is not the central message of the Quran and this is not Islam! All the misconceptions we are encountering, as well as all of the wrong interpretations that we face in the reading of the *Islamic Declaration* are based on this inaccurate understanding of the essence of Islam.

According to Alija Izetbegovic, the *Islamic Declaration* is "One program of Islamization of Muslim peoples," and as the goal, it sets "Islamization of Muslims through faith and struggle."

By its title, the *Islamic Declaration* is an Islamic statement, but Izetbegovic called it the "program," and in essence, it is the argument that Muslims have plans that are several decades old.

The one who believes in God, His Meleks (angels), His revelations and messengers, the Judgment Day, in God's omnipotence in determining everything that happens, who daily shows and testifies his affiliation with Islam, who prays and does good deeds, who has the intention to go on the hajj and observes Ramadan, that one is a Muslim and belongs to Islam. Such people and believers do not need to be Islamized.

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<sup>7</sup> Quran 29/46 p. 533

<sup>8</sup> Alija Izetbegovic, *Islamic Declaration*, page 22,

Bosnian Muslims believe they do not have their identity if they do not belong to Islam. This fact has a special significance for them. True, Islam is not a separate source of identity, it is a religious source of difference – it is what separates Muslims in B&H from their Orthodox and Catholic neighbors and friends. Who then needs it, and what is the purpose of **Islamizing Muslims**?

Muslims should not be Islamized. Islamization is not at all the goal of Islam. Every Muslim has the right to choose his path with Islam and with devotion to Allah as the greatest and the final goal of every Muslim.<sup>9</sup> Izetbegovic wanted to point out how each Muslim should think, what to feel and what to stand for, and he explained who is "good" and who is "bad".

Izetbegovic pointed out to political conclusions about capitalism and communism, heaven and earth, past and future, states and political leaders, law and morality, economy and politics.

He wanted to show the way to all troubled Muslims, for he believed that he knew the right path. "It is not yours to direct them in the right way, but Allah guides on the right path He wants."<sup>10</sup> Therefore, he advocated during the war in Bosnia to bring a large number of mujahidin, "holy warriors of jihad," who came to help.

His call to change the psychology of a whole nation is in fact, a call to the path of misfortune and suffering. Izetbegovic was wrong in his writing that the Quran should be clarified and that the *Islamic Declaration* should be a book from which Muslims will draw on experience because they are obligated to do so for their Islamic affiliation.

It is also interesting to see how he exposes his dark vision of the state of the Muslim people in the *Islamic Declaration*, p. 12 and 13: "We are enslaved ... we are unenlightened; we are poor; we are divided, and we as Muslims cannot be subjugated, unenlightened, misled. We can only be such if we are apostates from Islam." This is the misguided political vision with which Alija Izetbegovic watches the "world of Islam" and the "world of non-Islam." He saw eternally opposing and conflicting sides like Orthodox Serbs and Catholic Croats against Muslims in B&H. His views point to just one conclusion: to a sick man the whole world looks sick.

The *Islamic Declaration* did not improve the situation in the Muslim world. On the contrary, the confrontations became more extensive and frequent; wars more terrible and harmful; hatred became more permanent. The reason for the worsening of the situation is not because the people began to accept Islam, but because of the attitude towards politics and the interests of the ruling oligarchy. The responsibility of this semi-illiterate nation, which is lagging for a century in civilization, is beyond doubt, but a lot of the responsibility lies in the world community including the imperial powers of the United States, Israel, Germany, France, and the United Kingdom.

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<sup>9</sup> Quran 2/157, p. 35

<sup>10</sup> Quran 2/272, p. 66

Izetbegovic believed that Muslim people for centuries have been subjugated and colonized; their awareness and the ability to cope with the complicated conflict of global interests are minimal and conditioned by objective historical circumstances. The project of the "new spirit" and "new Islamization" cannot remove and save this population from pure misery and further lagging behind. The political oligarchy, to preserve a comfortable life and personal status, uses waste and destruction of natural goods as an instrument to keep these people in obedience. "New Islamization" cannot get Muslims out of this process. Life deprived of responsibility can stand as an epitaph to one deformed philosophy and culture.

Izetbegovic saw a solution in a spiritual revolution within a Muslim man whose first step is to make "homo-muslimanicus" on the path of personal and general progress. The crown of this progress is the creation of a different Islamic order. That is the task of the *Islamic Declaration* - to point out the goals and forms of that order, as well as how to achieve it. The program from the *Islamic Declaration* was implemented during the conflict in B&H.

### ISLAMIC ORIGINS IN BOSNIA AND HERZEGOVINA

"The shortest definition of the Islamic order says that it is the unity of faith and law, education and power, ideals and interests, spiritual communities and states, volunteerism and coercion. As a synthesis of these components, the Islamic order has two basic preconditions: Islamic society and Islamic power. The first is the content and the second, form of the Islamic order."<sup>11</sup>

Izetbegovic claimed that the creation of an Islamic order is an obligation. Even though he found this idea in the less relevant messages of the Quran verses, he tried to convince the readers that his *Islamic Declaration* is merely the elaboration of the thousands of years of Muslim aspirations for a single state and a different Islamic order. Not only that Muslims are expected to create that order, but it is Allah's demand revealed through the Quran.

Speaking of the Islamic order, he saw it as a **unity** of faith and law, education and power, ideals and interests, spiritual communities and states, volunteerism and coercion. Of course, the relationship between clear and contradictory, diametrically opposed concepts must exist, but it is an illusion that **unity of extremes** can be achieved.

A particular relationship between extremes is possible, but unity is not. That is why the following thesis is much clearer: "By imposing the right to regulate its world, Islam excludes the right and the possibility of any foreign ideology acting in its land. There is no layman principle, and the state should be an expression and support the moral concepts of religion."<sup>12</sup> That is why the continuous effort of Muslim community to create an Islamic state in B&H does not look at the interests of other nations that lived for centuries together with them.

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<sup>11</sup> Ibid 2/272, p. 66

<sup>12</sup> Alija Izetbegovic, *Islamic Declaration*, p. 22

This is another in the series of delusions of Alija Izetbegovic: he saw Islam as an ideology and means of governing the state and the consciousness of the people. But Islam is not an ideology, Islam is a religion: "With God, true faith is just Islam."<sup>13</sup>

The views of the *Islamic Declaration* are neither new nor unique - they are merely an expression of the opinion that in a collision with time, the Islamic message has become obsolete and sclerotic and that this is the main reason that the Muslims are underdeveloped. The answer is: religion supported by violence. Force has to be used before establishment and after the establishment of the Islamic order. The formula for awakening the "sleepy" Muslim nation is clear: "The sleeping people can only wake up with blows."<sup>14</sup> History will answer if the war should have been that blow - the way to awake and punish a dormant and outraged people, or was it a plan, desire or opportunity?

The statement from the *Islamic Declaration* that the Muslims are rather unenlightened is true, but it is not true that they are uninformed because they are good or bad Muslims. People of the entire Asia, Africa and the entire Balkans live in the age of tribal consciousness, which is sometimes not ignorant, **but always uncivilized.**

There are many political games and the influence of global powers - many plans by which Muslims represent only a figure irrelevant to statistics of world interest and their modern colonial powers.

There are centuries of old work inertia that prevents Muslims from learning how Europeans and other people in the world live and work. Definitely: "**the way of work, fighting and sacrifice**"<sup>15</sup> can be the way of **progress**, only without casualties.

Total Islam as violence against man is in fact, a vision of the Izetbegovic Islamic order, which "should be achieved in the countries where Muslims represent the majority of the population"<sup>16</sup> by establishing "Islamic society and Islamic power."<sup>17</sup> Seeking for Islamic revival, Islamic society and Islamic power in countries where Muslims are **majority**, there are other, many state-based nations who do not want this order. The Izetbegovic's *Islamic Declaration* offered the formula for the realization of this idea also: "Announcing the renaissance, we do not announce a period of security and rest, but a period of turmoil and temptation. There are too many things that we have to destroy."<sup>18</sup> The message of Alija Izetbegovic is quite clear: "**we must, therefore, first be the preachers and then the soldiers to engage in the struggle with the unbelievers!**"<sup>19</sup>

A vision of a better life, a new order, and a new spirit cannot be realized without the symbiosis of the necessity of preaching and warfare. And in order to blame

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<sup>13</sup> Quran 3/19. p. 73

<sup>14</sup> A. Izetbegovic, *Islamic Declaration*, p. 35

<sup>15</sup> A. Izetbegovic, *Islamic Declaration*, p. 60 - 4

<sup>16</sup> *Ibid* p. 37

<sup>17</sup> *Ibid* p. 19

<sup>18</sup> *Ibid* p. 35

<sup>19</sup> *Ibid* p. 4

someone else for the military role of the people, one should awaken the sense of vulnerability, encourage and strengthen national and religious passions; intensify hatred, irritate the old wounds, because, in the end, it is the fault of someone else: "We did not want that - it was imposed on us!"

For ideologists of such an order like Izetbegovic, the greatest danger is the critical thought of human intelligence. That is why Izetbegovic called Muslim intelligence "a real misfortune for the people." "Those, the so-called progressives, Westerners, modernists, and so on, are usually proud of what they should be ashamed of, and they are ashamed of what they should be proud of."<sup>20</sup> That is the reason he led armed conflicts against his fellow countrymen (Moslems) in Cazinska Krajina (west part of B&H), against supporters of Fikret Abdic. "All these great Muslim reformers have only harmed the Muslim peoples," taking from the West only the harmful, congested, by-product of a civilized process."<sup>21</sup>

According to Izetbegovic, Turkey is a classic example of abandoning true Islam. He concluded in the *Islamic Declaration* that Turkey's reform carried out by Kemal Pasha, was treason of itself. He ignored this criticism and two decades later as the "president" of the quasi-state of B&H, created by the breakup of Yugoslavia, he directed most of his international activities and politics towards Turkey. He was sending to Turkey daily emissaries and hypocrites; he was also personally going to Turkey to beg for military and financial charity, for his power, but not for his people. "Turkey, as an Islamic country, ruled the world, while Turkey as plagiarism of a European state, is a third-class country."<sup>22</sup>

Izetbegovic's immense anger of the Turkish reforms is most visible in the attack on Kemal Pasha Atatürk, "who is a bigger military leader than a reformer."<sup>23</sup> It is necessary that "the merits of Kemal Pasha be reduced to the right measure," mainly because one of its decrees forbade wearing a fez in Turkey.

The *Islamic Declaration* not only disparages the Muslims of a different moral and political worldview - it goes beyond the limits of tolerance and political taste, calling for a high degree of non-tolerance and claims no responsibility for people who have chosen a different path. The *Islamic Declaration* discredits and ridicules the most significant Muslim freedom fighters, and on the other hand, accuses the political West and the political East due to centuries of enslavement and exploitation of Muslim peoples and countries: "We were enslaved, and in 1919 there was no independent Muslim country in the world."<sup>24</sup>

This nostalgic pain for the old Turkey as a manifestation of Islamic power and a lamentation of enslavement, proven exclusively in 1919, is a wrong construct on which a large part of the concept of the *Islamic Declaration* stands. It is false that in 1919 there was no independent Muslim country. The opinion, based on ignorance

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<sup>20</sup> A. Izetbegovic, *Islamic Declaration*, p. 7

<sup>21</sup> *Ibid* p. 7

<sup>22</sup> A. Izetbegovic, *Islamic Declaration*, p. 4

<sup>23</sup> *Ibid* p. 8

<sup>24</sup> *Ibid* p. 12

and propaganda was created, according to which: "Everything in the history of the Muslim people, which is great and worth mentioning, was created under the sign of Islam!"<sup>25</sup> This opinion is a great misconception, not only of the *Islamic Declaration*, but also of the perception by which the unity of the spiritual and state order in Islam must exist.

### **RADICAL VIEWS OF ALIJA IZETBEGOVIĆ LED TO CONFLICT IN B&H**

Izetbegovic valued only what was created in the war and by the war, and therefore he propagated the use of force: "Our assets are personal examples, books, and words. **When will the use of force join these resources?**

The choice of the moment is always a specific question and depends on many factors. However, one rule could be set: the Islamic movement should and could come to overtake the power of the authorities as soon as it is morally and numerically strong not only to demolish the existing non-Islamic power but also to build a new Islamic government. This difference between the demolition of the non-Islamic government and the building of Islamic authority is essential. Demolition and construction do not require an equal degree of psychological and material preparation. The premature actions are just as dangerous as delayed actions."<sup>26</sup>

The critical source of this approach lies in the radical Islamist consciousness of the author of the *Islamic Declaration*, his dissatisfaction and isolation from the society in which he lived, his disapproval of the state, his people and the world as a whole. In an article published in the 1970s in *Takvim* (magazine) under the pseudonym, L.S.B. Izetbegovic insisted on demolition as a condition of the rise and the creation of new values: "There are too many things that have to be destroyed." He repeated this saying in the *Islamic Declaration*. Discussion with the author about his ideas from the positions of humanistic Islam for non-Muslims is meaningless and unnecessary. "No such thing as humanistic Islam" will be said by every non-Muslim who is destined for the role of "kafir" (infidel) and is an undesirable state subject, as Serbs and Croats felt during the war in B&H.

For the creator of the *Islamic Declaration*, Islamic society represents the organized community of believers in Jamaat (assembly). There is a clear manifestation of rigid knowledge of only one (from a multitude of) socio-historical conflicts. In the vision of the author, there is the eternal and most important conflict of Islam, with itself and with the whole world, identified with infidels.

To prove the necessity of establishing a new order, Izetbegovic was using both religious and political arguments. Only faith is the source of the influence on individual consciousness, which must accept what is unreasonable and unjust, "because behind it stands the divine authority."

On the other hand, political argumentation does not recognize an individual, it addresses the people, and it does not follow the responsibility of the individual, but instead the accountability of the society.

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<sup>25</sup> Ibid p. 3

<sup>26</sup> A. Izetbegovic, *Islamic Declaration*, p. 3/2

This new community would look like this: Muslim - Jamaat (assembly) - Islamic society - Islamic power. All this together represents an Islamic order. So, it is the state, as the highest stage of the moral-legal order. In thinking of the state, and contrary to Izetbegovic's ideas, European civilization begins with an individual: an individual has the right only in the system of objective morality since the conditions for the creation of different forms of a community arise at the level of objective morality. It is unfortunate that Western politics was blind to Izetbegovic's ideology and unreservedly supported him in building a new Islamic order.

In the understanding of the Islamic order, Jamaat has the role of a family in which logically there is no place for other religious groups that remain beyond the bounds of objective morality, condemned to create an isolated community without political significance.

Alija Izetbegovic was very proud of the movement "Young Muslims." Dervis Sušić pointed out in his book "Parergon" that this movement appeared with a "radical, fascist, pan-Islamism ideology" and the movement accepted the occupation of the country (1941) with joy. The leadership of the "Young Muslims" was divided, and after the war they split and changed the name to "Group A," but the goal remained the same: joining the Bosnia and Herzegovina with the future pan-Islamic state."

During the war, the situation was much worse: the army, the police, and schools have become places for new radical teaching. The Army of B&H had removed, replaced and punished commanders who had a vision of secular B&H, a vision of the country which will not be governed either by neighboring countries or by Islamic religious leaders. Political education and training, after the dismissal of the first Commander (General Sefer Halilovic), was identified in the army with prayer and learning about the faith.

"Regarding the relationship to Christianity, Jesus's doctrine differs from the church. In the first we look at the proclamation of God, in certain points deformed, and in the second, an organization that, with its inevitable hierarchy, politics, wealth and interests, has become something not only non-Islamic but also anti-Christian."<sup>27</sup> Statements like this one are what the program of establishing a new Islamic order turns into a program of general slavery. This kind of teachings will become commonplace in religious politics over time, and after January 3<sup>rd</sup>, 1991, when the editorial in the "Preporod" (Bulletin of the Islamic Community of B&H), was published the ideas of achieving a unique Islamic order will be praised more often and more openly.

"The Muslim nation is becoming increasingly aware that the future lies in the revival of the government based on Allah's words and not in secularized political systems ..." <sup>28</sup> (28) The *Islamic Declaration* achieved the result: it succeeded in introducing Bosniaks into the "Muslim historical circle," as formulated in the Party of Democratic Action Program; the tradition and way of life are abandoned, and hatred is directed towards everything that is not Islamic.

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<sup>27</sup> Ibid

<sup>28</sup> List IVZ B&H, "Preporod", p. 1

"Announcing the renaissance, we do not announce a period of security and rest, but a period of unrest and temptation. There are too many things that need to be destroyed. Days of dignity, not days of prosperity are coming. Sleeping people can only wake up with blows. Those who want good for our community do not need to avoid stress, danger, and misery. On the contrary, everything we should do in such a way that our community uses its forces as soon as possible; to put all the possibilities at its disposal; to take the risk, in one word, not to sleep but to live. Only awake and active can we find ourselves, and our way."<sup>29</sup>

## CONCLUSION

In essence, the conclusion on the booklet called the *Islamic Declaration*, is: it is an indisputable guidebook, the program of religious reconstruction, and the creation of the Islamic state. The attempt of national identification was missed, with religious and many other contradictory views.

The *Islamic Declaration* presents the most radical attempt to define the national interest with the plan to restore a new faith in this region. That concept of religion is nothing more than a distorted perspective on Islam, illustrated in the *Islamic Declaration*. We can rightly say that in the 1970s, Muslims of Bosnia and Herzegovina sought their identification, while traveling through the historical labyrinth of national recognition. Wanting to determine their status, to define their differences vis-à-vis other South Slavic peoples, Muslim quasi-scholars, were poisoned by the close touch of a history full of hatred.

The role of Alija Izetbegovic in the break-up of Yugoslavia, the bringing of mujahedin, terrorists, and murderers from Afghanistan, Syria, Saudi Arabia, Egypt, Jordan, Turkey and other countries; systematic killing of Serbs and Croats on Ozren and Central Bosnia; his terrorist actions in the country; his sacrifice of Srebrenica and all Podrinje (region in Easter part of B&H) only to ensure the intervention of NATO forces and air strikes on the Army of Republic of Srpska, as well as many other facts that could be used in the interpretation of his personality and political legacy - fell on the deaf ears of the West.

The search for national identification was done in the wrong way, in the wrong places by looking at the phrase **Muslim people**, but the phrase *Muslim people* only exists as a religious creation. The Bosniaks will continue to pay the costly price for blind obedience to an unscrupulous fanatic, and his political and biological heritage, which holds Bosniaks in a robust Wahhabi and Neo-Ottoman religious and political embrace, while offering Christians a system of primitive slavery.

There are few in B&H who did not succumb to this spiritual routine: one group applauded the dictatorial regime of the communists, the second group supported the Izetbegovic religious revolution, and the third group ecstatically accepted acts of terrorism, or supported a guerrilla just because the motives were not contrary to Islamic logic, permissiveness towards Islamic dictatorships and hardness towards Western democracies.

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<sup>29</sup> A. Izetbegovic, *Islamic Declaration* 2.3. - 13

The final program of Alija Izetbegovic, depicted in the *Islamic Declaration*, had the goal in which Muslim political forces, strong enough, would forcibly destroy the non-Islamic and establish an Islamic order. That would be the moment in which Muslims would constitute more than half of the population in the country and when they would be ready to replace the words with the use of force. The plan was to achieve the change of the system with the necessary assistance of the Saudi Wahhabi, Muslim brothers, even the traditional enemies like "Ehli-Sunnet" from Shiite Iran.

This radical strategy of Alija Izetbegovic (to forcibly destroy the non-Islamic and establish an Islamic order) was the basis for the start of the fierce fighting that took place in Bosnia and Herzegovina, but it is also the basis of today's battles with numerous consequences of Islamic fanaticism in many circles.

The external and internal actors of the political scene in B&H are not sufficiently informed about the essence of Izetbegovic's program. Even his Islamism and the plan to establish an Islamic state has not been seriously analyzed. The consequences for life in B&H triggered by Izetbegovic's politics, his political legacy, his Party of Democratic Action, and the constant affirmation of his plans in Sarajevo, as well as the attitude towards him as an important historical figure are the main reasons why I chose this, always up to date, topic.

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## DESINTEGRATION OF YUGOSLAVIA AND ANTISERBS PROPAGANDA<sup>1</sup>

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**Abstract:** The text describes the stages of the breakdown of Yugoslavia and formation of independent states in a documented way. In this process a significant role was played by the media that were competing who would be more vilifying the Serb people and display the Serbs as criminals in the Western public. Important role in addition to the media in the deceitful reporting on the Yugoslav civil war and the Serb people was played by public relations agencies that were used extensively and were well-paid by the Croatian and Muslim sides.

**Keywords:** *civil war, media, anti-Serb propaganda, information*

The international news since mid-91 was Yugoslavia and Bosnia and Herzegovina - atrocities, refugees and challenging the world. In most of the cases villain has been an aggressive Serbia or Bosnian Serbs, who have been denounced for the worst crimes committed on European soil since the death of Adolf Hitler and the purge of Joseph Stalin.

There were numerous indications that the military forces of the Bosnian Serbs have perpetrated grave offenses. But throughout the crisis the Serbs have complained that they were also the victims and there is apparent evidence for that. The way the international news media including the American ones dismissed the Serb claims has played a critical role in the unfolding tragedy of the Former Yugoslavia. As the first phase of the crisis was slowly approaching the end it was time to take a look and evaluate the work of the international media.

The verdict is anything but positive. As one of American most prominent journalists of the most prestigious US newspaper said lately: "I am desperate for my profession and for my newspapers". The routine was that they do not worry about criticism. However in Yugoslav civil war the very press has played a large role of

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<sup>1</sup> **Peter Brock**, Media Cleansing: Media Cleansing: Dirty Reporting Journalism and Tragedy in Yugoslavia. Some of the material appearing in this book was published in *Foreign Policy*, Number 93/Winter 1993-94, "Dateline Yugoslavia: The Partisan Press" *Mediterranean Quarterly*, Volume 6 Number 1, Winter 1995, "'Greater' Serbia Vs. The Greater Western Media" *Mediterranean Quarterly*, Volume 7 Number 4, Fall 1996, "The Hague: Experiment in Orwellian Justice". . David Binder of the New York Times. Cover & Book Design by William Dorich, Printed in the United States of America website address. [www.GMBooks.com](http://www.GMBooks.com)

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presenting the bad and unauthorized news. Reasonable concern for personal safety undoubtedly affected the coverage. Reasonable concern for personal safety undoubtedly affected the coverage.

Many stories that deserved a follow-up were not presented because journalists could not get to the place of the conflict and were often forced to rely on untrustworthy sources. Another look at the reports from the beginning of the war on June 27, 1991 reveals obvious media informality that reached its edge last winter and spring.

During that period readers and viewers received the most vivid reports of cruelty, tragedy and barbarism since the World War II. Media became a movement while the war sides have stopped being presented as noncombatant and non-partisans. News became a combination of inflammatory headlines clear images of horrible atrocities in photographs and repugnant video footage. It was clear that the purpose of this kind of journalism was to force governments of the states to intervene militarily, but the question is was the real picture offered?

### **THE PUBLIC INFORMATION MANIPULATIONS WERE EVIDENT**

„Street scenes of devastated Vukovar in 1991 were later depicted as combat footage from combats Dubrovnik on Western television networks“. “It showed Bosnian Muslim prisoner of war in a Serb concentration camp’ followed in his later identification by relatives as retired Yugoslav Army officer Branko Velic, a Bosnian Serb held in a Muslim detention camp.

Later evidence revealed that among wounded “Muslim children” in Sarajevo bus hit by sniper fire in August 1992 were also the Serb children. One of the children who died in the incident was identified at the funeral as Muslim by television reporters. But the unmistakable Serbian Orthodox funeral ritual told a different story.

\* In its January 4, 1993 issue, Newsweek published a photo of several bodies with an accompanying story that began: “Is there any way to stop Serbian atrocities in Bosnia?” The photo was actually of Serb victims, including one clearly recognizable man wearing a red coat, the same man in his red coat, is identical from a scene in television footage from Vukovar a year earlier.<sup>3</sup>

\* CNN aired reports in March and May 1993 from the scenes of massacres of 14 Muslims and then 10 Muslims who were supposedly killed by Serbs. The victims later turned out to be Serbs. There was no correction.

’In early August 1993, a photo caption in the New York Times described a Croat woman from Posusje grieving for a son killed in recent Serb attacks. In fact, the Croat village of Posusje in Bosnia near the Dalmatian coast had been the scene of bloody fighting between Muslims and Croats that had caused 34 Bosnian Croat deaths, including the son of the woman in the photo.<sup>4</sup>

By early 1993, several major news organizations appeared to be determined to use their reporting to generate the political pressure needed to force U.S. military'

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<sup>3</sup>„Newsweek”, 4 January 1993

<sup>4</sup>„New York Times“, August 1993

intervention. In testing the effects of their stories, U.S. networks and publications conducted numerous polls during the Yugoslav civil war.

But no matter how pollsters formed their questions, majorities of public opinion remained stubbornly opposed to all forms of the US armed intervention. Finally, on August 11, an ABC News- Washington Post poll said that six out of ten Americans supported allied “airstrikes against Serbs battlements around Sarajevo.”<sup>5</sup>

The poll also showed that Americans rejected air strikes by the United States, “if the European allies do not participate” But the poll sought no objective opinions about Bosnian government forces who, according to many credible reports, frequently fired on their own positions and people in Sarajevo and used artillery attacks to manipulate the public relations. Washington Post editor said that such opinions were not presented in the interview because they were “not sure the public would understand what it is all about”, she also said, there “was not enough space” for those questions.

In May 1993, United Nations Secretary-General Boutros Boutros Ghali chided the media for breaking the first commandment of objectivity as he addressed CNN's Fourth World Report Contributors Conference in Atlanta: “Media nowadays do not simply report the news. Television has become a part of the events it covers. It has changed the way the world reacts to crisis.” Boutros Ghali accurately described the routine and consequence of coverage of the Yugoslav civil war: ‘Emotions in the public becomes so intense that and have impact to the United Nations work. On television, the problem may become simplified, and exaggerated.’<sup>6</sup>

Three months earlier, several high ranking UN officials in Belgrade, usually reserved in their criticisms, privately shared confidences from journalists verified during subsequent interviews in Belgrade with the correspondents themselves. The correspondents reported that they had faced obstructions from the editors. They said that they were faced the obstacles because the editors who did not want to accept the very facts.

“The American press has become very partisan and anti-Serbs the proof is the very selective and manipulative with the information they use,” said an UN official. “The reporters here have had misunderstandings with their editors who demanded information completely different from the situation on the ground. One of the journalists demanded to be transferred he was not content with the kind of situation.”

“I’ve worked with the press for a long time, and I have never seen so much lack of professionalism and ethics in the press,” said the other one. ‘Especially by the American press, where there is an extremely aggressive style of reporting.’

“I was shocked when a relative read a story to me on the telephone,” added an American correspondent in Belgrade. “My signature was on top of the story, but I couldn’t recognize anything else.” Another fatality of the Yugoslav war was a professional responsibility to get all sides of a story and to follow up despite the editorial obstacles. A British journalist angrily recalled how in May 1992 she had

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<sup>5</sup> „Washington Post”, 11 August 1993

<sup>6</sup> CNN conference Atlanta May 1993 Speech by UN Secretary General Boutros Ghali.

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received an important hint in Belgrade. More than 1.000 Serb civilians including men, women, children, and many elderly from villages around the Southwestern Bosnian town of Bradina were imprisoned by Muslims and Croats in a partly destroyed railroad tunnel in Konjic, near Sarajevo. "My editors said they were interested in the story", the reporter said. "But I told them it would take me three days to get there, another day or so to do the story and another three days to get back. They said it would take too much time." Months later, the same reporter was near Konjic on another story and managed to verify the details of the earlier incident, though the Serb prisoners were no longer there.

"The story was true, but several months had passed," she said "I did the story anyway, but it wasn't played very well because of the late timing." To the end of 1992, the majority of the media had become so focused on passing the information about the Serbs as the aggressors and there was no space for episodes of horror and hostility against the Serbs in Croatia and later in Bosnia and Herzegovina.

### **REPORTING FROM A DISTANCE**

The imbalance in reporting began during the war in Croatia. Despite steady reports of atrocities committed there by Croatian soldiers and paramilitary units against Serbs, which some Belgrade correspondents were later able to confirm, the stories that reached the world talked only of the Serb abuses. The other stories went unreported "because it was difficult to get close to those villages in Croatia. And it was damned dangerous," said one Belgrade correspondent. Reporters tended to trench in Sarajevo, Zagreb, or Belgrade and depend on their networks of "stringers" and outlying contacts. Most arriving correspondents spoke no Serbo-Croatian language and interpreters were often domestic journalists or "stringers" with established allegiances as well as keen intuitions about what post-communist censors in the "new democracies" in Zagreb and Sarajevo preferred. Reporters began to rely on aggressive government spokespeople, the government Ministry of information in Zagreb soon acquired scores of English-fluent publicists and the Bosnian government also mobilized scores of managers for the Western media. In that struggle for media attention the Serbs were handicapped by the isolation of Serbia because of UN sanctions and its own policies which continued the previous official communist contempt for foreign media.

Media newcomers to Belgrade where the Yugoslav Federal information Ministry included a mere 6 publicists were therefore at a disadvantage. Coming from the Western culture, they were accustomed to cooperation, access and answers. Isolated and denounced the Belgrade government simply ignored their criticisms. Accordingly, as some reporters freely admitted last February, they wrote what they wanted, often in adversarial tones. When official Belgrade read the results it was confirmed in its original suspicion and passive media policies continued. Soon antagonisms became rooted all around. Yet unlike the controlled press in Zagreb it was remarkable how domestic and foreign media through mid-1993 continued to lambaste the Serbian government. Perhaps Belgrade had a legitimate story to tell about the rising rumpus from Sarajevo and Zagreb, with persistence, intensity to win

the West. However, in spite of that it went untold and indescribable because of the official negligence, international sanctions and a lack of media professionalism.

Before the summer of 1991, only a handful of Western correspondents had been based in Belgrade. The majority, along with new reporters who arrived in late 1991 and 1992, eventually migrated to Sarajevo or Zagreb, where technical communications with the West became centered specially following the imposition of UN sanctions against Serbia on May 30, 1992. Establishing Zagreb as the communications and media center during late 1992 and 1993 was all the more astonishing in light of Croatia's own repression of domestic media, which has included the resurrection of a communist-era law that threatens five years imprisonment for anyone in the media- domestic or foreign- who criticized the government.

Not surprisingly, Western journalists failed to produce meaningful stories with Zagreb datelines or hard-hitting reports that might shed unfavorable light on Croatian government figures or the darker sides of that "new Balkan democracy, where libraries were being purged of unsympathetic volumes to the official politics. Although some stories were filed foreign journalists tended to look the other way as the government reclassified requirements for Croatian citizenship and ordered new policies for religious instruction in public schools. Boulevards and public squares were blatantly renamed with Ustasha names from the World War II.

Meanwhile, by late 1991 Belgrade-based journalists and correspondents were nervously handling the arrival of 60,000 Serb refugees from Croatia who had horrifying reports of atrocities and the destruction of scores of Serb villages. Nearly 100 of the 156 remaining Serbian Orthodox churches in Croatia had been razed, according to the patriarchate in Belgrade.<sup>7</sup> (More than 800 Serbian churches stood in Croatia before World War II) Media skepticism at the reports of refugees and Serbian officials limited any reporting about "concentration camps" holding Serb inmates, such as the one reported at Suhopolje among 18 destroyed Serb villages in the Grubisno Polje district. Another, later confirmed to exist, was at Stara Lipa, among the remains of 24 Serb villages in the Slavonska Pozega district where Serbs had been evicted from their homes.

Reuter's photographer, who returned from Vukovar to report the discovery of the bodies of 41 Serb children in plastic bags, was initially quoted in other wire stories. But because he had not personally seen the bodies, news organizations drew their stories about the alleged massacre. The same media standards regrettably did not apply when Western news journalists dealt with reports based on second and third-hand sources of massacres of Croats and later Muslims. The willingness to print without confirmation later affected the coverage of stories about tens of thousands of rapes of Muslim women.

By January 1992, it was too late to tell the Serbs side of the war in Croatia because that war had ended. The war in Bosnia was about to erupt, with a host of new complexities. Few could follow the bewildering and abrupt alliances and

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<sup>7</sup> Statement from the Serbian Patriarchy in Belgrade December 1991, that almost 100 of 156 remained Serb orthodox churches in Croatia were demolished.

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counter actions as Bosnian Serb and Croat forces attacked Bosnian government and Muslim troops and then Muslims fought Bosnian Croat forces. When Yugoslav civil war was nearly a year from start, writer Slavko Curuvija identified the cause of the media's disorientation: the role played by Western journalists who possessed minimal capabilities for covering alarming civil war among South Slav cultures and nationalities had the immense role.

"The greatest difficulty for West European politicians and analysts in dealing with Yugoslavia is that most knew almost nothing about the country when they first delved into its crisis, he wrote in *The European*. "Now that everything has come loose, they are disgusted by the chaos as well as their powerlessness to change anything overnight. It did not help the Western media that there were few credible guides to lead outsiders through the twisted madness of Yugoslav fratricide. UN officials primarily because they spoke English became corroborating sources, spokespeople, and patient tutors for journalists, but they too lacked sufficient Balkan orientation.

Editors back home were even less experienced about the Balkan events and were quick to accept the information from aside. Helpful UN officials were often uncertain about details or even the veracity of incidents reported, but within minutes Western news agencies accepted their background speculations as the facts. Media noted the UN as anti-Serb and later as pro-Serb. UN officials in Belgrade and Sarajevo were astounded when named as the source for prematurely blaming Bosnian Serbs for the fatal shooting of ABC-television news producer David Kaplan in August 1992.

Senior UN officials later stated that their investigation had determined the shot could not have been fired from Serb-held areas, but the disclosure went almost unreported.

Similarly, absent from news reports was concerning allegations that the Bosnian Army inside Srebrenica had fired its tanks on Serb positions first, triggering the Serb artillery response as the UN was attempting to broker a ceasefire.

### **THE HIDDEN HAND**

"Fingerprints" in the media war could be traced to public relations specialists, including several high-powered and unclear financed U.S. firms, and their clients in government information ministries. The Washington public relations firms of Ruder Finn and Hill & Knowlton, Inc. were the premier agents at behind the lines, launching media and political salvos and raking in hundreds of thousands and perhaps millions of dollars while representing the hostile republics sometimes two at a time in the Yugoslav war. Hill & Knowlton had for several years represented agencies in the previous Federal Republic of Yugoslavia before it disintegrated. (The firm is best remembered for producing the phony witness who testified before a congressional committee about the alleged slaughter of Kuwaiti infants after the Iraqi invasion of Kuwait) Ruder Finn, having simultaneously represented the governments of Croatia and Bosnia until mid-1993, when both stepped up ethnic cleansing of each other's civilians in Bosnian villages, finally abandoned the capital-drained Croatia and hired on exclusively for Bosnia, with its liberal donations from Islamic countries. Soon after, Ruder Finn scored a public relations home run in helping its Bosnian

Muslim clients dominate the June 1993 conference on human rights in Vienna, virtually hijacking the two-week agenda that climaxed with an 88-to-1 vote deploring the failure of the UN to stop the war and demanding that the arms embargo on Bosnia be lifted.

Especially in the early days of the war in Croatia, few journalists were able to step back to take a clearer look at the images being manipulated to shape their stories. Many rookie Balkan reporters at first could do nothing but obediently attend nonstop press conferences. As Steve Crawshaw reported in the *London Independent*, one thing is certain: nobody can complain that the Croatian publicity machine is overcautious about unsubstantiated allegations. If it is colorful tales that you are looking for, then Croatia can always oblige ... It sometimes seems the ministers who turn up to the press conferences live in a rhetoric-rich, fact-free fairyland.

The *London Times* noted on November 18, 1991, that objectivity was an early victim of the war in Yugoslavia and reality has become progressively enveloped in a thick fog. As the desperate attempts to win the hearts and minds of Europe grow, the claims become more shocking and the proof skimpier. The government-controlled Croatian media were confident and the officials in London and Washington can be outraged into submission, so the accusations continued unabated.<sup>8</sup>

There can be little doubt that media advocacy from the field fed editorial responses at home. A typical *Time* cover story (March 15, 1993) led with “the agony of Yugoslavia keeps replaying itself with new bombardments, massacres, rapes and ethnic cleansings.” At each horrifying recurrence, world opinion is outraged and opinion readers call for an end to the barbarism”.

Far rarer was the introspection about the media’s coverage of the war that Charles Lane voiced in *Newsweek* seven months earlier: “There is undoubtedly an element of hyperbole even hypocrisy in the current outrage of Western journalists, politicians and voters. And perhaps even a strain of racism.”

An excellent case of hyperbole was the peculiar statement that appeared in the March 15 *Time* cover story. In that article, Sadako Ogata, U.N. High Commissioner for Refugees, was quoted as telling members of the U.N. Security Council that “Civilians, women, children and old people are being killed, usually by having their throats cut” Ogata then said her information was derived from uncorroborated broadcasts by unidentified radio operators in Eastern Bosnia. Yet such transmissions, an increasing source of on the scene propaganda, were frequently disproved after U.N. troops arrived. Nevertheless Ogata added, “If only 10 per cent of the information is true, we are witnessing a massacre.” *Time* thus concluded “in fact Ogata, like other U.N. officials and foreign journalists, had no firsthand knowledge of what was happening”.

*Time* also repeated that 70,000 “detention camp inmates” still existed. That echoed an exaggerated and uncorroborated statistic from a State Department spokesperson, whose mistake the *Associated Press* and the *New York Times* publicized during January 1993. A State Department official had admitted when

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<sup>8</sup> *Times London*, 18 November 1991

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confronted with the figure of 70,000 that it was a typographical error.<sup>9</sup> The correct State Department estimate, she said, was less than 7,000. News reports themselves showed that Bosnian Serbs were unusually cooperative in allowing international inspection on their camps, while Bosnian Muslims and Croats either refused or obstructed inspection of their camps but that fact also received little public attention.

The media effort to inflict a “Masada [ sic] psychology’ upon Serbia, as political scientist and Carleton University (Ottawa) professor C. G. Jacobsen calls it, has not completely escaped the notice of several academics and a handful of journalists who have condemned manipulation and negligence in the press.

“The myopia and bias of the press is manifest” Jacobsen wrote in his report to the independent Committee on War Crimes in the Balkans. “The Washington Post, France’s ‘L’Observateur and other leading newspapers have published pictures of paramilitary troops and forces with captions describing them as Serb, though their insignia clearly identify them as [Croat] Ustasha.”

In a three-month study of news reports, Howard University professor of international relations Nikolaos Stavrou detected “a disturbing pattern in news coverage.” He claimed most of the stories were based on “hearsay evidence,” with few attempts to show the “other sides’ perspectives. Ninety per cent of the stories originated in Sarajevo, but only 5 per cent in Belgrade. Stavrou’s analysis cited ethnic stereotyping, with Serbs referred to as primitive “remnants of the Ottoman Empire” and **Yugoslav** Army officers described as ‘orthodox Communist generals.’ News stories about Serbs abounded with descriptions of them as “Eastern,” “Byzantine,” and “orthodox all were “repeatedly used in a pejorative context’ Stavrou said Croats were described as “Western,” “nationalist,” “wealthiest” “Westernized,” and most advanced in development of their “Western-style democracy” while newspaper photographs neglected to show suffering or dead Serbs or destroyed Serb churches and villages.<sup>10</sup>

The 1993 double-barreled Pulitzer Prize for international reporting, shared between Newsday’s Roy Gutman and New York Times correspondent John Burns, raised at least a few eyebrows. Burns received the award primarily for his account of seven hours of interviews with a captured Bosnian Serb soldier, Borislav Herak’s confession of multiple rapes and murder occurred under the approving eyes of his Bosnian Muslim captors. Assured he would not be subjected to brutality’ as a prisoner, Herak also alleged that the then-commanding general of the U.N. Protective Forces (UNPROFOR), Lewis Mackenzie, had committed multiple rapes of young Muslim women.

Despite its vulnerable nature, the lengthy story about the confession-without mention of the bizarre accusations against MacKenzie went over the New York Times wire service on November 26, 1992, targeted for publication in large Sunday newspapers with almost no opportunity for challenge or timely rebuttal Belgrade officials expressed serious doubts about Herak’s mental competency, but during his

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<sup>9</sup> Associated Press New York Times published in January 1993 that 70.000 „detainees“ and the State Department representative admitted that was typograph error and the number was 7.000.

<sup>10</sup> Nickolas Stavrou Harward cfound the mode of media coverage

trial the question was ignored and prosecutors offered little additional evidence beyond Herak's original confession.

In a subsequent advertisement in the May 1993 issue of the *American Journalism Review*, the *Times* used curious wording to describe Burns's achievement. He "has written of the destruction of a major European city and the dispossession of Sarajevo's people. He virtually discovered these events for the world outside as they happened" According to the *Washington Post*, the story about Herak "knocked everyone [in the Pulitzer jury] over." One of Burns's first stories after his arrival back in Sarajevo in July 1993 contained a reference to the infamous "bread line massacre" of the previous year, which Bosnian Muslims used to pressure the U.N. Security Council as it prepared to vote for sanctions against Serbia. A year after some U.N. officials acknowledged that Muslims-not Bosnian Serbs had set off explosives that killed 22 civilians outside a Sarajevo baker). Burns and the *Times* still reported the claim that a Serb mortar had caused the tragedy. Ironically, that same July 5 story by Burns focused on Bosnian paramilitary police in Sarajevo who were firing mortars on nearby Bosnian Army units. Repeated attempts to interview Burns, who returned briefly to Toronto last June, were unsuccessful

There have also been questions about Roy Gutman's Pulitzer-award scoops in August 1992 about two Serb-run "death camps." Gutman constructed his accounts-to his credit, admittedly so-from alleged survivors of Manjaca and Trnopolje. But as one British journalist, Joan Phillips, has pointed out: The death camp stories are very thinly sourced. They are based on the very few accounts from alleged survivors. They' rely on hearsay and double hearsay. They are given the stamp of authority by speculation and surmise from officials. Gutman is not guilty of lying. [He] did not try to hide the fact that his stories were thinly sourced. But it is also true, as Phillips noted that Gutman's disclaimers were placed near the end of the article. Yet those stories were the principal basis for the world's belief that the Serbs were not simply holding Muslim prisoners but were operating death camps in Bosnia. Phillips also drew attention to Gutman's visit in September 1992 to the scene of a massacre of 17 Serbs near Banja Luka, which went unreported until December 13-three months later. Gutman could not be contacted and *Newsday* editors would not explain the lapse in publication. Gutman did discuss his reporting later on: In an interview in the July 1993 *American Journalism Review*, he explained that he had abandoned strict objectivity in his coverage in order to pressure governments to act.

### **PLAYING FAVORITES**

The entire media response to the issue of atrocities against Serbs raises a troubling question: Why did the press show such minimal interest in Serb claims of death camps housing their own people? Documents submitted to the European Parliament and U.N. by Bosnian Serbs has included horrible claims: 'Late March 1992-Serb females imprisoned at Breza were raped and then murdered by Muslims; their bodies were later incinerated.

' May 27, 1992-Female prisoners from Bradina were taken to the camp in Celebici where they' were repeatedly' raped.

\* July 26, 1992-An escapee from Gorazde reported Muslims forced Serb

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lathers to rape their own daughters before both were murdered.

\* August 27, 1992-An affidavit by Dr. Olga Drasko, a former inmate of an Ustasha camp at Dretelj, described rapes and mutilations of women, including her, during her three-month confinement.

\* November 1992-A group of Serb women released from Tuzla requested late-term abortions after having been repeatedly raped by Muslims during lengthy captivities.

\* December 10, 1992-In Belgrade, Serbian Orthodox Patriarch Paul told officials of the Swiss Federal Parliament and representatives from European Ecumenical movements that 800 Serb women were documented as repeated rape victims in 20 camps conducted by Muslims and Croats.

The patriarch also cited parts of an August 2, 1992, report from the State Center for Investigation of War Crimes (Serb Republic of Bosnia-Herzegovina).<sup>11</sup> Compiled for the U.N. in November 1992, it identified locations at Sarajevo, Tuzla, Bugojno, Konjic, Bihac, and Slavonski Brod where Serb women were allegedly confined and raped by Croat and Muslim soldiers.

Also unnoticed by the media was the submission on December 18, 1992, of the lengthy report (S/24991) by the U.N. Security Council to the General Assembly. The report includes some of the depositions by Serb rape victims from the incidents above. U.N. officials have never explained why it was not made publicly available until January 5, 1993, even though it was the only report produced by an international agency that contained documented testimonies from any rape victims up until that time. Yet, while that report was receiving minimal circulation at the U.N., the news media were focusing on undocumented claims by Bosnian government officials that Serb soldiers had committed as many as 60,000 rapes of Muslim women.

From the start of the Bosnian war in April 1992 until November of that year, thousands refugees fled into Croatia and other countries. There, extensive interviews failed to disclose allegations of "systematic rape, 11 Then suddenly, in late November and early December, the world received a deluge of reports about rapes of Muslim women. The accounts originated in the information ministries of the governments of Croatia and Bosnia-Herzegovina. The January 4, 1993, Newsweek, for one, quoted unsubstantiated Bosnian government claims of up to 50,000 rapes of Muslims by Serb soldiers.

A European Community delegation headed by Dame Anne Warburton made a hurried investigation during two brief visits to the region in December 1992 and January 1993. It reported that it had visited primarily Zagreb but obtained only minimal access to alleged Muslim victims or refugee centers where victims were supposedly located. Of note, the delegation said it had encountered additional reports about rapes of Croat and Serb women. Although it declined to specify the source of "the most reasoned estimates suggested to the mission, 11 Warburton's group decided to accept and report "the number of victims at around 20,000."

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<sup>11</sup>Serb Orthodox Church Patriarch Paul told the Swiss Federal Parliament and the European Ecumenical officials that he has documented multiple raping of 800 Serb women in 20 Muslim and Croatian camps.

An inquiry by the Commission on Human Rights soon presented a more moderate estimate, however. Its investigators visited Bosnia, Croatia, and Serbia from January 12 to 23, 1993. In its report of February 10, the commission, while refraining from giving an official estimate, mentioned a figure of 2,400 victims. The estimate was based on 119 documented cases. The report concluded that Muslims, Croats, and Serbs had been raped, with Muslims making up the largest number of victims.

Finally, the EC's Committee on Women Rights held hearings on February 17 and 18 on the Warburton Delegation's findings eventually rejecting the estimate of 20,000 Muslim rape victims because of the lack of documented evidence and testimony. At the hearing, UN war crimes commission chairman Frits Kalshoven testified that the evidence collected up to that point would not stand up as proof in a court. Similarly, representatives from the U.N. High Commissioner for Refugees concluded that not enough independent evidence could be found, while Amnesty International and the International Committee of the Red Cross concurrently declared that all sides were committing atrocities and rape.

The resulting handful of rape-produced births also clearly contradicts claims of waves of systematic rape-induced pregnancies supposedly treated in Bosnian hospitals and reported by Bosnian government authorities and Western journalists.

The general lack of follow-up on the rape allegations is in stark contrast to the lone account of French journalist Jerome Bony, who described in a February 4, 1993, broadcast on the French television program "Special Envoy" his trek to Tuzla, notorious for its concentration of Muslim rape victims: When I was at 50 kilometers from Tuzla I was told, "Go to Tuzla high school ground [where] there are 4000 raped women." At 20 kilometers this figure dropped to 400. At 10 kilometers only 40 were left once at the site, I found only four women willing to testify'.

### **DEMANDS FOR MILITARY ACTIONS AGAINST THE SERBS**

At the height of the rape story, media gullibility reached new levels. In mid-February 1993, the Associated Press, citing only a Bosnian government source, reported alleged cannibalism by starving Muslims in eastern Bosnia. The story achieved instant headlines in the United States.

Receiving little if any play, however, was the vigorous denial the following day by U.N. officials in Bosnia, who rushed to the scene of supposedly starving villagers and discovered them still in possession of livestock and chickens.

In its effort to force Western military intervention, the media also critically neglected to report essential details about the 17-hour debate last May that led to the Bosnian Serb parliament's rejection of the Vance-Owen plan. No fewer than 50 reports were filed on the Associated Press and New York Times wire services in the 18-hour period following the final vote by the Bosnian Serb parliament but only one of them attempted a minimal description of the actual debate. So Western readers never learned why the Bosnian Serbs were so opposed to the plan. Among their objections were the following;

- \* The plans narrow umbilical connection between Serbia and Serb-populated

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territories adjacent to Croatia and within Bosnia was not a defensible, long-term proposition,

\* Some 460,000 Bosnian Serbs would end up in Muslim provinces and 160,000 Bosnian Serbs would be located within Croat provinces.

\* Of a total of \$31.4 billion in identified assets in Bosnia-Herzegovina, the Vance-Owen plan apportioned \$18 billion to Muslims, \$7.3 billion to Croats, and \$6.1 billion to Serbs.

\* None of the known deposits of bauxite, lead, zinc, salt, or iron would be given to the Bosnian Serbs.

\* Out of 3,900 megawatts in electrical generating capacity, Muslims would receive 1,765 megawatts, Croats would receive 1,220 megawatts, and Serbs would receive 905 megawatts. (All 10 hydroelectric plants would essentially be under the control of Bosnian Croats).

\* Of the 920 total kilometers of railway lines, 500 would pass through Muslim provinces, 260 through Croat areas, and 160 through Serb controlled lands.

\* Only 200 out of 1,200 kilometers of improved roadways would lie within Bosnian Serb jurisdictions.

<sup>4</sup> Bosnian Serbs would have been required to relinquish or would have otherwise lost nearly 24 per cent of the land they have held for generations.

### **AWKWARD REALITIES**

“The mauling of Sarajevo—the worst single crime against a community in Europe since Auschwitz cannot be watched impassively night after night on television news bulletins, 11 as Robert Fox of the London Daily Telegraph put it. That was the general image. But another side of the story deserved more attention.

As early as July 1992, senior Western diplomats had stated publicly that Bosnian Muslim forces in Sarajevo were repeatedly provoking Serb shelling of the city to trigger Western military intervention.

But few wire stories from Sarajevo bothered to establish that the almost daily artillery barrages and ceasefire violations were not always started by Bosnian Serbs, who often, officials said repeatedly, were returning fire from Muslims who had fired on Serb targets and neighborhoods first. Without making such distinctions, stories implied that the Serbs 11 were alone to blame for the “siege of Sarajevo. Also, U.N. observers were positioned primarily to detect artillery actions by Serbs, raising questions about the volume of non-Serb artillery fire, which was often observed to be almost as intense as Serb shelling.

Kosovo Hospital in Sarajevo was a favorite backdrop for television journalists who, when the hospital’s water supply was interrupted because of the shelling, eagerly awaited the first birth without water in the maternity ward. Once they got their pictures, the Western film crews dismantled their cameras and returned to the nearby Holiday Inn, where hot water was abundant. Unreported was the fact that on their exit from the hospital they had to avoid tripping over a shielded Bosnian army mortar emplacement that was never identified as the probable reason why Serbs sporadically fired at the hospital

Countless news stories rarely heeded statements from UN officials that Bosnian Muslim units frequently initiated their own shelling of Muslim quarters of the city as well as Serb neighborhoods. For instance, on March 23, 1993, Major Pepe Gallegos of ITNPROFOR in Sarajevo described the previous day's exchanges: "There were 341 impacts recorded on the Serbian side and 208 on the Bosnian side with 82 artillery rounds, 29 mortar rounds and 22 tank rounds hitting the Serbians; and 115 artillery, 73 mortar and 20 tank rounds hitting the Bosnians."<sup>12</sup>

It was a rare exception to the media's usual tilt when, on July 22, 1992, the Guardian reported U.N. commander Mackenzie's reaction to attacks on civilian targets in Sarajevo: "Mortars are set up beside hospitals, artillery beside schools, mortars and other weapons are earned in ambulances. I've never seen the Red Cross abused like that, on both sides."

Such reports seldom appeared in the American media, which may explain some dramatic differences in the public perspectives about intervention between Europe and the United States.

French general Phillipe Morillon, following his relief as commander of UNPROFOR in late June 1993, emphatically blamed the Bosnian Muslim government for failing to lift the siege of Sarajevo. In an interview with the Prague daily Lidove Noviny, Morillon said the Bosnian regime wanted to keep Sarajevo a focal point for world sympathy and repeatedly refused to allow UNPROFOR to **achieve** a ceasefire.

By mid-1993, the ability to tell the Serb side of the story was gone, as some observers recognized. "The Serbians have much to say and as yet have had virtually no opportunity to do so," argued Mary Hueniken in the London Free Press. "Sanctions slapped on Serbia prevent it from hiring a PR firm to help it put its two cents in," reported the June 7, 1993, issue of O'Dwyer's Washington Report, a public relations and public affairs publication that monitors the PR industry in Washington.

As a result, Serbs, though surely guilty of numerous atrocities, have been pilloried in the press. Reporters, meanwhile, cheer on the outgunned Bosnians, who undoubtedly have their own skeletons in the closet, and give Croatia, which wants to carve up its own chunk of Bosnia, a free ride. The U.S. public won't get a clear picture of what is really happening in the Balkans until Serbia is allowed to present its case through PR.

The tentative media self-criticism that has emerged so far has focused superficially on television coverage of the Yugoslav civil war. According to the Center for Media and Public Affairs, a nonprofit research organization in Washington, for the first three months of 1993 the major networks aired 233 stories on Bosnia during prime-time news, as opposed to only 137 stories on President Bill Clinton's economic plans.

Similarly, Marc Gunther, of Knight-Ridder Newspapers, noted the "depressing regularity" of ABC's "World News Tonight" broadcasts about Bosnia. "Is ABC doing too much with the story or are its rivals not doing enough? And what accounts

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<sup>12</sup> Major Pepe Gallegos UNPROFOR Sarajevo 23 March 1993 publicised that Muslims were often shelling the Muslim parts of the town as well as the Serb settlements

## DESINTEGRATION OF YUGOSLAVIA AND ANTISERBS PROPAGANDA

for the different approaches?" he wrote. Gunther's story was based on the Tyndau Report, which monitors evening newscasts. It found that ABC's Yugoslav war reporting had "provided 301 minutes of coverage, compared with 179 for NBC's 'Nightly News' and for the 'CBS Evening News' during the 11 months that ended in March."

"In 1992, excluding the election, the most covered story on ABC was the Balkans," Gunther continued. "CBS's top story was the Los Angeles riots, while NBC devoted the most minutes to Somalia. ABC's 'Nightline,' meanwhile, has devoted more than a dozen programs to the Balkans since last year, many consisting entirely of reporting from the scene of the battle. 'The analysis suggested a special ABC commitment to the Bosnian war Gunther noted that Rooney Arledge "has a personal connection to the war because, as president of ABC Sports, he produced coverage of the 1984 Winter Olympics in Sarajevo. Last year, David Kaplan, a producer for ABC's 'Prime Time Live,' was killed by a sniper's bullet while preparing a report on the war." Gunther also underlined Peter Jennings's "personal convictions on Bosnia" and his admonitions that the world community had failed to ease the suffering there. An ABC spokesman, contacted for response, said Gunther and the Knight-Ridder story were "right on the money'."

In ABC's case, the motive for its coverage may be easy to find. But that is not the case for many other news organizations. In the wake of the negligence and pack journalism that have distorted the coverage of the Yugoslav civil war to date, the media would be well-advised to gaze into their own mirrors and consider their dubious records. At some point, historians or an official international investigation will determine the true culpability of all the actors in the Yugoslav tragedy. But one of those actors is the press itself.

### **INSTEAD OF CONCLUSION**

In Bosnia, where major governments had few intelligence assets and where the role of international public opinion was central, it was critical that the news media reported with precision and professionalism. Instead, the epitaph above the grave of objective and fair reporting in the Yugoslav war probably will be written with the cynicism conveyed in an internal memorandum of April 19, 1993 from a cartoonist to his syndicate's editorial-page editors: I was sent earlier today for a cartoon on the Rodney King verdict to be faxed out this afternoon. However, given the racial and legal complexities of the case we have decided that such an issue is best left unaddressed in the uncompromising language of an editorial cartoon. I will be sending a cartoon on the war in Bosnia instead.

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## BURNT RUINS OF SERBS IN SREBRENICA REGION 1992-1995

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**Abstract:** This presentation of the crimes committed by the Muslims against the Serbs people of Central Podrinje is just a fraction of the entire pogrom of the Serbs population in that region throughout the war. The destruction of Serb settlements and their cultural and religious institutions in that region bear wounds, which have evidently not yet been healed.

The pogrom of the Serbs in that region is no exception, and it is difficult to prove that it exceeds the suffering of the Serbs in other parts of this former Yugoslav republic. Unfortunately, regardless of which of the warring parties is of interest, the overall magnitude of the tragedy, caused by the war in Bosnia and Herzegovina, has still not been documented thoroughly enough, nor has it been objectively acknowledged, estimated, and publicized. *This is an attempt to evaluate the extent of the suffering of Serbs in Podrinje by Muslim forces during the 1992-1995 war.*

**Key words:** *Podrinje, the suffering of Serbs, Muslim forces, 8th operational group of the Army of Bosnia and Herzegovina, mass crimes, flattening of the Serb settlements*

According to one of the several hundred important documents of the BiH Army in our possession, the following has been stated: “At the end of January or beginning of February in 1993, within the Zone of Responsibility of the 8<sup>th</sup> OG (Operating Group, author’s remark), a vast, linked, free territory had been formed, with its centre in Srebrenica, covering 95% of the Srebrenica municipality, 90% of the Bratunac municipality, 60% of the Vlasenica municipality, and 50 % of the territory of the Zvornik municipality. Furthermore, a direct physical link with the liberated villages of the Zepa region was established.”<sup>2</sup>

By that time (at the end of January or the beginning of February in 1993), according to the same document, in the above listed municipalities, the Muslims had occupied an area of more than 850 km<sup>2</sup> of the entire territory. Their undisputed military success had nearly resulted in the complete extermination of the many Serb settlements in the aforementioned municipalities and had also produced much tribulation amongst the inhabitants of Serb nationality.

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<sup>2</sup> Headquarters of the Eighth Operating Group of Srebrenica, 7 March 1994. Republic Defense, Military Secret, strictly confidential, to the Sector for the Morale of the Second Corps, Supplement for the Chronicle Guide of the BiH Army, submitted. Link: File, strictly conf. No. 04-1-364-2

## BURNT RUINS OF SERBS IN SREBRENICA REGION 1992-1995

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Based on the following facts, it is possible to determine the concrete effects of Muslim armed activity, which lasted for a period of several months. Only in the municipalities of Srebrenica and Bratunac, which were comprised of 93 settlements (which, according to the BiH census taken in April in 1991<sup>3</sup>, the Serbs had had also inhabited), were 81 of those settlements destroyed. The only villages which had not been destroyed by the Muslims were: Crvica, Lijesce, Petrica and Skelani in the Srebrenica municipality; in the Bratunac municipality, neighboring the urban part of the town, the Serbs had also survived in the villages of: Dubravice, Jelah, Krasanovici, Pobrdje, Polom, Repovac, Rakovac and Slapasnica (the Bratunac municipality consists of 48 villages). Another 30 destroyed Serb villages and hamlets in the municipalities of Milici, Vlasenica and Zvornik should be added to that number.

After this Muslim campaign, only 860 out of the 9,390 local residents of Srbs nationality had remained in their homes and in their villages in the Srebrenica municipality<sup>4</sup>, or, just merely 9%. By the first months of the war, fear had struck within the Serb settlements, as well as along the roads, by which they had tried to escape from their villages, in order to avoid the terror which had blazed all over the place.

That Serb tragedy was not a mystery to the world. Even the State Department's spokesperson, Richard Boucher, had stated at a press conference, on January 26<sup>th</sup>, 1993, that the Bosnian Muslim forces had killed at least 60 Serbs, mainly civilians, in the villages surrounding Bratunac. Following that, the same American official also mentioned the following: "As a result of the hostility, as many as 5,000 people, primarily women, children, the elderly and the wounded, had fled to Ljubovija".

After this statement, no similar public remarks have been made in the US, which would also have depicted atrocities against the Serbs as well. Soon after, the American administration and the American ambassador Madeleine Albright had imposed the most rigorous information blockade measures, filtering anything related to the slaughtering of the Serb population. At about the same time, the President of FR Yugoslavia, Dobrica Cosic, and the Yugoslav government, had submitted a "Memorandum on the war crimes and crimes of genocide in Eastern Bosnia (municipalities of Bratunac, Skelani, and Srebrenica), carried out against the Serb population between April 1992 and April 1993", to the UN General Assembly, as well as the Security Council.

Yugoslav ambassador, Dragomir Djokic, had submitted the Memorandum on June 2<sup>nd</sup>, 1993, to the Security Council office.<sup>5</sup> However, that document had never been placed on the agenda, nor had it been taken into consideration by the Security Council.

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<sup>3</sup> *National composition of the population in Bosnia and Herzegovina – according to the Census from 1991*. Federal Statistics Institution, Belgrade, 1992.

<sup>4</sup> Ibid.

<sup>5</sup> *Memorandum on war crimes and crimes of genocide in Eastern Bosnia* (communes of Bratunac, Skelani, and Srebrenica) committed against the Serbian population from April 1992 to April 1993, Continual Mission of the FRY to the UN, June 2, 1993.

## REVIEW OF THE EVENTS IN BOSNIA AND HERZEGOVINA

Before we cover more detailed testimonies of the fate of Serb settlements within the Srebrenica region, we will be occupied with some global indicators which, at least to a certain extent, can portray an overall scale of the tribulations the Serbs had faced in Bosnia and Herzegovina, in the indicated war period.

According to the documentation, which, after much verification, should not be controversial, **it was confirmed that Serbs were expelled from 1,904 settlements, or 42.6 % from the total of 4,464 settlements in which they were registered, according to the census of 1991.** These are predominantly municipalities and settlements in the Muslim-Croat Federation. Today, those settlements are ethnically cleansed, with the rare exception of returning residents, mostly the elderly and members of mixed marriages. During two accounts of the exodus of Serbs (recorded in 1992 and 1995, from the territory of today's Muslim – Croat Federation, in reference to the aforementioned settlements and municipalities), **over 550,000 individuals of Serb nationality, or 40% of the overall Serb population in BiH, were expelled.** Finally, according to the lists and evidence as of December 31<sup>st</sup>, 2009, **the Serb casualties amount to 30,707 individuals.**

Yet, when addressing the human losses, we must stress that there still exists a disputable reliability of the information for the municipalities, which were under the control of Croat or Muslim authorities during the war and remain under their control today. As a result, for a considerable number of municipalities, the information at our disposal can be considered complete (in this case we believe, for different reasons that a maximum deviation of 5% of the abovementioned figure can be tolerated). The second group consists of municipalities which were previously mentioned, and are primarily (but not exclusively) from the Muslim-Croat Federation, in which the list of the names of Serb victims and their numbers can considerably change in the coming years.

For the first group, for which we are presenting the final figures, the municipalities are: Banja Luka (there were 1,411 Serb victims listed), Bijeljina (780), Bileca (149), Bosanska Gradiska (325), Bosanska Dubica (242), Bosanska Krupa (362), Bosanski Brod (452), Bosanski Novi (430), Bosanski Petrovac (378), Bosanski Samac (422), Bosansko Grahovo (198), Bratunac (464), Brcko (494), Visegrad (270), Vlasenica (322), Gacko (109), Glamoc (140), Gorazde (410), Derventa (455), Doboj (598), Donji Vakuf (270), Drvar (284), Zvornik (659), Kalinovik (136), Kljuc (375), Konjic (297), Kotor Varos (281), Kupres (223), Laktasi (291), Lopare (302), Ljubinje (38), Modrica (254), Mostar (493), Mrkonjic Grad (438), Nevesinje (270), Prijedor (648), Prnjavor (321), Rudo (105), Rogatica (302), Sanski Most (644), Sokolac (207), Srebrenica (458), Srbac (92), Teslic (444), Trebinje (334), Foca (631), Han Pijesak (128), Ugljevik (78), Cajnice (128), Celinac (213), Sekovici (241), Sipovo (143). In almost all the above mentioned municipalities (especially Banja Luka, Bijeljina, Prijedor, Doboj, Foca, and Zvornik), large numbers of victims were recorded within areas of the Muslim-Croat Federation. Those were the victims whose families, due to the terror of war and a

constant danger of being massacred, could only find refuge within the territory of Republika Srpska.

The second group consists of municipalities, for which, as we had anticipated, the number of victims had considerably climbed. Unfortunately, with good reason, we expect the number of victims to rise in certain municipalities. Those crucial municipalities are: Banovici (the list contains 82 Serb victims), Bihac (249), Breza (32), Bugojno (99), Busovaca (1), Vares (94), Velika Kladusa (48), Visoko (206), Vitez (4), Gornji Vakuf (5), Gradacac (109), Gracanica (200), Duvno (61), Jablanica (12), Zepce (51), Zivinice (66), Zenica (245), Zavidovici (475), Jajce (140), Kakanj (74), Kalesija (209), Kiseljak (23), Kladanj (111), Livno (162), Listica (2), Lukavac (376), Maglaj (388), Neum (10), Olovo (93), Orasje (75), Odzak (156), Posusje (1), Pucarevo (39), Skender Vakuf (50), Srebrenik (61), Stolac (64), Tesanj (50), Travnik (158), Tuzla (216), Fojnica (4), Cazin (4), Capljina (127), Citluk (1). In most cases, information about the killings of Serbs in their regions was delivered by those who had managed to escape to the free territory. To a considerably lesser extent, information was also given by the media, prisoners of war, or a variety of humanitarian organizations, which were present in large numbers during the war in Bosnia and Herzegovina.

**Without a shadow of a doubt, Sarajevo still remains one of the largest execution sites for the Serbs, well covered and well kept from the public eye.** The life of a Serb in the Muslim part of the city, very much resembled the life and fate of a Jew in Berlin, at the beginning of the Second World War. Daily murders, rapes, arrests, robberies, prisons, and concentration camps, were the tragic reality of residents of Serb nationality. Lists and publications of the names of victims, which we published independently, or in cooperation with the Veterans' Organization of the Republic of Srpska, of April 2008, contain the accounts of 5,776 deceased persons, and 859 individuals whose fates remain uncertain. That amounts to a total of 6,635 Sarajevo citizens of Serb nationality.

However, those lists are not complete. There are still calls being made by families of the victims whose names have not yet been documented or added to published lists. The ultimate number of the Serb victims of this city will hardly be concluded in the foreseeable future. **It is not very likely that the public will ever learn of the names of the Serbs killed within all 126 Muslim concentration camps, both public and private, as well POW camps in this city.**

At the end of the war, after the Dayton Accord's ratification, a final and immense exodus of the Serbs followed, due to a justified fear of further suffering. Afterwards, more dead Serbs remained in Muslim Sarajevo than those that were alive. Chroniclers note that **only in the first year of war, within eight months, from April to December of 1992, more Serbs were killed in Sarajevo than during the course of the entire Second World War and Pavelic's rule of the Independent State of Croatia.** Not even today, nor back then, have there been so many graves, which have not been paid respects to, or even engraved with names of the deceased. An overwhelming number of departed persons have not even been buried, not all bones have been taken out of gorges and pits, nor excavated under dikes or trash

dumps, and some were carried away forever by the Miljacka river. Many have not even been mentioned at all.

The names of victims, for whom we have not yet established the municipalities in which they held permanent residency at the time of the 1991 census, should be added to this overview of the general pogrom of Serbs in Bosnia and Herzegovina. There are 633 of them. During the same war period, 667 volunteers were also killed, who came from all over BiH to help, thus forfeiting their own lives in order to defend their homeland and their relatives, who had decided to remain in their places of origin.

Consequently, it should be stressed that the killings of residents of Serb nationality, in four municipalities, have not been recorded even until the present day. Those municipalities are the following: Grude, Kresevo, Ljubuski, and Prozor.

One question posed during the creation of the common Yugoslavian state in 1918 (and again in 1945, and following the most recent war) remains unanswered: when will the arm of justice reach the exterminators of the innocent Serb victims? Yet again, the same answer remains: never.

### INSTEAD OF DECEPTION, A LITTLE MORE TRUTH

When the Muslims of the Srebrenica region had left their villages in July of 1995, there was not a single civilian casualty that followed. There are a number of witnesses, even foreigners that can attest to that. We will only cite two.

The UN High Commissioner for Human Rights, Henry Wieland, had stated to American journalist Tim Butcher: **“We have not managed to find anyone who had witnessed the crimes with their own eyes.”**<sup>6</sup> In a special UN mission, Wieland led a large number of experts, who had spoken to hundreds of Muslim refugees from Srebrenica. Based on his statements, over 20,000 refugees were stationed at the Tuzla airport at that time. According to Ibran Mustafic, one of Srebrenica’s officials, a large number of emigrating Muslims from the safe zone was an unexpected surprise for everyone. He stated that he had **“simply convinced himself that the government was hoping not to see so many survivors; which, according to them, so to speak, there were too many survivors from Srebrenica.”**<sup>7</sup> Perhaps that statement is sufficient evidence that the Muslim authorities had expected the slaughter of the civilian population. As much as such claims, that the refugees had not witnessed any crimes, sounded farfetched, they were the only truth. A former American State Department official confirms that he had **“...not seen anything, I repeat, anything, which would confirm quotes from the press”**.<sup>8</sup>

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<sup>6</sup> Tim Butcher, ‘*Serb Atrocities in Srebrenica are Unproved*’, The Daily Telegraph, July 24th, 1995. See: Aleksandar Pavic, ‘The Forbidden Truth of Srebrenica’, a guide exclusively based on foreign sources, Legend, Cacak, 2006, pg. 19; George Bogdanic, ‘*Srebrenica and War Crimes Politics*’, Serbian Unity Congress, special report, July 8th, 2005 (Serbian translation).

<sup>7</sup> ‘The Presidency and the Chief of Staff Had Sacrificed Srebrenica’, *Slobodna Bosna*, Sarajevo, July 14th, 1996.

<sup>8</sup> Ibid (5).

Dutch soldiers and their commander had given similar testimonies, until they were prohibited to do so. The problem is the fact that the truth did not cater to the Clinton administration, nor its NATO allies or the Bosnian Muslims. They all insisted that genocide had actually occurred, in which at least 5 000 Muslim civilians were killed, yet even larger figures were more desirable. Since then, everything has been done to please American demands and to shroud the truth.

**The media terror against the truth and against the innocent Serb people has been lasting for a decade and a half.** American rage had erupted since the moment they were informed that there were no civilian casualties in the Muslim villages where the Serb army had passed through. If the Americans, the NATO coalition, and their Muslim protégés had expected such results, they would have made the effort to ensure that Serb soldiers would come across dead children, women, the elderly and helpless civilians. In such a situation, there is no force which would have defended the Serb army from the accusations of committing not only a horrible crime, but genocide against the innocent Muslim civilians. **Yet, the Serbs had all passed through nearly 50 villages located in the safe zone and nobody was hurt.** For the purposes of adding to the authenticity of this testimony, we are also citing the names of those villages: Subin, Likari, Babuljice, Bajramovici, Bostahovine, Brakovci, Bucinovici, Bucje, Donji i Gornji Potocari, Dimnici, Dobrak, Fojhar, Gladovici, Karacici, Krusev Do, Kutuzero, Lipovac, Luka, Ljeskovik, Medje, Miholjevine, Milacevici, Mocevici, Opetci, Osatica, Osmace, Pale, Palez, Pecista, Podgaj, Postolje, Poznanovici, Prohici, Radjenovici, Skenderovici, Slatina, Suceska, Staroglavice, Sulice, Tokoljak, Zedanjko, Mala Daljegosta, Mocevici, Osredak, Postolje, Pribidoli, Pustumlici, Radosevici, and Sase.

If any such assumption exists, it is absurd to think that an elderly or sick man, a woman, or even a child is able to successfully flee from a soldier, especially if that soldier has the intent to kill that person. Over the past years, inhabitants of Serb villages (who were killed by means of firearms, or by the Muslim knife, axes, or hammers) have definitely learned that lesson. **Hundreds of both individual and mass graves remained in the Serb villages, through which the Muslim army had passed. In July of 1995, no such events transpired in Muslim villages, after any passage of the Serb army.** In those villages, there lingered families, mothers, children, wives and sisters, all vulnerable and powerless before the Muslim murderers and criminals of that region. Yet, no revenge was exacted over the helpless. Had the Muslims behaved that same way when entering the Serb villages, there would have been thousands more people, from both sides, still alive today.

It is very noticeable that a large number of Muslims were killed in Serb villages. The analysis of the list of the names of those who were killed by one of the BiH Army formations, demonstrates that over 65% of the soldiers of that unit were killed in Serb villages. On the other hand, Serb sources testify that over 80% of Serbs lost their lives on their properties, in their houses and villages. What were they seeking, and for which reason did armed Muslims invade Serb villages? A reasonable man does not need further data to conclude which side was endangering the survival of the other. This could very well end the fabricated tale of the Serbs being the

aggressors, certainly, so long as American political interest does not contradict the facts.

Unfortunately, the Muslims were merciless. A grim fate had awaited the Serb villages, as well as the hamlets in Serb-Muslim mixed local communities during the war (at least in a short period of time), which were conquered and controlled by the Muslim armed formations. Aside from the immense pogrom of the innocent population, those villages were completely destroyed or burned to the ground, food and personal belongings were looted and transferred to Muslim villages and their headquarters at that time, Srebrenica.

The massacre had begun, perhaps not coincidentally, on the great Serb religious holiday, St. George's Feast Day. Starting from that day, we will note the following sequence of events of the Serb pogrom within the Zone of Responsibility of the 8<sup>th</sup> Operating Group, and as of January 1<sup>st</sup>, 1995, under a new name, the 28<sup>th</sup> Division of the BiH Army, comprised of the local Muslims:

## **POGROM OF THE SERBS**

### **Of Bljeceva**

Bljeceva is a mainly Muslim village, in the cultivated Podrinje municipality of Bratunac (comprising of 71 Serbs, 532 Muslims, 4 Yugoslavs).<sup>9</sup> Local armed forces of the BiH Army, under the leadership of Naser Oric, had launched an unprovoked attack on the Serb part of the village on the important religious holiday of St. George's Feast Day, in the morning of May 6<sup>th</sup>, 1992. The unexpected attack was a brutal hint of the persecution and extermination of Serbs from the Bratunac and Srebrenica regions which were to follow, and had occurred at a time of intense peace negotiations between the Serbs and Muslims on a common co-existence.

#### ***Victims:***

1. *Kosana (Novak) Zekic, born in 1928;*
2. *Gojko (Lazar) Jovanovic, born in 1917;*
3. *Milan (Milak) Zekic, born in 1954; died two months later in a Belgrade hospital.*

### **Gniona**

Gniona is a secluded hamlet of a large, mostly Serb village, Gostilje (113 persons of Serb nationality and 35 Muslims), in the municipality of Srebrenica. This Serb village was also reduced to ruins on the same day as Bljeceva, in the neighboring municipality of Bratunac, more or less by the same attackers, members of the BiH Army. The unit, which had attacked Gniona, had consisted of local residents of adjacent Muslim villages of the Bratunac and Srebrenica municipalities. Most of the Muslims were from the village of Potocari, who were, as in the previous case, led by Naser Oric. Properties of the murdered persons and the refugees were looted and torched.

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<sup>9</sup> Information on the population for the following villages is given on the basis of the publication: *'The Ethnic Composition of Population of Bosnia and Herzegovina: 1991. Census'*, Federal Statistics Office, Belgrade, 1992.

**Victims:**

1. *Radojko (Rajko) Milosevic, born in 1928, a sickly and blind man*
2. *Lazar (Milivoje) Simic, born in 1936 (from neighboring Studenac), who was a guest of deceased Radojko, on St. George's Day; according to testimony of his wife and exiled locals, the late Radojko was burned alive in his home.*

**Osmace**

Osmace is situated in the Municipality of Srebrenica. In the proximity of this large Muslim village, an ambush took place on May 7<sup>th</sup>, 1992, on the local road of Srebrenica-Skelani-Bajina Basta. On that occasion, a truck was ambushed and destroyed, in which there were a number of civilians of Serb nationality, who, before the invasion of the Muslim armed forces, had fled from one part of the Srebrenica municipality, and had attempted to escape to the border checkpoint village of Skelane, and further to Bajina Basta, Serbia.

**Victims:**

1. *Milojka (Slavko) Mitrovic, born in 1953;*
2. *Radosava (Milovan) Stjepanovic, born in 1956;*
3. *Nebojsa (Radomir) Djoric, born in 1966;*
4. *Zoran (Obren) Vukosavljevic, born in 1970;*
5. *Simo (Manojlo) Tanasijevic, born in 1952;*
6. *Milivoje (Bogdan) Ilic, born in 1962;*
7. *Danilo (Radomir) Petrovic, born in 1961;*

**Medje**

**And Other Small Serb Villages**

Medje is a village with a very mixed population, but also with a substantial Serb majority, which is mainly concentrated in several small Serb hamlets (there are 130 Serbs and 87 Muslims in total in the village), as well as neighboring villages Osredak (195 Serbs), Viogor (99 Serbs, 32 Muslims), and Orahovica (334 Serbs, 91 Muslims), with a number of other Serb hamlets, such as: Karno, Cumovici (20 Serb houses), Crni Vrh, Sjemovo (8), Rovici (7), Dolovi (8), Borovac (3), Stop (5), Jeremici (8), Orovica (5), Poretak (5), Jadar (3), Bujakovici (2), Kiprova (7), Stopovi (4), Jasik (3), Bibici (10), Bojna (5), Debelo brdo (4), Kovacice (10), Sarici (6), Kozilje (7), etc. All above listed settlements are located in the Srebrenica Municipality. At the same time, the Muslims had launched a frontal attack early in the morning, before dawn, on May 15<sup>th</sup>, 1992.

**Victims:**

1. *Petrija (Simo) Andric, born in 1932;*
2. *Milojko (Milovan) Gagic, born in 1947;*
3. *Radivoje (Djordje) Subotic, born in 1954;*
4. *Vojislav (Simo) Djuric, born in 1930; and his physically disabled son;*
5. *Novak (Vojislav) Djuric, born in 1955;*
6. *Ljubica (Drago) Gagic, born in 1950; was captured as a POW, and died due to tortures in a Srebrenica prison;*
7. *Krsto (Radovan) Petrovic, born in 1938;*
8. *Jevtic (Cvijan) Radivoje – Raco, born in 1959.*

### **Zutica**

Zutica is a village in the Vlasenica municipality. A Muslim ambush on the local road was set up in the hamlet of Zutica, a part of the large, mostly Serb village of Derventa (305 Serbs, 1 Muslim, 1 Croat, 4 Yugoslavs, 8 others), on May 21<sup>st</sup>, 1992, at around 1500 hours. The ambush was carried out by local Muslim armed forces, recruited from different areas of the Vlasenica municipality, especially from the neighboring villages of Cerska, Konjevic Polje, and Kasaba.

#### ***Victims:***

1. *Mladjen (Dragoljub) Petkovic, born in 1952;*
2. *Nedeljko (Milos) Kandic, born in 1956;*
3. *Milenko (Milisav) Kovacevic, born in 1960;*
4. *Mico (Desimir) Lazarevic, born in 1974;*
5. *Miljana (Vidoje) Obradovic, born in 1938;*
6. *Vojislav (Ilija) Sarac, born in 1925;*
7. *Slobodan (Radoje) Zecic, born in 1966;*
8. *Obrenija (Miladin) Ilic, born in 1958.*

### **Konjevic Polje**

Konjevic Polje is a relatively large Muslim village in the Municipality of Bratunac (8 Serbs, 983 Muslims, 4 Yugoslavs, 4 others). On May 27<sup>th</sup>, 1992, at 0800 hours, on the intersection of roads Bratunac – Vlasenica – Zvornik, the BiH Armed Forces, composed of the local Muslim population from the areas of Bratunac, Konjevic Polje, Vlasenica, Nova Kasaba, Cerska, and Srebrenica, had ambushed and attacked a column of trucks from the company DD “Boksit” from Milici.

#### ***Victims:***

1. *Novica (Milko) Susic, born in 1962;*
2. *Zoran (Nenad) Popovic, born in 1959;*
3. *Djordjo (Milenije) Mijatovic, born in 1950;*
4. *Stevo (Novak) Simic, born in 1953;*
5. *Milomir (Jovo) Vujadinovic, born in 1960.*

### **Jeremici**

Jeremici, a small Serb village, and its even smaller hamlet of Manovici (in the Municipality of Vlasenica; 50 Serb residents), was attacked from several directions, on May 28<sup>th</sup>, 1992, by armed Muslims, who were deployed in several groups and recruited from the region of Vlasenica and the neighboring municipalities.

#### ***Victims:***

1. *Bogdan (Zivko) Gligorevic, born in 1958;*
2. *Stanoje (Sinisa) Kandic, aka Cane, born in 1953;*
3. *Rado (Djordje) Mirosavljevic, born in 1972.*

### **Sandici**

Sandici is a Muslim hamlet in the vicinity of the large, ethnically pure Muslim village of Hrcnici (1 226 Muslims), in the municipality of Bratunac. On the local road between Bratunac and the intersection at Konjevic Polje, where there is a fork

in the highway, branching off to Belgrade and Sarajevo, barricades were set up and the traffic was stopped on May 22<sup>nd</sup>, 1992. While the Serb police were lifting the blockade, Muslims from Hrnici and other surrounding villages set up an ambush from the neighboring hills, and opened fierce fire, killing several people.

**Victims:**

1. *Milutin (Stevo) Milosevic, born in 1948;*
2. *Jovo (Sreten) Blagojevic, born in 1973;*
3. *Dragica (Stojan) Matikosa, born in 1955;*
4. *Sreto (Milan) Suzic, born in 1960;*
5. *Miodrag (Milo) Vorkapic, born in 1971;*
6. *Ivan (Ratko) Ivanovic, born in 1970;*
7. *Dragan (Desimir) Petrovic, born in 1967;*
8. *Vesna Krdzalic;*
9. *Aleksandar (Mirko) Grahovac, born in 1972;*
10. *Zarko Ivanovski.*

**Oparci**

Oparci was a Serb hamlet within the Muslim village of Brezovice, in the municipality of Srebrenica, in which Muslims make up the majority of the population (64 Serbs, 462 Muslims). The residents of this Serb hamlet were attacked on June 1<sup>st</sup>, 1992, by their neighbors in the village of Brezovice itself, as well as armed residents from the neighboring Muslim villages in the Srebrenica and Bratunac municipalities, some of which were soldiers of the BiH Army.

**Victims:**

1. *Dragic (Dragutin) Ilic, born in 1939;*
2. *Ratko (Momcilo) Ilic, born in 1942;*
3. *Ugljesa (Momcilo) Ilic, born in 1939;*
4. *Zivojin (Cvijetin) Petrovic, born in 1917;*
5. *Milorad (Drago) Petrovic, born in 1923;*
6. *Dikosava (Drago) Petrovic, born in 1932.*

Some of the above listed victims were killed by cold weapons in the most bestial way.

**Obadi and Spat**

Obadi (3 Croats, 135 Muslims, 684 Serbs) and Spat were predominantly Serb hamlets of the mainly Muslim village of Sase (449 Muslims, 78 Serbs), in the Srebrenica municipality. On June 8<sup>th</sup>, 1992, an attack on these settlements was launched by the Muslims, who were, at that time, members of the infamous military formations, known as the Green Berets, and the Patriot League (in other words, the BiH Army), most of whom were volunteers from the surrounding villages of: Skenderovici, Mocevici, Likare, Stozerski, Potocari, as well as residents of the towns of Srebrenica and Bratunac.

**Victims:**

1. *Mirko (Ilija) Petrovic, born in 1964;*
2. *Drago (Zivko) Simic, born in 1949;*

3. *Slavko (Stanislav) Avramovic, born in 1971;*
4. *Srecko (Drago) Spajic, born in 1928;*
5. *Miladin (Bogdan) Cvjetinovic, born in 1936;*
6. *Dostana (Momir) Cvjetinovic, born in 1930;*
7. *Milovan (Andjelko) Grujicic, born in 1943;*
8. *Milenko (Dragoslav) Stjepanovic, born in 1944;*
9. *Ilija (Jovan) Zekic, born in 1955.*

### **Rupovo Brdo**

Rupovo Brdo, a village in the municipality of Vlasenica with a vast Serb majority (8 Muslims, 1 Yugoslav, and 116 Serbs), which contains hamlets such as Zugici, Gligori, and Milinkovici (at a distance of twenty kilometers from Milici), had suffered in the early hours of June 10<sup>th</sup>, 1992.

#### ***Victims:***

1. *Vojislav (Maksim) Milinkovic, born in 1938; and his wife (See No. 2 below);*
2. *Mirjana (Gojko) Milinkovic, born in 1939; a married couple, whose remains were found scorched in their own home;*
3. *Relja (Marinko) Milinkovic, born in 1942;*
4. *Radoje (Petar) Milinkovic, born in 1952;*
5. *Vlado (Vido) Milinkovic, born in 1948;*
6. *Koviljka (Mitar) Zugic, born in 1922;*
7. *Komljen (Milos) Zugic, born in 1925; and his son (See No. 8 below);*
8. *Trifko (Komljen) Zugic, born in 1954.*

### **Vitnica**

In the early hours of June 20<sup>th</sup>, 1992, in Odzacina, a Serb settlement within the predominantly Muslim village of Vitnica (204 Serbs, 2 893 Muslims, 5 Yugoslavs), in the Municipality of Zvornik, a sudden attack was carried out by local armed Muslims from Vitnica, and the neighboring village of Jusici, all members of the BiH Army.

#### ***Victims:***

1. *Vaso (Petar) Tanackovic, born in 1936;*
2. *Kosta (Pero) Kostic, born in 1925;*
3. *Cvjetko (Cvijetin) Kostic, born in 1930;*
4. *Smilja (Svetozar) tanackovic, born in 1944;*
5. *Jovika (Jovan) Tanackovic, born in 1955;*
6. *Krsto (Vlado)Stevanovic, born in 1966;*
7. *Mico (Boro) Milovanovic, born in 1967;*
8. *Drago (Anto) Rakic, born in 1958;*
9. *Ivan (Savo) Stojanovic, born in 1964;*
10. *Nedeljko (Boro) Ilic, born in 1972.*

### **Ratkovici**

Considering the local population in the Municipality of Srebrenica, Ratkovici, a very large, ethnically pure Serb mountainous village (338 Serbs), as well as the small surrounding Serb hamlets of Ducici, Dvorista, Racici, and Polimci, were abruptly

attacked in the early hours of Sunday, June 21<sup>st</sup>, 1992. The attack was executed from the following surrounding Muslim villages and hamlets: Poznanovici, Dedicci, Podkorijen, Osmace, Mocevici, and Stozersko.

**Victims:**

1. *Obren (Vojislav) Bogicevic, born in 1932;*
2. *Stanimir (vladislav) Stanojevic, born in 1949;*
3. *Desanka (Rado) Stanojevic, born in 1923;*
4. *Nikola (Todor) Stanojevic, born in 1958;*
5. *Radenko (Milorad) Stanojevic, born in 1940;*
6. *Vidosava (Luka) Djuric, born in 1930;*
7. *Vidoje (Obrad) Rankic, born in 1928;*
8. *Milutin (Obrad) Rankic, born in 1944;*
9. *Ranko (Obrad) Rankic, born in 1933;*
10. *Vinka (Filip) Maksimovic, born in 1927;*
11. *Radomir (Milorad) Maksimovic, born in 1942;*
12. *Cvijeta (Risto) Milanovic, born in 1925;*
13. *Novka (Milorad) Pavlovic, born in 1945;*
14. *Zora (Drago) Prodanovic, born in 1941;*
15. *Zivan (Petar) Prodanovic, born in 1966;*
16. *Milovan (Joso) Pavlovic, born in 1919;*
17. *Milan (Stojan) Jakovljevic, born in 1920;*

Some of the victims were burned alive in their houses, and others were simply slaughtered. The photograph of Dobrila Prodanovic, holding the skull of her son Zivan, was seen around the world, and was published in both the domestic and foreign media.

**Magudovici, Kaludra, and Bradjevina**

These mountainous settlements, in the Municipality of Srebrenica, all hamlets of the earlier looted, burned, and destroyed Serb villages of Ratkovici and Radosevici (June 21<sup>st</sup>, 1992), had experienced another Muslim attack, resulting in immense chaos and tribulation, on June 27<sup>th</sup>, 1992, in the morning hours.

**Victims:**

1. *Ljubisa (Predrag) Gajic, born in 1965;*
2. *Stojan (Dragomir) Stevanovic, born in 1939;*
3. *Novica (Vitimir) Stanojevic, born in 1951;*
4. *Vladimir (Obrad) Pavlovic, born in 1948;*
5. *Slavko (Milisav) Petrovic, born in 1946.*

**Loznicka Rijeka**

At noon on June 28<sup>th</sup>, 1992, an important Serb religious and historic holiday, known as Vidovdan /St. Vitus Day/, armed members of the 'Green Berets', part of the BiH Army, had, for the first time, attacked a mainly Serb village with a small number of Muslims (132 Serbs, 22 Muslims), in the Bratunac municipality. The attacking units were composed of local armed Muslims, recruited from the region of Bratunac, and the neighboring Srebrenica.

**Victims:**

1. *Srecko (Radivoje) Milovanovic, born in 1943;*
2. *Jovana (Gavrilo) Milovanovic, born in 1942;*
3. *Verica (Zivan) Filipovic, born in 1975; and her father (See No. 4 below);*
4. *Zivan (Vladimir) Filipovic, born in 1954;*
5. *Djordjo (Milisav) Filipovic, born in 1949;*
6. *Jelena (Zivojin) Stojanovic, born in 1952;*
7. *Radovan (Milan) Lukic, born in 1950;*
8. *Miloje (Mitar) Damjanovic, born in 1971;*
9. *Milorad (Mico) Roncevic, born in 1960;*
10. *Svetozar (Sreten) Vucetic, born in 1957;*
11. *Milenko (Nedeljko) Nikolic, born in 1963.*

**Brezani**

Brezani (271 Serbs, 5 Muslims) was one of the largest, oldest, and most renowned mountainous Serb villages in the Srebrenica region. It had also suffered in its past, during the two World Wars, especially during the NDH (Independent State of Croatia) and the German occupation. Members of the BiH Army, at a capacity of 1 000 soldiers, all recruited in Srebrenica and other neighboring municipalities, had launched an attack on Brezani just prior to dawn, at around 0400 hours, on June 30<sup>th</sup>, 1992.

**Victims:**

1. *Radovan (Djole) Petrovic, born in 1923;*
2. *Milos (Rade) Novakovic, born in 1956;*
3. *Dostana Lazic, born in 1919;*
4. *Obren (Cedo) Jovanovic, born in 1927;*
5. *Vidoje (Pavle) Lazic, born in 1937;*
6. *Kristina (Pavle) Lazic, born in 1935;*
7. *Milenko (Ilija) Dragicevic, born in 1947;*
8. *Ljubomir (Milenko) Josipovic, born in 1977;*
9. *Milos (Vlado) Krstajic, born in 1937;*
10. *Pero (Vlado) Krstajic, born in 1935;*
11. *Stanko (Luka) Milosevic, born in 1900;*
12. *Vidoje (Milovan) Milosevic, born in 1974;*
13. *Stanoje (Milivoje) Mitrovic, born in 1963;*
14. *Milisav (Miko) Rankic, born in 1947;*
15. *Dragoslav (Milisav) Rankic, born in 1974;*
16. *Miroslav (Milisav) Rankic, born in 1972;*
17. *Milomir (Radisav) Stevanovic, born in 1946;*
18. *Dragan (Stjepan) Stjepanovic, born in 1961.*

**Rozanj**

Rozanj was a village in the Municipality of Zvornik with a vast Serb majority (379 Serbs, 14 Muslims), but was also enclosed by Muslim villages. From the very beginning of the war, it was constantly blockaded by the surrounding Muslim

villages, and as a result of the constant threats of being killed, the Serb peasants of Rozanj neither could, nor dared leave the village. Consequently, the village was attacked, looted, and torched on July 2<sup>nd</sup>, 1992.

**Victims:**

1. *Mitar Ostojic, born in 1972;*
2. *Bogosav (Stevo) Ilic, born in 1968;*
3. *Stanko (Ilija) Ostojic, born in 1975;*
4. *Goran Ostojic, born in 1962;*
5. *Nedeljka (Spasoje) Ostojic, born in 1931.*

**Zagoni**

Zagoni was a large village with a vast Serb majority (103 Muslims, 480 Serbs), in the Bratunac municipality. In a short period of time in 1992, it was devastated by two very fierce Muslim attacks. The first attack, on the Serb part of the village, took place on July 5<sup>th</sup>, 1992, at around 15,000 hours, while the local residents were carrying out their regular agricultural and domestic duties.

**Victims:**

1. *Ljubica (Milovan) Milosevic, born in 1939;*
2. *Milos (Jovan) Milosevic, born in 1932;*
3. *Rada (Ilija) Milosevic, born in 1968;*
4. *Cedomir (Blagoje) Tanasijevic, born in 1942;*
5. *Rajko (Sreten) Gvozdencovic, born in 1927;*
6. *Dragoljub (Miladin) Gvozdencovic, born in 1954;*
7. *Blagoje (Milorad) Gvozdencovic, born in 1944;*
8. *Rada (Radoje) Gvozdencovic, born in 1973;*
9. *Mileva (Milorad) Dimitric, born in 1912;*
10. *Mirko (Mitar) Dimitric, born in 1974;*
11. *Matija (Stevan) Jasinski, born in 1940;*
12. *Miodrag (Ilija) Malovic, born in 1943;*
13. *Mihajlo (Jefto) Mihajlovic, born in 1951;*
14. *Dusanka (Perisa) Paunovic, born in 1954.*

**Krnjici**

Krnjici is a mountainous village in the Municipality of Srebrenica, where the Serb population had always been an absolute majority ( 11 Muslims, 114 Serbs). Krnjici was attacked, looted, and destroyed on July 5<sup>th</sup>, 1992, by members of the BiH Army, all of which the soldiers were recruited from the Srebrenica region and the Muslim villages of neighboring municipalities.

**Victims:**

1. *Boban (Spasoje) Lazarevic, born in 1965;*
2. *Sredoje (Nedeljko) Jovanovic, born in 1947;*
3. *Miroslava (Borislav) Jovanovic, born in 1939;*
4. *Dragutin (Milos) Dimitrijevic, born in 1961;*
5. *Rade (Petko) Trimanovic, born in 1958;*
6. *Srpko (Novak) Aksic, born in 1972;*

7. *Rados (Mirko) Maksimovic, born in 1968;*
8. *Milenko (Risto) Maksimovic, born in 1942;*
9. *Milos (Ostoja) Milosevic, born in 1961;*
10. *Nebojsa (Zoran) Milosevic, born in 1975;*
11. *Milja Micic;*
12. *Vaso Poraca, born in 1912;*
13. *Ilija (Marko) Simic, born in 1912;*
14. *Veljko (Milisav) Simic, born in 1953;*
15. *Vlajko (Petar) Vladic, born in 1934;*
16. *Soka Vujic, born in 1930.*

### **Sase and Zalazje**

A purely Serb hamlet, for the local mountain conditions of the particularly large village of Obadi, which, like the neighboring village of Sase and its hamlet Zalazje, belong to the municipality of Srebrenica. Those villages were simultaneously attacked by Muslim forces from Srebrenica, on the Orthodox holiday of St. Peter's Feast Day, on July 12<sup>th</sup>, 1992. The bloody attacks on these settlements were executed by members of the BiH Army, mainly volunteers from Muslim villages in this region. Zalazje was reduced to ground zero. The defenders (as well as their closest relatives and friends, who, with the aid of a small number of volunteers) had attempted to confront the attackers, but were killed.

#### ***Victims:***

1. *Ivan (Miladin) Josipovic, born in 1955;*
2. *Goran (Vojislav) Mitrovic, born in 1970;*
3. *Djuka Simic, born in 1930;*
4. *Blagoje (Blagoje) Zivanovic, born in 1954;*
5. *Dusan (Slobodan) Blagojevic, born in 1946;*
6. *Radinka (Dragomir) Cvijetinovic, born in 1952;*
7. *Ivan (Ranko) Cvijetinovic, born in 1953;*
8. *Svetislav (Tadija) Dragicevic, born in 1949;*
9. *Zeljko (Milorad) Giljevic, born in 1970;*
10. *Nedeljko (Desimir) Gligic, born in 1948;*
11. *Ljubisav (Nikola) Gligoric, born in 1962;*
12. *Aleksa (Milos) Gordic, born in 1955;*
13. *Jovan (Cvijetko) Grujicic, born in 1954;*
14. *Stanoje (Ignjat) Grujicic, born in 1946;*
15. *Slobodan (Milan) Ilic, born in 1946;*
16. *Milisav (Sreten) Ilic, born in 1957;*
17. *Luka (Ljubomir) Jeremic, born in 1927;*
18. *Ratko (Milos) Jeremic, born in 1969;*
19. *Marko (Ratko) Jeremic, born in 1965;*
20. *Radovan (Ratko) Jeremic, born in 1963;*
21. *Milovan (Malisa) Lazarevic, born in 1946;*
22. *Momir (Stanko) Lazarevic, born in 1955;*
23. *Branislav (Aleksandar) Pavlovic, born in 1947;*

24. *Rajko (Jugoslav) Petrovic, born in 1963;*
25. *Dragomir (Borisav) Rakic, born in 1957;*
26. *Svetozar (Cvijetin) Rakic, born in 1951;*
27. *Momcilo (Ljubomir) Rakic, born in 1949;*
28. *Miodrag (Ljubomir) Rakic, born in 1959;*
29. *Mile (Momcilo) Rakic, born in 1966;*
30. *Branko (Gojko) Simic, born in 1959;*
31. *Petko (Gojko) Simic, born in 1963;*
32. *Bozo (Stanko) Stanojevic, born in 1966;*
33. *Miladin (Gojko) Stanojevic, born in 1929;*
34. *Mihailo (Svetislav) Stjepanovic, born in 1942;*
35. *Radivoje (Bogoljub) Tomic, born in 1950;*
36. *Miroljub (Radivoje) Todorovic, born in 1961;*
37. *Miladin (Rado) Tubic, born in 1955;*
38. *Radisav (Radovan) Vasiljevic, born in 1963;*
39. *Radislav (Radovan) Vasiljevic, born in 1965;*
40. *Bosko (Zivojin) Vujadinovic, born in 1951;*
41. *Vaso (Zivojin) Vujadinovic, born in 1954;*
42. *Nedeljko (Bogdan) Vujadinovic, born in 1947;*
43. *Dragomir (Milovan) Vujadinovic, born in 1947;*
44. *Milovan (Slavoljub) Vujadinovic, born in 1948;*
45. *Dusan (Vaso) Vujadinovic, born in 1940;*
46. *Milan (Zagorka) Zekic, born in 1959;*
47. *Vukasin (Spasoje) Cetkovic, born in 1938.*

### **Biljaca**

Biljaca, a large Muslim village in the border crossing zone towards FRY ( 1 Croat, 629 Muslims, 17 Serbs, 7 Yugoslavs), belongs to the municipality of Bratunac. On the main road in this village, on St. Peter's Day (July 12<sup>th</sup>, 1992), the Muslims had ambushed a large group of young people from Bratunac, who had attempted to help the endangered Serb settlements of Zalazje and Sase, in the neighboring Srebrenica municipality.

#### ***Victims:***

1. *Dragomir (Nenad) Zivkovic, born in 1970;*
2. *Jovan (Cvijetin) Zivanovic, born in 1969;*
3. *Milivoje (Dragan) Zivanovic, born in 1972;*
4. *Bozidar (Ivan) Jokic, born in 1968;*
5. *Dragoljub (Savo) Jokic, born in 1961;*
6. *Bosko (Andre) Kovacevic, born in 1969;*
7. *Nedeljko (Milojko) Mitrovic, born in 1965;*
8. *Zeljko (Milorad) Peric, born in 1973;*
9. *Milenko (Branko) Savic, born in 1968;*
10. *Dragan (Lazo) Savic, born in 1968;*
11. *Tomo (Stjepan) Spasojevic, born in 1956;*
12. *Milan (Nedjo) Djokic, born in 1967;*

13. *Miroslav (Stojan) Andric, born in 1967;*

14. *Bogdan Jokic.*

### **Zagoni**

The previously mentioned village of Zagoni, in the municipality of Bratunac, had also suffered in the preceding week (on July 5<sup>th</sup>, 1992), and had succumbed to a new, more fierce attack by armed units of the BiH Army, on July 12<sup>th</sup>, 1992, on St. Peter's Day.

#### ***Victims:***

1. *Milovan (Milko) Dimitric, born in 1962;*

2. *Miodrag (Jakov) Jovanovic, born in 1952;*

3. *Dusan (Zivojin) Milosevic, born in 1963;*

4. *Djordjo (Aleksa) Milosevic, born in 1934;*

5. *Vidosav (Branko) Milosevic, born in 1968;*

6. *Dragisa (Milko) Milosevic, born in 1963;*

7. *Miodrag (Milko) Milosevic, born in 1970.*

### **Magasici**

This village, in the municipality of Bratunac, was attacked twice in a matter of five days (on July 20<sup>th</sup>, and July 25<sup>th</sup>, 1992) by a large number of armed local Muslims, members of the BiH Army, recruited from the municipalities of Bratunac, Srebrenica, and Vlasenica. Magasici was divided into two sectors, Donje (Lower) and Gornje (Upper) Magasici, which were approximately inhabited in the same numbers by both the Serbs and the Muslims (353 Serbs, 292 Muslims). The listed attacks were carried out against the Serb side only, as well as on the neighboring Hranca. On that occasion, eight villagers of Serb nationality were killed, six of which were female persons.

#### ***Victims:***

1. *Ljiljana (Dusan) Ilic, born in 1975;*

2. *Zorka (Marko) Ilic, born in 1947;*

3. *Milenija (Milorad) Ilic, born in 1944;*

4. *Ljubinka (Petar) Ilic, born in 1952;*

5. *Marjan (Radomir) Ilic, born in 1963;*

6. *Ljubica (Milos) Milanovic, born in 1929;*

7. *Blagoje (Pero) Popovic, born in 1907;*

8. *Leposava (Risto) Popovic, born in 1919.*

### **Hranca**

After the Second World War, this village, near Bratunac, had become predominantly Muslim (545 Muslims, 152 Serbs). On July 25<sup>th</sup>, 1992, at 1330 hours, a fierce attack was launched on the Serb part of the village, as well as on the neighboring village of Mogasici, all while the villagers were on the fields, tending to their usual agricultural chores.

#### ***Victims:***

1. *Ljubica (Zivorad) Mirkovic, born in 1942;*

2. *Cvijetin (Nikola) Djuricic, born in 1930;*

3. *Momcilo (Stojana) Jokic, born in 1928;*
4. *Zivana (Mirko) Lukic, born in 1944;*
5. *Marko (Jakov) Micic, born in 1949;*
6. *Ilija (Radisav) Micic, born in 1949;*
7. *Dostana Cyjetinovic;*
8. *Stanimir (Savo) Mitrovic, born in 1938; who died from the wounds in the following days.*

### **Jezestica**

Jezestica was one of the largest, ethnically pure Serb villages in the municipality of Bratunac (502 inhabitants of Serb nationality), more specifically, in the region of Kravica, which was attacked on August 8<sup>th</sup>, 1992, by Muslims from the neighboring village of Jaglici, and by a Muslim unit from the greater areas of Bratunac, Vlasenica, and Srebrenica, a unit of the Bosnian Muslim Army. During the attack, most villagers were tending to their regular, everyday agricultural chores. They were killed on their own fields.

#### ***Victims:***

1. *Vojin (Rado) Bogicevic, born in 1929;*
2. *Slavka (Obren) Mladjenovic, born in 1931; and her two sons (See No. 3 and No. 4 below);*
3. *Andjelko (Ljubomir) Mladjenovic, born in 1965; and*
4. *Dragan (Ljubomir) Mladjenovic, born in 1960;*
5. *Sreten (Milos) Rankovic, born in 1962;*
6. *Milan (Vujadin) Rankovic, born in 1935;*
7. *Savka (Nedeljko) Stjepanovic, born in 1951;*
8. *Milosav (Obrad) Stjepanovic, born in 1919;*
9. *Srbo (Savan) Djuric, born in 1944.*

### **Kljestani**

Serb village, Municipality of Vlasenica (82 inhabitants of the Serb nationality), was attacked by members of the Army of BiH, from the area of Cerska and the neighbouring Muslim villages from that region, on August 13, 1992. In the attack, there were four innocent civilians of Serb nationality killed, who had stayed in the village – the members of the Kljestan family. In the village, everything that was Serb was robbed and burned. In the attack, there were many wounded civilians. In the robbery, burning and destroying Serb properties, as well as in the findings of the hidden helpless villagers, there was an active involvement of the many Muslim civilians: women, the elders, and young children from the neighbouring villages.

#### ***Victims:***

1. *Radovan (Bosko) Kljestan, 1938;*
2. *Bogdana (Vaso) Kljestan, 1935;*
3. *Vojin Kljestan, 1936 and his wife*
4. *Grozda Kljestan, 1930.*

### **Sadici**

The Serb hamlets of this village, in the municipality of Vlasenica, were attacked on August 15<sup>th</sup>, 1992. The village was comprised of two parts: Donji (Lower) Sadici, inhabited by an overwhelming majority Muslim population (58 Serbs, 447 Muslims), and Gornji (Upper) Sadici, populated mostly by individuals of Serb nationality (228 Serbs). Muslim armed formations, more specifically the BiH Army, from the neighboring regions of Cerska, Kasaba, and Konjevic Polje, had instigated attacks on both parts of the village.

#### ***Victims:***

1. *Drago (Spasoje) Mistic, born in 1935; and his son (See No. 2 below);*
2. *Milivoje (Drago) Mistic, born in 1965;*
3. *Nedjo (Jovan) Mistic, born in 1954;*
4. *Tomislav (Uros) Mistic, born in 1964;*
5. *Gojko (Radovan) Vukovic, born in 1930;*
6. *Jovanka Mistic, born in 1920;*
7. *Peja (Nedjo) Mistic, born in 1958, the wife of Mica Mistic;*
8. *Sreten (Bogdan) Tomic, born in 1956;*
9. *Milosav (Bozo) Kevic, born in 1962;*
10. *Milan (Dusan) Lazarevic, born in 1952;*
11. *Radojka Mistic, born in 1927.*

### **Kamenica Gornja**

The Serb part of this overwhelmingly Muslim-populated village (301 Serbs, 1288 Muslims, 9 Yugoslavs), in the municipality of Zvornik, was assaulted early in the morning on August 24<sup>th</sup>, 1992, by a local Muslim armed unit of the BiH Army from the region of Cerska. During the brutal attack way, four individuals of Serb nationality were killed by being burned alive, or by fatal blows from blunt objects and knives.

#### ***Victims:***

1. *Dragomir (Drago) Tomic, born in 1948;*
2. *Ljubomir (Miladin) Tomic, born in 1948;*
3. *Milomir (Veljko) Kukolj, born in 1957;*
4. *Rado (Srecko) Kukolj, born in 1945.*

### **Milanova Vodenica (The Zivkovic Hamlet)**

On August 28<sup>th</sup>, 1992, at around 0830 hours, an ambush was in place on the local road between the villages of Peci and Skelani, in the municipality of Srebrenica, by armed Muslim militants, members of the BiH Army, recruited from this very region. In a cruel and bestial manner, they had killed four civilians of Serb nationality, who so happened to be on a perilous footpath from their village to Skelane. The sadistic brutalities committed by the armed, recalcitrant, young Muslim men over the captured, helpless and innocent elderly people of Serb nationality, were evident on the remnants of clothing, as well as on the almost countless external injuries, found on the mutilated bodies of the Serb victims.

***Victims:***

1. *Svetozar (Drago) Zivkovic, born in 1915;*
2. *Stanko (Ljubomir) Zivkovic, born in 1936;*
3. *Dragan (Radenko) Milanovic, born in 1951;*
4. *Krstina (Milenko) Acimovic, born in 1920.*

**Rastosnica**

Rastosnica is the most populated Serb village, in the Municipality of Zvornik (2334 Serbs, 6 Muslims, 3 Croats, 1 Yugoslav, 3 others), similar to several smaller neighboring Serb villages and hamlets. In the early morning hours, on September 1<sup>st</sup>, 1992, after several days of fierce attacks, the Muslims had conquered Rastosnica. In the course of action, numerous armed formations of the Second (Tuzlans') Corps of the BiH Army, recruited mainly from the Muslim population in the nearest villages of: Godusa, Mimici, Teocak, Sapna, Vitnica, Medjedja, Sniježnica, and from the other surrounding Muslim settlements.

***Victims:***

1. *Zvonko (Stanimir) Djokic, born in 1971;*
2. *Savo (Stjepan) Miljanovic, born in 1934;*
3. *Branislav (Nedjo) Miljanovic, born in 1938;*
4. *Miroslav (Krst) Djokic, born in 1935;*
5. *Mica (Zivan) Micanovic, born in 1962;*
6. *Boro (Savo) Djukanovic, born in 1935;*
7. *Milan (Boro) Djukanovic, born in 1962;*
8. *Rado (Milovan) Petrovic, born in 1926;*
9. *Triso (Savo) Prelovac;*
10. *Veljko (Jovan) Filipovic, born in 1930;*
11. *Marko (Radisav) Savic;*
12. *Vlado (Drago) Savic, born in 1944;*
13. *Srbo (Miko) Sandic, born in 1913;*
14. *Petar (Momo) Sandic, born in 1962;*
15. *Kajo (Mitar) Sandic, born in 1932;*
16. *Milan (Milos) Sandic, born in 1957;*
17. *Mihajlo (Mitar) Sandic, born in 1930;*
18. *Cvijetin Stanojevic, aka Cviko;*
19. *Drago (Djuro) Kovacevic, born in 1935;*
20. *Ruzica (Savo) Josipovic, born in 1941;*
21. *Milos (Rade) Nikolic, born in 1962;*
22. *Nedeljko (Drago) Markovic, born in 1934;*
23. *Zdravko (Mitar) Manojlovic, born in 1965.*

The following were missing, and were most likely killed in prisons and concentration camps:

1. *Dusanka (Vladimir) Jovovic, born in 1928;*
2. *Sreten (Dusan) Miljanovic, born in 1958;*
3. *Srecko (Milanko) Radovanovic, born in 1949;*
4. *Branjo (Slavko) Djokic, born in 1954;*

5. *Ilija (Drago) Lazic, born in 1962;*
6. *Jovan (Lazar) Sandic, aka Djoka, born in 1911;*
7. *Dusanka Sandic;*
8. *Stanko (Mitar) Savic, born in 1951;*
9. *Mitar Savic, born in 1927;*
10. *Mico Gajic, born in 1922;*
11. *Nada Mijatovic;*
12. *Ratko Petrovic;*
13. *Jovan (Slavko) Savic, born in 1960;*
14. *Svetozar (Vojko) Stanojevic, born in 1952;*
15. *Dusanka (Mitar) Djokic, born in 1937.*

### **Crni Vrh**

Crni Vrh is a village near the settlement of Planica, in the Municipality Zvornik, below the very curve on the road of Zvornik-Sekovici. On September 10<sup>th</sup>, 1992, a convoy of seven civilian cargo trucks and a passenger vehicle were ambushed.

#### ***Victims:***

1. *Ljubomir Bogunovic;*
2. *Jovan (Stevan) Bojovic, born in 1949, Rogatica;*
3. *Mirko (Dusan) Djokic, born in 1950, Beograd;*
4. *Stanimir (Sreten) Jovic, born in 1950, Zvornik;*
5. *Milan (Stanoje) Spajic, born in 1935, Visegrad;*
6. *Dusko (Vojislav) Novicic, born in 1969, Zvornik;*
7. *Momir (Dusan) Trobok, born in 1957, Pale.*

### **Zaluzje**

Zaluzje is a Muslim village within the Municipality of Bratunac. Armed Muslims in this village and other neighboring Muslim villages, all members of the BiH Army, had executed an ambush on September 16<sup>th</sup>, 1992, on the local road of Bratunac – Sase (a village with a mine, in the Municipality of Srebrenica).

#### ***Victims:***

1. *Milislav (Stojan) Lukic, born in 1942;*
2. *Rajko (Nedeljko) Vujadinovic, born in 1971;*
3. *Krsto (Cvijetin) Jovanovic, born in 1955;*
4. *Dragan (Bosko) Kovacevic, born in 1959;*
5. *Tomislav (Milos) Stojanovic, born in 1966;*
6. *Danica (Petko) Stojanovic, born in 1931;*
7. *Radojka (Simo) Vucetic, born in 1946;*
8. *Tomo (Milan) Loncarevic, born in 1948.*

### **Kocanje**

Kocanje, a small Serb hamlet (192 Serbs), which belonged to a significantly larger, mainly Muslim village, Novo Selo (192 Serbs, 1,058 Moslems, 7 Yugoslavs, 2 others), in the Podrinje Municipality of Zvornik, was attacked on September 17<sup>th</sup>, 1992. The attack was conducted by armed Muslim formations, that is, the BiH Army, where the majority of the attackers hailed from the region of Novo Selo and

Kamenica, in the Municipality of Zvornik, as well as from Muslim settlements of neighboring municipalities.

**Victims:**

1. *Zoran (Lazar) Ilic, born in 1953;*
2. *Milislav (Milos) Ilic, born in 1955;*
3. *Spasa (Nikola) Ilic, born in 1912;*
4. *Lazar (Jevto) Ilic, born in 1924;*
5. *Ikonija (Vaso) Ilic, born in 1935;*
6. *Vaso (Milan) Markovic, born in 1933;*
7. *Soldier by the alias of Djoko, his surname is still unknown; refugee from Zenica (perhaps it is Milorad (Bogdan) Stankovic, born in 1959, from Zenica).*

**Podravanje**

This village lies within the Municipality of Srebrenica. It is ethnically homogenous, and one of the largest Serb villages in this region (413 residents of Serb nationality), and had previously suffered greatly in both World Wars. From the beginning of the conflict, due to Muslim terror in this region, especially in the summer of 1992, Podravanje was constantly endangered by the Muslims of Srebrenica. For more than five months, strictly on their own capacities, the village was able to withstand such Muslim attacks. The most fierce assault was executed on September 24<sup>th</sup>, 1992, by the numerous and well armed units of the Army of BiH, recruited from these regions.

**Victims:**

1. *Vojin (Miloje) Jovanovic, born in 1923;*
2. *Svetozar (Miloje) Jovanovic, born in 1933;*
3. *Rado (Obrad) Lazarevic, born in 1920;*
4. *Mileva (Vasilije) Petrovic, born in 1948;*
5. *Milomir (Marko) Petrovic, born in 1951;*
6. *Mihajlo (Jovo) Mitrovic, born in 1932;*
7. *Ruza Mitrovic, born in 1927;*
8. *Drago (Marko) Mitrovic, born in 1925;*
9. *Radovan (Andjelko) Marinkovic, born in 1938;*
10. *Milovan (Milos) Marinkovic, born in 1955;*
11. *Rade (Milos) Marinkovic, born in 1961;*
12. *Dikosava (Zarko) Marinkovic, born in 1938;*
13. *Milos (Drago) Marinkovic, born in 1935;*
14. *Miladin (Milislav) Perendic, born in 1924;*
15. *Tomislav (Savkan) Perendic, born in 1930;*
16. *Stanka (Blagoje) Perendic, born in 1935;*
17. *Spasenija (Bogdan) Perendic, born in 1932;*
18. *Mitar (Cvijetin) Sarac, born in 1963;*
19. *Dusan (Veselin) Sarac, born in 1964;*
20. *Mirjana (Obrad) Sarac, born in 1943;*
21. *Milan (Manojlo) Sarac, born in 1929;*
22. *Gojko (Marko) Tomic, born in 1941;*

23. *Mihajlo (Marko) Tomic, born in 1941;*
24. *Milijan (Milos) Vasic, born in 1951;*
25. *Milislav Vesic;*
26. *Slavisa (Radomir) Nikolic, born in 1960;*
27. *Dragan (Cedomir) Nikolic, born in 1960;*
28. *Nebojsa Pavlovic, born in 1971;*
29. *Rade (Mileta) Mudrinic, born in 1961;*
30. *Borisa (Ruza) Mitic, born in 1946;*
31. *Djuradj (Milan) Bogdanovic, born in 1960;*
32. *Dragutin (Mitar) Kukic, born in 1954.*

Many of the above mentioned victims were butchered by the most atrocious methods: by decapitation, and getting other body parts cut off, by getting their skulls smashed with dull objects, by their stomachs getting cut open, or by getting their throats cut. Appalled by this monstrous crime, the Synod of the Serb Orthodox Church had made a special announcement, and His Holiness, Serb Patriarch Pavle, held a Mass for the innocent martyrs. Many domestic and foreign television stations had broadcasted images of the massacred Serbs of this village.

### **Bracan**

A commercial village, Bracan is the surface excavation site of the bauxite mine of Milici, in the Municipality of Vlasenica. During an attack, which was carried out against guards of the mine on September 24<sup>th</sup>, 1992, all seven guards were massacred and all seven guards were Serbs.

#### ***Victims:***

1. *Milivoje (Todor) Susic, born in 1958;*
2. *Slavko (Bozidar) Salipurovic, born in 1971;*
3. *Slavko (Mitar) Gordic, born in 1958;*
4. *Vidoje (Milorad) Salipurovic, born in 1961*
5. *Zoran (Nedjo) Lalovic, born in 1943;*
6. *Miodrag (Mijat) Gligorovic, born in 1956;*
7. *Rajko (Radojko) Pantic, born in 1943.*

### **Rogosija**

Rogosija is a small Serb village (34 residents of Serb nationality), in the Municipality of Vlasenica, and had suffered a fierce attack on September 26<sup>th</sup>, 1992. The attack was carried out by neighboring Muslim armed forces of the BiH Army, recruited from the regions of Srebrenica, Vlasenica, Konjevic Polje, Bratunac, Cerska, and Kasaba. The majority of residents and their protectors were mercilessly butchered in the most bestial of ways.

#### ***Victims:***

1. *Mirko (Milan) Prodanovic, born in 1961;*
2. *Milan (Stanko) Stanisic, born in 1960;*
3. *Nedjo (Cvijan) Stanisic, born in 1964;*
4. *Ljubomir (Ljubinko) Jurosevic, born in 1962;*

5. *Zoran (Milorad) Ravnjakovic, born in 1960;*
6. *Dragoljub (Milka) Deuric, born in 1964;*
7. *Milomir (Milisav) Prodanovic, born in 1966, and his brother (See No. 8 below);*
8. *Zarko (Milisav) Prodanovic, born in 1970;*
9. *Boro (Stjepan) Tesic, born in 1960;*
10. *Dragomir (Obro) Jacimovic, born in 1949;*
11. *Cedomir (Miladin) Dosic, born in 1950;*
12. *Milovan (Petar) Kovacevic, born in 1952;*
13. *Luka (Cvijetin) Majstorovic, born in 1950;*
14. *Bosko (Miladin) Dragic, born in 1947;*
15. *Dusan (Zarija) Djuric, born in 1943;*
16. *Dimitrije (Radisav) Alempic, born in 1959;*
17. *Velimir (Mitar) Majstorovic, born in 1967;*
18. *Mico (Ljubomir) Mitrovic, born in 1947;*
19. *Rajko (Nedjo) Rebic, born in 1958;*
20. *Milan (Radovan) Mijic, born in 1952;*
21. *Radenko (Miladin) Sekulic, born in 1962;*
22. *Goran (Gojko) Pejcinovic, born in 1958;*
23. *Jadranko (Nedjo) Sevkusic, born in 1961;*
24. *Aleksandar (Branislav) Drakulic, born in 1969;*
25. *Milan (Branko) Vujicic, born in 1954;*
26. *Tomislav (Rajko) Tesic, born in 1971;*
27. *Milan (Mitar) Sekulic, born in 1947;*
28. *Nenad (Cvijan) Stanisic, born in 1972.*

### **Fakovici**

Fakovici is a fertile and rich border crossing village towards Serbia, in the Podrinje region, Municipality of Bratunac, with a significantly large Serb population (115 Serbs, 33 Muslims). It was attacked on October 5<sup>th</sup>, 1992. The attack on Fakovici was executed by units of the Bosnian Army, which were formed in the surrounding Muslim villages, in the regions of Bratunac and Srebrenica, considerably long before the warring conflicts erupted in this area.

#### ***Victims:***

1. *Desanka (Radoje) Bozic, born in 1924;*
2. *Olga (Milovan) Markovic, born in 1935;*
3. *Slavka (Milovan) Markovic, born in 1931;*
4. *Cuba Nikolic, born in 1954;*
5. *Danilo Djuric, born in 1910;*
6. *Miroslav (Milan) Ivanovic, born in 1973;*
7. *Radoje (Savo) Markovic, born in 1941;*
8. *Radomir (Stevo) Markovic, born in 1939;*
9. *Petko (Milovan) Nikolic, born in 1954;*
10. *Milovan (Sreten) Nikolic, born in 1923;*
11. *Radovan (Jovo) Savic, born in 1965;*

12. *Milomir (Blagoje) Subotic, born in 1959;*
13. *Milovan (Drago) Djokic, born in 1936;*
14. *Sreten (Mileta) Djokic, born in 1938;*
15. *Djoko (Nedeljko) Djokic, born in 1955;*
16. *Vidoje (Radovan) Djukic, born in 1954;*
17. *Svetozar (Sreten) Djokic, born in 1965.*

### **Boljevici**

Boljevici was a large Serb village in the abundant valley of the river Drina (415 residents). It belongs to the Municipality of Bratunac. The Muslim forces from this region, more specifically, the BiH Army, had attacked the village at the same time as neighboring Fakovici, on October 5<sup>th</sup>, 1992. On that occasion, they murdered eight innocent, mainly elderly individuals, who had risked their own lives by remaining in the village to feed their livestock, harvest their crops, and tend to their houses and properties, as well as their neighbors’.

#### ***Victims:***

1. *Miljana Despotovic;*
2. *Petra (Milorad) Prodanovic, born in 1927;*
3. *Stojka (Jovan) Stjepanovic, born in 1922;*
4. *Stanija Vasic, born in 1930;*
5. *Radovan (Sreto) Djukic, born in 1922;*
6. *Milutin (Ljubisav) Ristic, born in 1940;*
7. *Zarija (Novica) Ristic, born in 1928;*
8. *Vladan (Manojlo) Vasic, born in 1929.*

### **Setici**

Setici lies within the Municipality of Zvornik. In the Serb part of the village (656 Muslims, 83 Serbs, 2 Yugoslavs), a small hamlet, known as Pantici, an attack was carried out at daybreak, on October 8<sup>th</sup>, 1992. That violent act was realized by the Muslims of Setici, as well as from surrounding Muslim villages of the municipality of Zvornik.

#### ***Victims:***

1. *Mihailo (Savo) Pantic, born in 1912;*
2. *Cvijeta Pantic, born in 1910;*
3. *Desa Pantic, born in 1927;*
4. *Sava Pantic, born in 1920;*
5. *Ljubica (Milan) Pantic, born in 1946;*
6. *Cvija Prelovac, born in 1932;*
7. *Bosiljka (Nikola) Lukic, born in 1927;*
8. *Cvija Sandic.*

### **Malesici**

An attack on this mainly Serb village (666 Serbs, 69 Muslims), in the Municipality of Zvornik, was launched early in the morning on October 8<sup>th</sup>, 1992, simultaneously with the Serb part of Setici. The assault and the resulting crimes had been committed mostly by Muslims from the nearby village of Jusici, in cooperation

with a large number of the Muslim militants of the Army of BiH, from adjacent villages and municipalities, populated by the Muslims.

**Victims:**

1. *Zdravko (Miladin) Milosevic, born in 1926;*
2. *Savo (Veljko) Vidovic, born in 1937;*
3. *Mihajlo Peric, born in 1902;*
4. *Cvija Peric, born in 1907;*
5. *Ljubica Peric, born in 1942;*
6. *Zdravko Malesic, born in 1922;*
7. *Unknown woman from the village of Zmajevica, who was a guest.*

**Kamenica Donja (Lower) and Kamenica Gornja (Upper)**

These small Serb hamlets (323 Serbs, 2,633 Muslims, 22 Yugoslavs), within mainly Muslim villages of the Zvornik Municipality, were surrounded by local Muslim armed formations of the BiH Army during the night, and were captured on November 6<sup>th</sup>, 1992. On that occasion, many Serbs, the defenders of these small settlements, and their family members, had been held prisoner. The number of the Serbs of Kamenica, who had been killed, captured, or massacred during this pogrom, is still unknown. The numbers range from 109 to more than 250 victims.

**Victims:**

1. *Miladin (Ignjat) Asceric, born in 1962;*
2. *Zoran (Jovo) Bojanovic, born in 1961;*
3. *Dragomir (Velimir) Bozic, born in 1966;*
4. *Nikola (Miladin) Cvoric, born in 1963;*
5. *Savo (Pero) Djokic, born in 1930;*
6. *Vlado (Pero) Grabovica, born in 1950;*
7. *Radisav (Timotije) Grabovica, born in 1950;*
8. *Ratko (Kostadin) Ilic, born in 1959;*
9. *Dragan (Bosko) Jaksic, born in 1965;*
10. *Stanko (Marko) Jovanovic aka Miso, born in 1956;*
11. *Uros (Damjan) Kazanovic, born in 1948;*
12. *Miodrag (Vasilije) Kovacevic aka Miso, born in 1959;*
13. *Dragan (Stevan) Letic, born in 1964;*
14. *Srpko (Vojin) Lukic, born in 1955;*
15. *Radislav (Lazar) Macanovic, born in 1962;*
16. *Triso (Mikajlo) Mihajlovic, born in 1959;*
17. *Marko (Jovo) Milosevic, born in 1948;*
18. *Radomir (Milos) Pavlovic, born in 1974;*
19. *Branislav (Dusan) Petrovic, born in 1958;*
20. *Goran (Zlatko) Pjanic, born in 1952;*
21. *Radomir (Rajko) Radic, born in 1950;*
22. *Radovan (Stevo) Savic, born in 1949;*
23. *Zarko (Bogdan) Savic, born in 1949;*
24. *Mico (Milivoje) Simic, born in 1953;*
25. *Nenad (Zarko) Stevanovic, born in 1956;*

26. *Slavko (Drago) Tijanac, born in 1970;*
27. *Zoran (Tomo) Urumovic, born in 1958;*
28. *Dragomir (Ljubo) Jovanovic, born in 1958;*
29. *Savo (Vaso) Kazanovic, born in 1957;*
30. *Radan (Djordje) Pavlovic, born in 1967;*
31. *Mico (Krstan) Tesic, born in 1968;*
32. *Velimir (Veljko) Jovanovic, born in 1955*
33. *Milan (Mihajlo) Prodanovic, born in 1953;*
34. *Ratko (Nenad) Prodanovic, born in 1944;*
35. *Miladin (Jovo) Loznjakovic, born in 1958;*
36. *Rade (Branislav) Maric, born in 1949;*
37. *Panto (Vlado) Mijatovic, born in 1955;*
38. *Viktor (Mladen) Savic, born in 1964;*
39. *Djordje (Vladimir) Stevanovic, born in 1952;*
40. *Bogdan (Radivoj) Radovic, born in 1952;*
41. *Kirilo (Stevan) Stevanovic, born in 1940;*
42. *Milorad (Milan) Vidovic, born in 1966;*
43. *Vlado (Petko) Ristanovic, born in 1958;*
44. *Aleksa (Cvijan) Savic, born in 1952;*
45. *Rajo (Cvijetko) Maksimovic, born in 1953;*
46. *Milos (Zelimir) Zelenovic, born in 1967;*
47. *Zoran (Nedjo) Bozic, born in 1964;*
48. *Milos (Risto) Grabovica, born in 1974;*
49. *Borisav (Vitomir) Mihajlovic, born in 1958;*
50. *Slavko (Vukasin) Pavlovic, born in 1959;*
51. *Miladin (Bozo) Nedic, born in 1960;*
52. *Miladin Djeric.*

### **Sikiric**

Sikiric is village in the Municipality of Bratunac, relatively balanced in population of Muslims and Serbs (201 Serbs, 241 Muslims). On December 14<sup>th</sup>, 1992, an attack on the Serb part of the village was set off by the heavily numbered BiH Army, recruited in neighboring Muslim settlements of Bratunac, Srebrenica, and other surrounding municipalities. The Serb part of the village was looted and destroyed, and a large number of residents were heinously murdered, mainly with cold weapons, immediately after being taken prisoner.

#### ***Victims:***

1. *Zivojin (Blagoje) Ilic, born in 1928;*
2. *Radojka (Kosta) Ilic, born in 1935;*
3. *Radovan (Bogosav) Mitrovic, born in 1948, and his brother (See No. 4 below);*
4. *Srecko (Bogosav) Mitrovic, born in 1946;*
5. *Milomir (Bogosav) Nedeljkovic, born in 1940;*
6. *Ljubisav (Obrad) Nedeljkovic, born in 1925;*
7. *Ratko (Svetislav) Nedeljkovic, born in 1946;*

8. *Slobodan (Miladin) Petrovic, born in 1976;*
9. *Dusan (Rade) Prodanovic, born in 1931;*
10. *Obrenija (Miladin) Rankic, born in 1934;*
11. *Zlatan (Ranko) Simic, born in 1961;*
12. *Zivadin (Svetolik) Simic, born in 1946;*
13. *Radisav (Svetolik) Simic, born in 1939;*
14. *Grozdana (Vasilije) Simic, born in 1931;*
15. *Dragisa (Branko) Stevanovic, born in 1966;*
16. *Milomir (Ljubisav) Tanasic, born in 1939;*
17. *Milan (Petra) Tanasic, born in 1957;*
18. *Obrenija (Obrad) Trisic, born in 1931;*
19. *Novak (Srecko) Vuksic, born in 1931;*
20. *Milovan (Maksim) Simic, born in 1949.*

### **Bjelovac**

This was a mainly Serb village (238 Serbs, 51 Muslims), in the Municipality of Bratunac, on the bank of the Drina River. It was attacked by a vast group of Muslims, all members of the BiH Army, primarily volunteers from nearby Muslim villages of the Bratunac and Srebrenica municipalities. This was part of a chain of raids on Serb settlements, which border Serbia, along the Drina River. The offensive was launched at the same time as Sikiric, just at dawn on December 14<sup>th</sup>, 1992. Large numbers of victims among the Serb civilian population, and their defenders, were also noted in this village.

#### ***Victims:***

1. *Zlatan (Milenko) Bogicevic, born in 1975;*
2. *Miodrag (Ilija) Cvijic, born in 1972;*
3. *Slobodan (Vitomira) Despotovic;*
4. *Stevo (Nedjo) Filipovic, born in 1951;*
5. *Milislav (Ilija) Ilic, born in 1957;*
6. *Milun (Mico) Ilic, born in 1939;*
7. *Zlata (Milos) Jovanovic, born in 1911;*
8. *Radenka (Milislav) Jovanovic, born in 1974;*
9. *Vida (Radivoje) Lukic, born in 1933;*
10. *Miroslav (Novica) Marincevic, born in 1965;*
11. *Radivoje (Ilija) Matic, born in 1937, and his daughters (See No. 12 and No. 13 below);*
12. *Gordana (Radivoje) Matic, born in 1967;*
13. *Snezana (Radivoje) Matic, born in 1965;*
14. *Mirko (Petko) Miladinovic, born in 1971, and his brother (See No. 15 below);*
15. *Cedo (Petko) Miladinovic, born in 1975;*
16. *Slavko (Cedo) Milutinovic, born in 1963;*
17. *Slobodan (Ratko) Nedeljkovic, born in 1970;*
18. *Mirko (Krst) Petrovic, born in 1920;*
19. *Mirko (Milan) Petrovic, born in 1972;*

20. *Mitar (Ostoja) Savic, born in 1954;*
21. *Radovan (Sreten) Tanasic, born in 1923;*
22. *Rajko (Zivojin) Tomic, born in 1955;*
23. *Milorad (Zivorad) Tosic, born in 1972;*
24. *Zoran (Tomislav) Trisic, born in 1968;*
25. *Desimir (Nikodin) Matic, born in 1928.*

### **Loznicka Rijeka**

Loznicka Rijeka is in the Podrinje region, and lies within the Bratunac municipality. It is a village with a prevailing Serb majority (132 Serbs, 22 Muslims), and was attacked at the same time as Sikiric and Bjelovac, in the early hours of the morning on December 14<sup>th</sup>, 1992. It is a part of three neighboring villages, almost connected on the same road in the valley of the Drina River, which, in a raid of BiH Army units, composed of Muslims from Bratunac, Vlasenica, and Srebrenica, were leveled to the ground.

#### ***Victims:***

1. *Slavomir (Vidoje or Radivoje) Damnjanovic, born in 1971;*
2. *Nedeljko (Svetozar) Damnjanovic, born in 1959;*
3. *Dragoljub (Milisav) Filipovic, born in 1942, and his son (See No. 4 below);*
4. *Dragan (Dragoljub) Filipovic, born in 1962;*
5. *Milan (Petko or Petar) Jovanovic, born in 1948;*
6. *Djoko (Petar) Jokanovic, born in 1956;*
7. *Milos (Veselin) Jovanovic, born in 1928;*
8. *Zeljko (Vojislav) Knezevic, born in 1966;*
9. *Krstina (Cedo) Lukic, born in 1948;*
10. *Bojan (Nikolce) Milkovski, born in 1938;*
11. *Mladjen (Bozidar) Petrovic, born in 1958;*
12. *Miodrag (Bogdan) Petrovic, born in 1948;*
13. *Radenko (Rajko) Stankovic, born in 1972;*
14. *Ratko (Ilija) Simic, born in 1951;*
15. *Bozo (Krsto) Todorovic, born in 1949;*
16. *Radovan (Savo) Vucetic, born in 1943, and son (See No. 17 below);*
17. *Milenko (Radovan) Vucetic, born in 1975.*

### **Brana Bacici**

This is a Serb village (263 Serbs) in the vicinity of the local community of Kravice, in the Municipality of Bratunac. It was a target for attacks and regular armed provocation from the surrounding Muslim villages of Cerska, Kasaba, Konjevic Polje, Glogovo, and Pobudje. The aforementioned took place on December 14<sup>th</sup>, 1992.

#### ***Victims:***

1. *Rajko (Zivojin) Tomic, born in 1955;*
2. *Dusan (Milorad) Petrovic, born in 1936;*
3. *Vasilj (Petar) Todorovic, born in 1955;*

4. *Ratko (Marko) Dadic, aka Bato, born in 1954;*
5. *Slavko (Nedjo) Ilic, born in 1939.*

### **Cikotska Rijeka**

This hamlet belongs to the district of a Serb village, known as Sadici Gornji (228 Serbs, 2 Yugoslavs), in the Municipality of Vlasenica. On December 23<sup>rd</sup>, 1992, a truck which was transporting many civilians, and several members of the Army of Republic Srpska had been intercepted in an ambush. The vehicle was located on Serb territory, away from any war activity. The ambush was carried out by members of a small terrorist unit of the Second Corps of the BiH Army.

#### ***Victims:***

1. *Dragan (Milos) Djuric, born in 1953;*
2. *Dragan (Borivoje) Radulovic, born in 1963;*
3. *Bogdan (Mladjen) Nikolic, born in 1956;*
4. *Ratko (Risto) Milikanovic, born in 1953;*
5. *Radoslav (Danilo) Stanic, born in 1946;*
6. *Milenko (Milorad) Ostojic, born in 1944;*
7. *Radivoje (Nikola) Koprivica, born in 1953;*
8. *Vidoslav (Jovo) Jurosevic, born in 1955;*
9. *Savo (Vlado) Lazarevic, born in 1963;*
10. *Stanko (Vlado) Lazarevic, born in 1966;*
11. *Sreto (Pero) Krstic, born in 1948;*
12. *Mladen (Nenad) Tatomirovic, born in 1956.*

### **Jezestica**

Jezestica is located in the Municipality of Bratunac. This purely Serb, and quite large village had again suffered a tragedy on the Orthodox Christmas, on January 7<sup>th</sup>, 1993. During this attack and during the one of August 8<sup>th</sup>, 1992, a large number of residents of Jezestica were ruthlessly killed. Those murdered were persons of Serb nationality, who had tried to defend the village.

#### ***Victims:***

1. *Vidosava (Milkailo) Trisic, born in 1946;*
2. *Radojko (Ljubomir) Bogicevic, born in 1954;*
3. *Vojislav (Ljubomir) Bogicevic, born in 1949;*
4. *Milo (Stojan) Jokic, born in 1926;*
5. *Radomir (Vujadin) Jovanovic, born in 1959;*
6. *Ratko (Dragomir) Miladinovic, born in 1958;*
7. *Djordjo (Dragomir) Miladinovic, born in 1958;*
8. *Nedeljko (Milorad) Milanovic, born in 1937;*
9. *Dragan (Nedeljko) Mlanovic, born in 1970;*
10. *Milovan (Risto) Ostojic, born in 1949;*
11. *Mitar (Risto) Ostojic, born in 1934;*
12. *Krstivoje (Vladimir) Djukanovic, born in 1935;*
13. *Bosko (Milos) Djukanovic, born in 1928;*
14. *Nevenka (Risto) Djukanovic, born in 1946;*

15. *Drago (Pavle) lazic, born in 1913;*
16. *Gordan (Cvijetin) Nikolic, born in 1958;*
17. *Ivan (Vladimir) Djukanovic, born in 1954.*

### **Kravica**

Kravica (353 Serbs, 4 others) is an almost a purely Serb village in the Municipality of Bratunac, and under the same name, is also a very renowned region, composed of several Serb villages and hamlets: Brana Bacici (263 Serbs), Banjevici (38 Serbs), Mandici, Mratinci (218 Serbs, 70 Muslims), Popovici, Lipenovici (235 Serbs, 3 Yugoslavs), Pobrđe (196 Serbs, 50 Muslims), Kajici, Opravdici (434 Serbs), etc. Armed provocations and attacks were becoming daily horrors, however, certainly the most fierce attack which took place, previously well prepared and organized by very strong Muslim forces of more than 3,000 soldiers, had been carried out on Orthodox Christmas, on January 7<sup>th</sup>, 1993. On that occasion, all Serb villages of the Kravica region had suffered enormous damages, and many residents from those villages were killed.

#### ***Victims:***

1. *Negoslav (Mikailo) Eric, born in 1912, Kravica;*
2. *Krstina (Nikola) Eric, born in 1914, Kravica;*
3. *Milovan (Todosije) Nikolic, born in 1946, Kravica;*
4. *Risto (Kosta) Popovic, born in 1920, Kravica;*
5. *Kostadin (Risto) Popovic, born in 1947, Kravica;*
6. *Mara (Vaso) Bozic, born in 1909, Mandici;*
7. *Stevo (Stojan) Bozic, born in 1951, Mandici;*
8. *Krsto (Dusan) Lazic, born in 1933, Brana Bacici;*
9. *Miladin (Drago) Momcilovic, born in 1935, Opravdici;*
10. *Vaso (Marko) Nikolic, born in 1920, Brana Bacici;*
11. *Mitar (Cvijan) Nikolic, born in born in 1927, Kajici;*
12. *Ljubica Obackic, born in 1918, Mratinjci;*
13. *Tankosava (Vasilj) Stevanovic, born in 1938, Brana Bacici;*
14. *Vladimir (Stojan) Stojanovic, born in 1915, Brana Bacici;*
15. *Stojan (Mitar) Jovanovic, born in 1948, Kravica.*

### **Siljkovici**

Siljkovici, a relatively small Serb village in the local community of Kravica (90 residents Serb nationality), is located in the Municipality of Bratunac. The village itself, along with the entire region, had experienced the fiercest attack thus far by the Muslims from this area, all of whom were soldiers of the BiH Army, on Serb Orthodox Christmas, on January 7<sup>th</sup>, 1993. Despite the heroism and self-sacrifice of defending the village with a small number of residents, the village was occupied and destroyed.

#### ***Victims:***

1. *Radoje (Radovan) Pavlovic, born in 1934;*
2. *Miladin (Dusan) Dolijanovic, born in 1963;*
3. *Lazar (Kostadin) Veselinovic, born in 1935;*

4. *Stanoje (Stanko) Djokic, born in 1942;*
5. *Miladin (Radovan) Stevanovic, born in 1943;*
6. *Vaskrsije (Djordje) Radovic, born in 1956;*
7. *Dragan (Radosav) Radovic, born in 1968;*
8. *Radenko (Ljubo) radovic, born in 1974;*
9. *Novica (Slobodan) Bogicevic, born in 1976;*
10. *Slobodan (Jovan) Bogicevic, born in 1945;*
11. *Mile (Savo) Saveljic, born in 1964;*
12. *Bozo (Drago) Radovic, born in 1943;*
13. *Visnjic (Todor) Ratko, born in 1949;*
14. *Pajkan (Pajo) Gavric, born in 1963.*

### **Skelani**

Along with the numerous nearby Serb villages and hamlets (Cosici, Kostolomci (234 Serbs), Kusici, Zabokvica (589 Serbs, 52 Muslims), Toplica (254 Serbs, 13 Muslims), Bujakovici (166 Serbs, 7 Muslims), Jezero, Kalimanici (289 Serbs, 105 Muslims), Stublovi, etc.) in the Municipality of Srebrenica, the village of Skelani had been attacked early in the morning of January 16<sup>th</sup>, 1993.

### **Victims:**

1. *Novak (Radisav) Rakic, born in 1953;*
2. *Dragomir (Jovo) Rakic, born in 1953;*
3. *Milomir (Jovo) Rakic, born in 1957;*
4. *Radisa (Slavko) Rakic, born in 1961;*
5. *Dragomir (Marjan) Rakic, born in 1940;*
6. *Mile (Diko) Ivanovic, born in 1973;*
7. *Predrag (Milo) Ivanovic, born in 1973;*
8. *Zelimir (Milutin) Ivanovic, born in 1968;*
9. *Zarko (Milenko) Pavlovic, born in 1938;*
10. *Milorad (Cedo) Trifunovic, born in 1958;*
11. *Bogdan (Jovo) Zivanovic, born in 1927;*
12. *Dobrina (Mihaila) Zivanovic, born in 1923;*
13. *Tadija (Milorad) Rakic, born in 1930;*
14. *Damjan (Ziko) Maksimovic, born in 1934;*
15. *Andjelko (Svetozar) Pavlovic, born in 1914;*
16. *Vidosava Trifunovic, born in 1915;*
17. *Nebojsa (Predrag) Ilic, born in 1969;*
18. *Marko (Savo) Milanovic, born in 1954;*
19. *Aleksa (Drazo) Gligic, born in 1968;*
20. *Scepo (Simo) Janjic, born in 1947;*
21. *Simo (Pero) Janjic, born in 1948;*
22. *Vlado (Savo) Mijatovic, born in 1966;*
23. *Milan (Milos) Milovanovic, born in 1967;*
24. *Milun (Radenko) Markovic, born in 1970;*
25. *Andja (Simo) Janjic, born in 1927;*

26. *Gordana (Ostoja) Sekulic, born in 1966;*
27. *Aleksandar (Tomislav) Dimitrijevic, born in 1987;*
28. *Radisav (Tomislav) Dimitrijevic, born in 1984;*
29. *Dragan (Jovan) Dimitrijevic, born in 1965;*
30. *Radovan (Dragan) Simic, born in 1966;*
31. *Dragoje (Borisa) Milosevic, born in 1960;*
32. *Milenko (Petar) Milovanovic, born in 1941;*
33. *Radivoje (Stojan) Nikolic, born in 1952;*
34. *Milenko (Vojislav) Nikolic, born in 1940;*
35. *Petko (Mico) Todorovic, born in 1940;*
36. *Filip (Djordje) Zivanovic, born in 1931;*
37. *Stojan Zivanovic, born in 1925;*
38. *Milojko (Andjelko) Jakovljevic, born in 1957;*
39. *Savo (Milovan) Maksimovic, born in 1932;*
40. *Rosa Nedjic, born in 1933;*
41. *Vladislav (Lazar) Ristic, born in 1947;*
42. *Radivoje Mitrovic, born in 1942;*
43. *Milija (Mitar) Jakovljevic, born in 1957;*
44. *Mirko (Maksim) Mitrovic, born in 1939;*
45. *Milenko (Milan) Jakovljevic, born in 1946;*
46. *Novak (Cvetko) Ristic, born in 1951;*
47. *Ilija Milanovic, born in 1922;*
48. *Rado Ristic, born in 1920;*
49. *Dusanka Milanovic, born in 1920;*
50. *Milenija (Petko) Jankovic, born in 1963;*
51. *Milenko (Stanoja) Todorovic, born in 1928;*
52. *Nikola (Jovo) Zivanovic, born in 1921;*
53. *Radinka Mitrovic, born in 1946;*
54. *Milenka Ristic, born in 1930;*
55. *Ivanka (Milorada) Ristic, born in 1950;*
56. *Mitra (Novak) Ristic, born in 1974;*
57. *Mico (Novak) Ristic, born in 1977;*
58. *Mirko (Radisav) Rakic, born in 1925;*
59. *Radosava Kovacevic, born in 1915;*
60. *Ilinka Blagojevic, born in 1914;*
61. *Darinka Mitrovic, born in 1922.*

### **Babici**

Babici was a particularly small Serb village (114 Serbs), at the foot of the mountain of Udrc, at the edge of the large and well known Muslim area of Cerska, in the Municipality of Vlasenica. The village was reduced to ruins during the night of March 9<sup>th</sup>, 1993, as a sudden sabotage attack was conducted by Muslim armed formations of the BiH Army, of which the soldiers were recruited in the local areas of Cerska, Kasaba, Konjevic Polje, and other surrounding places.

***Victims:***

1. *Petar (Djoko) Colic, born in 1948;*
2. *Mirsad (Mehmed) Mujacic, born in 1958;*
3. *Janko (Stanoje) Maric, born in 1950;*
4. *Milos (Todor) Milankovic, born in 1942;*
5. *Rasim (Rasid) Mehmedovic, born in 1957;*
6. *Zeljko (Zarko) Dujakovic, born in 1963;*
7. *Mitar (Dusan) Popovic, born in 1946;*
8. *Nedeljko (Jovan) Djekic, born in 1944;*
9. *Vinko (Petar) Demirovic, born in 1960;*
10. *Miladin (Mitar) Udovcic, born in 1942;*
11. *Borko (Milan) Novic, born in 1942;*
12. *Nedeljko (Stojan) Dragojlovic, born in 1946;*
13. *Mirko (Tanasije) Davidovic, born in 1951;*
14. *Slobodan (Dusan) Davidovic, born in 1957;*
15. *Drazen (Nikola) Bojanic, born in 1974.*

**Boskovici**

Boskovici, a mainly Serb village (593 Serbs, 61 Muslims, 1 Croat, 2 Yugoslavs), in the Municipality of Zvornik, was attacked on the Eve of the Orthodox religious holiday of St. Elijah's Feast Day, on August 1<sup>st</sup>, 1993. Preceding the infantry attack, several hours of shelling took place, by means of conventional missiles, as well as missiles with concentrated chlorine (the poisonous gas which was discovered by UN inspectors on site), during their own initiative to investigate the village and its surroundings. That fact was even confirmed by the Commander of the 206<sup>th</sup> Brigade of the BiH Army in Tuzla, as well as by UNPROFOR experts, who had reported the issue to the UN Secretary General, Boutros Ghali.

***Victims:***

1. *Srecko (Acim) Filipovic, born in 1933;*
2. *Sreten (Tomo) Jokic, born in 1964, and his father (See No. 3 below);*
3. *Tomo (Jovo) Jokic, born in 1939;*
4. *Uros (Branko) Jokic, born in 1953;*
5. *Milorad (Mico) Kostic, born in 1966;*
6. *Simo (Milovan) Lukic, born in 1951;*
7. *Branislav (Milos) Nikolic, born in 1954;*
8. *Draginja Nikolic;*
9. *Zdravko (Ilija) Nikolic, born in 1973;*
10. *Vinko (Petar) Maksimovic, born in 1954;*
11. *Dragomir (Ivko) Milutinovic, born in 1941;*
12. *Pero (Lazar) Milutinovic, born in 1922;*
13. *Srbo (Savo) Savic, born in 1955;*
14. *Bosko (Tode) Savinovic, born in 1944;*
15. *Milan (Mihajlo) Vasiljevic, born in 1958;*
16. *Cedomir (Jovan) Nikolic, born in 1937.*

### **Gornji Lokanj**

Gornji Lokanj, a quite large, purely Serb village (743 Serbs) in the Municipality of Zvornik, had suffered from a fatal attack, on December 11<sup>th</sup>, 1993. Aside from the use of artillery and other kinds of modern weapons, the attack on the village had also been executed by strong and numerous armed formations of the Tuzla Corps of the BiH Army.

#### ***Victims:***

1. *Milos (Jela) Jevtic, born in 1964;*
2. *Dragan (Pero) Micic, born in 1973;*
3. *Milan (Krst) Micic, born in 1944;*
4. *Milivoje (Simo) Popadic, born in 1952;*
5. *Teodor (Lazar) Zivkovic, born in 1949;*
6. *Vojo (Milan) Lakic, born in 1936;*
7. *Rajo (Bosko) Rajkovic, born in 1965;*
8. *Drago (Veljko) Peric, born in 1959;*
9. *Sreten (Srecko) Spasojevic, born in 1944;*
10. *Milivoj (Milosav) Jovic, born in 1960;*
11. *Milan (Cvijetin) Radovanovic, born in 1954;*
12. *Milan (milorad) Savic, born in 1934;*
13. *Milutin (Mico) Simanic, born in 1953.*

### **Slivnje**

Slivnje was a predominantly Serb village (113 Serbs, 38 Muslims), in the Municipality of Olovo. In the twilight of the Muslim terror in these areas, the village had suffered an attack, carried out by the Bosnian armed forces, on December 15<sup>th</sup>, 1993. The assault was only directed at the larger, Serb part of the village, mostly on Serb homes.

#### ***Victims:***

1. *Momir (Mijat) Dupljanin, born in 1936;*
2. *Budimir (Drago) Dupljanin, born in 1960;*
3. *Branko (Milivoje) Janjus, born in 1949, and his son (See No. 4 below);*
4. *Radojica (Branko) Janjus, born in 1972;*
5. *Zora Janjus.*

### **Jelacici**

Jelacici is located in the Municipality of Kladanj, and is considered one of the many large, purely Serb villages (315 Serbs, 2 Yugoslavs). It suffered an attack on January 14<sup>th</sup>, 1994, on Serb New Year's Day, at 0730 hours. The offensive was conducted by members of the BiH Army, all recruited in the Muslim settlements of this Municipality, as well as in other neighboring municipalities.

#### ***Victims:***

1. *Petko (Todor) Bozic, born in 1929;*
2. *Novica (Jovan) Erdelic, born in 1965;*
3. *Drago (Bozo) Erdelic, born in 1944;*

4. *Veselin (Gavro) Erdelic, born in 1941;*
5. *Drago (Djuro) Erdelic, born in 1928;*
6. *Bozo (Savo) Erdelic, born in 1910;*
7. *Radivoje (Milos) Erkcic, born in 1953;*
8. *Grozda (Desimir) Erkcic, born in 1932;*
9. *Ljubinka (Miro) Erkcic, born in 1927;*
10. *Nevenka (Obren) Erkcic, born in 1914;*
11. *Radivoje (Desimir) Milic, born in 1940;*
12. *Jovan (Kosta) Milic, born in 1940;*
13. *Nedjeljko (Miladin) Milic, born in 1967;*
14. *Kosta (Ratko) Milic, born in 1955;*
15. *Miladin (Vladeta) Vukovic, born in 1959;*
16. *Zora (Sretko) Bozic, born in 1949;*
17. *Milos (Blasko) Sejmenovic, born in 1964.*

### **Pelemisi**

Pelemisi, a Serb settlement within the Municipality of Kladanj, had always been a target of Muslims from the neighboring villages. It had experienced the most brutal attack on March 30<sup>th</sup>, 1994, in the early hours of the morning. Participating in the offensive were local armed Muslim formations of the BiH Army (121 st Mountain Brigade from Kladanj, etc.).

#### ***Victims:***

1. *Lazo (Radivoj) Asceric, born in 1973;*
2. *Slavisa (Ratko) Vukovic, born in 1972;*
3. *Nenad (Stevan) Vidovic, born in 1951;*
4. *Miroljub (Risto) Milicic, born in 1946;*
5. *Nenad (Petar) Vasic, born in 1973;*
6. *Dragisa (Stojan) Radivojevic, born in 1952;*
7. *Milos (Cvijetin) Pepic, born in 1941;*
8. *Ljubisa (Vico) Popovic, born in 1962;*
9. *Dragan (Slobodan) Misic, born in 1972;*
10. *Stojan (Sretko) Petrovic, born in 1963.*

### **Rupovo Brdo**

In this village, five residents of Serb nationality were murdered. That had occurred by an ambush, executed by the Muslims, on the gravel road between Rupovo Brdo and Kupusno on May 27<sup>th</sup>, 1995, at 1715 hours. The organizers and participants of the ambush were members of the 28<sup>th</sup> Division of the BiH Army, under the command of Naser Oric, whose headquarters were, at the time, located in the safe and reputedly demilitarized zone of Srebrenica. In the ambush, five Serb lumberjacks were killed, who, in an old Mercedes truck, had been transporting firewood to their households.

#### ***Victims:***

1. *Ljubisa (Vojin) Golic, born in 1946;*
2. *Milislav (Stanko) Petrovic, born in 1948;*

3. *Branko (Drago) Nikolic, born in 1950;*
4. *Miladin (Radivoje) Savic, born in 1957;*
5. *Milos (Milos) Misic, born in 1961.*

### **Skelani**

The crime scene is a local, gravelly road between Srebrenica and Skelani (in the Municipality of Srebrenica). In one of their frequent sabotage campaigns, from the safe heaven zone of Srebrenica, Muslim soldiers of the 28<sup>th</sup> Division of the BiH Army had planned and realized an ambush on June 23<sup>rd</sup>, 1995, and had murdered five individuals of Serb nationality, from the neighboring village Skelani, who happened to be travelling in a passenger van. This trap, as well as the previous attack on the village of Visnjica, in the Municipality of Milici, was the last armed criminal action taken by the Srebrenica Muslims before the final return of the Serbs to that small town.

#### ***Victims:***

1. *Tomo (Radomir) Bibic, born in 1955;*
2. *Ostoja (Radomir) Bozic, born in 1946;*
3. *Dragisa (Vidoje) Pavlovic, born in 1963;*
4. *Zivorad (Ignjat) Grujicic, born in 1950;*
5. *Velisav (Radovan) Pavlovic, born in 1953.*

### **Baljkovica**

Baljkovica, one of the particularly large villages in the Podrinje Municipality of Zvornik, had, during the night of July 16<sup>th</sup>, 1995, experienced a fierce attack of the 28<sup>th</sup> Division of the Second Corps of the BiH Army. Very powerful Muslim forces, in numbers of approximately 15,000 soldiers, according to the estimate, had attempted to make their way to Tuzla, through Serb villages and territories, after being forced out of Srebrenica. On their way, this village was one of their targets.

#### ***Victims:***

1. *Gojko (Jovan) Kulic, born in 1954;*
2. *Zoran (Borisav) Stojkic, born in 1959;*
3. *Petar (Dragomir) Batic, born in 1939;*
4. *Milan (Veljko) Jaksic, born in 1965;*
5. *Slavko (Mico) Katic, born in 1968;*
6. *Savo (Djordje) Acimovic, born in 1955;*
7. *Zoran (Stevo) Tomic, born in 1960;*
8. *Rado (Vasilije) Tomic, born in 1970;*
9. *Goran (Dusan) Gotovac, born in 1973;*
10. *Vasilije (Milivoj) Delic, born in 1941;*
11. *Ljubisa (Slobodan) Jerkic, born in 1964;*
12. *Anto (Jovan) Milosevic, born in 1961;*
13. *Bosko (Momcilo) Aleksic, born in 1960;*
14. *Slavko (Slobodan) Dragic, born in 1963;*
15. *Dusan (Slobodan) Nikolic, born in 1957;*
16. *Mico (Radivoj) Peric, born in 1967;*
17. *Milenko (Milan) Radic, born in 1964;*

18. *Gojko (Lazar) Simic, born in 1952;*
19. *Dragan (Dragomir) Stevanovic, born in 1971;*
20. *Petar (Rajko) Tijanic, born in 1937;*
21. *Cvijetin (Ilija) Nikolic, born in 1951;*
22. *Rajko (Dobrosav) Smiljanic, born in 1966;*
23. *Dragan Milicevic, born in 1975.*

In this booklet, which describes the numerous places and events of execution, we commemorate the names of the above listed individuals, all innocent residents of the Srebrenica region, who, by no fault of their own, have been erased from the book of life. They were killed by the same hands as their ancestors and today they rest in the same cemeteries with hope or hopeless that their descendants will not experience the same fate from mainly Muslim forces under the control of Naser Oric who remained unpunished for all these crimes. The victims of other municipalities of Podrinje were not represented here where Muslim forces committed massive crimes against the Serb people in those municipalities.

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## RUSSIAN FOREIGN POLICY ACCORDING TO BALKANS AND HOSE TRIBUNAL

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**Abstract:** Russia's foreign policy in the Balkans and relations between Russia and South Slavs have developed differently with different countries and nations in the past, influenced by a whole range of external and internal factors. Russia occasionally defended the Slavs Balkan nations, although Western nations tried to prevent it in various ways. Russia's foreign policy until 1995 was characterized by passivity, inconsistency, uncompromising, unprofessionalism and neglect of Russia's national interests. Great changes in Russia's foreign policy followed the arrival of Vladimir Putin as President and Sergei Lavrov as Foreign Minister, which could be seen particularly in relations with events related to Kosovo and Metohija, Serbia in general and the Republic of Srpska. In particular, the issue of Russia's passivity towards the formation and jurisdiction of the Hague Tribunal, where all the positions of the West in support of the inadvertent punishment of Serbs were supported.

**Key words:** *Russia, foreign policy, international relations, Serbia, Kosovo and Metohija, The Hague Tribunal.*

Constant interest in the history of relations between Russia and Yugoslav people is today closely linked to political processes in the Balkans, especially to the problem of the breakup of Yugoslavia, for a political debate on Russia's significant role in this region. The fate of Russia and the Yugoslav peoples were closely linked and emphasized over the past few centuries. It is therefore natural to wonder: how to define the development strategy of our countries in the 21. century, which place will Russia take in the new world order, whose crude pragmatism already causes great doubt today? For the most part, our future will depend on those relations that will be built with the Slav countries, where I would, for fully understandable reasons, emphasize Serbia and Montenegro.

In the relations between Russia and Montenegro, in the course of all centuries, starting with the Charter of Peter the Great from 1711, the relative stability is seen.

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Cooperation has intensified and gained new outlines in the 19. century, evolving in many areas - military, cultural, religious, social and state politics. However, the clear horizon of the Russian-Montenegrin relations was partly obscured by the desire of the state of Montenegro to seek the patronage of other states (the year of the reign of Danilo Petrovic) or the intention of the Russian court to renounce its interests.

Relations between Russia and Serbia were even more complicated and developed unevenly - from cooperation, help, harmony to complete deterring, which was largely linked to the internal political struggle between the Serbian political elite, given the expressed interests of other states in the Balkans, and the possibilities of the then Russia, which was constantly in the state of war, defending their own positions or diplomatic offensive.

However, even at the time of cold relations between Russia and Serbia, Russia has always been "present" in Serbia. It had a wide network of her representatives, diplomats, and consuls and in some way took on the issues of economic development, disagreement among the parties, mutual relations between the authority and the opposition and carried out a balanced political course aimed at stabilizing relations, both within society as well as in the foreign policy.

Russian diplomacy had to maneuver constantly and for a long time, instead of, due to inadequate procedures, losing the traditional and strong influence in the region. The merit of Russian diplomacy is undoubtedly that interstate relations with Serbia at the time were not interrupted although they were numerous times near a break down.

### **STRENGTHENING THE INFLUENCE OF RUSSIA IN THE BALKANS**

Strengthening Russia's influence in the Balkans or its victory in Russian-Turkish wars occasionally led to diplomatic isolation from some European countries, however, Russia has always tackled its priority of engagement in the Balkans. At some point, Russia had intended to defend the Slavs Balkan nations of the Balkans, but Western countries tried to prevent it in all ways in order to prevent the strengthening of Russia's influence in the Balkans, without wanting to oust the control of the Balkan territory.

The twentieth century brought, on one hand, the confirmation of our cooperation between the Soviet Union and Yugoslavia, strengthened in a joint struggle against vindicated fascism, and, on the other hand, Cominform's policy inflicted irreparable damage (1948).

Events from the beginning of the 1990s and the crisis in the territory of Yugoslavia arose at the end of a long period of cold relations between the USSR and Yugoslavia and their partial stagnation. Period between 1991-1995 was a period of complete mutual misunderstanding between the state leaders of the FR Yugoslavia and Russia. Yugoslavia was in difficult conditions, for which it sought Russia's support, but at that time Russia looked at the West and tried to build a new foreign policy, with which it would become an equal member of the Western society, a new

system of international relations in Europe and the world. In addition, Russia was economically and politically powerless, burdened with a number of transition problems, and Western countries were used skillfully.

At the same time, the first half of the nineties proved that there is a historical memory in the people. In the difficult moments of our history, historical tradition was something that anyone found long needed. However, later these traditions renewed the political and social movements of the Russian public, the patriotic enthusiasm of intelligence, the political manifestation of the legislative power, the movement of volunteers among youth, officers and Cossacks to help the vulnerable. Events in the Balkans stirred up long-forgotten ideas of Slavs, spiritual closeness, attempts to preserve and defend their spiritual independence.

It is precisely because of the change of such relations that today, all Russia knows very well what is happening in the Balkans. Russia's foreign policies towards the Balkans and the Yugoslav crisis since the early 1990s have gone through several stages that need to be considered in a certain way.

### **1. The period of Indeterminacy in the Foreign Policy Orientation after the Collapse of the USSR (1991-1992)**

After the collapse of the USSR, there was no scientifically elaborated foreign policy concept for the new Russian state, which made certain political segments spontaneously formed, sometimes with unexpected and sudden turnarounds that surprised everyone. That's precisely what happened with the Balkan policy of the new Russia. The Balkan problem came to the stage when a certain anti-communism mood prevailed in the country, when the elements of foreign policy from the communist past were rejected, including the sphere of influence when all the allies of the former USSR were rejected and not the opponents, after all more was. In the opinion of new politicians, who called themselves Democrats, Russia must become part of Europe and reject its "non-European" policy from the past. At that time, Moscow's official aim was to strengthen friendly relations with the leaders of Western countries, avoiding disputes and conflicts.

At that time, the Balkan direction of engagement was in the back of Russia's foreign policy, on the one hand, because of the lack of the demands of Yugoslavia because it disappeared as a state, and on the other, as a side direction of foreign political engagement for Moscow towards the Balkans. When the national-political crisis broke out in the SFRY, historical consciousness began Slavs feelings and Yugoslavia with a certain hope turned to Russia for help, as was often the case in history. With a reason in Yugoslavia they expected a completely different position of the official Russia in then Balkan conflict. It seemed that Russia should not be explained who is right and who is wrong for the Yugoslav crisis but to offer its good services. It seemed that Russia should not be persuaded to take an objective position and take measures to preserve Yugoslavia, because it itself was in a similar situation.

Russia's position was completely surprising to Serbia and Montenegro. In response to the crisis, it came across misunderstanding and also a dilemma about

why it is Russia that needs to advocate for the Serbs. This course was immutable while the head of the Russian MIP was Andrej Kozirev, until 1996, although some of its inner hues can be noticed. The causes of such behavior and omission were the political immaturity of the Russian Foreign Minister. His plans to bring Russia and the United States closer to Russia, the desire of Russia to occupy the place that was once a great USSR in international organizations, and the sincere desire to gain economic and political support from the West for Russia after the breakup of the USSR were at that moment without realistic grounds.

## **2. The period of attempts to join the European security system (emerging) into the world community as an equal democratic state (1992-1995)**

Under conditions of the most difficult political and security situation in the Balkans, Russia has given up independent policies, fully agreeing with the path and policy chosen and imposed by the United States and part of European countries. Russian diplomacy conducted diplomatic activity within the borders that were allowed under these conditions, fulfilling the role of the instrument of pressure on the Serbian side, when nobody else could influence the "non-cooperative" Serbs. The basic characteristic of this period was the complete incompatibility of Russia's foreign policy, that is, its dependence on the leading countries, primarily America.

Russia's foreign policy until 1995 was characterized primarily by complete passivity, inconsistency, incompatibility, unprofessionalism and neglect of Russia's national interests in many regions of the world. Hence, mistakes were made, wrong estimates of the situation, even defeats in many directions, even in the Balkan region. For a long time, the basic key to Russia's foreign policy in the Balkans was policy coordination with the countries of the West. In a word, Russia supported all resolutions and proposals of international organizations, even when it recognized their unilateralism and abuse. An important feature in the operation of Russian diplomacy was the lie, the variation between different political forces in the country and the desire to distort the facts with which the public was relaxed. The claims of the official Russian circles in Moscow, Belgrade and Washington differed significantly.

For the Minister of Foreign Affairs of Russia Kozirev, this position was "a step forward on the democratic side of the barricade". The decisive Russian "yes" to the Western plans led, in his wrong estimates, to a significant reduction in the position of big Russia.

## **3. The third period of Russia's foreign policy could be called the period of disappointment in rapid integration into the Western system of European values (1996-1999)**

The great influence on the change of the foreign policy concept had arrived at the head of the Russian Ministry of Foreign Affairs of the new Foreign Minister Evgeny Primakov.

Russian diplomacy at the end of 1995 found itself in an extremely difficult situation. After "Koziryev" and Yeltsin's foreign policies in the Balkans, Russia ceased to be a factor that has a significant impact on the course of events in that region. This led to the complete swaying of the traditional influence of Russia in Serbia, Montenegro and Macedonia.

With the change of MFA leadership, the new parameters of Russia's foreign policy are being shaped and the construction of the position of a major international subject in the world begins. From the beginning there was not yet a word about creating a comprehensive concept, but Evgeny Primakov outlined the direction of changing foreign policy already in March 1996. The basic thing was that the minister spoke publicly about keeping Russia's national interests in mind. In addition, he announced an "active policy across all azimuths"<sup>2</sup> aimed at preserving Russia's integrity, that Russia should play the role of contraband of those negative tendencies, which are strongly expressed in international relations, to try to balance the unfavorable moments that emerge from the leading role only one state in the world international order and process, or activities on the construction of the multi-colored world. He was inclined to go even to disagree with the US, but within the framework of partnership, not slipping into confrontation.

Russia's participation in the Contact Group was the necessity of monitoring the post-Dayton territory in Bosnia and Herzegovina, and also looking at the continuation of instability in the Balkans, which with the emergence of new hot spots and conflicts caused the change of the Balkan direction among the priorities of Russia's foreign policy. Unfortunately, this Russian policy of the Balkans, at that time, was not convincing, not to say solid. It expressed her "special thinking" in the Contact Group by a series of points without opposing the final solution, which put it aside.

The transformation of Russia's foreign policy role in the emerging international relations took place simultaneously with the strengthening of the position of its foreign minister. Evgeny Primakov, especially because of his firm attitudes, began to respect everyone and, on all meridians of the world, and consider him to be a very prominent figure in world diplomacy.

Russia's position began to get a clearer outlook only in the autumn of 1998, largely contributing to events in Kosovo and Metohija, where the decisive position of NATO and the United States was emphasized. Reflections on NATO's plans and activities have led Russian diplomacy to a special position on this issue. There was no longer any claim about the unity<sup>2</sup> of the members of Contact Group E. Primakov who emphasized that "our reaction to the Security Council will depend on the adequacy of the proposed measures and the situation that will exist at that moment".<sup>3</sup> Russia categorically rejected the use of force by NATO forces in resolving national

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<sup>2</sup> *Известия*. - М., 1996. - 6 March

<sup>3</sup> *Независимая газета*. - М., 1998. - 30 May. - С.6

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conflicts as a stand-alone factor without the approval of the Security Council. But such thoughts and persuasions did not stop the aggression of the countries of the West into Serbia and Montenegro, which was being prepared with pompous NATO circles.

In accordance with the estimations of August 27, the MFA of the Russian Federation prepared a Work Plan on the Prevention of Humanitarian Disaster in Kosovo and Metohija, which is so pompously prominent in the world's media. However, the final and most dramatic period of development of events was already connected with the name of the new Foreign Minister Igor Ivanov, since in September 1998, Evgenye Primakov was appointed Prime Minister of Russia.

### **RUSSIAN RELATIONSHIP RELATED TO THE BALKANS AND NATO MEMBERSHIP**

In line with the changes in December 1998, Russia and Yugoslavia signed protocols on military-technical and scientific-technical cooperation in the field of defense. However, NATO's decisions and US involvement in the Balkans's use of the Soviet Union made all of Russia's efforts to politically regulate the situation in Kosovo. They spurred the media information blast and actively conducted an action on the use of force, with completely ignoring the positions and attitudes of the Russian Federation.

It is known that on March 24, 1999, the sovereignty of an independent Federal Yugoslavia was violated, violating the norms of international law, because without the consent of the NATO Security Council, the bombing of the country began. Russia actively engaged in the process of political and diplomatic regulation of the crisis, primarily supporting Yugoslavia through diplomatic means. At the request of Russia, an emergency extraordinary meeting of the Security Council was held on 26 March. As pointed out in the MFA statement, a number of members of the Security Council showed "solidarity with NATO", which resulted in the draft resolution submitted by Russia and India, and which was condemned to gross violations of the UN Statute and NATO aggression, did not pass. Although the Foreign Minister of the Russian Federation, Igor Ivanov, was pleased with the fact that the unity of countries, such as Russia, China and India, showed that "the illegal military adventure has been rejected by more than half of the world's population." This, of course, did not stop the aggressors who continued the day-to-day bombing of Serbia and Montenegro, on the contrary, they understood that they should continue what they started without the Security Council.

For its part, the leadership of Russia has launched a series of serious measures, which related to the relationship between the Russian Federation and NATO. In the first days of the aggression against Yugoslavia, Moscow was active and for the first time natural in its behavior, in choosing the means to sharply oppose the behavior of NATO and the countries of the Alliance:

Russia called the Alliance's actions aggression against an independent sovereign state and condemned them. President of the Russian Federation Boris N. Yeltsin even said that Russia would turn its strategic missiles in the direction of the West if the bombing of Yugoslavia did not stop;

- Frozen relations with NATO and in Moscow the Chief Military Representative of the Russian Federation was recalled to NATO;
- Hospitality has been denied to NATO representatives in Russia;
- Participation in the "Partnership for Peace" Program and the Russia-NATO Strategic Partnership Program has been stopped;
- Negotiations on launching a military mission for NATO connections in Moscow have been postponed;
- Russia initiated the Contact Group meeting.

In line with the development of the situation, Russia prepared a draft resolution for the cessation of combat operations in Yugoslavia and handed it over to the UN Commission on Human Rights, and for the first time transferred the activity to the international legal issue of the individual responsibility of NATO and the perpetrators of their human rights orders. first of all, the right to life, stating that a trial is necessary for the perpetrators of the crime:

- It has acted as a mediator in preserving the interests of Yugoslavia;
- Led active diplomatic negotiations on the solution of the crisis;
- Supported the accession of Yugoslavia to the Union of Russia and Belarus;
- Held maritime exercises of the Black Sea, Northern and Far East fleet;
- Sent a spy ship to the Adriatic to monitor the moves and behavior of NATO;
- Developed plans for military support to Yugoslavia;
- Provided extensive humanitarian assistance to Yugoslavia.

And at that time, the entire Russian public, from the president to the student, was upset because of the actions of aggressors and solidarity with the Serb people. Boris Yeltsin assessed NATO's actions as "a blow to the entire international community" and called the Alliance's actions aggression, a war adventure, and urged the Russians to join the revolt of the whole of Russia against such a policy of the West. The Russians joined the protests and support of the Serbian people. And it's one-sided. Numerous protests were held in all the cities of Russia. Kemerovo, Petrozavodsk, Ufa, Novgorod, Volgograd, Novosibirsk, Kazan - are just some of the cities in which legislative and executive authorities prepared statements and speeches, in which protests and burnt American flags were held. In Moscow, day-long demonstrators protested around all the embassies of NATO member countries. Most of all (throwing eggs, inks and stones) at the American embassy. Moscow students distributed leaflets of the following content: "Students! Lectures in Politics will be held in front of the US Embassy! Say NO to American Fascists!". Serious statements were made by the highest representatives of the Duma and the Federation Council. Russian scientists, entire scientific collectives, sent letters and support telegrams continuously to Yugoslavia. Statements were made by spiritual leaders of traditional

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religious associations of Russia - Orthodoxy, Islam, Judaism and Buddhism. In many cities, lists of volunteers were prepared, ready to go to the Balkans to defend the brothers Serbs.

The events in the Balkans Russian military circles understood and experienced very seriously. Russia said it was possible to respond in its own right to "adequate counter-measures of military character". At the Pacific fleet, military exercises and launch of missiles from underwater and underwater positions, artillery and torpedo shooting were held. Military circles began to consider the possibility of dislocation of Russian nuclear weapons, exiting the regime of the UN sanctions. Commander of the Far East Army General Viktor Chechevatov said he was ready to lead any formation of Russian volunteers or a regular army to help Yugoslavia. At the beginning of April, the Turkish General Staff received a notification from the Russian MFA about the passage through Bosphorus from April 8 to 15, a detachment comprised of eight ships of the Black Sea Fleet, heading to the Adriatic. They had to show the American fleet, dislocated on the coasts of Montenegro, the presence of Russia in the Balkans. But the Russian army was awaiting the political decision of Russian President Boris Yeltsin on their significant engagement. The registration of the passage of Russian convoys was extended for the period from 15 to 22 April, however, the political decision on their involvement did not follow. Only the Russian ship scout "Liman" arrived in the Adriatic Sea. It was the beginning of the end of opposing Russia's policy to NATO.

Such actions in Russia frightened the countries of the Alliance, but they could not stop the aggression that was already on the scene. Soon the West decided to consider variants of influence on Russia, instead of the variant of stopping aggression.

There are no valid documents yet, which could shed light on the decision-making process on changing Russian policy, so it must just be noted that two weeks after the start of NATO's aggression against Yugoslavia, the Russian SMI changed the tone and direction of information. In Moscow and other cities, the demonstrations were banned in front of the embassies of Western countries, the Russian brains started to become more actively involved in the idea that Russia should not be drawn into a war in which the patriots and Yugoslavia are trying to pull it.

The entire activity of the Russian diplomacy was pervaded by cries that the crisis was resolved with political means and that the attacks of NATO aviation on the territory of sovereign Yugoslavia were urgently ceased. However, nobody heard these cries, and there were no concrete and significant actions by Russia. In the end, it turned out that the Russian position as a whole was again complacent, which Western strategists appreciated well. It could not oppose NATO, and thus made her own security quite uncertain and weak.

On April 14, President Boris Yeltsin appointed Viktor Chernomyrdin as his representative for the solution of the situation around the FRY. The newspaper "Kommersant" wrote: "This is not only a confirmation of the Yeltsin dissatisfaction

with the Balkan government policy and the MFA. The President has made it clear that his intention is to end the course of confrontation with the West. "And in the face of this, the President strictly reprimanded Defense Minister Sergei Sergei, Chief of General Staff Anatoly Kvashnjn and his deputy, Yuri Baluevsky, over excessive and belligerent statements by the officer ... President chose Viktor Stepanovich Chernomyrdin, probably because his candidacy was appropriate to the West. He was against Moscow's "arrogance with weapons," and agreed to be a mediator, "to stop this bloody process." Having received such a post, Chernomyrdin made it clear that the basic dialogue would be conducted not with Belgrade but with Washington, but it turned out differently: the concessions did not go to the United States, but in Belgrade, to which V. Chernomyrdin, like everyone else starts to set up a very harsh ultimatum.

Setting Chernomyrdin told Russia's representative to resolve the situation in FR Yugoslavia showed America that Russia would not oppose NATO's plans. Chernomyrdin worked well in the role he got. He explained to the Serbs that Russia would not argue with the West over Yugoslavia, and that they should not expect help, and pledged to participate in the peace process. Enduring 72 days of bombing, Slobodan Milosevic agreed with the "Principles for Cooperation in Regulating the Crisis Kosovo (plan of peaceful regulation)", proposed by former Finnish President Martti Ahtisaari, on behalf of the European Union, and Viktor Chernomyrdin on behalf of Russia.

It is not difficult to conclude that during the 1990s, Russia's role in the Balkans was reduced to a minimum, thanks to the lack of unity in the country's leadership, inconsistency in decision-making, continuous monitoring of US reactions in the development of tactics and strategy.

#### **APPOINTMENT VLADIMIR PUTIN FOR THE PRESIDENT OF THE STATE FOREIGN POLICY OF RUSSIA CHANGES**

How does Balkan policy fit into the context of the key directions of Russia's foreign policy at the beginning of the new century show the following allegations? The leadership of Russia considered that a new phase in the relations between Russia and the countries of Central and South-Eastern Europe took place - the line under the cooling-down phase was followed, accompanied by strong elements of russophobia and confrontation and the period of missed opportunities in the field of economic cooperation. Such a process is strongly maintained on a regular political dialogue, contacts are being established between the organs of the executive and the parliamentary line.

Changes in Russia's foreign policy have been remarkably visible only recently - in the events related to Kosovo and Metohija, especially after coming to the head of the MFA Sergey Lavrov. He was the first to speak openly about the genocide of the non-Albanian population on March 17, 2004 and about the growth of Albanian extremism in the Balkans. Russia resolutely condemned the torrent of Albanian

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violence in Kosovo and Metohija, providing unselfish humanitarian aid to Serb refugees, setting up two tent villages, where each tent is intended to accommodate 1,000 people. Large quantities of foodstuffs, medicines, mobile power generators, equipment for Polish cuisine, etc. were dispatched to Kosovo and Metohija. In the province, 102 prefabricated houses were delivered. The total value of the humanitarian operation was over 1 ml. US dollars.

However, it was only in 2006, after the takeover of the head of the state of Vladimir Putin, Russia could not only say but also fight for its vision of the solution to the problem in the Balkans. At the moment of recovery the question of the future of Kosovo and Metohija becomes a consideration. Before the end of the negotiations between Pristina and Belgrade, at the end of 2006, Moscow took a much harder stance opposing the imposition of a solution and pledging to continue the negotiating of the process, which caused sharp criticism and disapproval of the West. The strategic interest of Russia is to preserve the unity of the territory of Serbia, that the case of secession of autonomy does not become a precedent for other countries, including Russia.

The importance of such a step forward is that Russia breaks the chain of the scheme which operated in the crisis of the Balkan region since 1991, when it was easy and with the approval of the international organization to make unilateral and non-objective decisions. Russia's proposals must be included in the negotiation process at the level of international law. A similar attitude was taken by Russia regarding the Dayton Peace Agreement, advocating respect for the international document and preventing all forms of its jeopardizing. This made the Republic of Srpska gain significant support for the policy that argued that the Dayton Agreement was a satisfactory framework for peace and that it was necessary to respect the constitutiveness of all the three peoples.

This position of Russia also clearly indicates that its foreign policy has reached a milestone. As a result of strengthening the economic position of the country in Russia, a new doctrine of foreign policy is being developed (the previous conceptions of 1996 and 2000), which is already partially disclosed through the presentation of the Minister of Foreign Affairs<sup>4</sup> and President of Russia V. Putin. The basis of foreign policy doctrine is the out block attitude, the tendency towards dialogue among civilizations, the establishment of an international balance, not only the struggle for their national interests, but also the need to keep the interests of the defense, the ability of nations and peoples to choose value orientations and development models, non-degradation of the course of the historical process, the spreading of economic and humanitarian interaction between countries, and in general, Moscow's desire to respect its enhanced role within the partner's relationship with the West. The first step in the practical realization of this role is Kosovo and Metohija.

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<sup>4</sup> [http://www.mid.ru/brp\\_4.nsf/](http://www.mid.ru/brp_4.nsf/)

## **RUSSIAN RELATIONSHIP TO THE HAGUE TRIBUNAL IN THE 90S OF THE LAST CENTURY**

In the 1990s, the US influence on Russia's foreign policy had very concrete results. On September 25, 1991 in the UN Security Council, Russia voted for Resolution 713 on the prohibition of arms exports to Yugoslavia. By the arrival of Andrey Koziryev in the Russian diplomacy Russia's national interests were not precisely defined and even at one point Koziryev, in a conversation with Richard Nixon (former US President), asked him to indicate what could be Russia's national interests in the future, which was a precedent in the diplomatic relations of the two great powers, but also in the whole diplomatic world. Russia's main interest at that time was to show the West its connection to the so-called democratic principles. Russia passed loyalty checks throughout mid 1990s when it supported the sanctions against Yugoslavia and did not prevent the exclusion of Yugoslavia from the UN and the OSCE. For this reason, it failed to prove the counterproductivity of the issue of the isolation of Yugoslavia by international organizations. The Ministry of Foreign Affairs of Russia in the second half of 1992 was actively supported by many anti-Serb solutions in the UN Security Council.

The special weakness of Russia at that time, and the long-term and irreparable damage to the Serbian people, was the support of the establishment of the International Criminal Tribunal for the Former Yugoslavia. By Resolution 808/93, the United Nations Security Council decided to establish an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed on the territory of the Former Yugoslavia since 1991 onwards.

Under the pressure of the international public, a solution was adopted, according to which a court was established for the conflict in Yugoslavia, which was obliged to deal only with events on the territory of the former SFRY after January 1, 1991. The court, later called the Hague Tribunal was founded by the decision of the United Nations Security Council, which used its (until then due to the Cold War rarely used) the power to make binding decisions under Chapter VII of the UN Charter, although it is known that international courts can be established only by the 1 UN General Assembly.

Russia had not opposed such a decision of the Security Council and the International Tribunal for the prosecution of persons responsible for serious violations of the international humanitarian law was executed on the territory of the Former Yugoslavia after 1991, known as the International Criminal Tribunal for Former Yugoslavia. In most of the states established on the territory of the Socialist Federal Republic of Yugoslavia, this court is simply referred to as the "Hague Tribunal", and it was founded by resolution no. 827 of the UN Security Council, adopted on May 25, 1993.

The Resolution 827 was voted by all then members of the Security Council. Like then and now, permanent members of the Security Council explicitly mentioned in

the UN Charter were China, France, the Russian Federation, the United Kingdom and the United States. Each of them, therefore, could have prevented the adoption of a resolution and the creation of the Hague Tribunal but did not do that. Similarly, each of them could prevent further funding of the Tribunal and the election of its judges over the past 17 years, but none, even Russia and China, did so. For this reason, the UN Security Council, although not without the occasional grudges of its members, regularly approved the budget and mandates of the judges and accepted amendments to the Statute of the Tribunal from 2010, always with the support of all its 15 members, including Russia and China. Consequently, without frequent opposition, frequent amendments to the Statute of the International Criminal Tribunal for the Former Yugoslavia were made from 1998 to 2009 and were unanimously adopted, without any opposition from Russia.

Russia even chaired some of these sessions. This action by the Western countries sent two messages. First, the Serbs should not be afraid because Russia also supported this court and, on the other hand, that they would not be spared and that everyone would have to be culpable, as Russia had identical position and supported the work of the ICTY or that Russia followed the "democratic values" of the West.

As a result, the Hague Tribunal worked without any valid international control and for this reason the Russian Duma sent the official delegation that was supposed to gain insight into the violations of the rights of the accused. The first visit was on February 25, 2013. No organization ever checked them and literally ten times asked the Court for confirmation that it was an official delegation. They were disturbed by the fact that the members of the delegation were – a General, an Admiral and a Colonel. They did not cancel the visit just because the preparations were very serious

**Special attention must be paid to the attempts to equalize** the Nuremberg court, where it has been tried against the ideology of Nazism with the Hague Tribunal trying to revise history and to blame the Serbs for all the events of the nineties. That was subsequently justified by the aggression against Serbia in 1999, but also the bombing of the Serbs in Bosnia and Herzegovina, i.e. the alignment of the West and NATO with the side of Croats and Muslims, especially during the war in BH. This is a dangerous signal for the Russians, because whenever the west starts on Russia the first attempt is to destroy Serbia. The aggressor does not want a self-conscious and strong Serbia and therefore leads an intense political and media pressure due to the development of relations between Russia and Serbia.

The judges and prosecutors of the Hague Tribunal are burdened with prejudgments. The Tribunal manipulates statistical data and unverified statistical-demographic structures, hides documents and distorts obvious facts. Everything is adjusted to the predetermined outcome of the indictment to blaming Serbia and the Serbs in general. If the authorities in Serbia and the Republic of Srpska do not oppose the targeted creation of a complex of guilt it will have great consequences especially in young generations.

## CONCLUSION

After the collapse of the USSR the foreign policy concept of the new Russian state has long been elaborated which made certain political segments spontaneous, sometimes with unexpected outcomes? The Balkan problem occurred at a time when Russia's euphoria of anti-communism was dominated by the rejection of elements of foreign policy from the communist past and the new one was not in sight. Russia, in the opinion of many experts and new politicians, who called themselves Democrats, sought to become part of Europe and reject a "non-European" policy from the past.

Transformation of Russia's foreign policy role in new international relations took place simultaneously with the strengthening of the position of its foreign minister. The first significant steps in this regard were made by the ministers Yevgeny Primakov and later on Sergey Lavrov, by supporting the justified demands of the South Slavs above all to the right of Serbia to regulate relations in Kosovo and Metohija and to protect the Dayton positions of the Republic of Srpska in BH, respecting the constitution of all nations and the international agreement.

The damage caused to the Serbs by supporting the formation of the International Criminal Tribunal for the Former Yugoslavia, and supporting all changes and annual reports that no one was raising, is long-term and difficult to repair. With the joint work of Russia and the Serbs on both sides of the Drina River, now the creation of a complex of guilt can be prevented, and through the revision of the Srebrenica Report, it will prevent the negative impact on young generations.

Strengthening the economic position brings Russia a new doctrine of foreign policy, which is being disclosed through the views of President V. Putin and Foreign Minister Sergei Lavrov. The basis of the new foreign policy doctrine is the out block attitude, the tendency towards permanent dialogue among civilizations, the establishment of an international balance not only the struggle for their national interests, but also the desire to defend those interests, the ability of nations and peoples to choose value orientations and models of development. Special place is dedicated to the expansion of political, economic and humanitarian activities between the countries, and in general - Moscow's desire to respect its enhanced role within the partner's relationship with the West and protect its own interests in the Balkans to ensure the protection of the rights of Serbs and other South Slavs.

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## THE USE OF THE SAFE AREA OF SREBRENICA FOR STRENGTHENING THE 28<sup>TH</sup> DIVISION OF BIH ARMY AND ORGANIZATION OF ATTACKS IN PODRINJE

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**Abstract:** The protection of Srebrenica as a zone under the auspice of the United Nations was unsuccessful. By the formal protection of Srebrenica since 1993, the armament and military strengthening of the 28<sup>th</sup> Division was enabled which was linked to the General Staff of the Army of BiH through the command of the 2<sup>nd</sup> Corps from Tuzla, and thus with the Supreme Command consisted of Alija Izetbegović. Active combat operations of this division from the “security” zone synchronized with other parts of the Muslim army were carried out continuously against the population of Podrinje and the Army of the Republic of Srpska. By plundering, killing, forced displacement, burning of Serb houses and other facilities, the proven crimes against the Serb side were committed for which nobody was held accountable.

The unsuccessful demilitarization of Srebrenica, which was to be carried out by the UN, enabled attacks on the Serb side in a conflict that inevitably had to confront these actions, which was why the NATO forces, the United Nations and the propaganda in the West joined forces against the Serb side.

The tragedy of Srebrenica was stage-managed. The Serb side was pulled in with the intention of being the sole defendant, which has been done still today in order to maintain the conflict at the level of light activation, because hatred, anger and revenge have been maintained through Srebrenica daily as “justified” sentiments and activities towards Srpska as the sole culprit, which is far from true and easily provable.

**Key words:** *Srebrenica, security zone, United Nations, demilitarization, armament and strengthening of the 28<sup>th</sup> Division of the ABiH, attacks on Serb villages, population, Army of the Republic of Srpska, crimes in Podrinje, tragedy.*

### DECISION OF THE UNITED NATIONS

Boutros Boutros-Ghali, as the UN Secretary-General, in June 1992, blamed the Serb side for the conflict in BiH and called for its **withdrawal** (And where to withdraw? On Mars! prim. P.Š.) If it did not happen, he would have ensured other measures in the Security Council that would provide for the **delivery of humanitarian aid**. It was a scenario for the Security Council to approve **military intervention** in Bosnia, and then Yugoslavia would have been expelled from all international organizations. Yugoslavia became the condition and key to solving the war conflict in Bosnia, thus pre-designed for the culprit. There was no realistic analysis of which parties were in the conflict. The conflict is always two-sided and

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more. **There is no conflict with just one side.** The key question was not answered, whether it was international or non-international war conflict in BiH. The specific application of the international law of war also depended on the answer to this question. The international law of war was disregarded because it was Bosnia and Herzegovina, in particular, attacks on the Republic of Srpska were used as a reliable and effective NATO exercise for aggression against the Federal Republic of Yugoslavia. The NATO aggression that took place in 1999.

The United Nations became a party in the conflict because they had the intention of establishing peace.<sup>2</sup> In the wartime practice, it increasingly turned to the Muslim side. They represented a territorial principle, the territory belonged to one who had more inhabitants in that area. The Muslims represented a unitary principle, the entire Bosnia and Herzegovina as a state under the Muslim Islamized rule. The Serb side advocated the principle of integrity in order to provide the artery of life even at a smaller territory. Through the Serbs, the European Union wanted to prevent the creation of an Islamic state on the territory of Europe. Americans were in favor of the creation of a civil state and they were resentful of the Serbs precisely because they wanted to create a national comprehensive state. They managed to completely isolate Russia and China throughout the process.

By Resolution 819 of the UN from April 16, 1993, Srebrenica was designated as a **security zone** when it already had armed residents organized through the police and the territorial defense. The resolution was “explained” by a humanitarian catastrophe of 40,000 inhabitants, as if there had been no other choice in resolving this disaster. In a city of 5,426 inhabitants, out of this 1,632 Serbs (1991) were expelled, another 35,000 were inhabited and more with the **planned action of causing humanitarian catastrophe**, thereby creating unbearable conditions. There were more armed people (more than 6,000) among the population in 1992. The Muslim soldiers, pyromaniacs and thieves already committed **crimes** in Podrinje against the Serb population during the Srebrenica outbursts.

The UN Security Council decided to set up well-known security zones, but **did not plan** on how to effectively defend them (Morillon).

Diplomatic and state circles from the West demanded even more severe sanctions against Serbia and Montenegro. The parties to the conflict in Bosnia and Herzegovina were unequally treated in their press.<sup>3</sup> Black propaganda against the Serbs prevailed.

The government in Serbia was heavily pressured via the opposition, and the Army did not remain aside. They continued sabotage as a political happening in Serbia, and in its vicinity the war was already raging.

The Islamic lobby in the world openly supported, helped and encouraged Alija Izetbegović in creating an **Islamic state** in the Balkans. Germany was not in favor

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<sup>2</sup> *Compliant with the application of the rules of international laws of war in the Armed Forces of the SFRY, SSNO (Federal Secretariat for National Defense), 1988, p. 21*

<sup>3</sup> *My notebook with the notation 93-94, p. 43*

of the Islamic state in the territory of Europe, and because of that it was exposed to the US pressure. The USA created an economic giant but a political dwarf from Germany, thus taking over the main role in events on the territory affected by the war (at the Yugoslav battlefield).<sup>4</sup>

In these circumstances, 1994 became the key year. The Muslims strengthened their armed forces, stabilized themselves, balanced Fikret's syndrome (Fikret Abdić), and, with the victory over the Croats, they strengthened the morale of their army and intensified propaganda against the Serbs. They believed in sincere and loyal assistance from the USA and Islamic states, and therefore they acted as such.

**They restarted the production of weapons** in the Tuzla region, and with the consent of the international forces, they provided an intensive use of the Dubrava airport near Tuzla for the transportation of weapons and reproductive material. From around the world, mostly through Slovenia and Croatia, these channels were the key to the armament of the Muslims and the arrival of the mujahedin.

In the dedicated production of weapons, they began to work "every day and getting better" and to produce weapons (Milovanović).<sup>5</sup> The triadic ideological **formula** Allah, Army, Alija was instigating both for war and for production. During the war, only Allah remained in the front position, two other elements of the formula changed the place in accordance with the political needs and the pronounced pressure of their army. According to the Iranian Working Group (1992), Iran was an ideological and financial sponsor to Muslims in BiH.

They set themselves the goal of going out to the Drina, connecting with Sandžak, going to the Sava and the sea, joining the Cazin Krajina, so that Bosnia would not smell like incense anymore.<sup>6</sup> (These are not strategic and criminal objectives for the Hague Tribunal.)

At the time, the Muslims had 210,000 armed soldiers and 60,000 without weapons. Therefore, they performed daily synchronized activities, mainly in Zavidovići, Tašanj, Žepče, Gračanica, Teočak, Goražde (where a quarter of the Herzegovinian Corps forces were located). They carried out constant attacks on Doboj, kept Orašje "frozen", securing Turbe where they expected stronger actions after the victory over the Croats. From Bihać, also the security zone, they attacked the Serb areas almost daily towards Petrovac and Ključ in several directions with the forces of the ABiH 5<sup>th</sup> Corps, commanded by Atif Dudaković.

The VRS General Stanislav Galić reported they had losses every day due to combat operations from Sarajevo (up to that time 1,799 dead and about 6,000 wounded, only in the Sarajevo-Romanija Corps).<sup>7</sup> According to the report by Dr.

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<sup>4</sup> Compare, the same notebook, p. 142.

<sup>5</sup> Notebook, p. 164

<sup>6</sup> *Incense is an aromatic resin which is used for fumigation in the time of Orthodox religious services.*

<sup>7</sup> *See, Notebook, p. 148.*

Taušan, the military hospital in Sokolac conducted about 21,000 different surgeries until that time (beginning of 1994).<sup>8</sup>

The Appeals Chamber of the Hague Tribunal in the Naser Orić case called Srebrenica the “**city under siege**” (from 1993, prim. P.Š.).<sup>9</sup> Sarajevo was treated under siege. The Wikipedia says that the Yugoslav People’s Army established the siege of Sarajevo, and the only legal army at that time (1992) was the JNA. The JNA units and barracks in Sarajevo were blocked. It was not possible that they kept the city of Sarajevo in the “siege” from the blockade. In that sense, all security zones were under “siege”. Supplying these cities with the UNPROFOR’s humanitarian convoys precisely debated the thesis of siege, as there was no supply during the siege, and the supply of weapons was completely prevented. The siege of Leningrad by Germany from 1941 to 1945 is a typical example of the siege.

“Allah’s Way” was the name for entering and exiting from Srebrenica and Žepa towards Kladanj and Olovo, which led beside the natural spring above Vlasenica, where the armed members of the 28<sup>th</sup> Division of the ABiH slept overnight in a cave. And how did Naser Orić in spring 1995 with several other officers left Srebrenica if the city was under siege?

Srebrenica was also called “betrayed city”. Everyone has forgotten the name “**tragic city**”, and Srebrenica is just tragic. Those who contributed to tragedy of Srebrenica were precisely those who “protected” it, those who did not demilitarize and those who “defended” it using the protection cover for their active operations. Then the Serbs were **drawn** in the tragedy, that is, the Serb side in the conflict, in order to direct all that force that made Srebrenica tragic towards them. **This confirms that the tragedy was stage-managed.**

The intention has become clear today after studying documents. Only the Serbs had to be indicted for all the tragedy of Srebrenica, that is, exactly those who were drawn in that tragedy, without the desire to make the tragedy of Srebrenica greater.

Srebrenica was keeping our forces when the intention to transfer 2,000 ABiH troops from Tuzla was prevented. But they introduced a much higher number of war resources than before, they even traded with VRS soldiers, as noted by General Milenko Živanović, as commander of the VRS Drina Corps. The UNPROFOR was released into the enclaves to disarm the already defeated Muslim army in 1993, but due to pressure from outside it was not done.

In the General Staff of the Republic of Srpska Army, it was estimated that, in the spring (1994), the Muslim offensive would begin to “ultimately defeat the Serb side”. They were assembled in enclaves and were well armed, in one direction moved the armed men and ten unarmed men, and in case of their failure from the combat, they took over their weapon. In the event of failure they chose a long-lasting and exhausting war.

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<sup>8</sup> Ibid, p. 161.

<sup>9</sup> Case no. IT-03-68-A, p.4

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In March 1995, they planned an offensive through Bjelašnica to merge the enclaves with Sarajevo. The ABiH's 1<sup>st</sup> Corps prepared about 10,000 people for this task leaning onto special forces officers in the "Đerzelez" unit who were known as fanatics due to a special diet.

For this offensive, America promised Muslims the intelligence data through unmanned aircrafts from the island of Brač. Muslims from Slovenia were sent to Croatia with the task of attacking the Republic of Srpska and cutting corridor near Orašje.

The Muslim offensive was calculated as the appropriate pressure on Western diplomacy to initiate negotiations on accepting the contact group plan and legalizing the results of the Muslim army achieved during the cease of hostility and preventing Serb responses, especially in enclaves.<sup>10</sup>

NATO prepared a special corps of about 40,000 people to serve to evacuate UNPROFOR forces when the escalation of the conflicts was expected, as Muslims were already forced to do so.<sup>11</sup> The special corps of NATO were actually intended to ensure the safe withdrawal of the UNPROFOR forces. It was planned to leave the weapons and equipment to the Muslim side after the withdrawal. With NATO's aviation support, it was estimated that Muslims in alliance with Croats would defeat Serbs who would "capitulate". Serb people would not be able to withstand the deaths (read the crimes) and would force its army to give up fighting.

In negotiations with the international community, the Muslims requested to further protect the enclaves, to change the mandate of the UNPROFOR, so that they could freely engage forces from the enclaves. At that time the Croats were preparing to attack us (Mladić).

At the same time, the government declared peace in the Republic of Srpska, as though there was not war and, of course, refused the proposal of the Army to impose a state of war.

Colonel General Ratko Mladić and General Sefer Halilović agreed on May 8, 1993 on the demilitarization of Srebrenica and Žepa. The provisions of the Geneva Convention had to be respected. According to the Agreement, military and paramilitary formations had to be withdrawn, and weapons and all explosive devices and supplies handed over to UNPROFOR.<sup>12</sup>

More important than these clear provisions was that the Agreement was reached under international regulations. Both sides agreed and admitted that the provisions of the agreement could be considered valid if they were implemented. Lieutenant General Philippe Morillon, the UNPROFOR official representative, also guaranteed it with his signature.

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<sup>10</sup> *Computer Notebook: O.7.*

<sup>11</sup> *My notebooks from the computer by the tag; O. OPERATIVE, O.4.*

<sup>12</sup> *Protected zones flared the war, Dragan Vujicic | July 15, 2015 6:31 PM |* ([http://www.novosti.rs/dodatni\\_sadržaj/clanci.119.html:557646-Zasticene-zone-razbuktale-rat](http://www.novosti.rs/dodatni_sadržaj/clanci.119.html:557646-Zasticene-zone-razbuktale-rat))

General Mladić was familiar with the rules on the **implementation of the rules of international law of war** and he stressed the need to fulfill the conditions for Srebrenica to be protected: to become an undefended place, that all weapons and military equipment should be evacuated, that no attacks were undertaken, and thereafter any acts of hostility, either by the government or the population, not to undertake any actions that might help the operations of the Muslim army. Sefer Halilović was aware of such regulations and signed the Agreement. However, he soon sent a letter to Naser Orić and said that there was nothing of disarmament.

### OBLIGATIONS TO THE SECURITY ZONE

In early 1993, General Philippe Morillon entered the Srebrenica forcefully with Canadian soldiers and told residents that they were under the protection of the United Nations. Thus began the process of protecting some zones, which required about 135,000 soldiers (General MacKenzie's assessment before the US Congress). The Security Council approved only 12,000. About 2,000 were intended to protect Srebrenica and Žepa, which MacKenzie characterized as "sacrificial lamb" for the Bosnian Serb army. Ethnic cleansing, camps, siege of towns appeared as an emotional charge for the condemnation of Serbs (Jacques Merlino).<sup>13</sup> The Presidency of Bosnia and Herzegovina and Alija Izetbegović (Philippe Morillon) contributed to the Srebrenica tragedy.

Madeleine Albright put the pressure to the Security Council members on April 16, 1993, the Resolution 819 according to which Srebrenica was proclaimed a security zone. Detailed regulation was followed by Resolution 824 of May 6 and Resolution 838 of June 4, 1993. After the adoption of Resolution 824 and three unsuccessful attempts, on April 17, 1993 at the Sarajevo Airport, the delegations of the Army of the Republic of Srpska and the Army of BiH met which was organized by the UNPROFOR for Srebrenica matters. The "Srebrenica Demilitarization Agreement" was signed by the Commander of the VRS GS, Lieutenant General Ratko Mladić, and the Chief of the Army of BiH GS, General Sefer Halilović, in the presence of General Lars-Eric Wahlgren, UNPROFOR Commander. IV item of the Agreement stipulates: "The demilitarization of Srebrenica shall be completed within 72 hours after the arrival of the UNPROFOR in Srebrenica (it should arrive on April 18th until 11 hours). All weapons, ammunition, mines, explosives and combat stocks within Srebrenica shall be collected and handed over to the UNPROFOR with the supervision of three officers on each side. Upon completion of the demilitarization process, no armed personnel, no units, except the UNPROFOR forces shall remain in the city. Responsibility for demilitarization of the area shall be borne by the UNPROFOR" (Archive of the General Staff of the VRS).

By definition, the security zone is neutral without an army or any armed formations, where even informal groups cannot possibly come into possession of weapons. It is understood that any militant organization is banned.<sup>14</sup>

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<sup>13</sup> See: Antic, Boško, *foreign texts about events in Srebrenica - embezzlement, deceit, manipulation and concealing crimes against Serbs...*

<sup>14</sup> See: *Agreement on Demilitarization of Srebrenica and Zepa* (Antic: 1998)

Two thousand soldiers could not completely disarm over six thousand ABiH soldiers in Srebrenica and Žepa, who held the entire population of the two places in combat state with the mafia dictatorship. The inability of disarmament and demilitarization caused the inability to protect the enclaves and thus created the conditions for the Serb side to be caught in the trap.

The United Nations did not secure the safety of civilians in Srebrenica. **Srebrenica would have been the security zone in full effect if it had been demilitarized by any chance.** It was not demilitarized, it became a space for organizing a strong military force that was active every day from the city and committed countless crimes, which reinforced the responsibility of the UN. “Srebrenica” was preceded by war crimes against Serbs in the surrounding area (MacKenzie).<sup>15</sup> Numerous domestic and foreign authors exactly proved crimes against Serbs.

In the spring of 1995, a strategic idea began to be realized. Srebrenica remained undefended, part of the soldiers escaped with Naser Orić. If the Serbs would attack the “undefended city”, it would justify NATO’s air attacks on Serbs. The United Nations agreed with it instead of declaring Srebrenica an “open city”, disarming all who carried weapons, thus securing freedom of movement.

General Michael Rose claimed in a testimony at The Hague that they had intended to turn Srebrenica into an open-air refugee camp in order for the UN to begin **evacuating the zone**. In this way, the UN could have prevented the exodus from Srebrenica and Žepa. In that case, the VRS would not need to intervene. The killings would have been prevented.<sup>16</sup>

The special conscience and principle that prevailed in the VRS was the prohibition of attacking the undefended place in a clean form and attacking protected zones or extending operations to these zones. There was a clear agreement on this between the parties to the conflict.<sup>17</sup> Finding that Srebrenica became an undefended place every day, as well as the zone from which armed attacks on the Serb territory took place, that demilitarization failed, led the Serb side to a position of realistic assessment of the situation.

## **THE ACTUAL SITUATION IN THE SECURITY ZONE**

On April 21, in Zagreb, five days after proclaiming Srebrenica the security zone, Swedish General Wahlgren, a UNPROFOR commander, claimed that demilitarization was completed.<sup>18</sup> Kofi Annan used this to conclude that there was no longer any need for weapons to be searched from door to door.

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<sup>15</sup> From the texts p. 1, Antic, Boško

<sup>16</sup> *The truth about Srebrenica is written* by: Phillip Corwin, Edward Herman, Noam Chomsky, Diane Johnston, George Bogdanich

<sup>17</sup> See: *Regulations, on the application of the rules of international law of war in the armed forces of the SFRY*, 1988, 54 and further.

<sup>18</sup> Antic, text, p. 7

Everything was opposite from the definition of the security zone in Srebrenica: it was not a neutral zone, there was an organized army (28<sup>th</sup> Division consisting of 6 brigades and one independent battalion) hierarchically established, the superior to the brigade commanders and independent units was Naser Orić, and with the superior first instance command in Tuzla (2<sup>nd</sup> Corps in which they formed the 22<sup>nd</sup> Division) and the supreme command in Sarajevo. They had regular military communication with both commands. Considering such a military organization, there was no possibility for informal groups because the zone was completely militarized, the army controlled all forms of life, because the police forces almost did not exist. They were provided with weapons, weapons of the SFRY territorial defense, trophy weapons, hunting weapons, infantry weapons from foreign sources, from the former JNA, delivered by helicopters, in convoys of humanitarian aid<sup>19</sup> and transporters and partially captured by the Republic of Srpska Army.

They were supplied from somewhere with dum dum bullets that were easy to spray. I was a witness at Grabež above Bihać of the use of such ammunition. Wounds on VRS soldiers confirmed the use of explosive ammunition that was banned by the Third Hague Declaration of 1899.

By contrast, security zones were displayed in the media as cities camps, prisons, and not a refuge. Thus an emotional charge was created that no one could confront. As areas where the Serbs brutalized, by daily attacks on the “civilian population” and the prevention of medical and humanitarian aid (Dr. Williams in the Milosević).

Such a state of affairs in the enclaves was justified by the official representatives of the UN with the need for defense against Serb (assumed) brutality. They justified their position and practical behavior before the Hague Tribunal: that is, viewing Muslims as “civilian people” who needed weapons for their own defense.

Dissatisfied with the biased relation of international circles in BiH, the UNPROFOR commander, Belgian General Francis Briquemont, resigned in January 1994. On that occasion Briquemont said for the AFP agency: “Muslims use security zones under the protection of the UN in order to carry out attacks on the Serb positions... It is absolutely evident that Croatia has directly interfered with Bosnian events...”<sup>20</sup>

The viewpoint of the UN regarding the armament and the military organization of the Muslims escalated to the point of the inability of Muslims to oppose the VRS and their need for the military assistance embodied in the NATO support. American admiral Leighton Smith explained this syndrome with the need to establish a balance of power in Bosnia and Herzegovina. It was obvious that this balance was violated by the direct involvement of the NATO forces on the side of Muslims and Croats.

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<sup>19</sup> In Washington, *Alija Izetbegović won the sending of humanitarian aid by air through which weapons were also delivered.*

<sup>20</sup> Milutinovic, Milovan; *The War Began With Words*, Independent University Banja Luka, 2010

A Civil War was underway: “The civil war implies a conflict followed by violence that is taking place between two or more armed and organized parties in a society that was previously part of the same sovereign state.”<sup>21</sup>

### **COMPOSITION OF THE ARMY OF BIH IN SREBRENICA**

The Muslims realized that a small number of UN forces could not protect them. With the help of certain circles, thousands of soldiers and weapons in the security zones (MacKenzie) began to be loaded. Formed and organized military formation of the 28<sup>th</sup> Division of the Army of BiH was vertically connected with the 2<sup>nd</sup> Corps, which had a command post in Tuzla, and through the corps, with the Supreme Command of the Armed Forces of Bosnia and Herzegovina, commanded by the President of BiH, Alija Izetbegović. The war Presidency of the Republic of Bosnia and Herzegovina, as they themselves called the imaginary state without Serbs and Croats, played the role of the assemblies and the government, and the supreme commander as well.<sup>22</sup> The general militarization of the society also affected Srebrenica.

Vertically downward, the command of the 28<sup>th</sup> Division was linked to six infantry brigades stationed in Srebrenica and Žepa and their immediate vicinity. The command post of the 28<sup>th</sup> Division was located in the “Srebrenica Security Zone”... Quantity of the six brigades, 7,004 members, and the reserve force and registered conscripts in total about 18,000 people.<sup>23</sup> According to Muslim sources, 2,628 soldiers were killed (Enver Hadžihasanović, as a witness at the Hague Tribunal trial).

Sefer Halilović said that weapons were brought to Srebrenica according to the plan and sent more trained people who managed to defend the city. The airborne weapon supply operation was called “Parašut” (Mladić). Naser Orić<sup>24</sup> (1967), a former policeman, became a “legend” among the Muslims whom they called “the Defender of Srebrenica”. Orić attacked the surrounding Serb villages in order to collect the necessary quantities of food, according to an English movie, for 40,000

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<sup>21</sup> Ton Zwaan, *On the etymology and genesis of genocide and other mass crimes against certain groups*, Collection of articles, Srebrenica from denial to recognition, Testimonies, Belgrade, 2005.

<sup>22</sup> Pejanovic Mirko: *Bosnia and Herzegovina and Geopolitical Changes in Europe and the World at the Beginning of the XXI Century*  
[http://www.anubih.ba/images/publikacije/posebna\\_izdanja/ODN/08\\_osebna\\_izdanja\\_CLXXI\\_8/03%20-%20Mirko%20Pejanovic.pdf](http://www.anubih.ba/images/publikacije/posebna_izdanja/ODN/08_osebna_izdanja_CLXXI_8/03%20-%20Mirko%20Pejanovic.pdf)

<sup>23</sup> Bosko M. Antic, *Srebrenica A Big Deception*, Republic Center for War Crimes Research, 2010, p. 7.

<sup>24</sup> Territorial Defense was established on April 17, 1992, and Naser Orić became its commander. He was appointed as the Chief of the Territorial Defense Headquarters, on June 27, 1992, from which role he became a member of the war presidency established on July 1, 1992. Renaming the Territorial Defense into the Armed Forces of Srebrenica on September 3, 1992, the BiH Presidency appointed Orić as the commander. All units under Naser Orić’s command on January 1, 1994 were renamed into the 8<sup>th</sup> Operational Group Srebrenica ABiH. This group was formed as the 28<sup>th</sup> Division of the 2<sup>nd</sup> Corps in early 1995. (More info: Third Amended Indictment against Naser Orić, Case No. IT-03-68-T). The Army of BiH had only one 81<sup>st</sup> Division, which told about the importance that the Presidency attached to the “defense” of Srebrenica, although it was declared demilitarized.

inhabitants.<sup>25</sup> (In his political propaganda, Alija Izetbegović made martyrs of them. A humanitarian catastrophe was created of Srebrenica.)

The Serb villages were destroyed after the actions of Muslim forces. Appropriate amounts of nutritional needs were received through humanitarian convoys, and they justified their combat actions against the people and the Army with the struggle for food. This propaganda was obviously accepted in the world.

Strategically, the forces from Srebrenica acted on the battlefield of Bosnia and Herzegovina, in operative sense in the military premises of the 2<sup>nd</sup> Corps of the ABiH, and in the tactical sense, the combat zone of the 28<sup>th</sup> Division encompassed a wider area of Srebrenica and Žepa, including those places that were not actually under their control.<sup>26</sup>

### ATTACKS ON THE POPULATION AND ARMY OF THE REPUBLIC OF SRPSKA

The attacks from the security zones were continuous. They reached the culmination in 1994 and were continued at the beginning of 1995. The tactic was simple. They flee from Srebrenica, kill their residents and soldiers from the ambush, and then retreat to the United Nations zone without any sanctions.

The UN Secretary-General Boutros Boutros-Ghali's report on May 30, 1995 pointed to the failure to respect the security zone: "In the past few months, the Bosnian Muslim forces supported by foreign forces have greatly increased their activity in and around the security zones, and many of them, including Sarajevo, Tuzla, Bihać, were involved in a broader military campaign on the side of the Bosnian government. The General Staff and the logistics of the Fifth Corps of the Bosnian Army are located in the town of Bihać, and the Second Corps in Tuzla... The government also holds a number of troops in Srebrenica, Goražde and Žepa, thus violating the demilitarization agreement, while the Supreme Command and other military establishment are located in Sarajevo, and there is also an ammunition factory in Goražde... The reactions of the Bosnian Serb forces to the offensive that was conducted by the Bosnian government army from the security zones were usually to respond with the fire on the military objectives within those zones", concluded the UN Secretary-General Boutros Boutros-Ghali.<sup>27</sup>

A series of attacks and counter-attacks over the course of three years and escalation in 1995 caused many deaths that could not be attributed to one of the warring parties (Phillip Corwin). Workers were killed at the pumping station, a sergeant near the main command post of the General Staff, almost daily firing on the

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<sup>25</sup> <https://www.youtube.com/watch?v=RUuhSGnLvv8>

<sup>26</sup> More info, *Regulations on the Implementation of the Rules of International Law of War in the Armed Forces of the SFRY*, SSNO, 1988, str. 45

<sup>27</sup> More info, Milutinovic, Milovan; *The War Began With Words*, Independent University Banja Luka, 2010.

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*Mr Lieutenant General Petar SKRBIC*

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area of deployment of the General Staff. General Ratko Mladić and I found a military camp above Han Pijesak where commandos or some other soldiers stayed whom we recognized, after finding certain things, as members of the Muslim army.

Practically, the killers were placed under the protection of none other than the United Nations. This completely undermined the neutrality of the UN.

On all parts of the front, the Muslim attacks were synchronized and reinforced during the Serbian Orthodox holidays.

The military and civilian authorities of the Republic of Srpska endured such a situation and calmed the villagers in the hope that the Muslims would finally be disarmed.

Prisoners like Ratko Nikolic were tortured and exchanged. Many widows remained. The name of Naser Oric was written on fired houses, "Islam will win because Bosnia is an Islamic country". Hands were tied to many Serbs before they were killed (report by pathologist Dr. Zoran Stanković) on the recording of Miša Urošević. They were stuck with nails.

Hakija Meholic<sup>28</sup> was the commander of the police forces in Srebrenica. He was often called by Alija Izetbegović for consultations on how to preserve Srebrenica and Žepa, and to implement the US plan and take over the control of more territory from the Serbs and thus postpone the peaceful Owen-Stoltenberg solution.

Misa Urosevic from Belgrade in his recordings documented the events in Srebrenica and its surroundings. Radio Television of Serbia created a documentary "Crime without Punishment"<sup>29</sup>. The witnesses talked about the suffering of soldiers and civilians - children, women and elderly people in central Podrinje.

Mass murders of Serbs were carried out in 1993 in Skelani, when members of the Army of BiH killed 69 locals, and previously committed crimes in more than 110 villages in Podrinje.

Dr. Nikola Moravcevic, from the Ilionis University in the United States, on the basis of the UN archives, established that committed crimes against Muslims were added to the reports, and crimes against Serbs were covered up and the public was never notified about them.

There were 3,267 killed Serb civilians and soldiers listed. It was estimated that 2,428 were killed in Podrinje and the rest in other parts of BiH. History does not remember such underestimation of victims, and that was just because they were Serbs.

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<sup>28</sup> Hakija Meholic told Izetbegović's words that Clinton (the then president of the United States) had offered him that "Chetniks" enter Srebrenica to slaughter 5,000 Muslims and the military intervention would have followed. There was an offer to replace Srebrenica and Vogošća. Karadžić offered (according to Muhamed Filipović) Hadžiće, Ilijaš and Vogošća for a compact territory along the Drina River. ([https://www.youtube.com/watch?v=T\\_Yg6PxpTTs](https://www.youtube.com/watch?v=T_Yg6PxpTTs)).

<sup>29</sup> <https://www.youtube.com/watch?v=iPmU1bSzwug>

To forget the crime is a bigger crime than the criminal act itself. Ignoring the whole of the crime leaves room for new crimes, because impunity encourages potential criminals by forgiving the proven perpetrators. The “Betrayed City”<sup>30</sup> is a Norwegian movie in which there is a modest attempt to show likewise the Serb victims caused by the actions of the soldiers of the Muslim army.

“The idea of establishing a court for crimes came from the problems caused by the death of Serbs,<sup>31</sup> (an American general told me), but the realization and establishment of the Court in 1993 turned into the Court (International Criminal Tribunal for the Former Yugoslavia) for threatening Serbs, which, after the war, was realized in its complete one-sidedness.

In the VRS General Staff, immediately after the founding (1993), it was estimated that the Court would be a threat to the Serb side, and General Zdravko Tolimir claimed, already, that General Ratko Mladić, the Commander of the VRS GS and the largest number of elders, would come under the blow of the Court.

The real assumption based on the Court’s character assessment as said by Richard Holbrooke was completely underestimated by some people.

Srebrenica is an experiment for the abandonment of globalist values: civil rights, freedom of trade, international law. Values from the 19<sup>th</sup> century to this day have been abandoned to misuse the peoples (Muslim, Serb, Croat), to kill each other, on the basis of which an eternal basis for rage, hatred, and ultimately for a vengeance that smolders every day, “deepen the conflict and prevent reconciliation and escape from the spiral of conflict” (Dušan Pavlović).<sup>32</sup>

## CONCLUSION

Srebrenica is a planned crime<sup>33</sup>, it is the general standpoint of the scientific and professional circles. The differences appear in the explanation of the planners of the crime. Judicial authorities narrowed the space to science to prove the planners of the crime by its methodology. It is as if the theater performance Srebrenica in The Hague (Sense) is called “Srebrenica Genocide in Eight Acts”. They did not show the main director of these sufferings. As soon as the real planner is proved, he must go to trial, and this does not suit powerful circles. This danger limits scientists, via legal and even physical threats, to publicly and frequently talk about planning the crimes, not just in Srebrenica, but later in the whole world.

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<sup>30</sup> <https://www.youtube.com/watch?v=RUuhSGnLv8>

<sup>31</sup> “*Memorandum on War Crimes and Crimes of Genocide in Eastern Bosnia* (in the municipalities of Bratunac, Skelani and Srebrenica) committed against the Serb population from April 1992 to April 1993”. This Memorandum of the Yugoslav Government was handed over by Ambassador Dragomir Đokić on June 2, 1993.

<sup>32</sup> Pavlović, Dušan: *Bitka za srebrenicu – rat za civilizaciju*, Republički centar za istraživanje rata, ratnih zločina i traženje nestalih, Banjaluka, 2018. str. 7

<sup>33</sup> *Сведочанства*, стр. 7

The Hague tribunal even manipulated the notion of genocide in Srebrenica (Efraim Zuroff). “Srebrenica massacre” is the political deceit of the West (Edward Herman). The scholastic (justifying dogmas) and mythical way (believing in what is valid and not in what is provable) of the stories about Srebrenica has been spread diagonally, the truth is what the lie is, and the lie is what the truth is.

The Serb side did not plan a crime, and was the only one which was held accountable. The intention of the international community to protect Srebrenica was only formal. The zone was not demilitarized, but it served to add the NATO forces, especially aerial, on the side of the conflict.

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## OPERATION “KRIVAJA ‘95” OF THE ARMED FORCES OF THE REPUBLIC OF SRPSKA PREVENTING OF CRIMES OF THE MUSLIM ARMED FORCES

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**Abstract:** For the third time in the twentieth century have Muslims committed crimes over Serbian people of Podrinje region. They did it to achieve their ancient desire to cleanse the Serbian population from this area and separate Serbian people of Bosnia and Herzegovina from Serbia, their motherland.

Led by the ancestors of the criminals from the First and Second World War the Muslim hordes committed pogroms over the Serbian population. Podrinje region (the region around River Drina, Translator’s note) was in flames, and in some places, the crimes surpassed even those committed during the Turkish occupation.

The attempt by the Republic of Srpska Army in 1993 to stop the suffering of the Serbian people by counter-attacks failed because General Phillippe Morillon prevented the entry of the Republic of Srpska Army into Srebrenica.

The International Community declared Srebrenica a Safe Zone which was to be demilitarized, but this was not done in practice. The forces of the 28th Division were armed and used the so-called Safe Zone as a starting point in attacking Serbian villages which were controlled by the Republic of Srpska’s Forces. Following these bloody campaigns, they would return under the protection of the UNPROFOR forces which were either unable or unwilling to prevent them from these campaigns.

The Republic of Srpska’s Forces, to protect Serbian people, were forced to undertake a decisive action and eliminate the danger both for them and that of the Serbian people. Operation “Krivaja ‘95” was planned, organized and realized, in that operation the minimal forces were defeated, and the much more numerous troops of the 28th Division left Srebrenica and moved toward Tuzla. In the attempt to break out of the encirclement the Muslim forces suffered high losses in the clash with the Republic of Srpska’s Forces, but also in fighting among themselves.

**Keywords:** *Podrinje, Republic of Srpska Armed Forces, Crimes, Safe Zone, 28th Division, Operation “Krivaja ‘95.”*

After the crimes against the Serbian people of Podrinje during the Turkish and Austro-Hungarian occupations, especially the First and Second World War, the Serbs forgave those crimes committed by Muslims from surrounding villages over their ancestors. That's why there were an apparent peace and harmony between the Serbs and the Muslims with mutual help and association. After multi-party elections, relations were cooled, and Muslim provocations began, first at work and in the city, and then in the villages. The movement of Serbs was limited. Following the individual provocations, the attacks on Serbian settlements began, first on smaller

hamlets, and then to larger villages; it followed the real pogrom of the Serbian population, which was poorly armed.

These crimes were equal to those perpetrated on Serbs in the middle ages—slaughters, house burning, decapitations, cutting off arms, legs, castrations, and rapes. Their army was following by hordes of plunderers, and what they would destroy everything they could not take with them. Serbian villages were disappearing in flames, and Serbs chased from their homesteads were seeking refuge as they ran away from the enraged Serbophobes. From every word of the survivors one can see the horrors which they endured, grief because of the lost relatives, their homes, as well as a desire to return to their places. Every encounter is a story in itself, every one dramatic enough to be recorded.

### **SERBIAN VILLAGES IN FLAMES**

The situation in the Midpodrinje was difficult and uncertain for Serbs to continue living at their homesteads. While controlling the Midpodrinje, the Muslim paramilitary formations and later the Armed Forces of Bosnia and Herzegovina have fundamentally compromised the basis for the operation of the Republic of Srpska's Armed Forces as they separated Eastern Herzegovina from the Eastern Bosnia. The crimes committed upon the Serbian population were committed like during the Second World War, sometimes even more brutal.

Response by the Muslim population in these bloody campaigns, voluntary or forced, was shocking with its numbers and obedience... All the attacks so far were prepared ahead of time and executed as by a written scenario with a significant number of well-armed attackers, followed by plunderers.

During the joyful killings of the innocent Serbian victims, these hordes of fanatical civilians, men, women, and even children looked horrifying. They were all shouting to Allah, women banging the pans, and pots while exclaiming "Allahu Akbar."

The blood was freezing in the veins of the attacked Serbian population as they were seeking salvation.

Chronologically, the first victims were the helpless little Serbian hamlets, then the isolated Serbian villages surrounded by Muslims and only after that the compact Serbian settlements. The Muslim attackers select even certain days for aggression on the Serbian people. They were choosing Orthodox holidays and family patron saints, or the days of intensive farm activities while the inhabitants were relaxed and engaged in daily cares and chores around homes and estates.

The ethnic cleansing of the Serbian territories in the municipalities of Bratunac, Milichi, Srebrenica, and Skelani the Muslims began with the attacks on small hamlets of Gnion, Bljechava, and Metaljka. The attacks on larger Serbian villages: Rupovo Brdo, Loznica, Ratkovichi, Brezani, Zagoni, Krnjichi, Magasichi, Jezestica, Podravanje, followed...In that period and in these campaigns against the Serbian settlements the Muslims devastated whatever they found and thus from day to day enlarged their territory. After only six months of this ethnic invasions, the Serbs

stayed just in around ten villages. During that time the Muslims occupied more than 30 ethnically pure Serbian villages and all hamlets and municipalities where the population was mixed. However, that was not the culmination of their ethnic cleansing of this territory.

Commander of the Main Headquarters of the VRS, Ratko Mladic, told Ljiljana Bulatovic: "In June of 1992, the Bosnian Serbs were dying. More than a hundred villages were burning on our side of River Drina, places such as Ratkovichi, Fakovichi, Skelani, no longer exist... they were killing our women and children. Older men, while still alive, were being thrown into the fire of their burning houses."

The situation in Midpodrinje was intolerable for the Serbs. Serbian people had to make a strategic decision to change this difficult situation.

### **THE PROVOKED COUNTERATTACK OF THE SERBIAN FORCES**

As a consequence of the total exodus of the Serbian people which ended in January 1993, with the fall of Skelani and Kravice, any form of life and existence of Serbian people in Midpodrinje was destroyed. This wipeout of the Serbian people applies to the entire area from Zepska Stijena in the south to Drnjacha in the northwest and the north. The only exception is the city of Bratunac in which there remained some signs of Serbian existence in the Middle Drina Valley. Instead of the multiethnic life which existed after the Second World War for decades, in the Midpodrinje began a life of classic Muslim Jamahiriya (it's a concept in the Political philosophy of Muammar Gaddafi; translator's note).

The Command of the Drinski Corps initiated on February 15th, 1993, a counterattack in three tactical directions: from Zvornik toward the south, from Visegrad to the north, and from Drina River across Ljubovija to the west. The success was achieved very quickly. . . . It was already apparent in April that they would liberate Srebrenica. The moral of Serbian fighters was high because it was a matter of their burned down villages. Almost every soldier found the remains of their family, and they tried to bury them even while being under attack. Some corpses were a few months old. The mental state of these fighters should be apparent to every sane and well-intentioned (person). The destroyed property and burned down homes, massacred family members- those were the picture which Serbian fighters were unable to forget. There is no doubt that this influenced their mental state and their attitude toward the enemy. There is no doubt that this influenced their mental state and their attitude toward the enemy.<sup>1</sup>

Aware of the misdeeds they committed to Serbian population, the Muslims were fleeing from the Serbian Forces. They went to several directions: some toward Tuzla, some moved to the city of Srebrenica, which was protected by the United Nations' Forces, and some fled toward Serbia- mostly Muslims from Zepa.<sup>2</sup>They found refuge

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<sup>1</sup> Dr, Stanko Nisic, *From Yugoslavia to Serbia*, Knjiga Komerc, Belgrade, 2004, page 35. Dr, Radovan Radinovic, Military Expertise for Srebrenica, page 14.

<sup>2</sup> The issue of the departure of members of the Army of the R BiH and civilians from the protected zones of Srebrenica and Zepa in the directions of Tuzla, Kladanj and Serbia is discussed in the act of

in Serbia. Some Muslims moved (about 10.000 of them) to the territory under Muslim control in the Organization of the UNPROFOR.

In Srebrenica, the Muslim population, army, and police were concentrated. Their number was above the city's ability to meet the basic needs of people. The VRS Drina Corps had the strength and determination to acquit Srebrenica, but it did not receive the permission of the Supreme Command of the Republic of Srpska Army for several reasons:

(1) the international community, represented by UNPROFOR and its commanders, primarily for its own strategic reasons, wanted to prevent it because they were sympathetic to Muslims; (2) The Supreme Command of the Republic of Srpska Army was aware that it would be difficult to prevent the vengeance of the fighters who were collecting mutilated bodies of their loved ones on the road from Drina to Srebrenica and finding the houses burned.

So, the possible conflict with UNPROFOR was avoided. There is no doubt that the influential leaders of the international community wanted to prevent the Muslim forces to use Srebrenica as an operational basis for coordinated actions toward Drina River and Podromania.<sup>3</sup>

On March 12th, 1993, the UN forces commander, French General Philippe Morillon, prevented the Serbian forces from taking over Srebrenica and entered the city forcefully with a UN convoy.

Bosnian Muslims held him hostage until the convoy with humanitarian assistance was broken through. The French press stressed that UNPROFOR Commander for Bosnia, General Morillon stayed in Srebrenica to "prevent the ethnic cleansing of this Muslim enclave."

### **THE PROTECTED ZONE**

The United Nations Security Council, by its resolution 819<sup>4</sup> of 04-16 1993, proclaimed the city of Srebrenica and its surroundings a security zone. Since then, Srebrenica has functioned as a Muslim enclave which the UN put under its protection. The same jurisdiction was introduced for Sarajevo, Bihac, Gorazde, Tuzla, and Zepa. These areas were later placed under the UN Administration under Security Council Resolution 824.<sup>5</sup>

Five days later, Swedish general Lars-Eric Wahlgren in Zagreb announced: "Based on the report I received from my officers in Srebrenica, I can confirm that today at noon the city was demilitarized."

UN that is then Undersecretary at that time, Kofi Annan, literally on the US incitement, did everything not to disarm Muslims. The proclamation of Srebrenica

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the Command of the 28th Division, strictly confidential, no. 01-132 / 95, 06-21- 1995, Dr Radovan Radinović, Military Expertise for Srebrenica, p. 14.

<sup>3</sup> The order of the President of the Republic of Srpska, Dr. Radovan Karadzic, was sent to the General Staff of the Republika Srpska Army, strictly confidential. no. 01-53 / 93, 04-16-1993

<sup>4</sup> UN SC, Resolution 819, (S / RES / 819,1993), 04-16-1993

<sup>5</sup> UN SC, Resolution 824, (S / RES / 824,1993), 05-06-1993

for the security zone was made to save Muslim forces from final defeat and destruction, not to protect the civilian population.

Two days later, Kofi Annan sent a confidential message to General Vahlgren about the visit of the SB delegation, saying: "Bearing in mind your public claim that Srebrenica is completely demilitarized, I do not see the need for UNPROFOR to participate in the search for weapons from door to door. The SC delegation that is coming to visit will inform you about the strong feeling that is present among several members (SB) that UNPROFOR should not be too actively involved in disarming the 'victims'".<sup>6</sup>

It was a way to obstruct the SC Resolution and to preserve the Muslim Armed Forces in Srebrenica.<sup>7</sup>

According to "Additional Protocol" of the Geneva Convention from August 12, 1949, Chapter B, "Places and zones Under Special Protection," in Article 60 it is precisely stated that the zones placed under the special regime of protection must be demilitarized. In order for a district to attain the status of a demilitarized zone according to Article 60 of the Additional Protocol, it must meet the following conditions; (1) All fighters, mobile weapons, and military property must be evacuated from it; (2) No use of mobile military installations or institutions are allowed for war hostilities; (3) Authorities and population are not allowed to undertake any acts of hatred against the other side in the conflict or anybody within or outside the enclave. (4) It must cease any activity in connection with the military effort. **Paragraph 7, Article 60 of the Protocol stipulates that, if one side in the conflict materially violates the previously set decree, or agreed upon conditions, the other side will no longer be bound to their obligations from the agreement which gives the zone the demilitarized status.**

The Srebrenica demilitarization agreement is considered as an armistice agreement, and any severe violation of the one-party cease-fire in the conflict entitles the other party to cancel the deal and continue military operations.

"The Agreement on the Demilitarization of Srebrenica and Zepa" was concluded between General-Colonel Ratko Mladic and General Sefer Halilovic, in the presence of General Lieutenant Colonel Philip Morillon on May 8, 1993.<sup>8</sup> In the preamble of the agreement, the signatories attest that The Geneva Convention concerning the protection of victims in international armed conflicts has to be fully implemented in the conflict in BiH. Following the agreement, every military or paramilitary unit must either withdraw from the demilitarized zone or give up its weapons to the international forces. Munitions, mines, explosives and military resources in demilitarized zones shall be given/surrendered to UNPROFOR.

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<sup>6</sup> These "victims" burned, robbed and destroyed to the ground all Serb villages around Srebrenica and Bratunac. There are no conditions for life and survival there, even today. In this area, everything that belonged to Serbs was destroyed by Muslims to create foundation and requirements for a Muslim state under the project of Alija Izetbegovic. Enough is said about their monstrous murders.

<sup>7</sup> Milivoje Ivanisevic, the dishonorable role of Kofi Annan in the Srebrenica case

<sup>8</sup> Agreement made in the Rep. of Bosnia & Herzegovina, Army Headquarters under # 02/1594-332, from 26. Feb. 1994 (obviously that date was altered)

General Sefer Halilovic claimed that demilitarization does not involve the surrender of weapons and military equipment to UNPROFOR forces. Series of follow up instructions and orders indicate that the avoidance of the obligation to surrender weapons is illegally organized from the highest peak of the armed forces. All activities were undertaken with the aim of obstructing the Agreement and avoiding the undertaken obligations for demilitarization. It had proceeded in the same way as it was done a month earlier when the Headquarters of the Supreme Command of the Armed Forces of the Republic of Bosnia and Herzegovina issued an order on March 15, 1993, ordering the suspension of combat operations in the Muslim formations in Srebrenica. Only a day later a new communication follows: "Continue to perform as powerful offensive actions as possible."<sup>9</sup>

According to the UN Resolution and an attained agreement, armed forces of the Republic of Srpska were forbidden to enter that territory. The leadership of the Republic of Srpska was obligated to enable the delivery of humanitarian aid to the Muslim population. However, UNPROFOR was unable to demilitarize that area.<sup>10</sup> Forces of the 28th Division surrendered only some limited amount of trophy armament, retaining significant number of light and heavy arms. That way, in essence, the 28th Division gained time to catch their breath and attained condition to consolidate their forces. During its entire existence of the "safe zone," the 28 Division was arming itself. The arms were being transported by helicopters from the area of Kladanj and Tuzla, also partially with the help of UNPROFOR, misusing the transports of the humanitarian aid within which they smuggled arms, munitions, and means of communication.<sup>11</sup>

**Military prosecution expert of the International Criminal Court for Former Yugoslavia, Richard Butler, states that " in spite of the presence of the peacekeeping forces of the United Nations, the Bosnian armed Muslim military units continued operations within the Srebrenica enclave, which forced the Armed Forces of the Republic of Srpska to maintain the defensive line against the boundary of the "safe zone"**<sup>12</sup>

The real picture of the "demilitarization" of Srebrenica was given in the Act of the 8th Srebrenica Operational Group to the General Staff of the Army of the Republic of Bosnia and Herzegovina, which reads: **"In Srebrenica, a number of**

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<sup>9</sup> Radovan Jovic, Phd., *Organizational Structure and Command Relationship in the Armed Forces of the Rep. of Srpska* during the "Krivaja 95" Operation, Expert Report prepared for Case IT-05-88, p. 16.

<sup>10</sup> Witness for Prosecution at the Blagojevic and Jokic Trial, an officer of the Holland Army Lieutenant Colonel Robert Alexander Franken, Deputy Commander of the Holland Battalion in Srebrenica, says " that they looked silly during the gathering of weapons because they could not enter the houses where soldiers were hiding"(p.1468, lines 1-12).

<sup>11</sup> That Srebrenica Safe Zone is not demilitarized attests also to the prosecutor in his opening word at Blagojevic and Jokic trial, admitting that the Army of BiH operated outside that zone. He mentions the crimes of Naser Oric. May 14, 2003, p. 315- line 19-25; p. 316, p. 317, line 1-2.

<sup>12</sup> Richard J. Butler, *Testimony of military events in Srebrenica* (Revision) from 11-11-2002, p. 1 and 14.

**weapons were handed over to the United Nations while most of them remained with soldiers. With representatives of the United Nations, we point out that Srebrenica is demilitarized and that's why we have to hide weapons and soldiers on the defensive line.**"<sup>13</sup>

From the "Safe Zone" the forces of the 28. Division was staging intensive attacks and ambushes on positions of armed forces of the Republic of Srpska and against unprotected Serbian villages in the area of Bratunac and Skelani. In these attacks, there were a great number of civil and military casualties. The Armed Forces of the Republic of Srpska were unable to tolerate such actions for more reasons. First, because of losses in personnel, a need to maintain two brigades around the "safe zone", and the constant strengthening of the 28. Division, then especially because of the disregard of the SB Resolution by UNPROFOR and the Muslim leadership.<sup>14</sup>

**Forces of the Republic of Srpska sent a number of warnings to the UNPROFOR Command in Srebrenica (to Holland battalion commanded by lieutenant colonel Karremans) and to the Muslim forces in Srebrenica. Since there were no positive results it was decided to undertake an operation of the narrowing of the "Safe Zone" and its actual demilitarization.**

Had Srebrenica region been demilitarized it would not have been necessary to proclaim it "safe zone," and the Republic of Srpska armed forces would have no reason to act militarily in that region.

Commander of the Main Headquarters of Bosnia and Herzegovina Armed Forces, General Rasim Delic, wrote an order in June of 1995 to 28th Infantry Division to start offensive actions against the army and the population in the Republic of Srpska to support the lifting of the blockade of Sarajevo. In accordance with this order, the Chief of Staff of the 2nd Corps ordered the Command of the 28th Division to **"perform all preparations to conduct offensive combat actions to free the territory of the Republic of Bosnia and Herzegovina; to stretch and deploy the A / S Movement (Army of Serbs) helping the forces of the Army of the Republic of Bosnia and Herzegovina which are involved in combat operations in the northwestern region of Sarajevo."** <sup>15</sup>

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<sup>13</sup> Command of 8th OG "Srebrenica", Number 01=2/95, 01-03-1995.

<sup>14</sup> Richard J. Butler in the "Testimony about military events in Srebrenica (Revision) from Nov. 2002- Operation "Krivaja 95", pp. 16-17, states that the military leaders of the RS started asking for the substantial reduction of the enclave territory "in order to define the enclave boundary and 'totally physically separate Srebrenica and Zepa, thus prevent also the individual communication between these (14) to enclaves". In case that "the UNPROFOR forces leave Zepa and Srebrenica the forces of the Drinski Corpus "would plan Operation called 'Jadar' for the purpose of dismantling and destroying of Muslim forces in these enclaves and a definite liberation of Podrinje".

Considering that these enclaves were not demilitarized as it was agreed, because Muslims were continually attacking the territory controlled by the ARS; Muslim forces limited the movement of UNPROFOR forces in the "security zone," and these are the justified reasons for military operations. There was no other way to prevent the arming of the Muslim forces, their acts, and crimes that they did continuously sinking into the territory under the control of the ARS (Serbian army)

<sup>15</sup> Act strictly confidential no. 1 / 825-84, 06-17-1995

Zulfo Tursunovic, commander of the 283 Light infantry brigade, followed the order of June 26th, 1995 and attacked the Serbian village Visnjica, five kilometers away from the boundary of the safe zone and killed one soldier of the Armed Forces of the Republic of Srpska and several civilians, wounded three Serbian civilians and burned down 5-6 apartment objects.

The best proof that Srebrenica and Zepa were not demilitarized is an extraordinary report, delivered by the Army Commander of the Army of Bosnia and Herzegovina, General Rasim Delic, to the President of the Republic of Bosnia and Herzegovina Presidency, Alija Izetbegovic. In this report, Delic writes: "... the Army General Staff undertook many military operations and procedures for the members of the Army in the enclaves to organize and prepare ... that we made 17 helicopter flights."<sup>16</sup>

At the First Extraordinary Session of the Main Board of the Party of Democratic Action in Zenica on August 5, 1995, Alija Izetbegovic stated: "... We managed to send 17 helicopters of weapons there; the eighteenth flight ended tragically ... We were able to inject a significant quantity of ammunition and weapons. The army estimated that Srebrenica could defend itself for up to 30 days. "

It is clear that the Agreement and its essential provisions, per Article 60 of the "Additional Protocol," should ensure that Srebrenica is indeed a demilitarized zone.

However, the agreement was not respected. The UN Secretary General confirmed this in his report on November 15th, 1993. <sup>17</sup>Among other things, he says in his report: "(1) Halilovic realized that the agreement covers only the urban part, or rather the narrower urban area of Srebrenica, and that it does not apply to the rural part of the region; (2) Halilovic ordered the Bosniaks in Srebrenica not to hand over useful weapons and ammunition ... ". Halilovic himself says: "I went back to the headquarters and sent an order to Srebrenica and Zepa that they must not hand over a single piece of weapon, not even just one whole bullet. After all, I went to Izetbegovic and received a rare acknowledgment of success: I did not know you had a diplomatic quality." <sup>18</sup>

Thus, the commander of the General Staff of the Army of Bosnia and Herzegovina, with the consent of the Supreme Command and the President of Bosnia and Herzegovina, sends an order how to deceive the signed agreement. At the same time, the Lieutenant General of the Army of the Republic of Srpska, Lt. Gen. Lieutenant Colonel Manojlo Milovanovic, on the same day as the agreement was signed, orders the Drina Corps commander in which he precisely regulates that the signed treaty is respected. <sup>19</sup>

This conduct of the two officers toward the agreements speaks clearly of the two warring parties during the entire war, even when these agreements are being signed in the presence of the United Nations.

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<sup>16</sup> Intelligence Department- Sarajevo. Doc. # 1/85-1147 from 13 July 1995.

<sup>17</sup> Radinovic, Radovan, Military Expertise for Srebrenica, p. 17.

<sup>18</sup> Halilovic, Sefer, Cunning Strategy, Sarajevo, 1998, p. 129.

<sup>19</sup> Radinovic, Radovan, Military Expertise for Srebrenica, p. 17

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*Rear Admiral Bosko ANTIC*

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The Supreme Command of the Army of Bosnia and Herzegovina and the 2nd Corps Command encouraged the conduct of combat operations, the placing of weapons and ammunition by land and air. All of this was known to members of the Dutch battalion in Srebrenica, as well as to commanders and military leaders of UNPROFOR. Nothing seriously took place under the provisions of resolutions 819 and 824. On the contrary, everything was done the opposite. With their inaction, the United Nations forces gave open support to the armed activities that Muslims performed from the so-called "security zones" against Serb civilians and soldiers.

All reports that were coming from military units to the Drina Corps Command (VRS) in the spring of 1995 provided information on the intense fighting activities of the Muslim army from the protected zone of Srebrenica, as well as other security zones. These were diversion-terrorist activities, the insertion of reconnaissance groups, and even the brigades<sup>20</sup> (Gorazde 6-14-1995) and the installation of ambushes in the depths of the territory controlled by the Republic of Srpska Army, far beyond the "security zone."

That the 28th Division intensively prepares to carry out offensive actions to merge with parts of the 23rd Division in the Han region is confirmed by the fact that its forces have occupied dominant facilities to secure the corridor between the two enclaves and have carried out a partial grouping of troops in the western parts of the pocket. They captured Ljeskovik, Sušica, Stublić, Brložnik, Sadilov Čair, Gođenje, Ljubomišlje, and Gusinac, which are all located outside of the so-called demilitarized zone. These military actions have created favorable conditions for the conduct of other offensive operations.<sup>21</sup>

The zone of forbidden flights over Bosnia and Herzegovina was related to all three warring sides. The Muslims did not respect this ban, and UNPROFOR did not prevent them from doing so.

In the "Final analysis of the work of the air bridge for Srebrenica and Zepa"<sup>22</sup>, the Command of the Air Force and Air Defense of the Army of the Republic of Bosnia and Herzegovina states: "In the period from 02-27-1993 to 05-07-1995, the air bridge was maintained from the territory of the Republic of Bosnia and Herzegovina for the needs of the enclaves of Srebrenica, Zepa and Gorazde, with the statement that "complete flying was carried out under conditions of prohibition from the UN" ...

The Muslim military leadership admitted that the primary goal of establishing and maintaining the air bridge was to provide funds for conducting an armed struggle ... So, they disclosed the plan to provide funds for the conduct of the armed conflict, but kept accusing that "Chetniks constantly threaten this area with diversion attacks, preventing the entry of convoys with food and medical supplies."

The supply of weapons, equipment, material, and technical resources went directly from the Army Staff to Zepa and Srebrenica, as discussed in many

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<sup>20</sup> Ibid, p. 21.

<sup>21</sup> Command of the Drinski Corps- Intelligence Department, str. Conf. #17/608, 20. May, 1995.

<sup>22</sup> PB and PVO Command, str. Conf. # 08/896-1, from Feb. 07th, 1995.

documents. Requests for combat materials went from the Command of the 28th Division to the Command of the 2nd Corps, and from there to the Headquarters of the Supreme Command.<sup>23</sup>

**By establishing a "security zone" by the UN SC, the lines of the Srebrenica military conflicts have not stabilized. Despite the presence of UN peacekeeping forces, the activities of armed Bosnian Muslim military units inside and outside the Srebrenica enclave continued. The Republic of Srpska Army was forced to maintain a defensive line across the border of the "security zone" and ultimately take offensive actions to disarm the 28th Division.**

### OPERATION "KRIVAJA '95"

The Armed Forces of the Republic of Srpska were forced to protect the Serbian people in the surrounding villages around the so-called safe zone and prevent own losses in actions conducted by the 28 Division from inside the enclave.

The area between Srebrenica and Zepa was not under the control of the Republic of Srpska Army, which enabled the forces of the 28th Division to freely communicate between the enclaves, to maneuver the troops and to ensure full control of the space between the two pockets.

So, the 28 divisions had a very favorable overall ratio of forces towards the parts of the Drina Corps that controlled the direction that led to the security zone.

The Drina Corps carried out operations on two fronts: one on the routes towards Tuzla, Kladanj, Olovo and Gorazde and the other towards Srebrenica and Zepa. The operational position of the Drina Corps was extremely unfavorable because it was constantly under the threat of the Muslim 2nd Corps to break through from Tuzla to Srebrenica and join the 28th Division in Srebrenica and Zepa. With this military action, the Drina Corps would be cut off and the VRS survival in Podrinje would be put in a very difficult position.

In July 1995, the Drina Corps command decided to form the combined forces of the Corps from the constituency of the regimental brigades and to carry out a military operation to narrow down the area of the "Srebrenica security zone" and its separation from the "Zepa security zone."

The operation is encrypted under the name "Krivaja 95". It is based on the order of the Main Staff of the Army of the Republic of Srpska from May 12, 1995. According to this order, "The DK Command and the 65th Zmtp will take measures in their actions to put the entire area of the enclave under control. To this end, the DK command will plan and execute a task:

(1) the definitive cut-off of the Srebrenica enclave of the pocket of the enclave and the prevention of communication between the enclaves

(2) go to the left bank of the Jadar River and create conditions for attacks in the direction of the ravines: Djile-Srebrenica and the village of Simići - Srebrenica;

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<sup>23</sup> Command of the 8 OG "Srebrenica", str. conf. # 130-00-01/94, Sep. 1st, 1994; Command of 2. Corps, str. conf. # 02/1- 1517/3, Sep. 3rd, 1994.

(3) to prevent the communication of Muslim OS and population from the enclave to Kladanj and vice versa

(4) by forming the necessary number of IDGs, from experienced and courageous fighters, by placing through the spaces, as soon as possible on the line: Stublić - Brestovik - Mrkodo - Brloška Planina, with the effect of touch forces (65th Zmtp, 67th pv and 1st plpbr ) on the village of Palež village - village Borovac - village Ljubomišlja - Brezova Ravan - Žigina Lokva - Ribioc (exclusively) and create conditions for the extension of the attack to Zepa ... ".

In combat actions around Srebrenica, we engaged the forces of strength of about four battalions: from the Zvornik Infantry Brigade, the Bircani infantry brigade, the 2nd Romania motorized brigade and the troops of the Drina Corps directly engaged around the Srebrenica enclave (1st Bratunac battalion light infantry brigade, the Milička light infantry brigade and the Independent battalion "Skelani"). The ratio of forces was 3: 1 in favor of the 28th Infantry Division of Armija BiH. Since this is an attack operation, this attitude was extremely unfavorable for the Serbian forces. Other forces of the Drina Corps have already been engaged in preventing the penetration of Muslim troops from Tuzla, Kladanj and Gorazde routes. Operational position of the Drina Corps was extremely unfavorable.

Muslims did not adhere to the regime of the security zone, nor were they controlled or prevented by UNPROFOR forces. On the contrary, the Muslim troops from Srebrenica, with the tacit consent of UNPROFOR forces, used the regime of the security zone as a basis for undertaking offensive actions against the Republic of Srpska Army and the Serb population. After the operations, Muslims would withdraw to a safe zone under the protection of UNPROFOR. In these actions taken from the security zone security zone, Muslim forces killed dozens of Serbian soldiers and police officers, and hundreds were wounded, mutilated or captured and taken to numerous private prisons in Srebrenica and around Srebrenica.

The forces of the 8th operational group of the 28th Division of the Ground Forces from the security zone were intensively carried out attacking and precipitous acts on the positions of the Army of Republic of Srpska and unprotected Serb villages in the Bratunac area in Skelani. In these actions, they killed a large number of Serb fighters and civilians. The Republic of Srpska Army could not tolerate such a situation and the constant strengthening of the 28th Division. Serbian military command sent a series of warnings to the UNPROFOR command and the Muslim forces in Srebrenica, but there were no positive results. That's why the decision was made that the Serbian army undertakes an operation for actual demilitarization. It was a legitimate military operation because the Srebrenica area was never demilitarized.

Muslims were planning to go on an all-out offensive, and it was only a matter of a day when the forces from Srebrenica would start the attack and an attempt to join the troops in Tuzla.

The forces of the 28th Division were organized, equipped and armed, and they could defend themselves for a long time because they were deployed on the ground suitable for arranging a rebellious defense.

Operation "Krivaja 95" was carried out following the principles of attacking activities and there was no excessive use of force since the ratio of troops was more favorable to the defense (Muslim military).

The population of Srebrenica did not leave the city due to developments in the battlefield, but because of the decisions of the leadership of Srebrenica, with the tacit consent of the Federation leadership to do so for other reasons.

Political and military leadership did not assist the population and the army of Srebrenica with the clear intention to suffer defeat and fulfill Clinton's condition "that NATO will intervene when Serbs kill 5,000 Muslims."

Leaving the population behind, the forces of the 28th Division began a breakthrough, in which they had to suffer high losses, from a military point of view, this was utterly unacceptable. They lost a large number of soldiers all of whom were portrayed and imputed as crimes against the Serbs.

French general Philippe Morillon said on 12 -09-2001, before the commission of the French parliament that the BiH Presidency and Alija Izetbegovic contributed to the Srebrenica tragedy by continuously violating the ceasefire agreements.

"I am not afraid to say that Sarajevo, more precisely Izetbegovic and the Presidency, contributed to the Srebrenica drama," said Morillon, one of the four generals who testified behind the closed door in front of a mission on the tragedy of Srebrenica.

Events in Srebrenica in 1995 were a direct reaction to the crimes committed by the units under the command of Naser Oric 1993 against the Serbs, said Philippe Morillon as a witness at the Slobodan Milosevic trial.<sup>24</sup>

The fall of Srebrenica was all surprising. Carl Bildt in an interview he gave to Bretton Randall on September 19 and 20, 2002 says: "When Srebrenica fell I was in Strasbourg ... I was surprised by the fall of the enclave, as did Mladic. It was an operation of minimal size. I was under the impression that it was not expected. Everyone was surprised ..." <sup>25</sup>

It is true that many Muslim soldiers were killed in and around Srebrenica. Some were killed in the mutual combat within the Muslim army during the withdrawal from Srebrenica.

Mass losses on the Muslim side are the result of warfare and combat operations, not the consequence of violence against civilians. The 28th Division left Srebrenica as an armed unit and in combat breakthroughs caused severe losses to the Republic of Srpska Army. In these combat actions, the Muslim forces were defeated and suffered significant losses in the battle.<sup>26</sup>

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<sup>24</sup> Command of the 8th OG "Srebrenica", in their document # 130-13-18/94, from 05-10- 1994, informed the Command of the 2. Corps that " in the zone of responsibility there are no prisoners of the aggressor's forces.

<sup>25</sup> BCS/ERN 03489056- 0348-9071

<sup>26</sup> (a) Carl Bildt, in the book " *The Peace Mission*"(Published by AD Pogled", Kragujevac, 1998.), P. 103, clearly states that: During one week's time, in the fighting in woods, alongside roads in the Srebrenica and Tuzla zones, 4.000 people lost their lives."

## CONCLUSION

The "Krivaja '95" operation was planned, organized and implemented with the aim of preventing the forces of the 28th Division of the Army of Bosnia and Herzegovina stationed in the so-called security zone to keep entering into the territory under the control of the Republic of Srpska Army and continue committing crimes against the Serbian people in Podrinje area, which they started in 1992.

UNPROFOR forces either could not or did not want to prevent the arming of Muslim troops in the "security zone" and their intrusion into the territory under the control of the Republic of Srpska Army, although that area was supposed to be demilitarized.

Operation "Krivaja '95" was justified and implemented according to all principles of warfare, with the engagement of the minimum forces of the VRS against far more numerous enemies, which had a sound basis for organizing a rebellious defense. However, the forces of the 28th Division left Srebrenica, and the Serbian units of the Drina Corps entered the evacuated city.

Decisions that the forces of the 28th Division, which included some civilians, and began their breakthrough from Srebrenica to Tuzla, a long distance of 100km, was utterly unjustified. The consequences of that careless plan led to high losses in the conflicts with the forces of the Republic of Srpska Army as well as in mutual fighting. All these losses, despite mounting evidence, are attributed to the crimes of the Republic of Srpska Army, and this subject is covered in other publications.

We can conclude that the operation of the Army of Republic of Srpska was carried out following the plan of action. That plan did not contain any organized activities that are contrary to international law. Much of the losses of Muslim forces occurred in the breakthrough of the troops of the 28th Division from the siege whose combat operation lasted several weeks. The operational reports of the Army of BiH show that more than 2,000 participants of the breakthrough lost their lives in the fighting. You cannot talk about civilian losses here, but about legitimate military forces.

The Serbian side guaranteed security to all those who came to the Potocari base, where the command of the Dutch UNPROFOR battalion was located. Following the gathering at that place, the Republic of Srpska Army organized transportation of people by buses and trucks to the line of demarcation with the Federation of BiH. The UNPROFOR battalion controlled this transport. The Serbian side has helped to transfer more than 25,000 women, children, and men to the destination.

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OPER. KRIVAJA '95 OF THE ARMED FORCES ..OF REPUBLIC SRPSKA ...

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# OPERATION “KRIVAJA 95” OF THE ARMY OF THE REPUBLIC OF SRPSKA AND ATTITUDE TOWARDS CIVILIANS<sup>1</sup>

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**Abstract:** The text studies the military and professional side of the combat operations of the VRS Drina Corps units around the Srebrenica enclave in July 1995 as follows: the causes and reasons for the initiation of these operations, the basic elements of the plan of these operations, and their flows and outcomes. The special issue of this text deals with the attitude towards the civilian population of Srebrenica with the basic goal of explaining with arguments that the idea and the decision to relocate the population were made by the authorities of the UNPROFOR and representatives of the UNO, and not by the VRS GS or its Supreme Command. This is undeniably proving that there could be no forced eviction or persecution of the population.

The actions around Srebrenica were given the code name “Krivaja 95”, although there were active combat operations of a lower, tactical level, whose primary goal was to establish control over the interstices between the enclaves of Srebrenica and Žepa in order to prevent the misuse of the interstices by DTG (diversion-terrorist groups) of the ARBiH, which led to numerous crimes against civilians and Serb settlements.

**Key words:** *Srebrenica enclave, 28<sup>th</sup> ID, VRS Drina Corps, Operation “Krivaja 95”, relocation of civilian population, DTG ARBiH, active combat operations, control of the interstices of the enclaves Srebrenica and Župa.*

## I - OPERATION “KRIVAJA 95”: PLAN, COURSE AND OUTCOME

### 1. Plan, course and outcome of the operation

Whoever takes up the pen to describe the Srebrenica episode of the Serb warfare must be aware that there, without court and without proving any guilt, an undetermined number, but certainly many, captured Muslim soldiers and able-bodied men were killed or executed, who, together with soldiers were fighting their way through the VRS combat order from Srebrenica to Tuzla. We say many, because no one has specified the exact number of executed prisoners to date. The world public, and the most of the domestic public, uncritically accepts that it is about eight

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<sup>1</sup> This text was created on the basis of the redacted and partially amended parts of two papers: Military Expertise for the Defense of General Radislav Krstić before the Hague Tribunal and the book “The Character of Wars for the Destruction of Yugoslavia”, published by the Belgrade Forum for the World of Equals, Belgrade, 2016, part from p. 311-350, and the need of a scientific conference to shed light on the events around Srebrenica.

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thousand prisoners and executed, which is certainly exaggerated. Nevertheless, regardless of the total number of prisoners executed, it should be admitted that this is a major crime. The killing of prisoners is not a knightly act and is deeply contrary to the ethics of the Serb fighting for freedom and justice. This crime cast a shadow on the otherwise profoundly righteous defense war of the people and its army that we ran from 1992-1995 in the territory of BiH for the defense of the state's legal and political entity (Republic of Srpska), without which otherwise there would be no freedom or survival of our people in BiH.

The number of the killed prisoners is exaggerated, primarily for political reasons. In order for the absolute Serb guilt to be marked for all time for all the wars that led to the break-up of Yugoslavia, imposed on the Serbs and Serbia by the western centers of power, the Serb great crime was supposed to be falsely established and processed at the court, as well as designed politically in media so to amount to a genocide. Thus, the number of the killed prisoners was constantly maintained at a high angle of about eight thousand executed, although everyone who understands well the combat operation of the breakthrough from the environment, and the circumstances in which the 28<sup>th</sup> Division of the ABiH was in July 1995, knows that this number must be much smaller. But to be straightforward, one should not think that the number of the executed prisoners is small and that, whatever that figure is, it does not diminish the horror encountered by every normal person on any side of the "barricade" when faced with it. The crime is incalculably large even if it would remain in its reasonably foreseeable proportions. It is almost morbid to bid numbers and think that the gravity of the crime can be alleviated if it remains at the number of one thousand or two thousand, which is far more probable, although we do not have unmistakable empirical evidence for that, instead of eight thousand as claimed by Muslim sources and the figure the International Criminal Tribunal in The Hague starts from, on that basis awarding a lifelong and long-term imprisonment to the military, political and police personnel of the Republic of Srpska.

Starting from the fact that, as one of the consequences of military operations around Srebrenica, also the most difficult one, the shooting of prisoners of war followed, these acts were classified as an illegitimate method of using the VRS. For this qualification, i.e. disqualification, the following explanations are given: (1) it is a planned, comprehensive attack on the UN protected zone; (2) the attack was primarily targeted against the civilian population; (3) the crime of genocide was committed by mass capture and shooting of prisoners. It is well known that numerous aspects and consequences of military actions around Srebrenica will be spoken at the Conference. Therefore, we shall deal with the so-called military-professional aspect of these operations and the attitude towards the civilian population.

## **2. The basic elements of the "Krivaja 95" operation plan**

The events around Srebrenica in July 1995 were codenamed "Krivaja 95" in the Drina Corps.<sup>3</sup> Colloquially, these actions are called "operations..." which is the

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<sup>3</sup> Header and p.1 of the basic document - Command of the DC Commander, str. conf. No. 04/156-2, dated 02.07.1995.

wrong name, because in the planning and execution documents these are called “active combat actions”.<sup>4</sup> This means that the level of these activities was below the level of the operation as a form of combat action. Thus, it was not possible to achieve the consequences that arose with such a low level of military activities, which means that these consequences could not have been planned, so it is the inaccurate claim that it was a comprehensive plan of attack on a protected zone, the conquest of the city, expulsion of the population and capture and mass liquidation of captured civilians. The enclaves of Srebrenica and Žepa were defended by the 28<sup>th</sup> Division, which was part of the 2<sup>nd</sup> Corps of the ABiH, headquartered in Tuzla. This division was composed of 6 brigades and corresponding mountain and police forces whose number was about ten thousand people. The numbering and directions of the brigades’ engagement were:<sup>5</sup> 280<sup>th</sup> Brigade in the direction of Potočari-Srebrenica; 281<sup>st</sup> Brigade in the direction of Podgaj-Sučeska; 282<sup>nd</sup> Brigade in the direction of Zeleni Jadar-Bojna-Srebrenica; 283<sup>rd</sup> Brigade in the direction of Podravno-Bučje-Viogor; 284<sup>th</sup> Brigade in the direction of Ravni Buljin-Milačevići-Potočari; one, i.e., 285<sup>th</sup> Brigade was stationed in the enclave of Žepa.



The mountain battalion and police forces were deployed in Srebrenica, Potočari and Sućeska, in the role of the reserve of the Commander of the 28<sup>th</sup> Infantry Division. The total number of members of the military and police forces, as has already been pointed out, was 8 and 10 thousand soldiers and policemen at the time of the operation. The defense was organized on a circular base of relatively small tactical depths and was well designed at the front end, and significantly weaker in depth. The area between the enclaves of Žepa and Srebrenica was not owned by the forces of the Republic of Srpska Army, which enabled the 28<sup>th</sup> Infantry Division to

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<sup>4</sup> See the term „operation“ in the „Strategy of the Armed Struggle“, ed. SSNO, 1983, p. 290 and in the Military Lexicon, ed. VIZ, 1981, p. 361.

<sup>5</sup> See the Commandment of the DC Commander, str. conf. No. 04/156-2, dated 02.07.1995, p. 1, item 1.



freely communicate between the enclaves, to maneuver forces and ensure full control of the area between the two enclaves.

The wide-ranging UNPROFOR support was provided.

Thus, the 28<sup>th</sup> Infantry Division had a very favorable overall ratio of forces towards the parts of the Drina Corps, which controlled the directions that led to the protected zone.

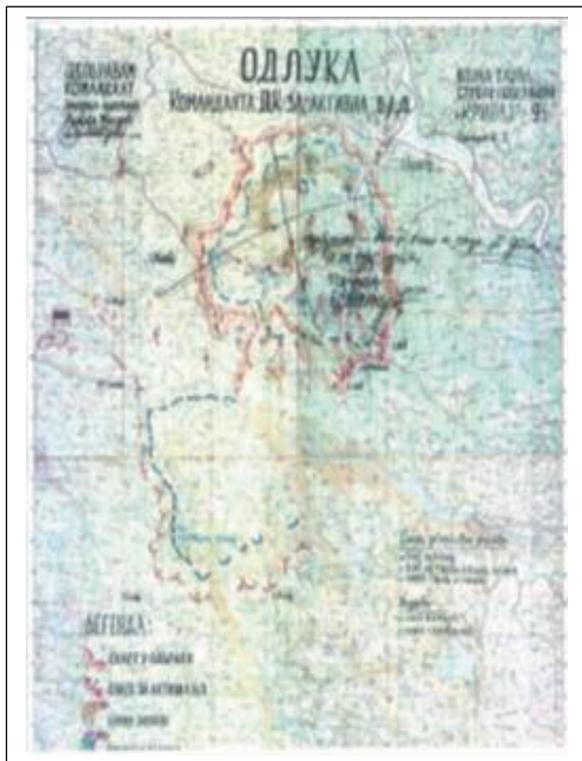
The Srebrenica enclave was in the zone of responsibility of the Drina Corps, whose headquarters were in Vlasenica. The Drina Corps of the Army of the Republic of Srpska were formed on November 1, 1992. In this composition, the corps had 8 brigades: the Zvornik Brigade, the Vlasenica

Brigade, the Bratunac Brigade, the Romanija Brigade, the Birče Brigade, the 1<sup>st</sup> Podrinje Brigade, the Milići Brigade and the 5<sup>th</sup> Podrinje Brigade; a mixed artillery regiment, a military police battalion, an engineering battalion, a liaison battalion, and an independent infantry battalion of Skelani. The name of the brigade can be understood as being related to certain areas of responsibility, but not necessarily. The command of the corps could maneuver with them in accordance with the development of the operational situation and the needs in the operational zone. However, from the fact that the brigades and the lower tactical assemblies were formed and filled in according to the territorial principle, and that it was a national army, insufficient tactical and operational mobility emerged as an essential characteristic of the DC structure and the doctrine of its use.

In addition to the Muslim forces, the UNPROFOR was also based in Srebrenica. First, the Canadian Battalion and then the Dutch Battalion, with a strength of about 500-600 people, with 21 armored personnel carriers and associated anti-aircraft, anti-tank and infantry weapons. These forces dealt with the Army of the Republic of Srpska in the way that it could be expected that they would put themselves on the Muslim side in the eventual conflict.<sup>6</sup>

In one of the attachments, it was already said that the main reason for the launching of operations around Srebrenica was the constant activity of Muslim forces from the so-called protected area of Srebrenica towards the Serb settlements in the area between Žepa and Srebrenica. One of the most significant attacks was carried out in the end of June 1995. On that occasion, many Serb civilians were killed and their habitats destroyed. This is testified by the two documents of the ABiH:

<sup>6</sup> See Map of the mutual arrangement of forces around Srebrenica - on the next page.



Operational report of the Command of 28<sup>th</sup> ID and the congratulation letter sent to it by the Command of the 2<sup>nd</sup> Corps of ABiH for the successful attack on the Serb settlements and civilian population.<sup>7</sup>

The primary operational objective of the “Krivaja 95” operation was extremely limited and it was reduced to the narrowing of the space affected by the Srebrenica enclaves, its reduction to the space agreed in the Demilitarization Agreement and the associated map. This extremely limited operational objective is best seen from the basic document for the execution of the Operation “Krivaja 95”, which is the “Command for Active Combat Actions” dated 02.07.1995<sup>8</sup> and

from the plan of the operation given on the work chart (see the map).<sup>9</sup> In the formulation of the “Drina Corps Task”, the following is stated: “Offensive actions to be conducted by free forces. In the depths of the Drina Corps zone, as soon as possible, to split the enclaves of Žepa and Srebrenica.”<sup>10</sup>

The extremely limited operational objective of “Krivaja 95” is even more clearly seen from item 4 of the Command, which summarizes the basic idea of engaging the forces and intentions that were expected to be achieved: “To continue to conduct persistent and active defensive by main forces, and partly by free forces to attack in order to split the enclaves of Žepa and Srebrenica as soon as possible. In the next task, strike the line Divljaknje-Banja Guber-Živkovo brdo-Alibegovac-kan, and in the next Gredac-Bojna-Šiljato brdo.”<sup>11</sup>

Nothing further or deeper than these two lines, which indicates the immediate and the next task of the operation, was not intended to be achieved. Both of these lines were out of the city. Obviously, the city was not the target of the military

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<sup>7</sup> See the documents on the following pages.

<sup>8</sup> Command of the Drina Corps commander for active combat operations, p. ref. no. 04/156-2, dated 02.07.1995 (P04481).

<sup>9</sup> DC Commander's decision for active combat actions on the map given on the following page.

<sup>10</sup> Ibid, (see facsimile of the other page of the Commandment).

<sup>11</sup> Ibid, (See item four on the same page of the document).

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operations in the “Krivaja 95”, but the rural area between the enclaves. That the city was not the object and purpose of the attack, is also indicated by the fact that in a densely populated city, where between 35 and 40 thousand inhabitants lived, there was no destruction of facilities or massive losses of civilians. As far as we know, civilian casualties were, fortunately, minimal. And if the city and the population were the target of the attack, the losses would have been massive, and the devastation enormous. As it was not the case, it is concluded that neither the city nor the civilian



population were part of the task, that is, the targets of the Drina Corps attack in this operation, nor part of the operational objective that was to be achieved. The Muslim intelligence service, who was intercepting VRS communications, reported on July 10, 1995 that, according to everything they heard, the Serbs did not intend to enter Srebrenica.<sup>12</sup>

The next statement, which speaks about the military characteristics of the Operation “Krivaja 95”, is that it is an operation of extremely limited range, from which the consequences that arose could not arise. Therefore, they were not foreseeable, so there can be no claim that these were the

planned consequences, which was otherwise claimed in the numerous files of the Hague Prosecution and in the verdicts of that court.

It is easy to conclude that it was the operation of extremely limited range when you look at the scope of the forces involved in the performance area. In item 5, Orders are assigned to the forces for the performance of the operation. This item is called “Tasks of the units for separation and narrowing of the enclaves”.<sup>13</sup> Therefore, this item in which precise and specific tasks are given is not called the tasks of the unit for the attack on Srebrenica or the attack on the enclave, or tasks of the unit for

<sup>12</sup> 2<sup>nd</sup> Corps of the ABiH, str. conf. No. 02/8-01-1142, dated 10 July 1995, Report. (1D06008). In the brackets, the number under which the document is being kept at the Hague Tribunal.

<sup>13</sup> Commandments of the Drina Corps Command for active combat operations „Krivaja 95“, p. ref. no. 04/156-2, dated 02.07.1995, p. 2, item 5 (P04481) –see facsimile on page 2 of the Commandment - only the first sentence - title of item 5.

the elimination of the enclaves, for the liberation of the Middle Podrinje or otherwise, which would imply the conquest of the city and the attack on civil settlements and their population.

The scope of the forces deployed to achieve this offensive goal of narrowing the enclaves to the territories agreed by the UN Protected Zone Agreement, which were marked in the map, was: one battalion from the 1<sup>st</sup>Zvornik Infantry Brigade,<sup>14</sup>one battalion that was formed of the 1<sup>st</sup>Bratunac Light Infantry Brigade and 2<sup>nd</sup>Romanija Motorized Brigade, with a troop from the independent battalion “Skelani” and 2-3 troops of the MoI in the reserve. In addition to these forces, the Milići and Bratunac Brigades performed part of the active forces in touch, but the forces did not exceed the strength of the reinforced troops of these two brigades.<sup>15</sup>If it is known that Srebrenica was defended by the five brigades of the 28<sup>th</sup>Division and the mountain battalion as a reserve,<sup>16</sup>it is easy to conclude that the fall of Srebrenica was not planned. And due to the power of the forces that was distinctly for the benefit of the 28<sup>th</sup>Division, this fall could not have been expected, so therefore the worst consequences that would follow later could not have been expected, namely the emigration of the population and the mass capture of the 28<sup>th</sup>Division members and able-bodied men who joined it.



### **3.The course and outcome of the operation**

It is evident that the conquest of the city was not planned in the Commandment of the Drina Corps Command. However, the consent was given by the RS President and the Supreme Commander after it was presented to him that the 28<sup>th</sup> Division left the city and that a complete chaos threatened. This can be concluded directly from the document from General Tolimir, Assistant Security Officer of the Commander of the VRS GS,<sup>17</sup> and indirectly from

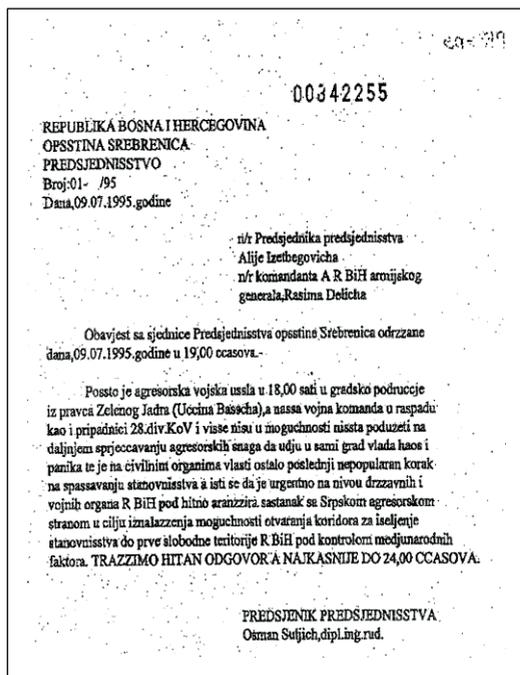
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<sup>14</sup> Marching order of TG-1 Commander of the Zvornik Infantry Brigade, str. conf. No. 01-246, 03.07.1995. (1D06020).

<sup>15</sup> Command for „Krivaja 95“, facsimile p. 2 and 3 of the document, or T-5, where the engaged forces are shown with their number markings. The document on the page that follows.

<sup>16</sup> See: Command for „Krivaja 95“, facsimile p. 1 and 2, i.e. item 1, where the Muslim forces that defended Srebrenica are seen.

<sup>17</sup> Notice, strictly confidential no. 12/46-501/95, dated 09.07.1995.



the letter of the President of the Municipality Osman Suljić addressed to Alija Izetbegović.<sup>18</sup>

According to the idea, that is, the decision of the Drina Corps Commander, formulated in the item 4 of the cited Commandment dated 02.07.1995, the appropriate engagement followed:

- one infantry battalion from the Zvornik Brigade - from the Bukova Glava's development line. Zeleni Jadar-Javor, came in the direction of Zeleni Jadar-village Pustumlići-Bojna-Srebrenica. Its immediate task was to master the trigonometry tt.644 as soon as possible and the facility Živkovo brdo and the hills north of the village of Zeleni Jadar, and in the next task to master the facility of

Bojna on the southern access roads to Srebrenica. There it was foreseen to fix the reached line and secure the left and right flanks and prevent any surprise from the Muslim actions from Srebrenica;

- the combat group of the strength of a battalion from the 2<sup>nd</sup>Romanija Motorized Brigade from the development line Jasenovo village-Klokoč, performed in the direction of Klokoč-Kiprovo-Orahovica-Stupine. In the immediate task, it should master the facilities of Kiprovo and Bujaković, and in the next task put under control the communication that led from the village of Bajramovići to Srebrenica;

- the combat group of the strength of a battalion from the Birče Brigade (with tank water) from the development line of Čaurka-Podravno took the direction of Podravno-Alibegovac-Bajramovići. In the immediate task it should master the Alibegovac facility and reach the Bučje-Alibegovac line, and in the next task control the Vagan facility, reach the village of Bajramovići and put under control the part of the road Vijogor-Srebrenica.

-The Bratunac Brigade from direct combat contact, in the immediate task, should partly attack the Muslim forces at Predol, Divljakinja, Banja Crni Guber and Olovine facilities, and in the next task control the facility of Gradac and prevent the provision of reserves of Muslim forces from the Potočari direction towards Srebrenica.

- The Milići Brigade, to reach the region of Pevija as soon as possible. In the immediate task, in cooperation with the 2<sup>nd</sup>Rmtbr Battalion, it should master the object Kak to get out on the Kak-Bucje line, and in the next task control the line of

<sup>18</sup> Letter, no. 01-95, dated 09.07.1995 (facsimile of the letter).

Vijogor-Ugljevik and put the route Staroglavica-Vijogor under control. By the majority of its forces, by carrying out demonstrative operations, it should tie to itself the Muslim forces in the direction of Osoje-Podgaj-Borovac and Ravni Buljin-Jaglići, and Bešić brdo-Žutica-Žedanjsko.

The independent battalion of Skelani, in the role of the corps reserve, was supposed to secure the introduction to combat of the Romanija Motorized Brigade and the Birče Brigade, and to act behind the combat order of the Romanija Brigade, in readiness for the introduction into operations in the direction of Bajramović-Osredak.

The operation began on July 6, 1995 at 6:00 hours. Due to the heavy rainfall and the prolongation of the clouds, the performance of the operation was postponed for the next day, and the units were ordered to carry out additional scouting of the directions of the action and combat situation.



The Zvornik Brigade's Battalion very quickly broke the defense in the direction of the occurrence and came near Živkovo brdo - the key facility in the direction of Zeleni Jadar-Srebrenica. This facility, as well as the Bojna facility, was liberated by the brigade on July 9 at 11:00 hours. By mastering these facilities, the brigade deeply wedged into the arrangement of the 28<sup>th</sup> Muslim division and exposed its left flank to the danger from the direction of Vijogor-Zeleni Jadar. For securing the left flank, the brigade did not have enough forces, so the Muslim forces managed to return control

over the facilities of Živkovo Brdo and Bojna during the night of 9-10 July. The situation on that part of the front was seriously complicated and threatened with the danger that the entire operation would be called into question, as it was the main direction of the attack. Failure in the main direction of operation would have surely called into question the success of the entire operation. That is why there was an engagement of forces from another echelon as well, so the situation was restored and these facilities were placed again under the control of the forces of the Drina Corps.

Engaged forces of the Birče Brigade and 2<sup>nd</sup> Romanija Brigade came to unexpectedly strong resistance on the directions of action, so they were late in performing their immediate task. However, although with delay, the resistance of

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Muslim forces was broken on the line of Bučje-Alibegovac-Kiprovo and thus the direct combat link between the two brigades and the Zvornik Brigade was achieved. This completely secured the left flank of the Zvornik Brigade, which was at the center of action, and this also ensured complete success in performance of the entire operation.



The Milići Brigade forces, engaged for active combat actions, successfully and without delay made progress in direction of its occurrence. By successful performance of these forces, i.e. mastering over the Vagan facility and the outburst of the 2<sup>nd</sup> Romanija Brigade in the village of Orahovac, the road to Srebrenica was open.

Other forces of the corps, on all tactical routes leading to the territory of the Srebrenica enclave, successfully tied the Muslim forces to themselves and did not allow them the tactical maneuvers and regrouping from one direction to the other, thus helping the forces in the most vulnerable directions and restoring the cracks that arose in their combat schedule. This primarily refers to the

routes leading from the line of Podravno-Zeleni Jadar to Srebrenica.

By the outbreak of the Republic of Srpska Army to the borders of the urban part of Srebrenica and establishing operational control over the dominant facilities, the ranks of the 28<sup>th</sup> Infantry Division in Srebrenica were shaken, and the dispersion in the combat order of the division actually occurred. Since the Dutch UNPROFOR Battalion, which was supposed to provide the appropriate regime of the protected zone, was not able to guarantee any order or security to anyone in or outside of Srebrenica in the chaotic situation that prevailed in Srebrenica, the General Staff of the VRS, based on the consent of the President of the Republic of Srpska, decided to enter Srebrenica and prevent the chaos that was in sight. The NATO aviation, in groups of 4-6 F-16 plane type, repeatedly operated over the VRS units in the Bojna, Kvarc and Pribićevac regions and in terms of the operational schedule depth of the Drina Corps units, in order to prevent them from fulfilling their basic task. Nevertheless, parts of the Drina Corps entered Srebrenica on July 11 at 16.30 hours. Thus the operation “Krivaja 95” was completed, but not combat actions in the predominant part of the zone of responsibility of the Drina Corps, where action against the Muslim columns could have been expected in the breakdown towards Tuzla and Kladanj.

From that time on, three groups of operational problems appeared: 1. Continuation of combat actions towards the enclave of Žepa with the same goal as for Srebrenica - controlling the wider area surrounding the enclave in order to prevent the area being used for the diversion-terrorist acts of Muslim forces and narrowing the enclave to the urban part of the city; 2. Protection against NATO actions and elimination of the consequences of these acts; and 3. fighting the disrupted forces of the 28<sup>th</sup> Division and arranging the situation in and around Srebrenica, which meant establishing a full security order for both soldiers and civilians.

The first and second task in its entirety fell on the back of the Drina Corps units and commands. In the implementation of the third task, in addition to the already engaged Drina Corps forces, in the search of the terrain, the rehabilitation of the battlefield and defense on the front against the 2<sup>nd</sup> Corps of ABiH, the VRS General Staff units also participated (parts of 65 Protection Regiment and the 10<sup>th</sup> Diversion Squad) and the Special MoI Brigade, and civil-military affairs related to the establishment of a system of government and security environment, were assigned to the relevant civilian authorities by the decision of the state summit. For all these tasks, the President of the RS appointed a civilian commissioner.<sup>19</sup>

The fight against the attacking forces from the Tuzla and Kladanj directions for the purpose of unblocking and joining the forces of the 28<sup>th</sup> Infantry Division were led by the forces of the Drina Corps that had been in those positions since 1992 (1<sup>st</sup> Zvornik Infantry Brigade, 1<sup>st</sup> Birče Infantry Brigade and 1<sup>st</sup> Vlasenica Light Infantry Brigade) without parts of these brigades that participated in Operation “Krivaja 95” and Operation “Stupčanica 95” (code name for actions towards Žepa).

Units of the GS VRS and units of the MoI of RS during the night of 11 and 12 July 1995 fully established control over the communication between Bratunac-Srebrenica and Potočari-s. Milačevići. These units were ordered during the night of 11-12 July to block the road of Nova Kasaba-Konjević polje-Kravica-Bratunac and thus prevent the withdrawal of the forces of the 28<sup>th</sup> Infantry Division towards Cerska and further towards Tuzla. The available data shows that the bulk of this division managed to break through the combat schedule of the Drina Corps forces in the wider Srebrenica region, on the line Koprivno-Ravni Buljin-Jazestica-Zagoni. It was of great operational significance to prevent their withdrawal and eventual merger with the forces of the 2<sup>nd</sup> Corps that attacked from the routes of Tuzla and Kladanj. If this joining took place, the Drina Corps units that defended the so-called outer front of the zone of responsibility in these two directions (the Zvornik Brigade and the Birče Brigade, and partly the Bratunac Brigade and Milići Brigade) would have found themselves in an almost hopeless position.

In fighting against the forces of the 2<sup>nd</sup> Muslim Corps and parts of the 28<sup>th</sup> Infantry Division that broke through by fighting towards Tuzla and Kladanj, the 1<sup>st</sup> Zvornik Infantry Brigade had more dead, missing, captured and wounded than all other corps forces in Operation “Krivaja 95” (20 killed, 13 missing and over 50

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<sup>19</sup> Decree-Decision on the Appointment of Civilian Commissioner for Srebrenica, no. 01-1350/95, dated 11.07.1995.

wounded).<sup>20</sup>Precisely due to this fact, the Commander of the Drina Corps had to pull out the Zvornik Brigade from the combat schedule and return it to the brigade, that is, a part of its forces that had been foreseen for action towards Žepa. This slowed down the start and extended the duration of the operation around Žepa.

A further course of action against the forces of the 28<sup>th</sup> Infantry Division and its affiliated able-bodied men at Tuzla's accesses do not interest us here, because this is about an area far beyond the territory of the Srebrenica enclave, and therefore we will not deal with it.

## **II ATTITUDE OF THE VRS TOWARDS THE CIVILIAN POPULATION**

The migration of the civilian population from Srebrenica is one of the most remarkable and massive consequences of Operation "Krivaja 95", although it is obvious that this action was not an integral part of that operation. Namely, the operation "Krivaja 95" was completed on July 11, 1995 in the early afternoon when the forces of the Drina Corps entered the town of Srebrenica. In this sense, there are very illustrative videos from Srebrenica on July 11, 1995 with General Mladić, Živanović and Krstić and a group of members of the VRS. The operation was completed with this act, because the final facility was reached on which the suddenly changed tendency of this operation was directed, which is the city of Srebrenica. As previously known, the plan of the operation foresaw and planned to reach the city borders, and not to enter the city. However, the set of circumstances changed, and therefore the primary goal, but neither the changed operational goal did not anticipate, or plan that the population would go to the territory under Muslim control.

Factually speaking, when it became clear that the 28<sup>th</sup> Division could not, or would not - now it is all the same - defend the city, two separate processes moved in parallel. (1) Spontaneous but also organized movement of the population from Srebrenica towards the UN base in Potočari, much before the physical contact of the VRS units with the majority population (ignoring sporadic phenomena); (2) members of the 28<sup>th</sup> Division and the largest number of able-bodied men were on the move towards the region of Šušnjari-Jaglići, located about ten kilometers west of Srebrenica. It is necessary to put aside the army from now on and to submit it to other contributions of this Collection, and here we turn to the attitude towards the civilian population.

The decision of the population to reach Potočari - a place about 10 kilometers away on the road to Bratunac was logical, the population out of which the smaller part was domicile, and previously refugee population (Ambassador Akashi - the UN Secretary-General Commissioner estimated that 80 to 90% were the refugee population)<sup>21</sup> who were not existentially and emotionally attached to Srebrenica. Especially because the instructions of the Commander of the 28<sup>th</sup> Division were unequivocal: civilians should go to Potočari, under the protection of the UN forces, and continue to Kladanj, and soldiers to the breakthrough to Tuzla! In what extent this population movement was in line with the civilian and military authorities of

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<sup>20</sup> Combat report of the Commander of the Zvornik Brigade dated July 15, 1995.

<sup>21</sup> Telegram sent by Y. Akashi to Annan, July 11, 1995 (P05203)

Srebrenica and UN representatives is seen in the fact that the UNPROFOR actively helped in transport of civilians to Potočari, much before the VRS entered the city.

It immediately comes to one of the key issues of the whole process of relocation of the population, which is: why the factors that took part in the evacuation, the civilian Muslim authorities in Srebrenica, the Muslim authorities in Sarajevo, then the VRS who was asked to allow and then carry out the evacuation, and finally the UNPROFOR and other international organizations that were present, did not take timely measures to ensure that the population was logistically taken care of and that evacuation vehicles would be ready in sufficient numbers. One cannot say that nobody did anything because bread and water were delivered, and the witness Christina Schmidt <sup>22</sup> testified that General Mladić arrived in Bratunac and immediately offered water and food. Throughout the chain of these listed evacuation actors, the VRS was the last one who was informed that the population wanted to go to the territory controlled by ABiH. The central Muslim authorities in Sarajevo knew it before the VRS, they knew, who had an ambivalent attitude to the issue, with the tendency to misuse the suffering of the people for political purposes once again. The local authorities in Srebrenica knew this, and they asked for it on July 9, 1995 during the day, and certainly far before General Krstić telegraphed the GS VRS to indicate a real possibility to enter Srebrenica, or when General Tolimir responded to General Krstić by telegram about the position of the President Karadžić. The General Nikolai (the Head of the Staff at the UNPROFOR Command - also the General of the Dutch Army) knew that before the VRS, the general who commanded Lieutenant Colonel Karremans, the Commander of the Dutch Battalion in Srebrenica, to seek consent and assistance from the VRS to evacuate civilians. Then, the Special Representative of the Secretary General of the UN, the Ambassador Akashi, knew that before the VRS, who already reported on the demands of the Muslim authorities to ensure the evacuation of civilians on 11 July 1995, and took a positive attitude on the issue. Finally, the Dutch government, its defense minister, also knew about this before the VRS, which instructed its units in Srebrenica in that direction.

It is perfectly clear that the arrival of the civilian population of Srebrenica to Potočari was not expected in the VRS Command, and even the UNPROFOR command was not fully aware that the movement of the population into their base in Potočari would take place so rapidly and massively, but this fact completely surprised both parties. More data speaks that this was not a “timely planned and predictable consequence”, and in particular: (1) the operational objective of “Krivaja 95” was not the takeover of the city, nor the mass departure of the population could have been foreseen or expected. The available documents do not indicate at all that displacement and evacuation of the population were on the way, and not to talk about the finalized plans and preparations for this undertaking. The first operational instructions for collecting buses and other means of transport appeared only on July 12, 1995<sup>23</sup> in late morning meetings, i.e. after the moment when the relocation was agreed. If there are no documents on the collection of means of transport before the

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<sup>22</sup> Médecins Sans Frontières's telex, 11.07.1995, Christine Schmidt. (#23109B)

<sup>23</sup> See documents of the General Staff and the Ministry of Defense on the engagement of transport vehicles on July 12, 1995 (P04525-P04528)

relocation agreement, i.e. until July 12, 1995 in the morning hours, then it is difficult to accept the claim from the Hague Tribunal's case that the relocation was a pre-planned operation. No one on the Serb side before July 11, 1995 could have known that a relocation of the population would be a problem, let alone that someone could predict and plan it. Also on July 11 when the population was in Potočari, it was unclear what to do with them, to keep or relocate them. This can be concluded on the basis of two documents issued by the President of the Republic of Srpska, Dr. Radovan Karadžić. These are the "Decision on the Appointment of the Civilian Commissioner for Srebrenica" and "The Order on Establishing the Public Security Station in Srebrenica".

The decision of the President of the Republic of Srpska to appoint a civilian commissioner for Srebrenica<sup>24</sup> is an argument by itself for our claim that the Serb side did not have a decisive role in deciding to relocate the civilian population from Potočari, that is, that the Serb side had not decided on it. One thing is undisputed, and that is, prior to this decision, the Serb side undertook nothing nor could have undertaken anything in terms of preparing the means of transport and organizing that operation. Therefore, the claims that the VRS violently evicted the population from Srebrenica sounded extremely unconvincingly.

If you observe what the acts-documents issued by the President of the RS contain. Firstly, the Decision on the Appointment of the Civilian Commissioner for the Municipality of Srebrenica: "... the Commissioner ensures that civil and military authorities treat all citizens who participated in the fight against the Republic of Srpska Army as prisoners of war and provides free choice of the place of living and relocation to the civilian population ."

From the quoted paragraph, it was unequivocally stated that only the population must make a decision related to place of living and, if they would like to move, where to move as well. When the choice of the place of residence and relocation is left to the population, then it must be concluded that this involves the process of decision making by the population, which requires time, and not the instantaneous action, and it is clear that the vast majority of the population was not the Srebrenica population but the refugee population, for which it was not only necessary to assume, but it was also known that they would want to go somewhere, while, when it comes to the domicile population, it was reasonable to assume that they would decide to stay.<sup>25</sup> It should also be pointed out that the acts of PhD Karadžić were addressed to the "Serb municipality of Srebrenica", as negotiated before the war, which implied that the Muslims might also establish their municipality of Srebrenica. Such dual municipalities still exist today after Dayton.

There is no evidence for the allegation that the relocation was planned and that it was forcible, although the longing of even local population to leave can be understood, both because of the departure of their army and the living conditions in the town, whose improvement required considerable time. Therefore, there were

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<sup>24</sup> Decision on the Appointment of the Civilian Commissioner for the Municipality of Srebrenica, number 01-1150/95, dated July 11, 1995. (D02055)

<sup>25</sup> Telegram sent by Akashi to Annan, July 11, 1995. (P05203)

reasonably convincing reasons for civilians not to return to Srebrenica, because, even under their authority and army, there was no God knows what kind of well-being, not to mention the fear of retaliation after the return of formerly evicted and expelled local Serbs. However, the decision to move was nevertheless their choice and they would, through their representatives, announce it at the first two meetings at the Fontana Hotel on July 11, 1995 and, finally, at the third, last meeting with the VRS team headed by General Mladić in Bratunac. At all these meetings and other communications of domestic and foreign factors during these critical days, no other request, proposal, decision or petition, containing anything else, was sent to the VRS, only the request for the safe evacuation of civilians in the territory controlled by ABiH. After all, absolutely identical decisions were made by the civilian population of all three national communities, whenever the army controlling the area came to the area of their residence. The civilian population always abandoned the territories lost by their national army. But here it is important to repeat that the civilian population of Srebrenica was not forcefully evicted, or expelled by the VRS, nor the Serb newly formed power in the city.

It is important here to warn about another fact, which is that the very decision of the Muslim military and political leadership for civilians to begin their journey to Potočari, and the army and able-bodied men to the Jagličići-Šušnjari region, implied a definite and predetermined decision that civilians no longer return to Srebrenica. Thus, the decision to relocate is, as a desirable operation, contained in the statement of the President of the Municipality of Srebrenica, Osman Suljić, to Alija Izetbegović on July 9, 1992,<sup>26</sup> which was stated also in the decision of the military leadership not to place weapons in Srebrenica and to stay with their people, but to split from the people on July 11, 1992 and go to the collection area for the sake of breakthrough from the environment. The document is provided on the following page.

Another operational document issued by Dr Radovan Karadžić, from which you can see their attitude towards the civilian population, is the Order on the Establishment of the Public Security Station of Srebrenica. President Karadžić sent his order to the MoI of the Republic of Srpska<sup>27</sup>, and the MoI forwarded this order, by its order, to the Zvornik Security Service Center under whose jurisdiction was the municipality of Srebrenica.<sup>28</sup> Karadžić issued his act on July 11, 1995, and the MUP one day later, i.e., December 07, 1995. In the Order, Karadžić sought the following:<sup>29</sup>“... Special attention is to be paid to the protection of public order and peace, personal and property safety of citizens, preventing the commission of crimes and finding the perpetrators, and protecting nature facilities. All citizens who participated in the fighting against the Serb army are to be treated as prisoners of war

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<sup>26</sup> Decision on the Appointment of the Civilian Commissioner for the Municipality of Srebrenica, number 01-1350/95, dated July 11, 1995. (D02055).

<sup>27</sup> Notice from the session of the Presidency of the Municipality of Srebrenica, no. 01/95, 09.07.1995. (1D06009).

<sup>28</sup> Order of the President of the RS on the Establishment of the PSS Srebrenica, str. conf. No. 01-1341/95, dated July 11, 1995. (P02994).

<sup>29</sup> Order of the RS MoI to the Security Center Zvornik, number k/p-1-402/95, dated July 12, 1995. (#01928).

## OPERATION „KRIVAJA 95“ OF THE RS ARMY ...TOWARD CIVILIJANS

and acted with them in the spirit of the law and international conventions, and others are to be allowed to freely choose the place of residence and relocation...”

Based on these two documents quoted, the conclusion undoubtedly follows that Dr. Radovan Karadžić, on July 11, 1995, in the evening, when he signed these two documents, did not even consider that the civilians would be relocated. In his two quoted documents, he ordered appropriate measures against the civilian population, which implied that he believed that the population would remain mostly in Srebrenica, and that the presence of civilians (Muslims, since the return of Serbs could not be expected soon) required measures of preservation of order and security.

In order to test thoroughly the thesis that claims that the civilian population of Srebrenica was evicted, that is, expelled and forcibly deported, a few other primary sources of data should be considered, namely the transcript of the meeting in “Fontana” on 11 July and July 12, 1995, and the General Nikolai’s statement - the head of the staff at the UNPROFOR Command for BiH, who gave it to the investigators of the Tribunal in 1996, that is, at the time when his remembrance of the July 1995 event was completely fresh.

In his statement from 1996, General Nikolai stressed that, immediately before the meeting in “Fontana” in Bratunac, instructions and orders - by telephone and in writing, were issued to the Lieutenant Colonel Karremans, the Dutch Battalion Commander, and that was how to act in a newly created situation after the fall of Srebrenica and what to request from General Mladić. Here are his words: “We said (to Karremans - R.R.) to remain with the civilian population so that he and his people could follow the evacuation in order to carry it out according to international rules.<sup>30</sup> As soon as we stopped the air strikes (11.07.1995 at 17.00 - R.R.) we realized that the civilian population should be evacuated from Srebrenica. On July 11, I informed the Dutch Minister of Defense of the planned evacuation (underlined R.R.) and our intention to use the UNPROFOR trucks, and he agreed with that.”

It is not known what else should be added to justify the claim that the Serb side did not issue a decision on relocation, not even Radovan Karadžić, but the UNPROFOR body on behalf of the UN and their protected zones, with the consent of the representatives of the civil authorities in Srebrenica. This means that this is not about forced eviction, but about the decision to reach the territory in which the population would feel safe. The choice to evacuate was theirs, and the decision on the relocation was made by the UN.

The transcript of meetings held in Bratunac at the Fontana Hotel is equally convincing in answering the question who made the decision to evacuate the civilian population of Srebrenica. As it is known from the file, the meetings were held on July 11, 1995 around 20.30 hours, and representatives of the VRS headed by General Mladić, the Dutch Battalion Commander Lieutenant Colonel Karremans and several of his associates, and already appointed civilian commissioner for Srebrenica, Miroslav Deronjić, were present. The second meeting was held somewhat later the same evening (around 23.00 hours), but with the presence of representatives of the

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<sup>30</sup> See the statement by Dutch General Nikolai given to the ICTY prosecution investigators in 1996 (1D03924).

civilian population, who requested a meeting with General Mladić. But since this group was not considered legitimate and authorized to make such a decision, a final meeting was scheduled for July 12, 1995 at 10:00 hours. In order to answer the question who made the decision to evacuate, the first meeting on July 11, 1995 around 20.30 hours and the intonation of the first address by General Mladić to the Dutch Battalion Commander, were important. Here is what was asked by whom and the way it was asked on that very occasion.

“General Mladić then turned to the Dutch Commander and with the remark that they had requested the meeting, asked him what they wanted (underlined R.R.) Lieutenant Colonel Karremans stated that he had been in contact with General Nikolai, the Head of the UNPROFOR Staff in Sarajevo, and that the loss of the enclave was a well-known fact. Lieutenant Colonel Karremans, on behalf of his superiors, requested the withdrawal of the Dutch Battalion, the Muslim population and the MSF - an international medical NGO that worked in the enclave. Later, during the meeting, General Mladić asked if buses could be provided through General Nikolai. Lieutenant Colonel Karremans replied that he thought that this could be agreed.”<sup>31</sup>

Based on the quote and Mladić’s query “what do you want”, it is clear that the general expected to hear from the UN representatives what they considered to be the priority in resolving the situation that arose after the ABiH and the population left Srebrenica. Therefore, Mladić did not impose solutions, but asked to hear what the UN wanted in that regard. And Karremans replied that he wanted the withdrawal of the Dutch Battalion, the relocation of the civilian population and the MSF. More importantly, Karremans said that his requests were harmonized with General Nikolai and that he was asking for it on behalf of his superiors.

When all material evidence and facts contained in the operational documentation, relating to the relocation of the civilian population of Srebrenica, are eventually summarized, the following is concluded. (1) The idea of relocating civilians from Srebrenica was primarily launched two days before the fall of the city and before the meetings in Bratunac, by the representatives of the civil authorities of the municipality of Srebrenica, and in no case can it be addressed to anyone on the Serb side or even to the President Radovan Karadžić and General Ratko Mladic. (2) The decision to relocate the civilian population from Potočari was made by the UNPROFOR Command immediately after the suspension of air strikes of the NATO aviation on the positions of the VRS, and that was about three hours before the beginning of meetings in Bratunac, where that decision was announced by the Dutch Battalion which announced the decision on behalf of its superiors, including the Minister of Defense in the Government of the Netherlands. (3) Only after he heard that the UNPROFOR had decided to comply with the request of the local Muslim authorities, international factors and the population to move to the territory under the control of the Muslim army, the General Mladić raised the issue of buses and fuels. (4) The operational order of the VRS GS and the Drina Corps Commander for

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<sup>31</sup> Transcript of the recording of the meeting at „Fontana“ at 20.30 hours. The document from the documents file for Radovan Karadžić’s trial.

collecting means of transport for this operation would take place on July 12, 1995 after the last meeting at the Fontana Hotel in Bratunac, only after the expressed determination of the representatives of the civilian population to conduct the relocation as soon as possible.

Based on everything that was already said about the relocation of the civilian population, it can be concluded that the relocation was not forced, but that it was the unanimous choice of representatives of the civilian authorities and the local population, the Command of the 28<sup>th</sup> Division and the UN mechanism. The Republic of Srpska Army and its civil authorities did not participate in the decision-making process on relocation, but accepted the decision and implemented it on the ground. In all likelihood, without more serious omissions and incidents, and especially without violence against the civilian population.

### SOURCES

1. *Order of the DC Commander, str.conf.no. 04/156-2 of 2 July 1995.*
2. *“Armed Combat Strategy” (Strategija oružane borbe)*, edition SSNO, 1983.
3. *Order of the Drina Corps Commander for active combat activities, str.conf.no. 04/156-2 of 2 July 1995 (P04481).*
4. *Decision of the Drina Corps Commander for active combat activities on the map provided on the next page.*
5. *Report 2. K A BiH, str.conf.no. 02/8-01-1142 of 10 July 1995 (1D06008).* The number in brackets is the number under which the document is registered at The Hague Tribunal.
6. *Orders of the Drina Corps Command for active combat activities of “Krivaja 95”, str.conf.no. 04/156-2 of 2 July 1995.*
7. *Order to March given by the Commander of the TG-1 of the Zvornik Infantry Brigade, str.conf.no. 01/246 of 3 July 1995 (1D06020).*
8. *Order to “Krivaja 95”, fax pages 2 and 3 of the document, i.e. T-5 showing the engaged forces with their numerical designations. The document is on the following page.*
9. *Order to “Krivaja 95”, fax pages 1 and 2, i.e. point 1, showing the Muslim forces that defended Srebrenica.*
10. *Ordinance-Decision on Appointment of a Civil Commissioner for Srebrenica, No. 01-1350/95 of 11 July 1995.*
11. *The combat report of the Zvornik Brigade Commander of 15 July 1995.*
12. *A telegraph. Y. Akashi Anan, 11 July 1995 (P05203).*
13. *Documents of the Main HQ and Ministry of Defense on engaging the means of transportation, 12 July 1995 (P04525-P04528).*
14. *Order of the Srebrenica Municipal Presidency session, No. 01/95 of 9 July 1995 (1D06009).*
15. *Order of the RS President on the formation of a PSC of Srebrenica, str.conf.no. 01-1341/95 of 11 July 1995 (P02994).*
16. *Order of the RS MoI to the Security Service Center of Zvornik, No. k/p 1-402/95 of 12 July 1995 (#01928).*
17. *A Statement of the Dutch General Nikolaj, given to The Hague Tribunal Investigators in 1996 (1D03924).*
18. *Transcript of the recordings of the meetings held at “Fontana” at 20.30 hours.* The document is from the collection of documents for the trial of Radovan Karadžić.

## UNPROFOR AND THE SREBRENICA SAFE AREA

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**Abstract:** Using available documents and written sources, as well as personal memories of the war, as a member of the Republic of Srpska Army, Sokanovic analyzes the situation in the Srebrenica enclave after being proclaimed a security zone by the United Nations Security Council in 1993. The author writes about the behavior of the Muslim military and political leadership towards the agreed demilitarization, as well as the continued growth of military potential in the enclave despite the agreement to disarm. Sokanovic writes about the attacks of diversionist-terrorist groups from the enclave on the positions of the Republic of Srpska Army and Serbian settlements and about the crimes committed against Serbian population, property, and soldiers. In this article, he described how United Nation Protection Forces (i.e., UNPROFOR) behaved towards the demilitarization of the “safe-zone”, how they responded to Muslim military preparations and the rise of their army in the enclave, and how UNPROFOR reacted to the crimes committed by military groups from Srebrenica towards the Serbs outside the security zone.

**Key words:** *security zone, demilitarization, AB&H, ARS, Srebrenica, UNPROFOR*

### INTRODUCTION

In the late 1980s, the population of the middle Podrinje (the area on the left bank of the Drina river) was predominantly Muslim and Serb. They were mainly settled in the two small towns, Srebrenica and Bratunac, as well as several surrounding areas and villages (Žepa, Kravice, and Skelani).

The towns were multi-ethnic, and the surrounding villages were mostly mono-ethnic. The population lived without serious interethnic conflicts. To outsiders, it looked like a peaceful and harmonious situation. However, behind the scenes, there was mutual confusion and distrust, burdened with the relationships between the Serbs and Muslims and events from their near and far past in this and broader area.

The political atmosphere leading up to the violent breakup and the disintegration of Yugoslavia was under the influence of various political leaders. The political opinions of some Western and some Islamic countries have had a significant impact on interethnic relations in B-H.; The mutual trust was deteriorating while the tension and suspicion were on the rise. The local population started changing their attitude towards a common state.

Naser Orić<sup>2</sup> started to work at the police station in Srebrenica in 1991. In April of 1992 he was appointed commander of the police station in nearby Potočari.

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<sup>1</sup> During the Defense and Homeland War Colonel, head of the Department of Moral and Religious Affairs at the VRS Main Staff; deputy assistant commander Chief of Staff for moral, religious legal affairs.

<sup>2</sup> Naser Oric, Muslim military officer who commanded their forces, including 28<sup>th</sup> Division, in the Srebrenica enclave. His father and grandfather, as well as fathers and grandfathers of many of his

During the same month, on April 20th, Muslim forces killed five members of the YNA (Yugoslav National Army) reserve unit in Potočari. On May 8<sup>th</sup> under the command of Naser Orić Muslim forces attacked Serbian village Zalazje. Among those killed was Goran Zekic, Srebrenica Lower Court judge and National Assembly deputy at the Assembly of SR BiH. Following this attack, many Serbian people left Srebrenica, those who remained, perished in subsequent attacks. In May 1992, Orić was promoted to the position of the Commander of the Territorial Defense Staff (TO) in Srebrenica.

Immediately after the promotion, Naser Orić organized local military units to attack the surrounding Serbian villages (Međe, Gostilj, Oparci, Metaljka, Ratkovići, Brežani, Loznica, Krnjici, Zalazje, Magašići, Ježestica, Zagoni, Podravanje, Fakovići, Boljevici, Bjelavac, Sikirići, Kravica, Šiljkovići, Vencići, Ćosići, Kušići, Skelani and others. By the middle of January 1993, Muslim forces from Srebrenica carried over 60 attacks on Serbian villages, and they killed about 2,000 Serbs. Serbian people were terrorized, killed or expelled; property was plundered and destroyed, communities and homes burned. By taking over Kamenica, near Zvornik, Muslim forces commanded the whole area of the middle Podrinje, from Srebrenica to Zvornik, except the Bratunac community.<sup>3</sup>

The Army of Republic of Srpska (i.e. ARS) could not allow further suffering of the Serbian people. On February 15th, 1993 the Command of the Drina Corps delivered a counterattack liberating Birc and moving very close to the breakdown of the Muslim forces in Srebrenica. To protect the Muslim forces in the enclave, UNPROFOR Commander for Bosnia and Herzegovina (i.e., B&H), French General Philippe Morillon, managed to convince the UN Security Council to pass Resolution to proclaim Srebrenica a security zone. By preventing a full defeat of the Muslim army, UNPROFOR chose to stand on one warring side – the Muslim side. The UN convoy, under the command of General Morillon forced their way into the enclave of Srebrenica on March 12th of 1993.

On April 16 1993, the UN Security Council adopted Resolution #819 declaring Srebrenica security zone. The Srebrenica demilitarization agreement was reached two days later on April 18, 1993. General Ratko Mladic, commander of the General Staff of the ARS and General Sefer Halilovic, commander of the General Staff of the so-called Army of the Republic of Bosnia and Herzegovina (i.e., AB&H), signed the Agreement. UNPROFOR general Lars Erik Wahlgren was a witness to the signatures.

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commanders and soldiers, were members of the pro-Nazi movement during World War II. See: Dusan Pavlovic, *Battle for Srebrenica - War for Civilization*, Republic Center for War and War Crimes Research and Treating Missing Persons, Banja Luka, 2018, p. 33.

<sup>3</sup> See: Vinko Pandurević: *SREBRENICA* (Attachment to the truth about events in and around Srebrenica in July 1995: <https://.../vinko-pandurevic-srebrenica-prilog-istini-odogadjajima-ui-oko-srebrenice-u-julu-ratne-1995-the-first-part>, and Dusan Pavlovic, *Battle for Srebrenica - Civil War*, Republic Center for War and Peace Research and Searching for Missing Persons, Banja Luka, 2018, pp. 27-49.

UN Security Council adopted another Resolution (#824) on May 6th, 1993. As part of this resolution, in addition to Srebrenica, five other areas (Zepa, Sarajevo, Goradzde, Tuzla and Bihac) in the former B&H were declared as security zones. The agreement was extended to the demilitarization of Žepa and was signed on May 8th, 1993 by the same generals of opposing sides, with the presence of General Philippe Morillon, representing UNPROFOR. Despite the presence of armed police forces and territorial defense units, Srebrenica was declared a security zone. The resolution was "justified" by the humanitarian catastrophe of civilians in the enclave in spite of the fact that there were also about 6,000 soldiers in the enclave, which represented a significant military capability.

The Agreement demanded the immediate cessation of the fire of the warring parties, the freezing of combat activities to the current positions, the deployment of a unit of UNPROFOR in Srebrenica, and the withdrawal of all military and paramilitary units to the area outside the demilitarized zone, or the surrender of their weapons.<sup>4</sup>

The agreement also stipulated that all ammunition, explosives and combat stocks in demilitarized zones be handed over to UNPROFOR, under the supervision of the three officers, one from each side and under the control of UNPROFOR.

By the agreement, UNPROFOR was responsible for demilitarization. According to the Additional Protocol to the Geneva Conventions, the demilitarized zones including Srebrenica, should "meet the following conditions: (a) all combatants, movable weapons and movable military assets need to be evacuated, and (b) any activity, related to military efforts, must stop."<sup>5</sup>

### **ATTITUDES OF CONFRONTING PARTIES TOWARD DEMILITARIZATION**

Radovan Karadzic, president of RS (Republic of Srpska) and General Ratko Mladic, Commander of the General Staff of ARS, ordered the immediate cease-fire, except as necessary defense in order ( Zepa, Kravica, and Skelani) to reach establishment of the military lines, and the suspension of all combat activities. They also issued orders to facilitate the passage of humanitarian convoys, to ensure the pacification of the city and the protection of civilians. Members of the ARS commission for the demilitarization of the protected zone were appointed.<sup>6</sup>

On the other hand, it was immediately clear that the Muslim military and political leadership only formally accepted the signed Agreement, with no intentions to implement it.

Right after he signed the agreement, Sefer Halilovic (commander of the General Staff of so-called Army of Bosnia and Herzegovina) said "I went back to the

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<sup>4</sup> Dragan Vujicic, Srebrenica, the Fund for the Srebrenica Historical Project, Belgrade, 2015, p. 31.

<sup>5</sup> Additional Protocol 1 of the Geneva Convention of 08.12.1949 on the Protection of Victims of International Armed Conflicts (Protocol 1) Article 60, [www.institutegenocide.unsa.ba](http://www.institutegenocide.unsa.ba)

<sup>6</sup> Dusan Pavlovic, The battle for Srebrenica - a war for civilization, National Center for Research of War and War Crimes and Missing Persons, Banja Luka, 2018, p.50-51

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headquarters and sent an order to Srebrenica and that they should not hand over a single weapon, not even a single bullet."<sup>7</sup>

Halilovic sent the order (strictly confidential num. 02/398-1, dated 03-15-1993) to the commander of the 2nd Corps in Tuzla and the commander of Muslim forces in Srebrenica informing them that prior document "strictly confidential document - 02/398-1 dated 03/15/1993" is not valid. The same order was issued for propaganda reasons only. He is asking his military leaders to continue performing as powerful offensive actions as possible. It is necessary, he continues, to define the defense lines well, and it is URGENT to deliver helicopter to Naser Oric. "Disarmament of our units is not an option, not even a single soldier, let alone a military unit," he wrote.<sup>8</sup> The commander of the Main Headquarter of the Muslim military forces, General Sefer Halilovic, signed an agreement for which he had no intention to implement.

Moreover, while Mladic-Halilovic's negotiations continued, the first helicopter took off, and the command of the 2nd Corps notified Naser Oric about it with the act strictly confidential number: OT-1-065 / 93 of 16 April 1993: "... The helicopter left this morning. They waited for it at Vlasenica. It was shot, but they managed to return to our territory. We will try again. Where can it land? Urgent!"<sup>9</sup>

Muslim military, paramilitary, and police units did not withdraw from the demilitarized zone. The small number of personal weapons, mostly defective, trophy and hunting weapons were handed over to UNPROFOR. On 05-23-1993, the Triple Commission (ARS officers, Muslim side and UNPROFOR) concluded that the area was not demilitarized.<sup>10</sup>

Naser Oric officially informed the General Staff of the so-called ARB&H (Army of Republic of Bosnia and Herzegovina) of the following list of arms handed to UNPROFOR: "10 pistols, 28 rifles 7.9 mm (out of which 4 are defective), 91 semi-automatic rifles (of which 6 are defective), 31 automatic rifle 7.62 mm (defective), 73 slot machines, (2 defective), 7 hunting rifles, 10 machine guns 7.9 mm (5 defective), 6 manual launchers M-57, two T-55 tanks, several defective mortars, anti-aircraft guns and about 3.000 ammunition of different calibers."<sup>11</sup> The list of arms handed to UNPROFOR was a mockery of the agreement which directly endangered the status of the security zones.

### UN ATTITUDES TOWARD DEMILITARIZATION

UNPROFOR did not strive at all to fulfill their obligations to demilitarize security zones. They did nothing to prevent Muslim military and paramilitary units from leaving and returning to the security zone; to control the existence of weapons, ammunition and mine-explosive devices within the security zone; to confiscate ammunition and prevent any hostile activities. On the contrary, after five days of

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<sup>8</sup> Sefer Halitović - Cunning Strategy, Sarajevo, 1998, p.108

<sup>9</sup> Dragan Vujičić, Srebrenica Circle, Historical Project Fund Srebrenica, Belgrade, 2015, p. 36.

<sup>10</sup> Chronology 1990-1995, Documentation Center of Republika Srpska, Banja Luka, 2002, p. 124.

<sup>11</sup> Dragan Vujičić, Srebrenica Circle, Historical Project Fund Srebrenica, Belgrade, 2015, p.37

signing the agreement, UN officials on the ground said that demilitarization had been completed. "Based on the reports I received from my officers in Srebrenica, I can confirm that today at noon the city has been demilitarized,"<sup>12</sup> said Swedish General Wahlgren in Zagreb. His statement certainly did not reflect the situation on the ground. **This report is inaccurate, and it deceived the world public, but also the ARS.** General Wahlgren with this report announced a biased relationship of UNPROFOR and in general biased attitude of UN representatives toward the Muslim side. Two days after that, UN Secretary-General Kofi Annan in a message to General Wahlgren, announcing a visit by the UN delegation, said: "Bearing in mind your public statement that Srebrenica is completely demilitarized, I do not see the need for UNPROFOR to participate in the search for weapons from door to door. UN SC (Security Council) delegation that is coming to visit you, will undoubtedly explain the strong feeling that is present among several SC members, that UNPROFOR should not be too actively involved in disarmament."<sup>13</sup>

Instead of insisting on consistent demilitarization of the security zones, the Secretary-General of the UN generously recommended partial and superficial disarmament. It is as if the Muslim side surrendered all their weapons and therefore there was no need for additional inspections of shelters and houses. Later, Kofi Annan himself acknowledges that he is aware that the Muslim side has not fulfilled the obligations under the Agreement but justifies it by saying that the Muslim team misunderstood the signed agreement. In his report of November 15, 1993, among other things, Kofi Annan says: "Halilovic realized that the agreement covers only the urban part of the narrower city area of Srebrenica and that it does not apply to the rural part of the region!"<sup>14</sup> Yet, this acknowledgment has not instigated any real action. Even after this report, nothing was done by the UN to make sure the security zone was demilitarized.

The Serbian side was labeled as the 'aggressor' who needed to be prevented from attaching the 'security zone'. On the other hand, the Muslim side was considered to be a victim and they were to be treated with maximum tolerance and benevolence.

The UN Security Council approved only 12,000 UNPROFOR soldiers to protect all security zones, of which 2,000 for Srebrenica and Žepa.<sup>15</sup> According to General Lewis Mackenzie's assessment for the entire B&H, about 135,000 UNPROFOR soldiers were needed.

It makes one wonder whether this (mis)calculation of the UNPROFOR force level was deliberate. It is obvious they did not have the power to disarm the (three times their size) Muslim military force in the protected zone of Srebrenica, nor to prevent their further armaments, let alone to stop them from attaching the Serbian settlements and positions.

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<sup>12</sup> Ibid, p. 33

<sup>13</sup> Ibid

<sup>14</sup> Ibid p 34

<sup>15</sup> According to the report of the UN Secretary General, only about 170 UNPROFOR soldiers, mainly of the Dutch contingent, were deployed to Srebrenica on April 18, 1993. See: Dusan Pavlovic, *Battle for Srebrenica - Civil War*, Republic Center for War and War Crimes Research and Search of missing persons, Banja Luka, 2018, p. 53.

Perhaps some influential political players in the international community were trying to protect their interests by keeping so-called AB&H in the protected areas.

The reason that the security zone of Srebrenica was not demilitarized is that it was planned to be used as the military basis for the preparation of the 8th operational group (OG), later known as the 28th Division, to carry out the attacks on Serbian territories outside the zone. Almost all political and military participants in the war in the former B-H, as well as post-war researchers, agree with this. Lord David Owen, Co-Chair of the International Conference on Yugoslavia, said at the London Conference in November 1994: "Bosnian authorities continued to use the UN security zones for preparing attacks from them."

The commander of the UNPROFOR forces, Belgian General Brinkman, after resigning in January 1994 says: "Muslims use zones under UN protection to carry out attacks on the Serbian positions."<sup>16</sup> "The forces of the Army of B-H stationed in the enclave performed systematic attacks after which they withdrew in the territory under UN protection."<sup>17</sup>

Richard Butler, a military expert at the International Criminal Tribunal for the former Yugoslavia, states that "despite the presence of United Nations peacekeepers, the activities of armed Bosnian Muslim military units continued inside the Srebrenica enclave, which forced the Republic of Srpska Army to maintain a defensive line across the border of the "security zone."<sup>18</sup> UNPROFOR commanders and other representatives of the so-called international community after leaving their mandates would suddenly recall events and admit that Muslim forces in the protected zone were arming themselves and attacking Serbian positions and settlements outside it.

### **INCREASING MILITARY POWER IN THE SECURITY ZONE**

Thus, instead of security, demilitarized zone Srebrenica became a security enclave in which the Muslim military forces existed and recovered, consolidated, trained and armed, and then engaged in combat activities towards the ARS (Serbian Army) and Serbian civilian population outside the zone. All this was observed peacefully by UNPROFOR soldiers. That is how the Muslim army preserved its military capacity and potential in the security zone. The Muslim side quickly understood the attitude of the UN members, what their forces are and how willing they are to carry out their mission. With the help of other parts of the so-called AB&H, primarily the 2nd Corps from Tuzla, the 81st Division of Goražde and helicopter units, Muslim military began to inject soldiers, weapons and military equipment into Srebrenica, despite the presence of UNPROFOR who did not react at all.

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<sup>16</sup> Dragan Vujicic, *Srebrenica's Circle*, Fund Historical Project Srebrenica, Belgrade, 2015, p. 32;

<sup>17</sup> General Brickman; AFP p. 32, Dutch Dutch Battalion Debriefing Report. See: Dusan Pavlovic, *Battle for Srebrenica - Civil War*, Republic Center for War and War Crimes Investigation and Searching for Missing Persons, Banja Luka, 2018, p. 56.

<sup>18</sup> Dragan Vujčić, *Srebrenica Circle*, Fund Historical Project Srebrenica, Belgrade, 2015, p. 34

To deliver equipment and weapons to Srebrenica, as well as for the movement of people to and from Srebrenica to other areas, the "so-called" AB&H used helicopters and land routes. There are documents at the Hague Tribunal that weapons were being transported to Srebrenica by helicopters. Muslim airmen in their internal newspaper bragged how they were flying for the first time towards Srebrenica and Žepa in February 1993 and how they made ten flights of weapons and ammunition to these enclaves by the end of the year.<sup>19</sup> The land route was utilized exclusively on foot and with the use of horses.

The main corridor for pedestrians and convoys with horses from the direction of Sarajevo was going through Igman, Grepka, Goražde, Žepa and Radan mountains to Srebrenica. The trail from Tuzla passed through mountainous and rarely populated areas from Kladanj through Javor Mountain to Srebrenica; one from Kalesija went through the broader field of Cerska to Srebrenica. Humanitarian aid convoys of UNHCR and Doctors Without Borders, as well as Operation "Parachute,"<sup>20</sup> were occasionally misused to transfer the supply of military material in the enclave.

Structural changes in the military units accompanied the military upsurge in the security zone. The top leadership of the Territorial Defense Unit of Srebrenica on 10-03-1993 created the 8th Operational Group (OG), which had its command and six light brigades.

A year later (10-24-1994), the Muslim military and political leadership created the 28th Division out of 8 OG. This new division was a part of the Second Corps of the so-called AB&H in Tuzla under the direct command of the Supreme Staff, led by Alija Izetbegovic. The 28th Division, formed in the security zone of Srebrenica, had an essential place in the military organization of the so-called AB&H.

The 28th Division had its command, six brigades, a mountain battalion, a military police force, and a scout diversion squad. In late May of 1995, the 28th Division had 7,004 armed troops and 18,000<sup>21</sup> military recruits in the zone. All of this was happening in the security zone that was to be demilitarized and all in front of the UNPROFOR members who were in the enclave and did not react at all. Numerous reports of the Territorial Defense (TD) headquarters, and later the commands of the 8th OG and the 28th Division<sup>22</sup> testify about the presence, the number of soldiers and the strength of the Muslim army in Srebrenica. Alija Izetbegovic also pointed out how much was of military stuff was invested in Srebrenica: "Goražde did not receive such funds, and with much fewer funds Sarajevo was defended in 1992 and 1993".<sup>23</sup> On 08-05-1995, Alija Izetbegovic indicated: "... We have managed to send 17 helicopters of weapons; eighteenth flight

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<sup>19</sup> Ibid p 36

<sup>20</sup> "Parachute" -airborne operation of delivering humanitarian aid to security zones in the air (parachutes), which began on March 1, 1993, is called.

<sup>21</sup> Dragan Vujicic, Srebrenica circle, Srebrenica Historical Project Fund, Belgrade, 2015, p. 37-38.

<sup>22</sup> Stefan Karganovic, Ljubisa Simic, Srebrenica: Deconstruction of a virtual genocide, Fund "Historical Project Srebrenica", Netherlands; Belgrade, 2010, p. 56-59

<sup>23</sup> Dragan Vujicic, Srebrenica Circle, Srebrenica Historical Project Fund, Belgrade, 2015, p. 37.

ended sadly ... We were able to inject a significant amount of ammunition and weapons. The army estimated that Srebrenica could defend itself for up to 30 days."<sup>24</sup> So, safety zone Srebrenica was never demilitarized but was constantly receiving arms.

Despite extensive assistance, the political and military leadership of Srebrenica often exhorted the situation how they are "betrayed... to die daily ...and die of starvation". The aim was to create a picture for the international community that the situation in Srebrenica was difficult, as the people were helpless, all with the objective of challenging foreign intervention.

### SITUATION IN THE SREBRENICA SECURITY ZONE

In addition to arming and strengthening the military forces of the 8th OG, later the 28th Division of so-called AB&H, the security zone was a "safe place" for internal retaliation against that small non-Muslim population. Immediately after the deployment of the Canadian contingent of UNPROFOR, mutual confrontation started in the political, police and military leadership. The former leaders and commanders are accused of capitulation and for the lost war. Still, they held positions. Isolated from the outside world, safe and protected by the UN forces, Muslim political and military leaders have started looting property from department stores and warehouses, and later from convoys of humanitarian aid including air supply assistance in Operation "Parachuting."<sup>25</sup> The small non-Muslim population that stayed in Srebrenica, after it was proclaimed a security zone, lived in a very hostile community. They suffered from forced labor, hunger, mistreatments, brutal killings, and their properties were confiscated. Two days after the signing of the Demilitarization Agreement and four days after the UN resolution proclaiming Srebrenica as a security zone, members of the Muslim battalion, under a the command of Ejub Golic, killed Krsto Dimitrovski and his wife Velinka and moved his soldiers into Dimitrovski's house.<sup>26</sup> There were many other similar cases. They showed no mercy towards the old and frail people, as confirmed by the murder of Zeko and his paralyzed mother.<sup>27</sup> Members of the so-called AB&H in Srebrenica were even attacking, threatening UNPROFOR members, limiting their movement and blocking them at observation posts.<sup>28</sup>

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<sup>24</sup> Ibid p.37

<sup>25</sup> Ibran Mustafic, Planned Chaos, Citizens' Association "Mothers of Srebrenica and the Drina", Sarajevo, 2008, p. 272.

<sup>26</sup>"Two bodies of the couple, Krsta and Velinka, were found in a place above Kazan. They lived in their house in Srebrenica till their liquidation. Krsto was a Macedonian, an incompetent old man who did not do anything bad to anyone ... some soldiers from the Ejub's unit moved in their house immediately after they killed them. See: Ibran Mustafić, Planirani haos, Citizens Association "Mother of Srebrenica and Podrinje", Sarajevo, 2008, p. 291.

<sup>27</sup> "One day, the news of Srebrenica was echoing again. Emir Halilovic got into Zeko's apartment and killed him and his immobile mother. Zeko was a Serb who stayed in Srebrenica after our forces entered in and survived all terror in Srebrenica". Ibid p. 291.

<sup>28</sup> Dusan Pavlovic, Battle for Srebrenica - Civil War, Republic Center for War and War Crimes Investigation and Search for Missing Persons, Banja Luka, 2018, p. 89-92

## **MILITARY ATTACKS FROM THE SECURITY ZONE**

Muslim soldiers of Srebrenica Territorial Defense, recovered, better equipped and trained, started crossing the border of the security zone and attacking the positions of the ARS, Serbian villages and civilians. During these attacks, they massacred and killed the Serbian people, looted, burned and destroyed their property, and then quickly returned to the security enclave protected by UNPROFOR. During these offensives, carried out from the security zone, they robbed and burned many Serbian villages and killed over 3,000 Serbian civilians in surrounding areas during the war, and yet ARS could not touch the security zone to protect its people.

Their first attack<sup>29</sup> took place at the end of May 1993, not even two months after signing the Agreement. They destroyed a water tower on the territory controlled by ARS, located only 150 meters from the UNPROFOR controlling point. The ARS headquarters sent a sharp protest to the UNPROFOR command, but this did not result in any action against the Muslim army in the enclave.<sup>30</sup> The ARS headquarters repeatedly protested to UNPROFOR the attacks carried out by Muslim military units from the security zone, but without any effect.<sup>31</sup> Muslim forces carried out successful armed attacks and diversion-terrorist actions from the enclave during the second half of 1993 thru the end of June 1995. During 1994, the attacks culminated and continued in 1995. From February to July 1995, the forces of the 28th Division carried out over 35 terrorist actions in the territory controlled by the ARS and caused considerable damage, military, and civilian losses. UN forces knew about the existence of the so-called 28th division of AB&H in Srebrenica. They also knew about their armed attacks carried out on the Serbian population and military units. What could one think about this, other than these militant attacks were carried out with the UN's tacit consent?<sup>32</sup>

Muslim political and military leadership of the former B-H decided to intensify armed attacks from the security zone in coordination with other massive offensives on the positions of the ARS and the territory of Republic of Srpska, especially in support to unblock Sarajevo. The commander of the so-called General Staff of AB&H in June 1995 ordered the Commander of the 28th Division to intensify offensive combat operations. At the same time, the commander of the 2nd Corps issued the same orders to the commander of the 28th Division to "perform all preparations to conduct offensive combat actions to free the territory of the Republic of B&H; to stretch the Serbian forces and to cause losses to A/S (Army of Serbs)..."<sup>33</sup> The command of the 28th Division took these orders seriously and followed with attacks from the security zone." On 06-26-1995, Zulfo Tursunovic, commander of

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<sup>29</sup> Milivoje Ivanisevic, *The Book of the Dead from Srebrenica and Birc 1992-1995*, Srebrenica July 1995: In Search of Truth, Christian Thought, Second Edition, 2010, p. 95-169.

<sup>30</sup> Dusan Pavlovic, *Battle for Srebrenica - Civil War*, Republic Center for War and War Crimes Investigation and Search for Missing Persons, Banja Luka, 2018, p. 56

<sup>31</sup> Stefan Karganović, Ljubisa Simic, *Srebrenica: the deconstruction of a virtual genocide* Fund "Srebrenica Historical Project," The Netherlands; Belgrade, 2010, p. 59-62

<sup>32</sup> Dusan Pavlovic, *Battle for Srebrenica - Civil War*, Republic Center for War and War Crimes Investigation and Searching for Missing Persons, Banja Luka, 2018, p. 57.

<sup>33</sup> Dragan Vujcic, *Srebrenica Circle*, Srebrenica Historical Project Fund, Belgrade, 2015, p. 38

the 283rd Infantry Brigade, attacked the Serbian village of Višnjica, five kilometers outside the border of the security zone. On the same day, in the area of Han Pijesak - Vlasenica, nine diversion groups from the 285th Eastern Bosnia Light Brigade carried out several actions and killed about 40 civilians and soldiers of ARS. “<sup>34</sup>

UNPROFOR did not even try to prevent any of these attacks. After the terrorist group attacked the village of Višnjica, they only sent a unit the next day to observe and document the horrible crimes. But they failed to issue even a recommendation of any concrete action or proposal for sanctioning the so-called AB&H. The operational report of the command of the 28th Division, which was delivered to the authority of the 2nd Corps in Tuzla, testifies about these armed actions which they conducted in June 1995 on Serbian settlements located far beyond the security zone: Osmača, Bijela Stijena, Višnjica, Bajte, Crna Rijeka, Bojčino Brdo, and Vrani Kamen. In this report, they stated that during these attacks they executed over 40 "Chetniks" (Serbs, but possibly as many as 71), they seized some weapons, military equipment and dozens of small and large cattle. The Command of the 2nd Corps congratulated them on successful combat activities and praised their great contribution to the fight to unblock Sarajevo and "the final liberation of the Republic of B&H to crush Serbian-Montenegrin fascism."<sup>35</sup>

Ibran Mustafić describes his experience of attacking the village of Višnjica: "I was shocked by Srna's (Serbian National News Agency) story that read: 'Today the units of the Srebrenica extremists infiltrated the Serbian territories and attacked the Serbian village of Višnjica in which they killed several civilians (they killed many more). Muslim extremists robbed and burned the village, and then returned to the security zone.'"<sup>36</sup>

The ARS (Army of Republic of Srpska) Drina Corps command in early July 1995 sent a written warning to subordinate units informing them of the dangers of the actions of Muslim forces from the Srebrenica security zone: "In recent days, the activities of Muslim forces from the enclaves of Srebrenica and Žepa have been very active. They insert diversion-terrorist groups from the 8th Srebrenica Operational Group (DTG) that attack and burn down Serbian villages, kill the civilian population and poorly armed village groups around the enclaves of Žepa and Srebrenica. Especially intense combat actions are in the direction of merging the enclaves and creating a corridor for the actions towards Kladanj."<sup>37</sup>

All these are reasons that the Army of Republic of Srpska (ARS) planned to carry out Operation "Krivaja '95" aimed at breaking down the 28th Division of the Army of B&H and stopping their crimes against the Serbian population.

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<sup>34</sup> Ibid p.38

<sup>35</sup> Radovan Radinović, The character of the wars for the break-up of Yugoslavia, Belgrade Forum for the world of equal rights, Belgrade, 2015, p. 316-320.

<sup>36</sup> Ibran Mustafić, Planned Chaos, Citizens' Association "Mothers of Srebrenica and the Drina", Sarajevo, 2008, p. 369-370

<sup>37</sup> Command of the Drina Corps, Command for active combat operations, Strictly Confidential no. 04 / 156-2 of

07-02-1995 p. 1; Radovan Radinović- The character of the wars for the breakup of Yugoslavia, Belgrade Forum for the Equal Equality Council, Belgrade, 2015, p. 316-318.

**FOREIGNERS ABOUT MILITARY ACTIVITIES IN THE SREBRENICA ENCLAVE**

Command officers and soldiers of the Dutch UNPROFOR battalion that served in three rotations in this enclave from 1993 to July 1995, testified about the combat activities of the 28th Division and about their fighting power. Soldier Arnold Bloom shared: "When we patrolled the enclave, the Muslims would provoke the Serbian army. They would shoot on Serbs over us hoping that Serbs would respond by firing and harming one of us with the aim to give the outside world a reason to turn the blame on them (Serbs) again."

Soldier Mark van Hess<sup>38</sup>, outraged that his unit with about 450 very young, beardless and poorly armed soldiers had to defend the Muslim division with over 7,000 soldiers, in a conversation with the Frankfurt "News," said: "Why have not they protected themselves? I have always wondered why everyone is protecting Muslims and not Serbs... Our soldiers visited burned Serbian villages, Zalazje, for example. We could see the Muslims' atrocities against the Serbs. Our battalion consisted of young men from 19 to 20 years old, unprepared for any military battles. It's hard for us to accept the blame from those we've been helping for nearly two years; from those who hid our food and fuel, cursed us, insulted."<sup>39</sup>

Expert groups, expert teams, formed by the Dutch government to investigate the events in Srebrenica, also concluded that hostilities were taking place in the security zone. Hans Bloom, a professor at the Dutch Institute for War Documentation, wrote in his report: "The Dutch soldiers were pushed to Srebrenica after the Canadian government decided to withdraw its troops. Immediately upon their arrival, they found themselves in a strange situation because the reality was far from what they expected: the area was not demilitarized, and the Bosnian Serbian troops did not retreat.

Our troops were told they were going to the security zone, and not only that the territory was not demilitarized, but new weapons contingents were continually coming in. The Muslim army was regularly provoking Serbian forces, attacking their places and killing Serbian civilians. They would attack from a position close to the Dutch soldiers so that the Serbs could not respond."<sup>40</sup> In addition to the attacks from the security zone and masterminding of the diversion-terrorist activities, the 28th Division consistently tied up the significant forces of the ARS.

There is more evidence of this nature of the conflict and evidence of many Serbs killed in the vicinity of Srebrenica until its liberation in July 1995. Phillip Corwin, who was the UN's highest civilian official in the former B&H in July 1995, said: "What happened in Srebrenica was not one big massacre, but a series of bloody attacks and counter-attacks that lasted for three years."<sup>41</sup>

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<sup>38</sup> Dragan Vujicic, Srebrenica Circle, Srebrenica Historical Project Fund, Belgrade, 2015, p. 45

<sup>39</sup> Ibid, p. 46

<sup>40</sup> Ibid, p. 49

<sup>41</sup> The Srebrenica massacre: - evidence, context, politics, the "Historical Project Srebrenica" Fund, Netherlands; Belgrade, 2011, p. 12.

Edward Herman, a professor at the University of Pennsylvania, estimates: "We certainly believe that in July 1995, there was a considerable number of killings in Srebrenica following the evacuation of the "security zone". But we also believe that this number is no greater than the number of Serbian civilians killed in the locations around Srebrenica by Bosnian Muslim forces operating from the "security zone in the past three years."<sup>42</sup>

Lieut. Gen. Philippe Morillon, the United Nations commander in Bosnia and Herzegovina talks about the policy of Muslim leadership in the so-called B&H: "From the very beginning of the war, the Bosnian Presidency aimed to secure the intervention of international forces to its advantage, and this is one of the reasons that they were never willing to participate in the negotiations."

US General Charles Boyd writes about his country's relationship with security zones: "America supported the creation of security zones and sought their protection even if they were used to organize attacks from one side to the other ...America supported the legitimacy of the leadership that became distinctly ethnocentric in its form, one-party in its rule and manipulation in diplomacy."<sup>43</sup>

Lord David Owen (co-chairman of the Conference for the Former Yugoslavia) points to UN's mistakes: "The Security Council brought a fatal decision that Srebrenica and its surroundings have the status of a security zone, free from armed attacks, without either demilitarization or the boundaries of the zone being determined."<sup>44</sup>

### WAS SREBRENICA SACRIFICED?

The Muslim political leadership in Sarajevo, faced with the problem of maintaining three security zones in divided B&H (enclaves of Srebrenica, Žepa and Gorazde), besides the war option, also considered other ideas.<sup>45</sup> One of the first views was the **exchange of the territory** of Srebrenica and Žepa for Vogošća. The delegation from Srebrenica refused this idea.<sup>46</sup> The idea of exchanging land was also supported by UN officials who spoke to the conflicting parties and proposed a **diplomatic solution**.

The European Union and the UN have called on the United States to get involved in the negotiations through the Contact Group, in which Russia was also included. Due to the attitude of Muslim leaders, diplomacy did not have significant success. UNPROFOR forces did not have enough soldiers, neither the will nor the power for self-protection, so they tolerated the armaments, military strengthening and actions of the Muslim army tacitly.

Muslim leaders have consistently insisted on the active involvement of the countries of the West and NATO. They were actively seeking military intervention.

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<sup>42</sup> Ibid p. 12

<sup>43</sup> Ibid p.40

<sup>44</sup> Ibid p.48

<sup>45</sup> Ibid p 50-53 and Dusan Pavlovic, Battle for Srebrenica - Civil War, Republic Center for War and War Crimes Investigation and Searching for Missing Persons, Banja Luka, 2018, p. 57-60

<sup>46</sup> Ibid p.58

About that, Alija Izetbegovic responded to the Srebrenica delegation: "You know what, Clinton offers me this: Let Chetniks (Serbian army) enter Srebrenica and slaughter 5,000 Muslims, and then there will be military intervention by NATO forces on Serbian positions throughout B&H. Tell me what do you think about it?"<sup>47</sup>"We all rebelled against this proposal...It was immediately clear that he asked us for sacrifice which would lead to the military intervention of NATO... After returning to the enclave, we concluded that they probably sold Srebrenica and that the only issue was how it is going to happen,"<sup>48</sup> says Hakija Meholjić.

Fear and anxiety got into the army and the people of Srebrenica. Many civilians and members of the 28th Division abandoned the enclave. The suspicion of betrayal turned into agony when Naser Oric and 14 commanders left Srebrenica for the "training" in Zenica. Ibran Mustafic, head of the SDA in Srebrenica, noted: "They carefully prepared the plot to sacrifice ... I received an order to attack the Serbian army from a demilitarized zone, blindly, I refused to carry out this order. I knew that such shameless, calculated moves would lead my people into a catastrophe."

Some UN representatives had similar thoughts:<sup>49</sup>"They (the Bosnian government) knew what was happening in Srebrenica. I'm sure they decided it was worth to sacrifice."<sup>50</sup> Commenting on the attack from the security zone on the Serbian village of Višnjica, which was the direct cause for launching the ARS operation called "Krivaja 95" Ibran Mustafić (Muslim) writes: "... Are you normal at all? You did not kill only two or three old Serbian women in Višnjica; you killed the Muslim people in Visnjica!"<sup>51</sup>

## CONCLUSION

UN SC resolution # 819 saved the so-called AB&H in the Middle Podrinje from the final defeat by the ARS. The Muslim side did not implement the signed Agreement to demilitarize the zone of Srebrenica. With the tacit consent and pressure of certain Western countries, especially the United States, UNPROFOR did not fulfill the obligation to demilitarize the security zone, but virtually stood by one of the opposing sides - letting the Muslim leadership to preserve and strengthen the military capacity in the enclave that was supposed to be demilitarized. The political and military leadership of Republic of Srpska, and partly the UN, were deceived.

The security zone was always a "safe place" for the Muslim forces to strengthen, train, organize, arm and equip its military units, and finally to perform reconnaissance and diversion-terrorist attacks on the Serbian civilian population and the army outside the enclave, and then to return to the zone under protection.

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<sup>47</sup> Ibid p.59

<sup>48</sup> Ibid p.59

<sup>49</sup> The Srebrenica massacre: - evidence, context, politics, the Fund "Historical Project Srebrenica", Netherlands; White City, 2011, p. 53.

<sup>50</sup> Lieutenant Colonel Jim Baxter, assistant to Rupert Smith, UNPROFOR Commander in 1995, Ibid., p. 53

<sup>51</sup> Ibran Mustafic, Planned Chaos, Citizens' Association "Mothers of Srebrenica and Podrinje", Sarajevo, 2008, p. 369-370.

Serbian villages, civilians and ARS soldiers were massacred and killed in these actions. The forces of the so-called AB&H grew to the size of a division with the command and the six light brigades. In the security zone, terror and murders were carried out against that small non-Muslim population.

Numerous UN, UNPROFOR and other officials testified about the failure to demilitarize the area, the rise of Muslim forces in the zone and their attacks on Serbian villages and military positions. However, they mostly spoke about it after the end of their mandates and without any consequences for the Muslim side.

Failed attempts to exchange territory of Srebrenica; the feeling of the local leadership, soldiers, and residents that they were betrayed; minimal effects of diplomatic activities; the withdrawal of experienced commanding officers from the zone; the absence of NATO military intervention – all this implied the conclusion that Muslim leadership indeed sacrificed Srebrenica for a more significant gain.

That gain, the crown of their diplomacy, that the United States wholeheartedly supported, was not only NATO bombing of the Republic of Srpska and the ARS in August and September 1995, followed by imposition of peace negotiation in Dayton, but also the transfer of territory controlled by ARS to the Muslim side, the demarcation in the land of Sarajevo area.

UN forces in the field, which did not adequately react to Muslim military build-up and military attacks carried out from the Srebrenica security zone, were finally relieved of their role in B&H after the NATO bombing of the Republic of Srpska.

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# WHO BLEW UP THE AGREEMENT OF THE MUSLIM DELEGATION WITH GENERAL RATKO MLADIĆ AND THE UNPROFOR COMMANDER IN SREBRENICA

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**Abstract:** The Republic of Srpska Army carried out “Krivaja” operation in July 1995 to stop the criminal attacks of the 28<sup>th</sup> Division of the Army of BiH, which committed mass crimes against Serbs in Podrinje. In the interview with the Muslim delegation, after the liberation of Srebrenica, General Ratko Mladić, the commander of the VRS General Staff, in the presence of the Commander of the Dutch UNPROFOR battalion, guaranteed full security for all who surrender their weapons and gather around the station of the peacekeeping force in Potočari.

In accordance with the agreement, transport of more than 25,000 people, women and children from Srebrenica towards Tuzla was organized. After that, General Mladić went to Serbia, where he stayed from 13 to 17 July 1995, thus it is grounded and inevitable to investigate who, in his absence, without his knowledge and approval, blew up the agreement with the Muslim delegation and who are those who sit well with Srebrenica crimes and in direction of breakthrough of Muslim forces towards the Tuzla zone.

**Key words:** *UNPROFOR Command, ABiH 28<sup>th</sup> Division, VRS Units, agreement, General Mladić, breakthrough from the surrounding area, crimes*

## INTRODUCTION

United Nations Protection Forces (UN) - UNPROFOR did not engage in carrying out their part of the obligations related to the demilitarization of Srebrenica taken over on 18 April 1993. Due to such a relationship, the military and paramilitary Muslim units did not abandon the security zone, nor was the weapons removed from it. On the fifth day since the signing of the Agreement, one of the UN officials involved, Swedish General Lars-Eric Wahlgren said: “Based on the reports I received from my officers in Srebrenica, I can confirm that today at noon the city has been demilitarized”<sup>2</sup>, which was later denied by some UN officials because the Muslim forces continued to attack the Serb settlements, committing crimes throughout Podrinje. The data that, at the end of May 1995, the forces of the

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<sup>1</sup> Milovan Milutinovic, Doctor of Political Science, Colonel of the VRS, war chief of the Information Service of the General Staff of the Army of the Republic of Srpska, direct participant and witness of events in Srebrenica, author of several monographs on the past civil war in BiH and he was on the list of suspects in the joint criminal enterprise, but The Tribunal dropped due to lack of evidence. Today he is the President of the Organization of the Commanding Officers of the Army of the Republic of Srpska.

<sup>2</sup> Dragan Vujicic, *Srebrenica Circle*, Srebrenica Historical Project Fund, Belgrade, 2015, p. 37.

## WHO BLEW UP THE AGRE. OF THE MUSLIM DELEG. ON GEN. MLADIĆ

28<sup>th</sup> Muslim Division numbered 7,004 armed members and 18,000 military conscripts<sup>3</sup>, in the supposedly demilitarized zone, and in the presence of UNPROFOR members in Srebrenica, testifies that it was about a more respectable armed group.

According to a report by the UNPROFOR Dutch Battalion Command, dated July 10, 1995, between 30,000 and 40,000 people lived in the Srebrenica enclave, although the Muslims used a figure of 50,000 people. It was a conscious manipulation, in order to get greater international aid, which was also sold by the local powers substantially. The manipulation of the number of people in the enclave is confirmed by the request of the Transitional Municipal Council of Srebrenica (published by the Muslim media on June 16, 1995) requesting the BiH government in Sarajevo to provide a “parachute operation” through the UN Committee on Relations with the UN, in order to supply 20,000 endangered residents of Srebrenica.

According to the verified research of Milivoje Ivanišević, during the war years in Podrinje, 3,267 Serbs were killed in the actions of the Muslim forces from 1992-1995.<sup>4</sup> According to the orders of the Muslim supreme authorities in Sarajevo, the attacks from the Srebrenica zone continued, despite numerous warnings by the VRS GS sent to the UNPROFOR Command. All the harshness of their blatant, brutal and insane actions came to light during May and June 1995, when several Serb villages were burned. According to the available intelligence data accessible to the competent VRS bodies, the Army of BiH prepared the Operation “Skakavac” for the beginning of summer 1995, which envisioned the disarmament of UNPROFOR in Srebrenica and the seizure of their weapons, ammunition and communication equipment for their own purposes, for the purpose of the “final liberation of the Republic of BiH”. To this end, the units of the BiH Army were ordered to intensify combat operations on the broad front, in order to create synergy in the preparations for the upcoming operation in Podrinje.<sup>5</sup> Bearing all this in mind, as well as due to inadequate response of UNPROFOR to stop the crime and prevent the operation of the 2<sup>nd</sup> Corps of the Army of BiH and the 28<sup>th</sup> Division on the intersection of the territory of the RS and the taking of vital communication Zvornik - Vlasenica, the VRS undertook a crackdown operation of 28<sup>th</sup> Division in July 1995.

## **GENERAL MLADIĆ’S AGREEMENTS WITH MUSLIM DELEGATION**

The operation of the Drina Corps of the Army of the Republic of Srpska under the name “Krivaja ‘95” was planned, organized and realized with the goal of preventing the forces of the 28<sup>th</sup> Division of the Army of BiH from continuously falling into the territory of the Republic of Srpska from the so-called security zone and committing crimes against the Serb people of Podrinje.<sup>6</sup> Strong attacks of the

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<sup>3</sup> Ibid, p. 37-38.

<sup>4</sup> Milivoje Ivanišević, *The Book of The Dead Serbs of Srebrenica and Birač Region 1992-1995*, Srebrenica July 1995: In Search of Truth, Christian Thought, Second Edition, Belgrade 2010, p. 95-169.

<sup>5</sup> *Humanitarian Law Center*, Belgrade - Sarajevo, 2002, p. 233.

<sup>6</sup> *ICTU: Order of the command of the Drina Corps* no. 04/156-2, dated 02.07.1995 for active combat operations.

Muslim forces followed after the order of the 2<sup>nd</sup> Corps Command of the Army of BiH, dated 16 June 1995<sup>7</sup>, on the intensification of combat operations from the Srebrenica security zone, on Serb forces, which were numerically weaker, in order to stretch them and create conditions for the intersection of the Republic of Srpska and complete control over Podrinje<sup>8</sup>.

The UNPROFOR forces were obliged to demilitarize Srebrenica, according to the agreement of the VRS and the Army of BiH dated 18 April 1993<sup>9</sup>, but did not disarm Muslim forces, which continued to attack Serb villages. The VRS operation was not directed against Muslim civilians but against preventing Muslim forces from proceeding with criminal attacks in Podrinje. Operation “Krivaja” was extorted and justified, and carried out according to the principles of warfare, with the engagement of smaller forces of the VRS against more numerous forces of the 28<sup>th</sup> Division. It would turn out, to the surprise of the VRS command, that there was no expected resistance on the direction of Serb attacks.

When the VRS units entered Srebrenica, I was accompanied by General Mladić and during the afternoon, on July 10, 1995, I attended a conversation with Lt. Col. Thomas Karremans, the commander of the Dutch UNPROFOR battalion. Mr. Karremans demanded the termination of combat operations and outlined requirements of Muslim population to leave Srebrenica. General Mladić reacted sharply as the UNPROFOR forces opened fire on VRS units, and according to Karremans’s request, NATO’s aviation was active, bombing Serb units around Srebrenica. Despite this, Mladić, after a long conversation, accepted a proposal to suspend the VRS’s actions and to talk with a delegation of Muslim representatives of Srebrenica immediately afterwards<sup>10</sup>.

In Bratunac, the next day, General Ratko Mladić received the Muslim delegation of Srebrenica with Nesib Mandžić (on behalf of civil authorities), Ibro Nuhanović (on behalf of the military authorities) and Džamila Komanović (on behalf of women), who expressed the desire of most locals to leave Srebrenica. Mladić talked to them openly and without beating about the bush, especially speaking of the great crimes committed by Muslim forces against Serb civilians in Podrinje in the past years. At the end of the conversation, Mladić told them: “... I ordered the combat actions of the VRS units to be immediately suspended and I give the general word, everyone who gather around the Potočari checkpoint, can choose whether to go to Yugoslavia, the Federation, or to stay in the Republic of Srpska... I guarantee full freedom and rights, even to soldiers who surrender their weapons and who have not bruised their hands over the Serbs in the past years... We will launch criminal

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<sup>7</sup> Order of 2<sup>nd</sup> Corps of Army of BiH no. 1/825-84 of 17 June 1995, on offensive actions against the Republic of Srpska.

<sup>8</sup> Milovan Milutinovic, „*Media Manipulation*“, Military and History Institute, Belgrade, 2005, p. 303.

<sup>9</sup> The agreement was signed by General Ratko Mladić on behalf of the VRS and General Sefer Halilović on behalf of the ABiH in the presence of UNPROFOR Commander General Lars-Eric Wahlgren (Archive of the General Staff of the VRS).

<sup>10</sup> Milovan Milutinović, *Political Discourse Closeup*, NUBL, Banja Luka, 2016.

proceedings against the perpetrators of crimes...”<sup>11</sup> Mladić then ordered the subordinates to provide transportation for all those gathered in Potočari, to the demarcation limit, as well as to secure food for the population. Then he directly talked to Džamila Komanović and told her that it would be best for her to take daughter and granddaughter and to be accommodated in the hotel, because they might have inconveniences from the Muslim extremists because of her presence in the negotiations. She refused it. During the meeting, a notice was received from UNPROFOR that Muslim forces opened fire with mortars at the columns of compatriots moving towards the UN base in Potočari. It was unambiguously clear that they wanted to thwart and prevent their gathering in Potočari, and departure from the territory of Srebrenica.

At the end of the conversation, General Mladić addressed General Radoslav Krstić (Drina Corps commander) with the following words: “... Behave as knights. I gave my general word. Nothing should happen to anyone...”<sup>12</sup> The words were recorded by the camera. Immediately after these conversations at the Press Center, I worded the information that was forwarded to the media. The next day, a meeting was held in Bratunac with the same delegation in order to check on the activities for the evacuation of the civilian Muslim population and to check on the kind of reactions and demands they had on their part. The delegation informed General Mladić that all the locals decided to leave Srebrenica and go to the territory of Tuzla. Then, with General Mladić and the cameraman, we went to Potočari where buses and trucks arrived for transportation. We were informed from the Muslim representatives that a lot of anxiety was present in Potočari among the incoming people, but that there were no signs of panic. They said that there was visible concern of parents for the myriad of children, and that they needed someone’s word that they were safe and that they would be on their way to Tuzla territory. They were especially worried for they heard, or along the way found, that there were sporadic attacks on those who were leaving from Srebrenica to Potočari, and that it would be increased when they go towards Tuzla. The rumor circulated that “some from the forest will not let to leave Srebrenica just like that”. For these reasons, General Mladić decided to calm the situation among the population of Srebrenica by his personal appearance and word. At one moment, he harshly cursed: “Do they see what sort of scum we fight with, when they are able to shoot at their own people, from Sarajevo, and now here too... Bandits... And we still wonder what kind of crimes they committed in our villages, from Kravica to Kamenica. As we were passing by some local store, he paused and said, “Let’s see if they have anything for those children there in Potočari. And he literally bought everything; sweets, milk and some small things that could cheer up children, telling the seller to deliver the bill to the VRS General Staff and that everything would be paid to him. Sharing of these sweets was not propaganda motivated, as some later represented, but a natural and spontaneous act, characteristic of every normal and ordinary man.

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<sup>11</sup> Ibid.

<sup>12</sup> Journal 92, 1996, Belgrade, and Milovan Milutinovic, „*Media Manipulation*“, Military History Institute, Belgrade, 2005.

General Mladić introduced himself to gathered people in Potočari and said that there was no reason for them to despair and fear because everyone would be protected and transported to Tuzla. Buses and trucks were filled and filled, because the crowd wanted to leave as soon as possible, and Mladić demanded from the commander of the UNPROFOR to escort those vehicles in order to prevent possible manipulations. Mr Karremans claimed that there were not enough people for convoy escorts and that he could not take such an obligation, not excluding the possible risk of his people being targeted by revolted Muslim groups. Mladić then addressed our convoy escorts, ordering them to ensure at all costs a safe passage of the line of demarcation with the Federation of BiH, and that all these people were being treated humanely all the time. He then ordered the preparation of comprehensive information on the “transport of people from Srebrenica” and the offer to foreign agencies, primarily made for the distribution of television recordings, saying that “We do not have anything to hide, but they need to pay well for those recordings and pay the money to the Financial Service of the VRS General Staff”, which was done.

Mladić publicly promised Muslim delegation and Lieutenant Colonel Karremans that all Muslim soldiers who lay down arms within 24 hours would be safe, except for those who committed war crime, but that they would also be treated under the Geneva Convention. However, most of them bled hands by Serb victims in countless actions from 1992 to 1995, and they refused to surrender. At night, on July 11 and 12, about 10,000 Muslim soldiers and among them a small number of civilians, started a break through the forests along 100 km of Serb-controlled territory. At the same time, more than 25,000 people gathered in Potočari. This information is also contained in the UN Secretary General Report, and most of them were women, children and a small number of able-bodied men.

In an interview with “Junge Welt” in 2005 under the title “I do not defend criminals but the truth”, Phillip Corwin, the highest UN official in BiH, says: “I continue to claim, based on solid evidence and collected material, that the figure of 7,000 killed Muslims is exaggerated and that it cannot be greater than 1,000 people. So I do not want to minimize the crime of any side, but only to establish the truth...” Corwin pointed out: “If, at the airport in Tuzla, 35,000 survivors were registered by the Amnesty International, after the conflict, and 37,000 inhabitants lived in Srebrenica before the conflict, it is not difficult to carry out calculations. Of course, those figures were not important to anyone at all at that time, since the demonization of Serbs was the dominant policy of the international community.”<sup>13</sup>

Serbs separated able-bodied men to check their war history and judged those who committed atrocities against Serbs in the period from 1992 to 1995. A member of the 28<sup>th</sup> Division, Samir Fehtić, wrote: “After the fall of Srebrenica, I found myself in captivity. They acted extremely correctly and humanely. One day, General Mladić personally came and asked if anyone was mistreating us, whether we received water and food and said that all who were not criminals would be released. He forbade his people to maltreat anyone... I was released later, and I managed to go and join my family abroad”...<sup>14</sup>

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<sup>13</sup> German newspaper Junge Welt.

<sup>14</sup> Milovan Milutinović, *Media Manipulation*, Military History Institute Belgrade, 2005, p. 311.

## WHO BLEW UP THE AGRE. OF THE MUSLIM DELEG. ON GEN. MLADIĆ

After the liberation of Srebrenica, General Ratko Mladić ordered me to come with journalists and cameramen to Žepa on July 20<sup>th</sup>. We went to Bokšanica with members of the Press Center, where we stayed for three days. There, with General Zdravko Tolimir, the assistant of the Commander of the VRS GS for intelligence and security affairs, I attended General Mladić's conversation with the Muslims of Žepa and the commander of the Ukrainian UNPROFOR battalion. At the request of the Muslim side, it was agreed to organize a peaceful and safe exit from the city and transportation of the population and members of the Žepa Brigade. On this occasion, as well as in the previous case in Srebrenica, General Mladić guaranteed full security for everyone.

General Ratko Mladić also spoke to UNPROFOR commander General Rupert Smith on Bokšanica regarding the resolution of the issue of Žepa. On that occasion, General Smith handed a verbal collegial award to General Mladić on the correct attitude of the RS Army towards the population of Srebrenica, but forbade journalists to record his interview with Mladić. Representatives of the UNHCR, the OSCE and the US Administration attended this unofficial recognition of Mladić. Smith also requested the same correct attitude of the Serb side towards the Muslim population and soldiers in Žepa, which Mladić promised.<sup>15</sup>

During the operation in Žepa, where, besides operational details, nothing was covered, numerous teams of foreign journalists were accepted, including CNN. All teams accompanied with our escort entered Žepa and, without question, spoke freely and indefinitely with locals and Muslim soldiers, members of the Žepa Brigade of the Army of BiH. When the Muslim population from Žepa went out, accompanied by UNPROFOR, General Mladić occasionally stopped the buses, entered them, greeted people in them and told them that they had no reason to fear, and the cameras recorded that.

All locals of Žepa and members of the brigade of the Army of BiH of Žepa were transported to the territory of the Federation of BiH. It was then established that there were no 20,000 but 16,000 civilians and members of that brigade in Žepa. Commander of the Brigade, Colonel Avdo Palić, informed the commander of the Ukrainian UNPROFOR battalion that Alija Izetbegović, the Supreme Commander of the Army of Bosnia and Herzegovina and the President of the Party of Democratic Action, threatened him in a telephone conversation by shooting, if he handed Žepa to the Serbs.<sup>16</sup>

UNPROFOR Commander, French General Philippe Morillon, in his book, "The Word of the Soldiers", states: "... Naser Orić and his men went to a series of bloody attacks on the surrounding Serb territories. According to his personal confession, Naser Orić liquidated all captured Serb soldiers because the laws of religion did not allow him otherwise..." In the book "Srebrenica", two Dutchman Honig and Both, stated that Naser Orić, during his stay in Srebrenica, showed footages on which the robberies of Serb villages were recorded, burning houses, dead bodies of the locals, massacres and severed heads of Serb soldiers.

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<sup>15</sup> Milovan Milutinović, *Political Discourse Closeup*, NUBL Banja Luka, 2016.

<sup>16</sup> Ibid.

It is evident from Muslim documents that certain units of the 28<sup>th</sup> Division, which were consisted of the Srebrenica Muslims mainly, were sent to the Sarajevo and Bihać warfare after the examination by General Rasim Delić. There was fierce fighting where some of them were killed, and some of them were enrolled as Srebrenica victims, and I stated in the book: “The War Started with Words”.<sup>17</sup>

### **TESTIMONY OF THE UN SENIOR OFFICIAL IN BIH ON SREBRENICA AND MANIPULATING THE TRUTH**

The highest civilian official of the United Nations in BiH in 1995, **Phillip Corwin** commented on the tragedy in Srebrenica in his book “Dubious Mandate”<sup>18</sup>.

“I criticized the complete distortions in the reports of international press, not only about this event, but about the wars in the former Yugoslavia (1992-1995) in general. I said that it should have been, and that there must be a balance in presenting what really happened in Srebrenica and throughout the former Yugoslavia, if we want to learn from the experiences. This unjustifiably led to great losses in the conflicts with the forces of the Republic of Srpska Army, as well as mutual Muslim clashes. All of these losses, despite mounting evidence, were attributed to the crimes of the Republic of Srpska Army...”

The operation of the Republic of Srpska Army was carried out in accordance with an operation plan where there was no planning or organization of activities that were contrary to international law. Much of the losses of Muslim forces occurred in the breakthrough of the forces of the 28<sup>th</sup> Division from the encirclement, whose combat operations lasted several weeks. The BiH Army’s operational reports showed that the forces on the road of breakthrough had more than 2,000 dead, so we cannot talk about civilians but legitimate military forces”, said Corwin, and continued:

“It should be noted that the Serb side guaranteed security to all those who came to the Potočari base, where the command of the Dutch UNPROFOR battalion was. After the gathering at that place, the Army of the Republic of Srpska organized transportation by buses and trucks to the line of demarcation with the Federation of BiH, which was also controlled by the UNROFOR battalion. This attitude of the Serb side showed that women, children and men, more than 25,000 of them, were transferred to the destination.

In the years since the fall of Srebrenica, only the name of the city became synonymous with allegations of the Serb genocide against Muslims. The UN Security Council quickly gathered the International Tribunal in The Hague to “prove” the guilt and responsibility of the Serb representatives before the very trial. It would not be an exaggeration to say that some journalists and ambitious politicians have made careers as promoters of this accusation.

There is no doubt that there was killing of civilians in Srebrenica, as well as in other war zones, and not only in Bosnia and Herzegovina. Those who committed the

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<sup>17</sup> Milovan Milutinovic, *The War Started With Words*, NUBL Banja Luka 2010.

<sup>18</sup> Phillip Corwin, *Dubious Mandate of UN in Bosnia and Herzegovina*, USA.

crimes of murder deserve to be indicted and convicted, regardless of how many innocent civilians were killed; three, thirty, three hundred... There can be no discussion about this. This also applies in the reverse case of supposedly eight thousand killed Srebrenica Muslims, the figure that is most often manipulated in the international community. From the examination of all relevant sources, one could conclude that the approximate number of victims was between eight hundred and a thousand persons.

In my book “Dubious Mandate”, I consider what might have happened in the Balkans if a better chance was given to diplomacy, and if NATO had no ambition to penetrate to the east, to the borders of the former Soviet Union, to expand what was then called “New Europe”.

I would like to point out that the authors of the first comprehensive UN report on Srebrenica in the fall of 1999, entitled “The Fall of Srebrenica”, have never interviewed me or used my published book... although I was a senior UN official in BiH during the takeover of Srebrenica from Serb forces. I was not the only one who was neglected by the authors of political history...

In my case, my biggest mistake was that I dared to defend the United Nations at the time when the burden was supposed to be put on them. The UN leadership desperately tried to curry favor with America in order to prevent a complete breakdown of the world organization, it could not afford itself luxury to criticize the only world superpower...”, concluded Phillip Corwin.

The Republic Headquarters of Health of the Republic of BiH, on 16 July 1995 announced that 22,853 people from Srebrenica were admitted to Tuzla, with the remark that several thousand people were in the breakthrough from encirclement through the Serb territory. The UNHCR press representative Søren Petersen (in Geneva) charged Muslim government in Sarajevo on July 15, 1995 for “consciously manipulating the number of people... and for trying to make a spectacle of the situation”.

The Netherlands Institute for War Documentation (NIOD), at the request of the Government of the Netherlands, produced a Report on the circumstances that led to the seizure of the UN Security Zone Srebrenica, under the control of the Dutch UNPROFOR battalion. After five years of research, the report appeared in public on August 10, 2002 and confirmed that there was no evidence that the orders for murders came from Serbia or Serb political leaders. There was no evidence of planning, nor that there was any planning of a massacre by the Republic of Srpska Army.<sup>19</sup> The report indicated that there were a lot of crimes around Srebrenica, that those were individual, that they were the product of the actions of certain armed groups, which could not be qualified as genocide. Three NIOD research scientists were invited to this scientific meeting, but no one responded because the Government of the Netherlands had banned their appearance in relation to that report.

The UNPROFOR spokesperson in Sarajevo, Lieutenant Colonel Gary Coward confirmed to a journalist of the Associated Press (July 11, 1995) that Muslim forces

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<sup>19</sup> Milovan Milutinovic, *The War Started With Words*, NUBL Banja Luka, 2010.

used the Srebrenica zone for attacks on Serbs. US strategist Yossef Bodansky in the study "Offensive in the Balkans" writes: "In the UN Reports, which are not published in public, it is said: "Muslims abused their own people by refusing to give them food (blocking UNPROFOR convoys) and water, refusing to use the water factory donated by philanthropist George Soros)... and did not respect the security zone."<sup>20</sup>

Muslim forces permanently attacked Serb villages from security zones (Sarajevo, Tuzla, Srebrenica, Žepa, Goražde and Bihać), burned and plundered them, and when the Serbs responded with fire, they informed the public that the Serbs attacked the security zones. The UNPROFOR commander, General Francis Briquemont said about the behavior of the Muslim side in the journal "Novo No. 11/1994": The Bosnian army attacks the Serbs outside the security zone, the Serbs respond to the fire along the front lines, and the Bosnian government blames the UNPROFOR for not defending them from Serb attacks, and demands air strikes on Serb artillery positions..."

### **BLOWING UP MLADIĆ'S AGREEMENT WITH MUSLIM DELEGATION**

Upon the completion of the evacuation of people from Srebrenica, General Mladić defined the obligations of the VRS units towards Žepa, ordering that territorial units, MoI units and civilian structures provide territory and prevent the actions of the renegade Muslim forces against the Serb people on the directions of the breakthrough, and to direct the tactical units towards Žepa. After that, General Mladić, according to previously agreed official meetings and obligations, went to Serbia where he stayed from 13 to 17 July 1995. It was precisely at that time that a breakthrough of Muslim units was going on towards the Tuzla region, and fierce fighting was taking place in the direction of their withdrawal, and there were losses on both sides. The facts say that at that time there were unjustified procedures of shooting of Muslim soldiers by some smaller Serb armed groups, who acted contrary to the laws and customs of war. Despite the dispersion and scattering of local Serb units, caught up and surprised by "the headless withdrawal and the pervasive breakthrough and movement of Muslim armed groups, and the lack of communication with senior commanders, such procedures do not exclude the examination of circumstances and accountabilities for unnecessary and unjustified victims.

### **Serb accountability for the killings in Srebrenica**

In accordance with the requests of Western power centers, primarily the United States, an "international ad hoc tribunal" based in the Dutch city of The Hague was formed to prosecute crimes committed in the former Yugoslavia, while in advance the sidedness and orientation of guilt to the Serb side was already foreseen. Prosecutor Richard Goldstone forwarded the indictment to the International

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<sup>20</sup> Yossef Bodansky, *Offensive in the Balkans*, Virginia, International Strategic Studios, Bolc1995. USA.

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Criminal Tribunal in The Hague on November 14, 1995 charging the RS President Radovan Karadžić and the VRS GS Commander, Ratko Mladić with genocide against the Bosniak people. Just two days later, on November 16, 1995 (Case No. IT/95-18-1) proceedings were initiated and signed by the Presiding Judge, Fouad Riad. It is superfluous even to ask how Judge Riad managed, in just two days, to study in detail such a comprehensive and complex documentation, and to decide to initiate the proceedings.

Answering the question about his own accountability for the crimes in Srebrenica, attributed by the Hague Tribunal, General Ratko Mladić told the prominent Belgrade newspaper NIN: “The Hague Tribunal was formed to judge me, the political leadership and the Serb people by their scales, and those who set up bombs and shoved them on our children are not judged... We conducted the war in accordance with the provisions of international war law. Regarding Srebrenica, we were aware of the manipulations of the VRS crimes, so we had the UNPROFOR soldiers in the vehicles to testify about our actions.”<sup>21</sup>

Gerard Bodson, a major authority in the text “The Suffering of Innocent” bluntly defined the political character of the Hague Tribunal and said that the institution and its exponents used the methods of the Middle Ages, that is, that the suspects were brutally arrested and then held for years in prisons without a predefined and verified indictment. Similarly, US analyst David Binder said: “The tribunal for war crimes committed in the former Yugoslavia, based in The Hague, has little to do with law and justice. In fact, it does not even follow recognized international law. The Tribunal’s staff is mostly Washington staff and serve as an extended arm of US policy in Europe.”<sup>22</sup>

Military Expert of the Tribunal’s Prosecution, American Richard Butler, at the trial of Lieutenant Colonel Vujadin Popović and others, under cross-examination, said it was reasonable to assume that between 1,000 and 2,000 Srebrenica Muslims could have been killed in combat with Serb forces during their breakthrough.<sup>23</sup> In order to substantiate the verdict of General Radoslav Krstić with facts, the Drina Corps commander, the manipulation of the victims was used, and it said that in other 18 graves, which had not been excavated until then, there were 2,000 bodies according to estimates, which was a precedent in the presentation of evidence.<sup>24</sup>

It is indisputable, as already stated, that in some places in the Srebrenica zone, there was unacceptable and intolerable behavior of the Serb forces, as it was contrary to the customs of war, especially as individuals and groups took upon themselves to sue and judge, without evidence and process, acting in an extreme way against Muslim soldiers who surrendered. Every such behavior deserves condemnation and is in direct contradiction with the unequivocal and absolutely clear order of General

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<sup>21</sup> The magazine *NIN* 15.03.1996, Belgrade.

<sup>22</sup> Milovan Milutinović *Media Manipulation*, Military History Institute, Belgrade, 2005.

<sup>23</sup> Popovic, et al: Transcript 20251.

<sup>24</sup> Karganovic/Simic, *Srebrenica: Deconstruction of a Virtual Genocide*, Belgrade, Historical Project Srebrenica Fund, The Netherlands, 2010, p. 75.

Mladić on the strict adherence of the Geneva Convention and the human attitude towards the prisoners.

There is not a small number of prominent researchers, analysts who originally prove that in the uncontrolled and non-military behavior of individuals and local territorial units and groups, sometimes local authorities as well, in the conditions of a sudden turn of events, huge accumulated hatred emerged, because in the previous period, families were killed by Muslim forces. Basically, some blurted out the mind when they found in the sight of those who had previously, in long continuity, bestially killed their closest, innocent Serb civilians and burned their villages. The indisputable facts are that the Srebrenica Muslim forces, led by Naser Orić, the commander of the Muslim 28<sup>th</sup> Division in Srebrenica, during four war years, killed and massacred 3,267 local Serbs in a very monstrous way, massacring the heads of many of them. Behind their criminal hikes, apart from the dead Serbs, mostly and completely burned and devastated Serb villages remained. Thus, entire families and many Serb villages were suppressed, which was deeply engulfed in the consciousness of the families generating vengeance in them, and there was no authority to block it in a certain way.

Following the NIOD Report, London's "Guardian" wrote: "There is no evidence that Dutch soldiers watched mass executions." "Daily Telegraph" cited a part of the Report according to which there was no basis for allegations that the UNPROFOR Commander in BiH, French General Bernard Janvier, had agreed with General Ratko Mladić to hand over Srebrenica because he had not invited NATO air force. The London "Times" published the article "Milosević acquitted of the massacre" saying: "There is no evidence that the orders of the slaughter arrived from Serbia from political leaders from Belgrade and that the investigators did not find a direct link between the crimes and Radovan Karadžić and Ratko Mladić. Dutch doctor and Dutch battalion officer Dr. A. Shuten, on July 27, 1995, told the Amsterdam-based "Het Parool" newspaper that he had witnessed the events in Srebrenica and that he had never seen a massacre of Muslims. As a doctor, he visited all wounded Muslims in a hospital in Bratunac and was personally convinced that they were treated very well by Serb doctors.

Answering the question during Slobodan Milosević's testimony before the Hague Tribunal on the behavior of General Ratko Mladić in Srebrenica, Philippe Morillon replied: "Mladić walked into the ambush in Srebrenica, actually in a trap. He expected to encounter resistance, but there was none. He did not expect the massacre to happen, and he underestimated the amount of hatred accumulated. I do not believe he issued a massacre order, but I do not know that. That's my personal opinion."<sup>25</sup>

After returning from Serbia and learning about the executions of certain groups of Muslim soldiers, General Mladić was extremely indignant, angry and disgruntled, because what happened was what should not have happened, his command was violated, and such treatment was not characteristic for a Serb man and soldier. He demanded an investigation at the highest state level, proposing RS President

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<sup>25</sup>*The Hague Tribunal, Prosecutor v. Milosević c.32029.*

Radovan Karadžić to form a state commission to determine the circumstances of such actions, in order to carry out the investigation and prosecute those responsible. Soon such a commission was formed, but drastic events occurred that were caused by the bombing of the Republic of Srpska, the fall of the Western Krajina municipalities, and the intensification of indictments against General Ratko Mladić and President Radovan Karadžić, immediately after the signing of the Dayton Agreement, which debased and challenged the work of this commission which also required stimuli of the supreme authority in the RS. In the coming time, the commission was shut.

### **Bosniak commitment to mass suffering**

During the preparation of scenarios for Srebrenica, at the invitation of Alija Izetbegović, the delegation of people from Srebrenica was transported by UNPROFOR helicopters on 28 and 29 September 1994 to Sarajevo. Izetbegović told the delegation about the possibility of speeding up the war end with the most favorable option for the Muslim cause, by creating preconditions for NATO intervention in BiH. With strict discretion, he presented the conditions offered by the US President Bill Clinton. This meant, according to a roughly conceived scenario, to create all of a sudden the conditions for the Serbs to seize the created opportunity, to enter and occupy Srebrenica. This meant only to simulate defence and to realize killing of a larger number of Muslims in that confusing and chaotic situation, and Clinton spoke of at least five thousand people in order to be redeemed for NATO intervention. Representatives of Srebrenica were stunned by the proposal of Alija Izetbegović and the requirements of the US President Bill Clinton regarding their sacrifice for the sake of NATO intervention in BiH. Basically, nothing depended on them either, whether they agreed or not, but it was expected that, “with such a burden on the conscience”, they would have significantly contributed to the downfall of any significant resistance.

Ibran Mustafić, the founder of the SDA in Srebrenica, said: “The Srebrenica treason scenario was consciously prepared. Unfortunately, the Presidency of BiH and the BiH Army Command were involved in this action.” He also said that all previous fierce and reckless attacks on Serb villages around the protected zone were “consciously giving the rise to the Serb forces to attack.” In order to make the scenario of mass suffering as tragic, “the most significant figures from Srebrenica left Srebrenica without a scratch in the summer of 1995.”<sup>26</sup> Because of the apparent nature of Srebrenica treason, the protests in Sarajevo were later organized.

There are still uncertainties about how Naser Orić with a group of his closest associates agreed to go to Tuzla just before the VRS operation and leave his Army and the people of Srebrenica in the lurch. A letter from Naser Orić addressed to Izetbegović revealed a lot: “I did not agree with your decision to surrender Srebrenica, the decision you had agreed with the French, and especially with subsequent events in it, with such sacrifice of civilians, regardless of the effect.”

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<sup>26</sup> Ibran Mustafic, *Planned Chaos*, Citizens Association „Mothers of Srebrenica and Podrinje“, Sarajevo, 2008.

Unconvincing and unsubstantiated was Sarajevo's "cleaning of Orić's biography" by Izetbegović's advisor Kemal Muftić's statement that Naser Orić had been previously drawn with the commanders of Srebrenica to perform the unblocking of Sarajevo planned for 15 June 1995.

Ibran Mustafić, a US official, and several other influential and well informed people from Srebrenica in a statement for "Ljiljan" said there were massive conflicts and executions among Muslim groups, primarily those who wanted to surrender to the VRS and those who forbade it, and even prevented it by arms. This was also confirmed by the UNPROFOR Command from Srebrenica. Due to disagreement with such extremists, the SDA President Azem Bajramović was executed, as stated in "Ljiljan".

Hakija Meholjić, former Head of the Police in Srebrenica, said the official policy in Sarajevo made a plan of a massacre that would lead to NATO engagement in BiH and added: "The goal of the withdrawal of the 28<sup>th</sup> Division was calculated to lead to as many victims as possible, as a sufficient cause for NATO intervention." Alija Izetbegović denied this, although the Muslim media wrote about his agreement with Clinton. "Izetbegović's secret plan was the fall of Srebrenica and Žepa," Muhamed Borogovac, the President of the Bosniak Congress in the United States, wrote.<sup>27</sup>

The BiH Army General Rasim Delić, at the Assembly of the Republic of BiH in Sarajevo, on 4 August 1995, stated "Most part of the unit of the 28<sup>th</sup> Division managed to get out of those areas as well as a part of the population. These days you will have the opportunity to see the lined 28<sup>th</sup> division that came out of the circle. We will use them where the highest level of motivation is. It's similar with the soldiers of the unit from Žepa..."

At the Hague Tribunal hearing in April 2001, General of ABiH Sefer Halilović commented on the accountability of the leadership in Sarajevo for Srebrenica: "I was present in March and May 1993 when Izetbegović talked with Murat Efendić and Dr. Bećim Hendić and other people from Srebrenica and Žepa when they were offered exchange of Srebrenica and Žepa for Serb settlements around Sarajevo... I think that Srebrenica was a tactical mistake made by the leadership, both military and political."<sup>28</sup> Halilović directly accused Alija Izetbegović and associates for surrendering Srebrenica and claimed accountability for it.

Sefer Halilović wrote in his book "Cunning Strategy" that the 28<sup>th</sup> Division of the ABiH from Srebrenica was reorganized and that it broke the line of Serbs with 6,000 soldiers. This confirms that most of the soldiers of the 28<sup>th</sup> Division broke out of the circle and that the people were transferred to the front of Treskavica, Trnovo and Goražde, where fierce battles were fought. A group of Srebrenica people near Sanski Most was received by the 5<sup>th</sup> Corps Commander Atif Dudaković.<sup>29</sup> A group

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<sup>27</sup> Muhamed Borogovac, *War in Bosnia and Herzegovina 1992-1995*. Bosniak Congress in the United States, 1995, p. 107-108.

<sup>28</sup> *Humanitarian Law Center*, 2002 p. 229

<sup>29</sup> Nijaz Masic, *Srebrenica (aggression, resistance, betrayal, genocide)*, Srebrenica, Mun. Srebrenica 1999, p. 210

of soldiers from Srebrenica sought refuge in the breakthrough towards Žepa, and soon towards the territory of Goražde.

London's "Times" on 2 August 1995 wrote that more than a thousand Srebrenica soldiers fled to Tuzla before the operation of the Serb army, so the ICRC requested the verification of document no. 37 dated 13 September 1995 which read: "Approximately 5,000 Srebrenica Muslim soldiers left the enclave before its fall. The Muslim government admitted that these people had been transferred to other units of their military forces, and the fact that their families were not informed was justified by obligation to keep a military secret."

The confused and panic situation caused the general refuge, hiding in the forests and breaking through the Federation of BiH for days. In the afternoon hours of July 17, according to Nijaz Masić's text, 3,500 martyrs broke through the 2<sup>nd</sup> Corps of the ABiH. It is estimated that by the beginning of 1996 there were another 1,000 Srebrenica people who broke through after months of wandering through the forests.<sup>30</sup>

UNHCR media representative Søren Petersen (in Geneva) on July 15, 1995 accused the Muslim government in Sarajevo for preventing the provision of accommodation to refugees from Srebrenica in Tuzla and said: "... it consciously manipulates the number of people who are left surrounded, which leads to the conclusion that the government in Sarajevo is trying to make a spectacle from the situation." After a while, according to the data in 1997, the ICRC listed 3,290 persons who were missing.<sup>31</sup>

Naser Orić, commander of the 28<sup>th</sup> Division, also testified about the manipulative use of Srebrenica to the German newspaper "Der Freitag" in the text "The Magic Word of Srebrenica" stating the following facts: "According to the order of the Army of BiH General Staff, we undertook actions from the security zone to provoke Serbs for the attack." There is the statement in the same newspaper of the President of the Bosniak Refugee Association Mirhunis Komarica that 4,300 people were being held missing in Srebrenica. Ibran Mustafić's statement deserves special attention: "The current attitude of the government (in Sarajevo) towards these people shows me simply that the government did not count on so many people surviving. According to their calculations, there are too many living people from Srebrenica."<sup>32</sup>

All of stated facts and details evidently point to the efforts of the Muslim leadership in Sarajevo led by Alija Izetbegović to meet the requirements of Bill Clinton in the view of the fabrication of mass crimes in Srebrenica in order to have a NATO intervention in BiH. The confirmation of this is also the leaving of the beheaded 28<sup>th</sup> Division, whose command staff, according to the order of the Supreme Command of the ABiH, was withdrawn from the zone at the most critical moment for its defense. All this very clearly shows that Izetbegović's Sarajevo did not favor the agreement reached by General Ratko Mladić with the Muslim delegation of

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<sup>30</sup> Ibid,p. 207

<sup>31</sup> List of Missing Persons ICRC, Third Edition 15.01.1997

<sup>32</sup> German newspaper *Der Freitag*, 20.09.1996

Srebrenica on the safe abandonment of the city and the enclave because it did not fit into the scenario envisaged.

### **Interest of international circles in the crime**

The fall of Srebrenica with fabricated crimes went into a personal not just a state contribution to US President Bill Clinton because 1996 was electoral year, and he needed a challenging scene to prove determination and American prestige in arranging the world. The fabricated mass murder of Muslims by Serbs roused American and Western public opinion to consider the NATO attacks on Serbs as justified and inevitable. At the same time, the fall of Srebrenica and Muslim losses could blur and conceal US generous aid for the Croatian storming of the Republic of Srpska Krajina, as well as concealed ethnic cleansing and unprecedented crimes against Serbs from these areas.<sup>33</sup>

At the trial of FRY President Slobodan Milošević in The Hague, who was attributed the responsibility for the events in Srebrenica, the statement by General Philippe Morillon was quoted and given to the French Parliament's Commission on the events in Srebrenica, and he said: "I was convinced that Srebrenica was a victim of higher interest, state reason, *raison d'état*, but this higher interest was in Sarajevo and New York, but certainly not in Paris."<sup>34</sup>

Mien Jan Faber, secretary of Interchurch Peace Council (IKV), a very influential NGO in the Netherlands, who investigated the Srebrenica case, according to the Dutch press in March 2002, said: "The Serbs did not plan the genocide in Srebrenica nor the occupation of the enclave nor evacuation of the Muslim population." He includes the Dutch UN forces among the main culprits for Srebrenica for not disarming the Muslims as agreed in 1993 and the Dutch government that did not conduct it in accordance with the Agreement.<sup>35</sup>

According to the hearing of 460 Dutch soldiers and their commander, Colonel Thomas Karremans from UNPROFOR base in Potočari, 239 able-bodied men were enrolled, and 60 who did not want to give information about themselves because they came (on the invitation to jihad from other countries of the Islamic world, the West, Serbia, Macedonia and Croatia). The statements of Dutch soldiers did not mention crimes against Muslims by the VRS. However, on the orders of the NATO Command, Dutch Foreign Minister Hans van Mierlo called for a rectification of the report which was submitted to the Government on October 30, 1995, which was in contradiction with the statements of Dutch soldiers and officers on the situation and events in Srebrenica.

"Die Welt" wrote on 12 July 1996 about the conflict between the military and the state top of the Netherlands for support to the NATO version and about the statement of the Dutch military leadership that there was no genocide in Srebrenica. "General Kuzi publicly opposed the Defense Minister Voorhoeve with the assertion that, after the fall of Srebrenica, the Serb-Bosnian troops did not commit genocide

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<sup>33</sup> Emil Vlajki, *Demonization of Serbs*, Belgrade, IKP Nikola Pašić, 2001 p. 298.

<sup>34</sup> The Hague Tribunal, *Prosecutor v. Milošević* c. 32029.

<sup>35</sup> Milovan Milutinovic, *The War Started With Words*, NUBL, Banja Luka, 2010.

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against the Muslims”, as stated in *Die Welt*. Similarly, Ibran Mustafić concludes in “Slobodna Bosna” that the thesis on the lust of the Serb conquerors for murders is not reasonable, because they even released him as an activist of the SDA in the enclave.

General Enver Hadžihasanović, the former Chief of Staff of the ABiH, as a witness before the Hague Tribunal, said that, out of 5,803 members of the 28<sup>th</sup> Division from Srebrenica, 2,628 died in a breakthrough from the circle of Serb forces to Tuzla. This was also confirmed by Sefer Halilović in the book “Cunning Strategy” when he said: “that the 28<sup>th</sup> Division from Srebrenica, reorganized with 6,000 soldiers, broke the line of Serbs.”

Jonathan Rupert, a BBC correspondent, wrote: “The Dutch peacekeeping contingent and intelligence officers from the SAS (Special Forces officers, the British armed forces), who were in the city when it fell, witnessed the bitter fighting between the Muslims in Srebrenica before the Serbs entered.” In the report of the Special Envoy of UN Secretary-General Tadeusz Mazowiecki in August 1995, it was said “that a significant number of Muslims were killed by crossing the minefields which had been set by them.”<sup>36</sup> UN High Commissioner for Human Rights Henry Vilend, with a team of experts of the Center for Human Rights and Civil Affairs of the UN Peacekeeping Mission from 22-26 July 1995 visited Tuzla and after the talks with the refugee civilians of Srebrenica in the report submitted to the UN Secretary General, stated: “We did not find any witness who saw the crime with his own eyes...”

Swedish journalist Christian Palme, in July 1995, in the newspaper “Dagens Nihter” after the stay in BiH, claimed that the Muslim leadership in Sarajevo was carrying out planned self-terrorism over their compatriots and continuously provoked the Serbs to open fire in order to drag the NATO forces into war. “Muslims attacked the Serbs by the guerrilla actions, especially from Srebrenica, although they knew they were not able to defend themselves from retaliatory attacks... Everything reminds of the earlier tactics of the Muslim government to force NATO actions or open military intervention. This cliché is already seen in Gorazde and in many other cases in BiH.”<sup>37</sup>

## CONCLUSION

Portuguese General Carlos Martins Branco, head of the UNPROFOR military observers, testified that the number of 7,300 victims in Srebrenica was a forgery and that it was used for propaganda purposes. In 1998, as an UN expert, he wrote that “there is little doubt that at least 2,028 Bosnian Muslims were killed in fighting with better-trained and better commanded forces of the Republic Srpska Army.” Branco later in 2001 stated that the bodies of 2,000 exhumated in this area by investigators, the Hague Tribunal experts, were not only victims of executions, but of combat operations from previous war years.<sup>38</sup>

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<sup>36</sup> Emil Vlajki, *Demonization of Serbs*, Belgrade, IKP Nikola Pašić, 2001 p. 222.

<sup>37</sup> *Dagens Nihter*, Stockholm, July 13, 1995.

<sup>38</sup> Vlajki, ND, p. 204

The UN investigative team visited Srebrenica under the order of the Secretary General, and reported on July 24, 1995, that it did not find witnesses to confirm the crimes of the Serb side. Hubert Viland, a personal envoy of the UN High Commissioner for Human Rights, traveled with the investigative team to Srebrenica and Tuzla where he talked with a larger number of Muslims in refugee camps and did not find any witness to confirm the crimes committed.

Kofi Annan, UN Secretary-General, submitted “the Srebrenica Fall Report from 1995”, on November 15, 1999, based on the General Assembly order from December 1998. The report deals with 33 tombstones, in which between 80 and 180 bodies were in each of them, and approximately 2,000 exhumed, of which about a third was identified. Since then, the list of missing persons has changed continuously, not only by number but by names as well! The addition of the previously deceased is also evident, as well as those who left Srebrenica before July 1995, and there were about 5,000 of those.

In the book “Dubious Mandate”, Phillip Corwin, the UN’s highest representative in BiH in 1995, wrote that the authors of the first UN report on Srebrenica in the fall of 1999, entitled “The Fall of Srebrenica”, never interviewed me, nor did they put my published book in the bibliography... although I was a senior UN official in BiH when Srebrenica was taken over by the Serb forces. I was not the only one who was neglected by the authors of political history...”

It can be concluded that the Srebrenica case has been raised by manipulative methods to the level of a mass crime in order to cause the indignation of the international public and to justify an armed intervention against the Serbs. In this act, not only the civilization interest to bring one or more wars to an end is contained (BiH, Croatia), but also to attain interests of the Western countries involved by choosing a side. With this coverage, the Muslim and Croat leadership in BiH, in compliance with the Washington Agreement and the Agreement on the Sending of Emergency Military and Other Assistance to BiH from Croatia, in defense against Serb attacks signed in Split on July 22, 1995, launched a final offensive against the Serbs. The fabricated case of Srebrenica most directly served NATO forces to engage in the fifteen day long devastating bombing of the Republic of Srpska, and then also in an uncovered support to Muslim and Croat forces, who had been previously prepared for the definitive ending of the war against the Serbs by engaging US generals from the agency MPRI and the artillery action of the NATO Rapid Reaction Force under the command of British General Michael Jackson for the alleged “protection of the UN forces. By such an engagement they directly got involved in the war against the Serb forces RS Krajina and then in Bosnia and Herzegovina, drastically affecting the final outcome of the war at the expense of the Serb national interests.

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## THE EXTORTED OPERATION „KRIVAJA-95“ ON THE TAKEOVER OF SREBRENICA

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Operation “Krivaja-95”

**Abstract:** The paper will focus on the events and combat actions of the Drina Corps (DC) forces as part of the implementation of Operation “Krivaja-95” with the aim of separating the “security zones” of Srebrenica and Žepa and their restriction to the boundaries from the time of their establishment, which would prevent the *diversion-terrorist actions* (DTA) on the Serb people in direct contact with the separation lines, which provoked this operation. The implementation of the basic task is particularly analyzed, from the entry of the DC forces into the Srebrenica settlement on 11 July 1995 and the southwestern part of the enclave, and the final phase of the successful attack on units of the 28<sup>th</sup> Division of the ABiH is presented, which, having deviated from the southwestern borders of the enclave, enforced gathering in the northwestern part of the territory of the enclave. Also, the paper presents the DC forces which successfully completed the *first two phases* of the attack for 3 (three) days, from 9 - 11 July: 1) fighting at the front part of the defense, and 2) fighting in the depth of the forces of the 28<sup>th</sup> Division, until entering into Srebrenica. The attention is particularly drawn to the execution of the *final phase* 3 of the attack, the *pursuit*, which was carried out in difficult conditions (unknown distribution of forces, the strength of the forces and directions of deviation) and which lasted considerably longer.

The forces of the 28<sup>th</sup> Division with a certain number of able-bodied men started the breakthrough on July 12 before noon in order to join the forces of the 2<sup>nd</sup> ABiH Corps. Striking forces were a legitimate military goal. The combats, which the DC units led with these forces were legal and the resulting losses in these battles were legitimate military losses and must not be portrayed as war crimes victims, and especially not as victims of a joint criminal enterprise with genocidal consequences. The paper will deal with the activities of units of the 28<sup>th</sup> Division that committed crimes against the Serb people in the period from 1992 from the protected zone, and it will also point out the existence of losses in their own ranks as a result of combat operations and mutual settlement due to various reasons. This does not aim to reduce the number and significance of the Muslim victims in Srebrenica, but to contribute to a clearer perception and analysis of events that really happened in July 1995 and to point to superficial conclusions and illogicalities that arise in official discussions related to these events.

**Key words:** *security/protected/zone, forces in breakthrough, military goal, prosecution as the final phase of Operation “Krivaja-95”, environment, breakthrough from the environment, war crime*

### INTRODUCTION

The talks on Srebrenica and everything that results in the mention of this notion associate every serious and politically informed man (of any gender) to events in, and around Srebrenica, during the war period and in the period of July 1995. These events and associations point to a picture of war events and crimes committed during

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<sup>1</sup> Mirko Trivic, Colonel, Commander of the 2<sup>nd</sup> Motorized Brigade of the DC, participant in Operation “Krivaja-95”, as Commander of the 2<sup>nd</sup> Battalion of Attack Forces, handed over the report to the Commander of the VRS GS, on July 11, 1995, about 5.30 pm in Srebrenica. “Srebrenica is free!”. Vice President of the Organization of Commanding Officers of the Army of the Republic of Srpska.

the conduct of the armed combat between 1992 and 1995, various forms of combat tactical actions, using methods of brutal killings and the destruction of their property in Srebrenica.

The paper on Srebrenica is determined by the thematic title of the scientific conference: “Srebrenica - Reality and Manipulations” and it is intended to analyze the situation, events and consequences of these events in the Srebrenica enclave in the period from 10 July (the day before the entry of the VRS forces into the city) to 19 July 1995. This period, in all the analyzes of the events and the conclusions of the vast majority of the researchers on various bases and with various goals, is taken as relevant for the passing of a valid judgement on the truth in those events. Basically, all the truth about the extent of the loss of the Muslim side in that period is reduced to conclusions and positions of the Hague researchers who carried out their analyzes, researches and expertise after the tasks of the ICTY Prosecution for their needs and they were used as evidence for the accusations of the Serbs. This evidence is the only *corpus delicti* of the crime in Srebrenica and the argument for the claim that the Serb side committed genocide in July 1995 by executing “8,000 Muslim men and boys”.<sup>2</sup>

However, in order to reach conclusions that point to the truth about the events in that period, it is necessary to carry out a careful analysis of all the available data related to the **basic question**: what are the consequences of the events and the scope of the Muslim losses incurred after the capture of a part of the Srebrenica enclave, with special emphasis on the performance of the combat actions of the forces of the 28<sup>th</sup> Division, in that period, in the following stages:

- 1) Defense of the enclave until 10 July;
- 2) Performance of defense in conditions of combating in the environment on July 10 and 11;
- 3) Decision for the breakthrough from the environment and the execution of the breakthrough from the environment in the direction of Tuzla and merger with the forces of the 2<sup>nd</sup> Corps of the ABiH, from July 12 to July 19, 1995.

The available “Hague evidence” on genocide, as a final truth, is only limited to events within a time frame, **not** more than from the beginning of the activities of the VRS, i.e. from **July 6**, but even to a period of three days, from 13 to 16 July, when, according to the testimony of key witness D. Erdemović, executions were carried out by shooting the Muslim prisoners-men. This requires a thorough analyses of the human losses of the forces of the 28<sup>th</sup> Division, which, with a certain number of civilians (predominantly men), during the night 11-12 July in the area of the village of Šušnjari, decided to break through from the environment in which it was found, through the lines of the defense of the VRS forces in the direction of Tuzla, with the aim of getting out of the surrounded area and joining forces in the wider Tuzla region. During the breakthrough, the breakthrough forces were moving in several columns and had numerous combat contacts and encounters with the VRS forces in which there were combat struggles, as well as mutual conflicts and settlements, in which these forces suffered significant losses.

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<sup>2</sup> *Srebrenica: Deconstruction of a Virtual Crime*, Fund „Historical Project Srebrenica“, Belgrade, 2010, p. 13.

Under international law, a *military column represents a legitimate military goal, even when its members are civilians*.<sup>3</sup> Losses in the breakthrough, in relation to total Muslim losses, must be treated separately from losses resulting from executions of prisoners at other places, and they constitute the war crime, and as such can not enter the scope of the war crimes victims, and even less, the genocide.<sup>4</sup> For this reason, the essence of the truth about Srebrenica should be diligently investigated, first of all, a *comprehensive analysis* of the overall amount of losses in the territory of Srebrenica since the beginning of the war, in April 1992 and July 19, 1995 should be undertaken. It is not enough just to operationalize the Muslim losses in July 1995, but that analysis must include all the factors of the situation on the ground in and around Srebrenica. It implies and presupposes the analysis of two key factors in the Srebrenica situation and condition: 1) the relationship of the Muslim side and the UN forces towards the implementation of the UN Resolution 819 of April 1993, towards the implementation of demilitarization and the functioning of the Muslim side within the security zone; and 2) permanent and almost systematic attacks on the Serb settlements near the boundaries of the protected zone, using the presence of the UN forces for protection, using various, above all, vicious, methods of killing people and destroying their property.

**1) the attitude of the Muslim side and the UN forces towards the implementation of the UN Resolution 819** of April 1993, towards the implementation of demilitarization and the functioning of the Muslim side within the security zone; and **2) permanent and almost systematic attacks on the Serb settlements** near the boundaries of the protected zone, using the presence of the UN forces for protection, using various, above all, vicious methods of killing people and destroying their property.

These two directions, in seeking the truth about the actual number of the Muslim victims of Srebrenica and the dimensions of the crimes, aim to determine the category of legitimate losses derived from guided combat activities, which are not allowed and can not be confused and summed up with the number of the executed by shooting by irresponsible individuals.

## **1. CONTEXT OF POLITICAL AND MILITARY EVENTS IN THE SREBRENICA REGION**

### **1.1. Population in the municipality of Srebrenica, according to the census in 1991<sup>5</sup>**

The territory of the municipality of Srebrenica consisted of 80 (eighty) settlements, out of which 79 (seventy nine) were rural settlements and 1 (one) urban settlement - Srebrenica. According to the census, the national composition of the population in the settlements was as follows:

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<sup>3</sup> *Supplementary Protocol I, Geneva Convention, 1977, Article 52*

<sup>4</sup> *Srebrenica: Deconstruction of a Virtual Genocide*, Fund "Historical Project Srebrenica", Belgrade, 2010, p. 14.

<sup>5</sup> *Statistical Bulletin number 234, "1991 Census in BiH"*, National composition of population by municipalities and settlements, Sarajevo, December 1993.

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a) the city of Srebrenica:	- Muslims .....	3,673;
	- Serbs .....	1.632;
	- Others .....	<u>441;</u>
	<b>Total</b> .....	5,746;
b) rural settlements:	- Muslims .....	23,879;
	- Serbs .....	6,683;
	- Others .....	<u>338;</u>
	<b>Total</b> .....	<b>30.920;</b>

It can be seen from this review, that in the territory of the municipality of Srebrenica, according to the 1991 census, the TOTAL of 36,666 inhabitants lived in the eighty existing settlements. This population was ethnically populated by the following:

- 56 (fifty-six) rural settlements and the city of Srebrenica were inhabited by the Muslim majority, of which **30 (thirty) rural settlements were purely Muslim**, while in the other 26 (twenty-six) and the city of Srebrenica they had an absolute majority. In these 30 rural settlements 1278 (one thousand two hundred and seventy-eight) Serbs lived.

- 23 (twenty-three) rural settlements were inhabited by the Serb majority, of which **9 (nine) settlements** were pure Serb, while Serbs had an absolute majority in the other 14 (fourteen). In these 14 settlements, 547 (five hundred and forty-seven) Muslims lived.

The ratio of the national composition of the population in the municipality was: 75.2% Muslims and 22.7% Serbs. The same ratio was in the city itself.

### **1.2. Inter-ethnic and political developments and preparations for achieving national goals, until the international recognition of BiH's independence**

Inter-ethnic tension, verbal conflicts and diametrically opposed views on the way and methods of resolving the Yugoslav crisis, and the future of the functioning of the mutual relations of "fraternal" peoples in the rest of Yugoslavia, especially after the secession of Slovenia and Croatia, brought the state of political and inter-ethnic relations in Bosnia and Herzegovina most notably to the "boiling point".

Muslims in BiH, together with Croats, were preparing politically and militarily for the violent secession of BiH from the SFRY.

Serbs were aware of the dangers of violent secession of BiH, which would lead to the disappearance of the Serb people from their own homes and an eternal living space. Due to this kind of danger, manifested by majority vote in the Assembly of FRBIH, the Serb deputies stepped down from the Assembly of Bosnia and Herzegovina and organized a referendum on remaining in Yugoslavia.

By declaring at the referendum on November 9 and 10, 1991, mostly Serbs in an absolute majority of over 90% responded, and declared themselves to remain in

Yugoslavia. After this, Muslims, through the military wing of the SDA, formed an illegal armed formation, the “Patriotic League” (PL), for the purpose of creating a Muslim state according to the model of the “Islamic Declaration” by Alija Izetbegović. The work of the “Patriotic League”<sup>6</sup> was managed by the **National Defense Council**, which was established in June 1991 (that is, before the beginning of the war in Slovenia and Croatia) at a “large gathering of *responsible people* organized by the Party of Democratic Action (SDA)”<sup>7</sup> headed by the SDA President Alija Izetbegović.

Sefer Halilović,<sup>8</sup> as the Chief of Staff of the Supreme Command of the RBiH Armed Forces, claimed: “The war has encountered the *Patriotic League* with 9 regional and 103 municipal staffs and 98,000 combatants (the Republic of BiH had a total of 109 municipalities)”.<sup>9</sup> Hasan Efendić,<sup>10</sup> in his book “Who Defended Bosnia”, stated different information on the state of numbers: and concluded on page 131 that on April 24, 91,243 members were registered in the Territorial Defense of RBiH, which did not change or reduced their significance in the function of achievement of the set goals. In the planned and active preparations for the implementation of the secession plan of BiH from the SFRY, the planned tasks from the SDA Agenda for the creation of an independent state of Bosnia and Herzegovina were being implemented. Already in December 1991, the end of the war in Croatia was approaching, and the international recognition of the secessionism of the republics of Slovenia and Croatia, and the “appetites” of the Muslim-Croat leadership grew in new conditions. Conditions were created for undertaking concrete actions in accordance with the assessment of the situation and the conditions enabled by the international context of the situation in the process of resolving the Yugoslav crisis. Development of the political Platform<sup>11</sup> for the work of the Presidency of the Republic of BiH in the war conditions under the decision of the leadership of the “Patriotic League” at the meeting on December 2, 1991 in Hrasnica. This document received the final content and status of the official document as adopted by the Presidency on June 26, 1992 at a session in Sarajevo, entitled The Platform for Action of the Presidency of the Republic of Bosnia and Herzegovina in Wartime Terms. It should be noted that the Presidency functioned without Serb members.

Activities of political character were also accompanied by the military wing of the SDA by undertaking concrete activities in order to create an organized military force. From December 1991 to mid-February 1992, parades of the units of the “Patriotic League” were carried out and military consultations were organized in the region. The final preparations in military organization and planning and setting up specific tasks for the military force for the “Day D” were held on February 7 and 8,

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<sup>6</sup> “Patriotic League” - a paramilitary illegal Muslim organization.

<sup>7</sup> Statement by Alija Izetbegović for “*Ljiljan*” newspaper dated 14.12.1994.

<sup>8</sup> Sefer Halilovic, Commander of the Staff of the RBiH TD, after Hasan Efendić.

<sup>9</sup> Statement by Sefer Halilovic, Chief of the ABiH GS, for “*Naši dani*” newspaper dated 25.09.1992.

<sup>10</sup> Hasan Efendic, the first commander of the RBiH TD Staff from April 8 to May 25, 1992.

<sup>11</sup> Murat Kahrovic, “*Sefer’s War Period*”, GIK “Oko”, Sarajevo 2002, p. 231 and 237-239.

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1991 in the village of Mjehurići near Travnik. At the consultations, the Directive<sup>12</sup> on the Defense of the Sovereignty of Bosnia and Herzegovina was adopted by PL GS which received its legality on February 25, 1992 at the level of the Presidency of Bosnia and Herzegovina, and it was registered under the number str.pov.02/2-1 dated 12.04.1992 as valid and one of the key documents.<sup>13</sup>

## **2. Armed combat and combat activities as means of achieving the goals of the Presidency of the Republic of BiH in 1992**

All so far adopted and prepared political and military documents of the republic level were activated and publicly announced after the recognition of the state of Bosnia and Herzegovina. On April 12, the staffs of the PL and TD BiH joined together and the RBiH GS TD functioned since April 15, 1992.

The tasks set by the Directive to the regional staffs were carried out in accordance with the defined goals, which was the dismantling of the territory of the Serb Republic of BiH in strategic-operational directions and regions of vital importance for the Serb people. The focus of the combat engagement of the ABiH units was on communication routes towards the Republic of Serbia and Montenegro, and within Bosnia and Herzegovina in directions which geographically separated Serb-populated regions. One of the most important regions was the region of the Srebrenica municipality, which gravitated towards the Drina River and directions towards Serbia 1) via Skelani and Bratunac further to the interior of Serbia, but also 2) via Konjević Polje, Zvornik, Kozluk and Janja to Serbia. By controlling these directions, the left bank of the Drina River and the entire Podrinje were controlled.

The international recognition of Bosnia and Herzegovina opened the legality of realization of ideas and decisions defined by Muslim goals from the documents of the political and military leadership of the Republic of BiH adopted by then.

The Muslim forces managed to keep control of Srebrenica for three full war years, from May 1992 to July 1995. At the end of December 1992, the forces under the command of Naser Orić controlled 95 percent of the territory of the Srebrenica *municipality* and half of the territory of the *municipality* of Bratunac. In the period from May 1992 to January 1993, the Muslim forces, under the command of N. Orić attacked and destroyed many Serb villages along with the brutal torture and the killing more than 1,300 people in them<sup>14</sup>. Their bestiality, cruelty and criminal appetites, fueled by the successes achieved” from the beginning of June to October 1992, the defense circle of the army (the Serb army, author’s note) gradually diminished to the area of the city of Bratunac and the village of Kravica<sup>15</sup>, especially after the crimes in the villages of Bjelovac and Kravica, on Christmas Day on January 7, 1993, this ring (defense line, the author’s note) was brought to the very

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<sup>12</sup> Ibid,p.234 and 240-252.

<sup>13</sup> Hasan Efendic, *Who Defended Bosnia*, GIK “Okolo”, Sarajevo, 1998, p. 127.

<sup>14</sup> J.W. Honig and N. Bot, *Srebrenica (One War Crime Testimony)*, Radio B-92, Belgrade, 1997, p. 90.

<sup>15</sup> Richard J. Butler, *A Statement on Military Events in Srebrenica*, Nov. 1, 2002 (revision), Chapter I. Art.1. 21, p. 214.

town of Bratunac, making them close to reaching the goal of connecting with the forces in Cerska and Skelani and thereby exercising control over the area of Podrinje.

In April 1993, the Serbs reduced the territory around Srebrenica and it was artificially held alive for two years as a small isolated *enclave*, since the UN Security Council proclaimed it a “security zone”<sup>16</sup> by adopting Resolution 819.

In the period from January 1993 to July 1995, successive peace plans provided that Srebrenica and Žepa would remain Muslim cities. But by taking over the *enclaves* of Srebrenica and Žepa, in July 1995, the Serbs completely changed the Contact Group map. The Dayton Agreement, with the mediation of the United States, accepted this as a solution, and Srebrenica and Žepa became parts of the Republic of Srpska<sup>17</sup>.

### **3. Response of the VRS to the existing threats of dismantling the territory of the Republic of Srpska in Podrinje**

From to date stated and analyzed situation and events from April to October 1992, it is evident that the forces, territory and population in this territory were reduced to the position and need to emigrate or disappear from the territory of the municipalities of Bratunac and Skelani and the marginal parts of the municipality of Srebrenica. The **Podrinje** region was mostly “fragmented”, and there was no organized military unit at the higher operational level that could ensure the unity of command and combat operations. By assessing such a situation and conditions that threatened the Serb people because it failed to protect the freedom, homes and property by the “guarding system” of the defense of life and space, as well as by inadequately organized defense forces, the Supreme Command of the RS and the General Staff of the Republic of Srpska Army (GS VRS) put all formed and armed units until then under a unified command.

The decision to form the Drina Corps (DC) of the VRS was made on November 1, 1992. This unified operational command and unit was intended to unify the defense system, and execution of the tasks of protecting the territory and the population in it according to the plan and responsibly, and “... *in response to the emerging threat that the Muslim strongholds in the mountainous areas of Cerska, Srebrenica, Žepa, Goražde and the remote area of Višegrad represented in the areas west of the Drina...*”<sup>18</sup>. The Order on the establishment of this operational unit also “followed” the Directive No. 4<sup>19</sup>, which instructed the DC to protect the Podrinje area with the main forces according to the plan...” and, with other forces in the wider area of Podrinje, to extort the enemy, to incur him as much loss as possible and force him to... leave the area...”. However, due to incomplete organization, combat development and binding of the combat schedule and the fire system on positions,

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<sup>16</sup> J.W. Honig and N. Bot, Srebrenica (One War Crime Testimony), Radio B-92, Belgrade, 1997, p. 111.

<sup>17</sup> Ibid, p.19.

<sup>18</sup> Richard J. Butler, *A Statement on Military Events in Srebrenica*, November 1, 2002 (revision), Chapter I, item 1, p.209.

<sup>19</sup> *Directive No. 4*, adopted on November 19, 1992.

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i.e., just started development of the Corps in the assigned zone of defense, the opponent managed to use it and, in mid-December, undertook a new offensive that narrowed the Serb territory, causing great losses in the Serb villages of Bjelovac and Kravica. After consolidating the situation in the existing territory and reorganizing units, as well as redeploying the zone to subordinate units, the Corps, with the support of the VRS's neighboring and maneuvering forces, launched offensive actions against the deployed Muslim forces on tactical directions deployed in the defense zone of the VRS units.

The aim of the operations was the liberation of the territory of the municipality of Bratunac and parts of the territory of the municipality of Srebrenica. The operation of the liberation of Podrinje, and especially of the parts of the Srebrenica municipality, where the cruelest losses in human and material resources were suffered, ended with the adoption of Resolution 819 of the UN Security Council. The resolution was adopted on April 16, 1993, which stopped the forces of the VRS by the UNPROFOR from further progressing and taking over the city. At 02.00 hours on 18 April 1993, after 14 (fourteen) hours of negotiation at the Sarajevo airport, with the presence of General Philippe Morillon, General Mladić and S. Halilović, the Agreement was signed. The ceasefire would begin at 5 a.m. and freeze "all combat actions at the lines of confrontation."<sup>20</sup> This agreement stipulated that Muslims should have handed over their weapons within seventy-two hours after the arrival of the Canadian (the first UN forces unit) in the enclave. On April 21, General Wahlgren announced in Zagreb that demilitarization was completed???. The Serbs contested this claim, and the Muslims insisted they would comply with the UN's request<sup>21</sup>. The fact is, however, that the UN did not disarm Muslims, and why would they, when the UN Assistant Secretary General for Peace Operations Kofi Annan on 23 April 1993 sent a message to General Wahlgren to prepare him for a visit of the Security Council delegation and indicated that demilitarization in Srebrenica should not be done strictly, in which he said:

*"Bearing in mind your public claim that Srebrenica has been completely demilitarized, we do not see the need for the UNPROFOR to participate in the search for weapons from the door to the door. Undoubtedly, the Security Council delegation that comes to visit informs you about the strong feeling that is present among several member states that the UNPROFOR should not be too actively involved in the disarmament of victims."*<sup>22</sup> It should be noted that **Venezuelan Ambassador Diego Aria headed this delegation**, one of the countries for which the Resolution 819 represented only the first step towards the military intervention in which the UN would be on the side of the Bosnian Muslims.

This attitude of those who were supposed to influence the fair resolution of the conflicts in BiH, primarily in the area of the enclaves where they were active participants, in the next period of 26 months, it encouraged, enabled and provided

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<sup>20</sup> J.W. Honig and N. Bot, *Srebrenica (A War Crime Testimony)*, Radio B-92, Belgrade, 1997, p.113.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid, p.114.

protection, and also the support, with its presence in the commission of various acts and crimes against the Serb population in contact with Muslim enclaves, especially in the Srebrenica area. Such actions provoked the VRS Operation “Krivaja-95”.

#### **4. The environment and military forces, as a consequence of the failure to conduct military operations**

The environment is a condition and a situation in which military forces, population and material resources of one side in the conflict can be found, during the combat operations in the war, on the territory of carrying out these combat operations. Such a situation is a consequence of the unfavorable development of the combat, most often in defense, for the unit that is in such a position and condition, which frequently passes into the situation of **choosing one of two possible options**: 1) “*raising the white flag*”, acknowledging defeat and honorable surrender to the opponent side (armed force) in order to avoid further or greater losses, i.e. protection of the life of a living force, destruction of material resources, infrastructure, and especially of the population in the surrounded premises, or 2) making a **decision to break through from** the situation of the **environment in the direction of its own forces**. The land space where military units are located in threat of being surrounded by an opponent may be of smaller or larger surface.

The condition and the position of a territory, population and military units deployed in that territory, which are defined in the conduct of combat operations in the war as **combat in the environment, are not reached all of a sudden**<sup>23</sup>.

Until the adoption of the UN Resolution 819 in April 1993, the Armed Forces (hereinafter AF) of Srebrenica, operating in the area of the subregion of Srebrenica, acted in an overpowering and very aggressive manner towards the Serb side, especially towards the population and property. But when the VRS units returned being strong and successful in conducting the counter-attack, and took the position of capturing Srebrenica, the Muslim forces, with the mediation of the UNPROFOR representatives, agreed to sign the Agreement on the Cease of Fire and Demilitarization of the Enclave. Thus, the ABiH forces in that “narrowed” territory, compared to the state before the offensive of the forces of the VRS, came into the position of functioning and organization of life under the conditions of many restrictions: from the freedom of movement of the population, supply of basic living needs, etc., and the defeated AF (which directed and created this state of affairs) in that area (with characteristics of the state of the encirclement by the VRS units), obtruded themselves to their own people and acted as “protective forces” without which the people would be without protection from the “Serb aggressor”. Such performance of the Muslim military force in the enclave was, among other things, the result and consequence of the politics and “crafty strategy” of the republic leadership on maximum use of the presence of the UNPROFOR forces for achieving the goals of the war. Such an approach also emerged from the **changed mandate** of

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<sup>23</sup> *Rule of Brigade*, Federal Secretariat for National Defense (SSNO), GS JNA, Infantry Administration, 1984, p. 239, item 587.

the UN forces in BiH, in relation to the then traditional static role of these forces, to *stop the conflict*, or to conduct *peacekeeping operations*. This new **mandate was to preserve peace** after the cease-fire. The UNPROFOR unit deployed in the enclave, under this Resolution, had *de facto a mandate* to create and maintain a stalemate on the ground in order to allow the international diplomacy to do its job<sup>24</sup>.

***4.1. The ABiH Armed Forces environment, in the conditions of the existence of a “security zone” and maintenance of the state of affairs, incurred as a consequence of Resolution 819, under the influence of the UN forces in peacekeeping***

After April 1993 and the proclamation of Srebrenica as a “security zone”, the UNPROFOR forces were in charge of supervisors, actors and controllers of the implementation of the provisions of the Agreement and peacekeeping. This mandate implied action in the function of monitoring and assisting the disarmament of Muslim soldiers in the enclave. However, in the execution of this task, and the task of “security zone” being released from any armed attack or any other hostile act, the confusion was introduced by paragraph 5 of the UNSC Resolution 836 of June 4, 1993, according to which the UN troops should: “...deter attacks on protected zones, oversee ceasefire, promote withdrawal of military and paramilitary units apart from those from the Government of the Republic of Bosnia and Herzegovina...”<sup>25</sup> This approach of the UN Security Council in content and defining relations towards the parties in Bosnia and Herzegovina, by adopting such resolutions which encourage and favor the Muslim side, was implicitly assigning an international factor to the Muslim side and supporting it. *It can be said that the position of the Venezuelan ambassador to the UN, Diego Aria, was accepted.*

The separation lines between the VRS and Srebrenica units, after the entry of demilitarization agreements into force, were never reliably established. That so-called “safe corridor”, about 1.5 kilometers wide, stretched along the lines of the defense, found at the time of the cease-fire, on April 18, 1993. The enclave was not “hermetically” closed. According to the assessment of the UN forces, “the security zone is surrounded by 3 (three) to 4 (four) Serb battalions, each consisting of some 250, mainly middle-aged, locally recruited men.”<sup>26</sup> While the VRS, abiding by the April 1993 Agreement, maintained the state of truce and sought to provide the population with tolerable living conditions and survival, avoiding any conflict, the Muslim leadership carried out serious preparations, both military and political, for the decisive step in the end of the war, in which, finally, there would be an airborne attack on the Serb positions. They did not give up the “invocation” of the accidents by provoking the Serb side to “aggression”, with the presence of the UN forces as witnesses. In these preparations, they also carried out organizational and formation

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<sup>24</sup> Jane, M.O. Sharp, „*Bankruptcy in the Balkans, British Politics in BiH*“, London, 1993 p. 13-14. Taken from the book: Dž. Najetović, „*British Politics in BiH*“ 1992-1995; DES Sarajevo, 2008, p. 99.

<sup>25</sup> J.W. Honig and N. Bot, *Srebrenica (A War Crime Testimony)*, Radio B-92, Belgrade, 1997, p. 25.

<sup>26</sup> *Ibid*, p. 136.

changes in the military units of the Srebrenica and Žepa enclaves in order to gain control over Podrinje through combat operations. The decisions on reforming the ABiH units in that area, during the current and valid four-month truce, were clear plans of political and military leadership after the truce ceased. Also, by placing the brigades from Žepa under the same operational command, it was obvious that the MCS ABiH and the RBiH authorities had always treated this area as unique, and that the UN resolutions on protected separated zones served only for daily political purposes and as a basis for achieving the goals of the war. Such a state of the environment, the conduct of the UN forces and with the support of politics, the commander of the Muslim forces, first, 8<sup>th</sup> Operational Group<sup>27</sup> (hereinafter OG), and later the 28<sup>th</sup> Division<sup>28</sup> of the Army of the RBiH, Naser Orić and his two brigade commanders, Zulfo Tursunović and Hakija Meholjić used their armed force to permanently carry out armed incursions, abductions, slaughters in the Serb villages, hamlets, in the fields during the work on preparation for planting or during harvesting fruits, and the like.

What kind of personalities of the commanders and their human values they were, was best illustrated by the statement on the character and behavior of the dominant personalities in the enclave, which were not helpful to the UN: “The Dutch looked like they were more than gangsters who terrorized the refugee population and who have benefited from the war. They ruthlessly “defended” their own possessions... When international aid agencies suggested that refugees should choose their representative to help distribute food, that man was found dead the day after he was elected. The problems were caused by attacking Serbs directly at the border of the enclave, even at a depth of 5 km outside the enclave and often occupying positions directly next to the position of the UN forces, using them for protection after provocations.”<sup>29</sup> Due to such manners of the Muslim side, General Mladić, in a letter to the UNPROFOR headquarters in Sarajevo, addressed these frequent attacks with the message that “... attacks on the territories controlled by the VRS ... brutally violate the status of the security zone of Srebrenica. Due to this fact, I strongly protest and I warn you that we shall not tolerate such cases in the future.”<sup>30</sup> After June 26 and attacks of the Muslim soldiers, commanded by Zulfo Tursunović, to the Serb village of Višnjica, General Mladić pointed out that the continuity of these attacks from the Srebrenica enclave was *casus belli*, and the VRS spokesman Milovan Milutinović immediately gathered representatives of the international press at that

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<sup>27</sup> Jovo Blazanovic, „*BH Glass Spilled*“, Besjeda Banja Luka, 2008, p. 73, Table 1, from which in no. 4 is seen that the Armed Forces of Srebrenica, by the decision of the ABiH SCS on the formation of the 8<sup>th</sup> OG, were reformed and under the name, from 01.01.1994, acted as an operational military unit, composed of 4 (four) brigades and 1 independent battalion.

<sup>28</sup> Ibid, p. 74, Table 1, from which in no. 13, is seen that the 8<sup>th</sup> OG was reformed into the 28<sup>th</sup> ABiH Division, which included (until then independent) the Žepa Brigade, and from March 21, acts as an operational military unit, composed of 5 (five) brigades and 1 independent battalion.

<sup>29</sup> J.W. Honig and N. Bot, *Srebrenica (A War Crime Testimony)*, Radio B-92, Belgrade, 1997, p. 25; 137;

<sup>30</sup>Ibid, p.174.

spot, and warned that, by this attitude of the UN forces against the task of preventing such actions, we conclude that the UN forces were on the side of the Muslim army.<sup>31</sup>

From the previously stated facts about the status and implementation of the provisions of Resolution 819 and the execution of the mandate of the UN forces in connection with the demilitarization of the zone, and in particular in safeguarding peace and preventing action in and around it, it can be concluded that the Resolution was implemented. Instead of diminishing tensions, strains and threats to peace and thus contributing to the security environment and protecting its own population, the military and political leadership in the enclave did the opposite. With their actions, behind the “curtains” made of the UN forces, they attacked very aggressively the Serb population in the villages around the separation lines and provoked the VRS members on the “encirclement” lines established by the Resolution. That these activities were not the result of the “self-will” of the commander of the 8<sup>th</sup> OG, and since March 1995, the 28<sup>th</sup> Division, or the subordinate brigade commanders, can be seen from the documents of the official correspondence of command of the 8<sup>th</sup> OG/28<sup>th</sup> Division, stationed in the enclave, with the Supreme Command Staff (in the further SCS) of the Army of the Republic of Bosnia and Herzegovina (hereinafter ABiH) and the command of the 2<sup>nd</sup> Corps (hereinafter 2<sup>nd</sup> C) of ABiH related to the conduct of combat operations<sup>32</sup>. Also, from the aforementioned *Table 1*<sup>33</sup> (Important organizational documents of commands of the ABiH, in relation to Srebrenica), on page 74, under number 12, we can see the *occupancy of the 8<sup>th</sup> OG/28<sup>th</sup> Division as of 31.01.1995, citing the following: 445 officers, 548 non-commissioned officers, 4,522 soldiers = total of 5,515 combatants.*

For the sake of a more complete and reliable analysis of the consequences of combat operations, aggressive acts and the constant execution of diversion-terrorist actions from the enclave, it is the best to look at the overview of the consequences of such conduct. Review of the loss of the 8<sup>th</sup> OG/28<sup>th</sup> Division<sup>34</sup> which was cumulatively recorded for the whole period of the war, by months, so that new losses were added to the previous total number at the end of the month on: the killed, heavily or slightly injured. Thus, for the first half of 1995, the following conclusion is easily made: **1)** that in **January** the total loss was 4,710; of which 1,510 were killed; 620 heavier and 2,365 slightly injured and there were 215 missing; **2)** for **June** the situation is the following: total losses 5,050; of which 1,619 were killed from 1992 to **July 1995**; 683 heavier and 2,522 slightly injured and there were 226 missing persons, i.e. 1845 irreversible losses. And only in the **first half of 1995** in the enclave: 109 were killed, 63 heavily injured, 157 slightly injured and 11 soldiers missing, i.e. the total losses of the 28<sup>th</sup> Division, in combat actions until 6 July, until the start of Operation “Krivaja-95” were 340 out of combat. Nevertheless, by continuing to fill in the able-bodied men, the numerous state of the 28<sup>th</sup> Division was

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<sup>31</sup> Milovan Milutinovic, *Media Manipulations*, Besjeda, Banja Luka, 2005.

<sup>32</sup> Jovo Blazanovic “*BH GlassSpilled*”, Besjeda Banja Luka, 2008, p. 81, Table 4.

<sup>33</sup> *Ibid*, Table 1, no. 12, p.74.

<sup>34</sup> *Ibid*, p. 84, Table.

constantly increasing, so according to the “report of the 28<sup>th</sup> Division, str.pov.br.03-183-231 of 01.7.1995, it had 7,844 soldiers and elders in total. When this number was reduced by 1,567 soldiers of the Žepa 285<sup>th</sup> LIB because it was in a special direction, we have the numerous state of the 28<sup>th</sup> Division deployed in the enclave of Srebrenica, which is: 6,287 in total...”<sup>35</sup>, or 772 combatants more.

***4.2. Combat in the environment and breakthrough from the environment in conditions of “disappearance” of the support of the UN forces but also without the military leadership of the 28<sup>th</sup> Division, ABiH and the Supreme Command of the Republic of BiH***

Operation “Krivaja-95” was a provoked operational and tactical action of the DC units in June 1995 in response to permanent diversant and terrorist actions (DTA) of the scout diversion groups of dozens to a battalion, and there were about 20 of them during the ceasefire (the first half of the year), which attacked and killed the population, robbed, took away and destroyed property near the borders of the enclave, i.e. the separation lines. After the reorganization of the 8<sup>th</sup> OG and its transformation into the operational composition of the 28<sup>th</sup> Division of the CoV (March 1995), those became even more frequent. Their intensity grew, and the decisions on their formation, preparation and referral to the task were made by the 28<sup>th</sup> Division. The last such action, on the village of Višnjica on June 26, provoked the reaction of the command and units of the DC. The DC Command made a decision to conduct an offensive operation in order to separate the enclaves of Srebrenica and Žepa and their restriction into the borders defined at the time of the proclamation of the enclaves as the “security zone”. In order to carry out this task, the DC Commander issued an Order<sup>36</sup> for Active Combat Operations Op.№.1, registered under the number: str. conf. no.04/156-2 dated 02.07.1995, by which he assigned tasks to all DC units, and regulated all other issues relevant to the execution of the tasks of carrying out an armed combat in which human life was the greatest bet. In item 4 of this document, the DC Commander declared his Decision defining that: “... DC continues to carry out a persistent and active defense, and the enclaves of Žepa and Srebrenica should be split as soon as possible by part of the free forces by attack to...”<sup>37</sup>. The attack was planned from the position held by the Independent Battalion Skelani, on the separation lines of the forces of the 28<sup>th</sup> Division, from the south side of the enclave. Lines of separation of the DC forces were occupied by the units: 1) 1. the Bratunac Light Infantry Brigade, in the north and east; 2) 1. the Milići Light Infantry Brigade, in the west; and 3) the Skelani Independent Battalion, in the southern part. The combat capability and minimum of the free force, as assessed by

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<sup>35</sup> Ibid, p.92.

<sup>36</sup> Command: A combat document of a commanding character that regulates operative-tactical and combat tasks to subordinate, formation and adjoining units, as well as to temporarily formed units, for the conduct of an armed combat against the enemy and his living force (l/f), in a certain space and time. It is issued for each activity of units in b/d. This document contains 6 pages of text, and after seizure by the SFOR, the document is in the ICTY archive in The Hague and is marked with the numbers of pages: from 0092-0486 to 0092-0491.

<sup>37</sup> Ibid, p.2, *Commands*, ERN 0487.

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the DC Command, were not sufficient for the successful execution of offensive tasks in this operation, especially as they had been already engaged in the defense. That is why the DC Command decided to hire available free and combatably more capable forces from other Corps units whose engagement would ensure the successful completion of the task. The aim of this attack was to move, with combat actions, the existing line of defense by moving it to the north, to the east-west direction in average for 2-4 kilometers.

In order to carry out this task, besides units already in combat contact with the forces of the 28<sup>th</sup> Division, the forces were engaged from: 2<sup>nd</sup> Romanija Motorized Brigade, 1<sup>st</sup> Zvornik Light Infantry Brigade,

The Podrinje Detachment “Wolves from the Drina”, the 1<sup>st</sup> Birač Light Infantry Brigade, the 1<sup>st</sup> Višegrad/Goražde Light Infantry Brigade., for the bearers of offensive actions. Two battalions were formed to carry out the attack:<sup>38</sup>

- The 1<sup>st</sup> (first) Battalion was formed from the forces from the composition of the 1<sup>st</sup> Zpbr with the Detachment “The Wolves from the Drina” and the unit of the tanks T-55 from the 2<sup>nd</sup> War Motorized Brigade, and the 1<sup>st</sup> Bratunac Light Infantry Brigade co-acted; The commander of the battalion was the Commander of the 1<sup>st</sup> Zvornik Infantry Brigade Lieutenant Colonel Vinko Pandurović; the numerous state of the battalion was about the number of the 2<sup>nd</sup> Battalion, i.e. about 300 to 350 combatants;

- The 2<sup>nd</sup> (second) Battalion was formed from the forces from the composition of the 2<sup>nd</sup> War Motorized Brigade, the 1<sup>st</sup> Bpbr, the troop from the spb “Skelani” and the Višegrad/Goražde Brigade, and the 1<sup>st</sup> Motorized Light Infantry Brigade co-acted. The commander of the battalion was the commander of the 2<sup>nd</sup> War Motorized Brigade, Colonel Mirko Trivić; The numerous state of the 2<sup>nd</sup> Battalion was as follows:<sup>39</sup>

- 2<sup>nd</sup> War Motorized Brigade ..... 170;
- 1<sup>st</sup> Birče Infantry Brigade ..... 140; ( the 1<sup>st</sup> Birče);
- Višegrad/Goražde... 35;

**Total..... 345** (about 300 combatants, others included command and logistics).

The attack began on July 6, 1995 at 04.00 hours. There was no particular success in the attack that day. On the 7<sup>th</sup> and 8<sup>th</sup> July, there were no attempts and movements of units to attack due to fog. During the 9<sup>th</sup> July an energetic attack on both directions and both battalions was carried out. With these forces, in accordance with the assigned tasks from the Command for active action and attack, the DC units broke the front lines of the defense and made a breakthrough on the given directions, using the success of a vigorous movement, achieving the goal from a specific assault task. Obviously, there was surprise due to the power of the DC force movement.

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<sup>38</sup> Ibid, p.2. and 3. Commands, ERN 0487 and 0488;

<sup>39</sup> The personal diary, wrote during the execution of this and the operation on Žepa, Notebook, the content provided for the needs of the ICTY, defense teams, prosecution and personal testimonies in various cases, the content printed on July 5, 1995, the region of Zeleni Jadar, page 1.

Exploiting this success, the DC command corrected its initial decision from the Command and, with the consent of the RS President<sup>40</sup>, issued a new Decision on the Extension of the Attack, the taking over of Srebrenica and its complete demilitarization. About the state of units of the 28<sup>th</sup> Division and the enclave in general that day, the following description said: "... defenders in the village of Bibići (the curve of the road), along the road, from the houses, are fighting and resisting the attack. Among them there are many wounded and several dead... the VRS has been stopped 1,000 meters from the city..."<sup>41</sup> Also, the situation in the 282<sup>nd</sup> Brigade was also described (commander of the brigade Major Ibro Dudić) on 9/10 July, when a counter-attack was planned with two strike groups beginning at 04.30 hours (and started at 05.00 hours from the *bakery* area (southern entrance to the city on a sharp curve), 9 (nine) were killed and ten injured in a counter attack.<sup>42</sup> Firing the night of 10/11 July, the defenders gave up the counter attack, they reinforced defence with a part of soldiers near the *bakery*, and the other part comes out of the city towards the village of Bajramovići, about 500 armed combatants (Hakija Mehuljić and Hamdija Fejzić with them), a part of the soldiers mixed with the people in the city, and some groups occupied peaks east and west of the city. The forces of the 281<sup>st</sup> Brigade under the command of Zulfo Tursunović were in the area of Sućeška, which did not yet entered the battle.<sup>43</sup> In the UN report<sup>44</sup> on the situation in the enclave the following is said: "... During the night, from the position west of the city, a column of people could be seen, many of whom were armed defenders who were abandoning the city and moving further west. Observers estimated that there were 1,000 to 1,500 of them and that the Serbs started an infantry attack around 11 hours, which numbered about 150 soldiers..." In connection with further events, the UN Report said: "The Serb flag was placed above the *bakery* at 14.07 hours, residents of the city started running towards Potočari around 14.30 Srebrenica was liberated."<sup>45</sup>

Characteristics of the situation in the enclave and units of the 28<sup>th</sup> Division on July 11, after the fall of the enclave, during the night 11/12 July and July 12, may be drawn from the following statements and the existing facts:<sup>46</sup> **1)** "... still the larger part of the enclave is not occupied", **2)** "... men are concentrating in the Sućeska region... and leaving from Potočari (from the mass away from the base) towards Sućeska, and this lasted until the morning of July 12", **3)** the acting commander of the UNPROFOR, French General *Gobilliard* ordered the Holbat Commander (the Dutch Battalion) on July 11 at 18.27 hours, to enter into negotiations with the VRS on the cease of fire...", **4)** "... *Holbat* leaves all the points, a part of the forces is leaving, and the other part controls the situation in Potočari", **5)** ... from the Dutch Ministry of Defense Report, it can be seen that the ABiH on 12 July "... is still

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<sup>40</sup> *Act of the GS VRS*, str.conf. no. 12/46-501/95 of 09.07.1995 at 23.50 h., ERN 00869096.

<sup>41</sup> Hasan Nuhanovic, *Under the UN flag*, BZK „Preporod“, Sarajevo, 2003, p. 203.

<sup>42</sup> *Ibid*, p. 212-224.

<sup>43</sup> *Ibid*, p. 247-249.

<sup>44</sup> *Ibid*, p. 264.

<sup>45</sup> *Ibid*, p. 285.

<sup>46</sup> *Ibid*, p. 298, 315, 317, 322, 323; 341 and 344.

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exchanging fire with the VRS forces in the area (surroundings) of the *point Q* (Likari) - the day after the city was occupied”, 6) “at the night of 11/12 July, the Buljim site, a large column of men and boys is formed - and is moving starting to break through to Tuzla”, 7) There are no representatives of military and civil authorities present among the refugees in the city, 8) Commander of *Holbat*, lieutenant colonel *Karremans* at 9 hours, on July 12, with three persons the “*ad hoc*” delegation of refugees, goes to a meeting with General Ratko Mladić at the Fontana Hotel.

These persons were not military or civilian authorities, nor were their authorized representatives, but they presented themselves as such. Nesib Mandžić was the director of a school, Ibro Nuhanović the teacher of the German language. They were, in fact, the only persons involved in resolving the resulting crisis, the fall of the enclave, but they were random members of the delegation in a conversation with General Mladić. *Nesib and Ibro dealt with the problem of the population and their evacuation, and they managed to conduct a conversation, from Karreman's office via a satellite phone, with someone from the Government in Sarajevo on July 12 between 12.00 and 13.00 hours.* The conversation was conducted with Hasan Muratović and Haris Silajdžić, and then they were told” that the Government of BiH was in contact with the UNPROFOR and that the UNSC will make a decision that “the UN Security Zone must be re-established”<sup>47</sup>. The UN Security Council issued Resolution 1004 on July 12 in the afternoon, according to which “Bosnian Serb forces should suspend their offensive and withdraw immediately from the “security zone” and asked from the UNGS “to use all means at his disposal to restore the status of 18 April 1993 in relation to that zone.” The Republic level of the RBiH Government secured the UN to tackle the crisis. It is obvious that this was a planned game and the link between the BiH authorities and international diplomacy, drawing final moves, creating conditions for engaging the NATO aviation and air strikes on the positions and infrastructure of Serbs, and there were the following conditions:

- the civilian and military power (neither local nor republic) does not appear anywhere, does not participate in anything, even though the situation is alarming;
- the civilian component of the population is separated and is located in Potočari, ready for eventual evacuation, where the forces of *Holbat* are present;
- members of the 28<sup>th</sup> Division and able-bodied men who are grouped in the wider region: Šušnjari, Jaglići, Buljim and Sućeska, where they formed a mixed column<sup>48</sup> for the breakthrough to Tuzla; Only they have the possibility to maintain a connection with a higher instance of government.

But the lesson learned in April 1993 warned and required from the VRS GS not to drop the military-clear victory against the forces of the 28<sup>th</sup> Division, and ordered the subordinate units to continue the operation “Krivaja-95”. The aim of performing the final phase of the successful attack, i.e. the prolongation of the actions by the pursuit of enemy forces was their destruction and prevention of the merger with the

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<sup>47</sup> Ibid, p. 355 and 357.

<sup>48</sup> Richard J. Butler, *A Statement on Military Events in Srebrenica*, November 1, 2002 (revision), Chapter 3, p. 232.

forces of the 2<sup>nd</sup> Corps, and ultimately, preventing them from re-entering the “front” before the VRS combatants. Under these conditions, the ABiH forces started the breakthrough from the environment in the direction of Tuzla, and the units of the VRS the pursuit<sup>49</sup> of the defeated enemy.

Many pages of content and results have already been written on the outcome of these two opposing activities, which were directly aimed at the lives of members of the opposing armed forces, by conducting the armed combat. These results come from heads and hands of: media reporters, military and legal analysts, political, security or intelligence analysts, and others, as well as from “*ad hoc*” formed commissions, different contractors and for various purposes. The announcements of these commissions were rejected by international “rulers” (high representatives) as unreliable, until the result was acceptable to them. Only the results that put the winners (VRS) at the stand of responsibility for the committed crime of “genocide” against the defeated armed forces (28<sup>th</sup> Division), in a mixed column in the breakthrough from the environment, in warfare, became valid also with the prohibition of commenting on them, let alone denying them. There is no unique result. However, in particular, there is no true written testimony of the representatives of the civilian authorities and the military command of the 28<sup>th</sup> Division. Because they were not anywhere. There is also no responsibility of theirs for letting both the population and the armed forces to “mercy” of “an attacker”. There is no unique result, on the number of those killed in the combat, liquidated in the disarming of enemy forces, captured and shot, killed in the mutual accounts of the defeated party. It should be believed that the newly formed International Commission for the Establishment of the Truth on Srebrenica with international experts in this field will contribute to finding the full truth about Srebrenica.

### **INSTEAD OF CONCLUSION**

This paper is not aimed at presenting the truth about the losses of the forces of the 28<sup>th</sup> Division only regarding to the losses in the conduct of the armed combat in the breakthrough, or at minimizing the total losses. The paper is of importance for the proper assessment of the chronology of historical events in the area of Srebrenica since the beginning of the war, with a focus on the period after April 1993 until Operation “Krivaja-95” and the fall of the enclave on July 11, 1995, and the conduct of the final attack operation after the 12 July 1995. It is not disputable, and the Hague Tribunal Prosecutor’s Office expert Richard Butler also confirmed that the mixed column was a legitimate military goal and that the combat actions of the Serb forces against the column during the breakthrough did not constitute a war crime.

Likewise, the paper points to possible directions and facts for potentially perceiving of causative and consequential links between certain decisions of the President of the RBiH, the Government of the RBiH and the ABiH GS, as well as the procedures, and especially the results that were manifested as a consequence for the people and the armed forces, but had a decisive influence on achieving the strategic goal for which the war had begun.

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<sup>49</sup> *Rule of Brigade*, SSNO, GS JNA, Infantry Administration, 1984, page 187-190, item 455-459.

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## SARAJEVO SCENARIO OF PLANNED CHAOS IN SREBRENICA<sup>1</sup>

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**Abstract:** This is the story of one of the participants in Srebrenica events, a former politician, a Bosniak patriot, an intellectual who translated his vision into the book “Planned Chaos”. It is indisputable that the book caused various comments, from denial to the emphasis on the courage for written victims. The book will not be much appreciated by the Serbs but also by the Bosniaks, because it is unreservedly focused on the facts and feelings of people and the interest to create conditions for a normal life and reconciliation of people in Bosnia and Herzegovina objectively and without creating intolerance.

**Key words:** *protected zone, peacekeeping forces, crimes, accountability, robberies, mafia, betrayal, planned chaos*

Former RS President Dragan Čavić and RS Prime Minister Dragan Mikerević acknowledged in the 2004 Srebrenica Commission Report that in July 1995 about 8,000 people were killed or missing in the area. In 2004, Dragan Čavić paid tribute to the victims, and today as a deputy of the DP in the RS National Assembly, he has been raising the issue of the work of the republic institutions and organizations working on the establishment of the exact number of victims. We also recall that the then president of the RS at that time advocated the thesis that the then silence of the institutions of Srpska, before the work of the Commission, practically meant the confession of that crime, so it was necessary to speak about these events. And he spoke, both he and his commission, about the incredibly large number of Srebrenica victims that even many Bosniak historians do not believe in.

Srebrenica was not a demilitarized zone, and the majority of victims attributed to the crimes committed in July 1995 by the Serbs were killed on various grounds (combat actions, killings, killings in ambushes, killings in robberies, political fights,

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<sup>1</sup> This is an editorial text, authorized by the author of the book *Planned Chaos* by Ibran Mustafić, which adds to its authenticity and documentary character.

<sup>2</sup> Ibran Mustafić was raised and educated in that society in the 1990s. He graduated from the Faculty of Mechanical Engineering and became a mechanical engineer. He comes from a decent family from Podrinje, and a great future was before him at that time. By nationality a Bosniak, and by religion a Muslim and a religious person in the true sense of the word, a great idealist and nationalist, but not a chauvinist, who above all loves Bosnia and Herzegovina, for which he whole-heartedly fought during the war without any personal interests. Interestingly enough, he says that he does not like Yugoslavia even though that country gave ALL to Muslims! Mustafić published a very objective documented book, “Planned Chaos”, which gave a whole new light to the events in Srebrenica.

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encounters, killings during fleeing from the protected zone, the missing persons, dying, etc.). From the beginning of the war until July 1995, I presented a part of the hidden recent history in my book, which gave a whole new light to the past events. It is up to historians to continue this work and come to the full truth in order not to poison the new generations by the lies and hatred of one nation over another.

### **INTENSIVE CONFRONTATIONS AND CONFLICTS WITH THE SERBS**

With the withdrawal of the JNA from the Republic of Slovenia and the Republic of Croatia, in BiH and the JNA's movements in BiH in 1991, many conflicts and intolerance were present. Initially, the first murders in Podrinje (Kravica and Bratunac) took place, and due to these cases the Srebrenica protests followed. It was then that Naser Orić came to the Public Security Center of Srebrenica and began to establish new relationships and behaviors because he failed to return to Sarajevo.

At that time, there was more information from the field about provocations between Muslims and Serbs. The Serbs tried to raise tensions with all means and introduce a disruption in the business entities of Srebrenica. In the Srebrenica bauxite mine, there was a complete suspension of work. Namely, the Serbs, employed in the mine, advocated the formation of a new company on a national basis in which only Serb workers would work. Some of them alienated a part of the mining machinery, which was taken to the Serb village of Podravanje. This, in fact, caused the burning of the first fires directly by the leadership of the Milići bauxite mine, led by Rajko Dukić, director and president of EC SDS BiH. In the first mobilization, the Chief of the PSC insisted that, at the level of the municipality of Srebrenica, 50% of the total reserve force was mobilized for the beginning, as his assessment was that at the moment such a formation was sufficient to control the situation. Most of the guys who attended the course in Zagreb entered the new reserve police force, which significantly strengthened it.

Soon the news came as a bolt from the blue! On the Konjević Polje - Bratunac road, in the village of Kajići, near Kravica, in the late afternoon, from the ambush, two Muslims from Bratunac were killed in the car.

Due to the situation in Srebrenica, which some tried to present as uncertain, many mostly insisted on weapons, because the weapon was a guarantee of security. Izetbegović's response to these cries followed in the sense "it's talked about the weapons tete-a-tete". With every open attack on the JNA, in which Ibran predominated, a warning to everyone from Alija Izetbegović would follow in the sense that "we must not turn the JNA against us." It is incorrect that Alija did not know what was in store for the Bosniak people.

The people were not preparing for the war, the people were preparing for slaughter and genocide all until the capitulation. It was clear that the power of the stronger definitely ruled in BiH.

At the level of BiH, Serbs increasingly acted completely autonomously. BiH did not exist for them. Parallel government institutions were largely formed.

Before the session of the Assembly of the RBiH, scheduled for January 25, 1992, the meeting of the SDA Members' Club in the Assembly of the RBiH was scheduled,

on the topic where and how to proceed? After a series of discussions, President Izetbegović, who held the meeting, addressed Ibran: “Ibran, what do you think about all this?”

Ibran went out to the speaker’s desk and began: “Dear friends, esteemed colleagues! I have never liked Yugoslavia. So, my only home country has always been Bosnia and Herzegovina. But, I am asking on this occasion to get the answer to a question. So, I love BiH as my only home country. Drvar is BiH, Grahovo is BiH. Novi Pazar is not BiH. Istanbul is not BiH. I like Novi Pazar and Istanbul a thousand times more than Drvar and Bosansko Grahovo. So, intimately, I love BiH, but my favorite is 43.7 percent of BiH. And right now we should follow sovereignty, my only proposal is to make a decision on a referendum, and nothing more.”

Izetbegović replied: “What if the referendum fails and the Croats do not go to the referendum?” So Ibran’s discussion turned into confrontation with Izetbegović.

“Mr. President, if this people do not need a state, I do not need it either.” Izetbegović replied: “As for the Croats and their output in the referendum, I think that the Croats will massively vote, because this is their only way to come out of the auspices of Yugoslavia through the sovereignty of BiH.”<sup>3</sup>

Hamed Efendić phoned Ibran in early March and told him that a fax from Sarajevo had arrived in which he and Sadik Begić were urgently needed to come to Sarajevo. On the road from Koševo to the building of the Assembly, all intersections were blocked by armed men who were members of the “Patriotic League” and the “Green Berets” along with the police. They flew into the building of the Assembly in a full sprint, as it was firing from all sides. After entering the building they found a chaotic situation.

Together with Prof. Konjicija (President of the Citizens’ Council) they started visiting the offices. Prof. Konjicija muttered and expelled the people from the offices, on which Ibran said: “In an office we found a group of female journalists from Belgrade, who took up their seats in the Assembly and waited for a further outcome. Prof. Konjicija was shouting and expelling people from the offices. When we expelled a group of female journalists from Belgrade from the office, with the cries “what are you doing here”, Konjicija threw one of them from the first floor down the stairs, and she, rolling, landed to the ground floor. As long as I am alive, this scene will remain in my memory. When she rolled down to the ground floor, she was all bloody, she stood up barely standing on her feet, and she was half-conscious, not knowing where she was.”<sup>4</sup>

On the sixteenth or seventeenth of April, Ibran received the news that Meho Hrvačić and Bahrudin Osmanović from Potočari were found dead at the site of Vitez, next to Kragljivoda. They were the first victims in the area of Srebrenica. The population started to panic. There were people, even those “the bravest” who threw guns and sought refuge in the run to Tuzla. Estimates say that about 200 Muslims remained in the town itself, so that the domicile Serbs, the JNA and paramilitary

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<sup>3</sup> Ibran Mustafic –*Planned Chaos*, Sarajevo, more on p. 129.

<sup>4</sup> *Ibid*, p. 153.

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formations from Serbia mastered the city without a bullet. A group of soldiers made up of regular and reserve police, with the rest of the armed people, withdrew into the forests above Srebrenica, and the team gathered around Akin Asti occupied the positions of the Old Town, which dominated over Srebrenica and remained unconquered. The track of some people who tried to escape through the forest was lost.

During Ibran's absence, everything was arranged in the municipality as wanted by the headquarters from Sarajevo, and Ibran said on that "in Srebrenica, Naser Orić was appointed as the Commander of the TD, and that Hardin Avid was the President of the war presidency of the municipality."<sup>5</sup>

At the meeting with Alija, Ibran acted quite uninterestedly. Alija claimed that "better times for BiH are coming."

Then Dobrica Ćosić came to the head of the FR of Yugoslavia and it was expected that he would be normal because he was a Serb but not a Chetnik. It will be much easier with him, Alija said: "Well, we have another problem. Namely, whatever the Serbs want and do publicly, the Croats do it secretly. It seems that we must also enter into conflicts with the Croats."

On these words, Ibran was left speechless. Avdija Hadrović, a deputy and member of the EC of the city of Sarajevo, shouted: "We should fight with them too!"

Alija said that it would be all and that the meeting was ended. Then Ibran said: "I know you do not take me seriously anymore, but at least let me say my point. I'm afraid that we will vanish if we enter the war with the Croats." Alija already took his papers, and only sarcastically said: "Yeah!"

It then sounded as a literal translation, roughly like "Fuck you over there and get off my dick.?!"<sup>6</sup>

### **MASS KILLINGS OF SERBS IN THE SREBRENICA VILLAGES**

In September 1992, with the approval of General Vahid Karavelić from the ABiH 1<sup>st</sup> Corps Command, Ibran managed to get permission to leave Sarajevo. On a dangerous road, with many life challenges, Ibran was looking forward to a long-awaited return to Srebrenica.

On the way, Mirsad gave him a paper saying that a group of Serb soldiers were captured at Zalazje and subsequently liquidated. There was Branko Simić among them, his schoolmate from Gniona, and his brother Pero. Apart from the two, Slobodan Ilić, former judge at the Municipal Court of Srebrenica, and Mijo Rakić, a car transporter from Zalazje and a nurse Rada, were also on the list.

When he met his brother, Ibran heard the truth about the situation in Srebrenica, he described the situation in detail, and warned his brother: "You have to be cautious?! Here is a big campaign against you. Everything goes from Naser Orić.

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<sup>5</sup> Ibid, p. 163.

<sup>6</sup> Ibid, p. 176.

They're ready for anything. If they are ready to liquidate Nurif Rizvanović, then you need to know what they are and what they are ready for."

"Did they really kill him?" he interrupted his brother. "Yes, and in a very vile and brutal way! They banned all political activity. Hamed Efendić, as President of SDA, is an ordinary soldier who is silent and not exposed anywhere", his brother told him.

It was talked about individual murders and armed actions of Muslims and Serbs with more killed and wounded, about the surrender of weapons from blocked Serb villages, about trade, robberies and exchanges of prisoners, etc. To make it picturesque: "We are burning down Gniona, the Serbs are burning down the city. Gniona is burning, Srebrenica is burning. It was our priority to take the corner of Lipa, which dominated above the Serb village of Gniona, and from which the entire surroundings of Potočari and the valley to the very town of Srebrenica were controlled. At first, I was the commander of the guard at Lipa. After an incident, Bajro's son from Budovići was killed. It seems as he was killed by one of our people. Feho has been mentioned."

In these first actions, although he was a child for most of us, Juso Orić, who was previously on the Croatian battlefield and had a war experience, provided great psychological support. Although tiny, he handled the M53 machine gun as a pencil. Unfortunately, Juso was killed. They dedicated a song to him.

Hajro from Pale, Salih and Mevlo from Budak, Aziz from Dugo Polje took Zvijezda easily, but they could not keep it for a long time. Unfortunately, after fierce fighting, they left Zvijezda and ran into the mines, causing death of several of them.

"We had to attack the area of Čauš and Obadi. When mastering the space towards Obadi, there were people killed. Sead Orić was killed among the first ones. Bekir Begić and Musa Nurijin, among others, were killed on the defence of edges around Čauš. We were also killed as a snoop, but they were also killed..."

After the attack on Ježestica, Kemo brought a cut-off head of a Serb in a bag and frightened people across Srebrenica. I do not know exactly, but it was said that he was involved in the liquidation of Bato and his mother from Srebrenica. They whined, as he said, as adders. They were slaughtered, and Bato had stayed in Srebrenica after Serb had left the town."

Under extremely suspicious circumstances, several people were killed in the fighting. Alija from Bročevići, Fehim's brother, was killed when he ran into mines, but it seems to be about a set up by our people. So, everything is suspicious here. Two attacks were conducted to Zalažje. "Zalažje "ate" a lot of good guys. After the second attack, when Zalažje was taken over, Hića, Feho, Nedžad Čatić were also killed... I think Zalažje took over fifty guys."

"Maybe it's much better if you did not come and that it would be safer for me and you too. You know Akif was killed. They set off in a truck to the hay through Zalažje. The Chetniks set an ambush and massacred about twenty of them. It's been said they were betrayed. The action on Podravanje, although there were few losses, was marked by the death of several boys from Karačići from the unit commanded by

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Nedžad Bektić. The culprit for the loss is not an organization, a bad command or a robbery.“ His brother told him.

After a night of sleep, Ibran went with Sado to the headquarters in Srebrenica. It was a novelty that Glogovci entered the Golgova, which was very good, and the other novelty was that a Bosniak formation of a hundred soldiers, including two doctors, went to Srebrenica from Tuzla two or three days ago, but it was broken by the Serbs and that they did not know anything about them. Some news came that someone appeared alive in Sućeška, but traces of most of them were lost.

It is difficult even to speak about the lack of basic food and survival in Srebrenica. Hunger and death were hurting, and there were a lot of mutual accounts and murders.

Muslims had many killed people around the armed action “Kravica”, for Orthodox Christmas 07 January 1993. An attack was not obviously expected in Kravica, but a comfortable welcome of Orthodox Christmas. About the killed people in Srebrenica, Ibran said “In Srebrenica, human death was only a collateral damage, so in Srebrenica, until April 1993 about 1,800 innocent people, women and children were killed.”

### **GENERAL PHILIPPE MORILLON SAVES BOSNIAKS AND ORGANIZES THE SECURITY ZONE**

After a few weeks from the action on Kravica, the Serb forces’ counteraction on the entire area of Skelani followed, the most dangerous and miscarried action, which would also be the last one for the Muslim attack, on which Ibran said: “The action on Skelane took over fifty good soldiers, and nobody took care of civilians. Although we captured a lot of MTS, hoods, mortars, and many more, the action on Skelani remained the beginning of our end. Mujo, Deba, Adem, Hatko, Rešo, Keko, Beća, Almaz, Mirza, Nurica, Mijač, Almaz... A disaster!”<sup>7</sup>

The fierce counterattacks of the Serbs and the growing number of victims began and a great danger threatened.

“After the fall of the Skelani area, the first one on the list was Zvornička Kamenica, and mediocre teams from Srebrenica headed for the support to Cerska, but there was no salvation because people were fleeing.” The entire Cerska was heading towards Konjević Polje. It was heard from some direct witnesses of the events around Cerska that some homes had started to burn even before the Serbs entered, and those who came from Srebrenica as a “backup were mentioned as the burners”.

After an intolerable situation, the French General Philippe Morillon came to Konjević Polje. He tried to keep the people, but the Srebrenica command was categorical to go towards Srebrenica, and that everything was planned, Ibran said: “Several people – soldiers, who came to Konjević Polje together with Nurif Rizvanović, told him that in the early autumn of 1992, Nurif said that “if they reach

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<sup>7</sup> Ibran Mustafic, *Planned Chaos*, more on p.264.

a difficult position, General Philippe Morillon will enter Konjević Polje”. Many then did not even know about General Morillon, but Nurif seemed to be much more informed than others. Nurif was also tried at the JNA Military Court for allegedly publishing military secrets, and it was said he had worked for several intelligence services. Obviously he handled the information well.<sup>8</sup>

After General Philippe Morillon entered the Konjević Polje, a terrible shelling started, so that countless civilians were massacred by Serb missiles. In a word, a real catastrophe!

The Serbs also advanced through Pribičevac and Kvarc to the town of Srebrenica. Near Skenderovići, from Potočari, the guys even sixteen years old went to defense of the approach, and many were wounded or killed. Until this classic Serb-Serbian offensive, Srebrenica lost most of its genuine elite soldiers, said Ibran. “After some time, the UNPROFOR entered Srebrenica and a Resolution for Srebrenica was adopted which was promulgated as a “Protected Zone”, which, according to him, meant a long-term death sentence for people of Srebrenica.

On the shelling of Srebrenica and the killed people, Ibran said: “As Srebrenica was full of people, no special gathering was not needed for the shells to find their way, however, after a more massive gathering at the sports center next to the high school building, bursts of Serb mortar missiles followed. The bodies were flying all over. Canadian battalion carriers and some other vehicles failed to transfer all wounded to the most primitive hospital on the territory of entire BiH, while the dead were an irrelevant thing at that moment. The total scale of Chetnik shells was about eighty dead and around one hundred and eighty heavier wounded. Even today, I cannot think but deeply about those victims. The then Srebrenica catastrophe remained the news as a weather forecast. Srebrenica was obviously the environment in which the victims had to be measured by thousands.”<sup>9</sup>

After an unsuccessful assassination, Ibran was called for a talk by the boss Naser Orić. He sat down with his brother, and Naser started his story: “Now I’m a legend in Tuzla, so I have achieved my goal!” Then Naser started a new story that was breathtaking at moments: “When we took the group of the captured at Zalažje and when the slaughter started, I got Slobodan Ilić. I climbed onto his chest. He was bearded and hairy like an animal. He looked at me and did not say a word. I took out the bayonet and hit him directly in one eye, and then spun with a knife. He did not even scream for help. Then I hit him with a knife in another eye. I could not believe he did not react. To be honest, I was scared for the first time then, so I slayed him immediately after that!”

“Do you see who you are dealing with?” On Ibran’s serious warning of the establishment of the Hague Tribunal, he replied: “I don’t give a damn! I decided to enjoy as long as I can, and whatever happens after that, I’m not interested in the present moment at all!”<sup>10</sup>

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<sup>8</sup> Ibid, p. 267 and 268.

<sup>9</sup> Ibid, p. 276.

<sup>10</sup> Ibid, p. 288.

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Ibran heard a similar story from his uncle: “Ibro, Naser came to me one day and told me to get ready straightaway and leave by the “Zastava” car in front of the prison in Srebrenica. They took all the captives from Zalažje and ordered me to drive them towards Zalažje. When we reached the landfill, they ordered me to stop and park the truck. I stood at a decent distance. But when I saw their rampage and when the slaughter began, I turned pale. When Zulfo stabbed the nurse Rada’s breasts with a knife, while asking her where her radio station was, I no longer had the courage to look at it. I walked from the landfill to Srebrenica, they brought the truck afterwards, and I continued by the truck to the home in Potočari. The car body was all covered in blood.”

It seems you do not know who you are dealing with! “Leave it all, I hope their time will end, they are capable of even worse things”, uncle Ibrahim pleaded, and the aunt Rahima continued: “Ibro, you are a smart guy, just drop it all?! When Ibrahim picked up the truck, the car body had a thick layer of blood so I had to prepare cauldrons of boiled water all day long to wash all the blood. They are nothing but animals, you can only lose your life with them!”<sup>11</sup>

One morning the terrifying news echoed again. On the site above Kazan, two slaughtered bodies of the married couple, Krsto and Velinka, were found. Krsto was a Macedonian by nationality, an incapable old man who did not do anything wrong to anyone.

One day the bad news in Srebrenica was echoed again. Emir Halilović went into Zeko’s apartment and killed him and his disabled mother. Zeko was a Serb. I saw him in Srebrenica with Emin Alić, they were the same generation and for some time the striking force of the football club “Guber”. At that time, the UNPROFOR forces absolutely took control of Srebrenica.

An old man of Serb ethnicity fell into the “protected and demilitarized zone” area. He ended up at the hospital, and Emir killed him in a hospital bed in the middle of the day. A teacher was also captured, who was from the vicinity of Tegar. The teacher was duly handed over to the military police and taken to prison where the Muslims killed him. The same murder case was repeated with three Serb prisoners, whom the citizens of Skenderovići, sacrificing their lives, properly conducted to Srebrenica.

Ibran did not have a good opinion about Hakija Meholić, but he said the following about Bill Clinton’s offer to Izetbegović: “After the fall of Srebrenica, Hakija Meholjić began to talk how Izetbegović had said that Clinton had offered him the Chetniks to enter Srebrenica, killing five thousand people, and afterwards the West would have intervened in BiH. It is better to find out late than never, but it is utterly dirty to talk about the intentions of the top leadership in Sarajevo after the war, and not say a thing to the people after returning to Srebrenica. If I have not found out about this information from confidential sources, I would remain in a dilemma as to what is true, given that from previous experience I knew that Hakija was a man skilled in a certain construction of falsehood.”<sup>12</sup>

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<sup>11</sup> Ibid, p.289 and 290.

<sup>12</sup> Ibid, p. 301.

On the “Hunter” above Srebrenica, a package-device was set, through which the regular communication was conducted with the Second Corps and the General Staff.

Ibran said he would have never signed demilitarization, but if someone would have signed it, he would not have accepted it. According to his reasoning, if someone signed it, and he enthusiastically accepted it, he would then respect it in all segments. In every game, the rules must be respected, even if that game is called war. He was aware that their fate was put in Mladić’s hands by Sefer’s signature with Mladić at the airport, but he was also aware that Sefer was Alija’s nodder at that time and neither could or should sign a demilitarization act without Alija’s approval. Besides that, when Srebrenica began to experience its collapse in February 1993, Sefer was scared because of Srebrenica. While “Srebrenica successes” were tangible, Sefer was in constant contact with Naser, often “pushing him” in order that he “pushes” others in Srebrenica, but when it became clear that Srebrenica was capitulating, in such a panic, above all, due to his misconceptions. Sefer was remembered in Srebrenica by the “command” via Radio BiH, “according to which all units should direct their actions towards Srebrenica in order to help it?” As the victories have a hundred fathers, and the defeat none of them, the Srebrenica junta started to accuse Sefer that he, with his command. “put the mob on the ass” via the radio.

“After all, those in Sarajevo were neither emotional regarding Srebrenica, but I could never understand that a Srebrenica junta could accept such an agreement. Obviously, after a catastrophic defeat, “legends” and “heroes” became turtledoves overnight, with the feces down to the heel. I began to ask myself more questions: what was in force in Srebrenica? Again, Srebrenica became a platform for the creation, obviously, of the planned chaos, but now a legal chaos from the military aspect as well. I have always tried to be a legalist, and completely clear and concrete. Since it is not possible to have half-pregnant and half-innocent woman, so I thought that ultimately Srebrenica could not be semi-demilitarized; or it should be militaristic or definitely demilitarized zone.”<sup>13</sup>

Ibran said about Naser Orić: “Naser was a proven criminal, a robber, a criminal, and everything else that could be said to be a negative human characteristic. However, it was interesting how Naser and his gang were incapable of constructing lies. When they needed to brag about that who was explicitly responsible for providing resistance, then they said that they had been almost empty-handed, but when it was needed to talk about the procurement of weapons, or, how they said, about smuggling, then the impression was that we were stronger than the “Pentagon”.

The Dutch battalion that replaced the Canadian one was announced as an elite unit. The members of the MA were not well received there, and Ibran said about the end of the honorable member Azem Bajramović: “Namely, after the fall of Srebrenica, Azem, like most people with whom he was in the closest relations, went across the forest. He managed to cross all the obstacles, but, nevertheless, he failed

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<sup>13</sup> Ibid, p. 310.

to survive. Although he actually gained free territory, he was killed when he stepped into free territory. I know that I will probably never know whose bullet killed Azem, but I certainly know that the Chetnik bullet did not.<sup>14</sup>

### **ORIC'S JUNTA SOWS DEATH AND PROVOKES SERB FORCES**

Ibran said the following about the ambushes and killings of our mostly reputable people by Orić's junta: "An ambush in the area of Podravanje occurred for our people who were trying to deliver competing products and goods from Žepa. Several people were killed, and they carried a lucrative cargo of goods with them. What became a common practice by that time was to assign each ambush to the Srebrenica mafia, so that no one ever blamed the Chetniks for any ambush.

After that, a new ambush followed. Seven Muslim soldiers were killed there again. After this ambush, people in Srebrenica began to talk semi-quietly about the perpetrators of some murders. Namely, one of the survivors of amputation at the Srebrenica hospital started to talk forthrightly about who of the perpetrators of this crime he recognized.

The people felt evil and only wanted to flee from Srebrenica, as Ibran said: "The people only thought about leaving from Srebrenica in any way, so at one point the news leaked that there was a possibility that the Chetniks would release the people from Srebrenica. Complete families moved towards Luka and then under the mountain Radava, hoping to see an opportunity to leave the Srebrenica hell. Some stayed even for a month, but there was nothing of the organized departure. But in 1994, frequent self-initiated abandonments of Srebrenica of small, organized groups occurred. There are no figures on the missing people on this road, but it happened that the entire group disappeared without a trace. Some succeeded to reach free territories, wandering for several days, and sometimes even weeks. Others went in the opposite direction. They were moving across the Drina towards Serbia, wandering through Serbian crags to reach Sandžak, and afterwards Kosovo and Macedonia. On that road, some arrived to Albania, and after that, through Italy, to some of the countries of the West.<sup>15</sup>

Due to the great poverty, cooperation with the Serbs was established in some places. "Nele told us that they received a concrete offer from the Chetniks' through talks: "Fuck Naser, he picks up your money, we can provide you every single product, from salt, coffee and sugar, at half the price!"

Thus, the delivery of several kilograms of coffee and two to three sacks of salt was arranged. The Muslim mafia found out about the establishment of the interline cooperation. The monopoly of the powerful was endangered on the market because there was a drastic fall in prices! On the day when it was supposed to have the interline delivery of ordered products, Naser with Smajo Mandža and the escort went to Hamdija Cinda, who was a commander. Hamdija was taken to the position in front

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<sup>14</sup> Ibid, p. 329.

<sup>15</sup> Ibid, p. 338.

of them, and Hamdija's main task was to be in contact with the Serbs in order to exchange goods and money. Hamdija managed to establish the connection and when everything was ready for exchange, and the Serbs with their bags started to follow our lines, instead of exchanging goods and money, they were greeted by fire of Naser and Smajo's escort.

At the beginning of 1995, the departure of Naser Orić with a group of commanders towards Tuzla was announced, where the activities of preparing forces for operations against the VRS would have been organized. Ibran said about Naser's departure from Srebrenica: "Having seen off many people, the time came for Naser and his team. True, what he could find out was that the order was delivered for Naser to leave Srebrenica. He did not readily accept the order. He asked for every way not to go, because the "fox "does not leave his lair until dawn, but he had to go. After a few days spent in Žepa, Naser returned to Srebrenica. He allegedly had to come because there were some problems in Srebrenica. As the situation calmed down, Naser had to go to Žepa again. Finally, after a long wait for the flight, the mafia was left without a boss.<sup>16</sup>

During the May 11, 1995, Ibran talked over with the Srebrenica people, where many were of the opinion that Naser would be arrested in Tuzla or Sarajevo. Later, it was clear that the official state, political and military clique consciously took out Naser from Srebrenica with only one goal. "Their basic idea additionally made even stronger "charismatic personality" from this scapegrace as allegedly a "genocide occurred, but everything would have been different if he had been in Srebrenica!" Perfect malice!

### **I SURVIVED THE ASSASSINATION OF BOSNIAK MAFIA IN SREBRENICA**

It was the dawn of Friday, May 19, 1995 when Ibran and Hamed went to the prayer. After returning home at night, they finally, after several occasions, succeeded in carrying out the assassination of Ibran, on which he said: "We approached a place called Kapetanova ćuprija. Only when we encountered a slope and headed towards the bridge over Križevica, which was about 10 meters away from the slope, a flashlight was flashing on us under the slope. Hamed, who was to the far right of the bank, shifted sharply and shouted: "What is it, why are you turning the battery on, shut it off?" The battery immediately went out, and afterwards some whispers of people who were lying in the channel under the slope.

"When we were about two hundred meters away from the bridge, the chattering of military boots was heard behind their back. We knew that people underneath the slope headed toward us. Our liquidation was planned to be on the bridge over Križevica."

Hamed shouted loudly: "We are being followed!" Ibran paused as frozen and, as soon as he turned, the sounds of "click, click, click" from the brakes on automatic

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<sup>16</sup> Ibid, p. 349.

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rifles were heard. Sado stayed in the middle of the road, so they were fired at from ten meters away. Three automatic rifles began to blow up the bursts on them. "It's over, one must die!", concluded Ibran.

Automatic rifles were heard without letting up. The door of the future world was wide open. When he touched the asphalt, he stretched and reconciled with death. There came an end, and from the ranks of those whom he dedicated everything - his own people. After the first sigh, he said: "La ilahe illallah, Muhammed resulallah" He was still conscious, and the soul did not leave him. When he saw that the soul did not leave him and the gang was completing the work in the most brutal manner, he shouted as much as he still had the strength: "Help, help!"

In the hands of the villain's silhouette above his head, the top of an automatic rifle appeared at a distance of about thirty centimeters. The killer shouted, "Here's the help, you motherfucker!"

A shot rang out in his head. After a total blindness, after a certain time stars appeared on the sky on the right eye. Since there was cloudy weather, and the rain was constantly pouring, he did not know if it was real or he had an apparition. He laid motionless. When his hope in life began to return, he saw that it was worth trying to find salvation. He tried to concentrate and move his right leg, but he did not feel it. The same with the left leg, he could not even move it. He did not feel the left hand. He shifted his right hand and made sure that it was the only one remained.

"Right next to the assassination site, under the road, there was the house of Sead Begić, who had been reported missing person from the road to Luka. On my right hand, I started to crawl towards Sead's house. He turned his head and leaned against the door, so that, by lifting his right hand, he began to pound in the door by calling someone to open it. When he already lost his strength, and hope as well, the front door suddenly opened."<sup>17</sup>

After two or three days spent in the house, Ibran went to the hospital for bandaging, and then a session of the Municipal Assembly was scheduled for the analysis of the newly emerging situation. In the hospital in Srebrenica, a Ukrainian surgeon was staying, who operated Ibran and rehabilitated wounds. He stayed in Srebrenica through the organization "Doctors without Borders". When he looked at his wounds, he could not believe he was alive. He sat, thought, and repeated "what luck, what luck".

Although he came to the hospital in his pajamas, he continued in the same outfit to the session of the Assembly. He was not interested in anything, he did not listen to anyone, and he despised many. He knew that the assassination had been planned and that the Srebrenica mafia was behind it, so he barely had the strength to watch some of them. He stood up and just said: "I do not care about you at all, do what you want, just please let me out from here with my brother ?! I do not care about you, or Srebrenica, and it's only in my interest to come where further treatment can be

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<sup>17</sup> Ibid, p. 356 - 358.

provided to me!” Zulfo Tušunović, who was Naser Orić’s deputy, stood up after his words and said to him: “You cannot go anywhere without us?! You will be with us, when we all go, then you will go too?”

He was stunned! He knew that they would not allow him to leave Srebrenica at any price, but he was more amazed at his words related to their departure as well. Obviously he knew that the time had come to leave Srebrenica, but it was also obvious that the one should go from Srebrenica without any burden. Obviously, we were the biggest burden. They had to finish with us.<sup>18</sup>

Ibran claimed that everything was well planned in advance: “He was convinced that everything was planned due to additional information after the war. At one occasion, Amidžić Mirsad, who was the head of the Srebrenica headquarters in Tuzla, came to talk with Izet Hadžić. He entered the office, and Hajrudin Avdić from Srebrenica was already in the office. Although Mirsad went into the office, they apparently did not notice him, so the conversation was continued. Hajrudin lamented to Izet: “The greatest problem for us is Ibran. We do not know how to get rid of him. He’s extremely dangerous.”

“If you have no other solution, liquidate him!?” And we did it when it was needed for some”, Izet replied.<sup>19</sup>Ibran later stayed longer in a conversation with a doctor and commanding officer of the Dutch Battalion medical unit, to find out something about the situation in the “protected zone”.

“Mr. Mustafić, what do you think, is there any chance for survival of Muslims in the territory of Srebrenica?” asked him the doctor. The question surprised me completely, because it was so direct and suspicious, and he tried to respond calmly:

“Mr. Doctor, with this kind of Srebrenica power, which is nothing else but an organized gang, I think that the chance of survival in this region is minimal, or, better said, none, therefore I have asked you to establish communication and letters, because the last moment has come to save what can be saved.”

It was evident that he was interested in the answer, but he also saw that his statement did not upset him at all. Obviously he already knew the outcome of the situation. Besides that, he saw that they found a reliable partner in the Srebrenica gang, because they listened to them indiscriminately, and they already went to the lines together with members of the Bosniak army. Obviously, the Dutch agreed to go to the lines with the Bosniak soldiers only for the reason to take responsibility off themselves and to assure the world that Srebrenica is not a demilitarized zone, which it should have been. And indeed, at that moment, the UNPROFOR Dutch battalion should have had about 600 people, but there were about 250 soldiers on the spot, and the 28<sup>th</sup> Division had 5,500 “demilitarized” people.<sup>20</sup>

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<sup>18</sup> Ibid, p. 364.

<sup>19</sup> Ibid, p. 365.

<sup>20</sup> Ibid, p. 368.

**PROVOCATIONS OF SERBS SPARKED SERB OFFENSIVE AGAINST SREBRENICA**

An attack on the Serb village of Višnjica hit Ibran hardly, and he said the following about this stupid move by Muslim forces: “One night I sat in front of the TV to watch the ‘Srna news, because other stations could not even be watched. The news on ‘Srna’ followed that shocked him: “Today units of the Srebrenica extremists infiltrated the Serb territories and attacked the Serb village of Višnjica, and several Serb civilians were killed. The village was burned down, and after that, the Srebrenica Muslim extremists robbed it and returned to the protected zone.”

When he came to Potočari soon, he found a group of guys in camouflage uniforms, and Mrki was among them. He began to say in a hysterical voice: “Are you normal at all?! Well, what are you doing, you consciously create an alibi for the Serbs to attack Srebrenica?! You did not kill two or three old women in Višnjica, you killed the Muslim people in Višnjica!” It seemed as if they were surprised by his reaction. Mrki tried to calm down the situation by explaining: “We did not go into the action on our own initiative. We received an order from Sarajevo.”

Indeed, after all this, I found out that the order for the attacks of Muslim forces around Srebrenica was signed by General Enver Hadžihasanović in Sarajevo.<sup>21</sup> After Višnjica, almost daily Serb shelling followed, until they finally started taking over some UNPROFOR points.

One evening, from the direction of Kiselica, probably using a mine tunnel toward Sase, a Serb unit infiltrated the area of the Srebrenica settlement Vidikovac and carried out a very quick diversion-terrorist operation. On that occasion, one woman and one child were killed. The escalation of the attack after this incident was so visible that the continuation of direct attacks against Srebrenica was a matter of days. The Serbs were also just waiting for orders from some of the higher centers of power.

Those days a Dutch soldier was killed, and Ibran said on that: “At one of the checkpoints, which the Serbs attempted to take over, one of our scapegraces, probably by task, shot a Dutch Battalion soldier, thus the complete system of accountability of the Dutchman broke. By the death of their soldiers, a clear message was sent from the Muslim side to go to the Chetniks to Bratunac.”<sup>22</sup>

On July 10, 1995, Ibran with his acquaintances assessed the penetration of Serb formations. They followed the complete action and progression. Then, Ibran did not even know that a meeting was held in the municipality in Srebrenica where it was agreed that the gang of mobs leave Srebrenica.

After Ibran reviewed the situation, houses in the Pusedolci started to burn in two hours, and then the Serbs’ penetration above Orahovića towards Sućeska began. By another wing, the Serbs descended through Bibići towards Bojna. Two NATO airplanes flew over, but only fired two or three bombs, without any effect. The people went in the columns towards Gornji Potočari.

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<sup>21</sup> Ibid, p. 369 and 370.

<sup>22</sup> Ibid, p. 371.

The situation in the protected zone was chaotic. The VRS shelled, there was no food, insecurity among the people was high. First houses were burned down, the people did not sleep, the ideas were countless and everybody conducted its plan. Runaway started in all directions, and small groups of people were trying to organize the defense. The people gathered in some houses and agreed on what to do, and they were objectively like drowned because they knew that the end was near and that they had to quickly decide and make decisions about leaving the helpless, women, children and old people to the UN base in Potočari.

Basically, whoever you met and talked with, the conversation would end with the question: What would be the best thing to do? Ibran at that moment did not even know that all the so-called municipal government and the headquarters, was already in Čumavići, ready to escape towards Tuzla.

At one point, Ibran told uncle Omer that they should not leave the free territory for anything in the world, and he replied: “Please Ibro, everybody is leaving from Križevac. People even break hives, load honey and take everything that they can carry with them. You can not stop anyone, because everybody is leaving!”

Ibran realized that every attempt to stop people and put on a defense is the loss of nerves and time and that it was a general chaos in which only the Srebrenica mafia gang knew what to do, of course, only for itself.

On the last radio news he heard in his home in Potočari, Ibran said: “Today in Zenica, headed by President Alija Izetbegović, the session of the SDA Chief Board has been convened being enlarged with the commander, members of the General Staff of the Army of the Republic of BiH and corps commanders. They talked about the current situation in the Army and future activities on the liberation of the Republic of BiH.”

After the news were finished, the sevdalinka songs followed, as if the 20<sup>th</sup> anniversary of freedom was celebrated in Sarajevo in the sovereign, indivisible and integral Republic of BiH, which reached the standard of the most developed Western European countries. He was appalled and definitely fully aware that the entire SDA top was participating in the planned genocide in Srebrenica, the political top headed by Izetbegović and the entire military top of Alija’s Army which absolutely had no RBiH Army’s attribute.<sup>23</sup>

Later on, again on the way to Hamed’s house, they met with Mrki Mandžo, who went after them not to lose sight of them and asked Ibran: “What are you waiting for, why do not you leave?”, his question followed, which showed his impatience. “Slowly, there is still time”, Ibran replied, and he thought, “you will not have that opportunity anymore.”

After a longer wait for his brother, Ibran continued: “Well, where are you Same by now?”, he exclaimed. Hamza did not even wait for Samet’s response and shouted hysterically: “What are you waiting for, the Serbs entered the town, leave straightaway, Ahmo is waiting for you at Lipa with his 170 guys?”

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<sup>23</sup> Ibid, p. 374.

## SARAJEVO SCENARIO OF A PLANNED CHAOS IN SREBRENICA

All distraught he jumped up from the stairs looking at Hamed, while he, with his arms rose, firmly said, "I've made a decision, I am staying here!"

He found himself in a situation that he literally stayed speechless. Immediately the brother responded: "Ibro, you are not leaving anywhere, you are also staying here!?" and continued "Same, then go call our other guys to stay together, so we'll see what next?" he tried to convince them.

"No, Ibro, me and Hamza are leaving now, our guys are waiting for us, I will go with them. We are warriors, we have started to fight together, and now I am going with them, even if we need to die together. Take care of Nerfida (wife) and my Nurdin (son)? You're safer here, you will survive. Give me some money, if you have?", Same said. He was left speechless and grabbed his pocket. He had 1,100 DM with him, so he counted asking how much he needed. He took only 200 DM, saying that it was enough.

"May you drink all the 200 marks in Kladanj!" Ibran said to his brother, and then continued: "Same, please just cross the line and not one meter more after the gang? Meet emergently with Ahmo and, my advice to you is that, if the gang goes towards Tuzla, you go towards Žepa?"

On the arrival to the Reconstruction Institute on July 12, Ibran said: "When the Serb patrol appeared at the entrance to the reconstruction hall, where I and Hamed found refuge, they immediately broke through the people and headed towards us. Immediately they asked us for documents. Hamed took out his ID and I did not have any of the documents. They looked at us well and continued on. I could not believe they were coming directly to us, as if they were rocketed. I knew that moment that their coming directly to us was not a coincidence because they got information from some of our people that we were there..."

When they came, they began to talk to me. I accepted the conversation. They looked at me with suspicion, seeing my wounds, so they asked me at the same moment, "Where did you get so many wounds?" Immediately I said without holdup: "From the Srebrenica criminal gang!"

After a police investigation, driving on a bus, Ibran Mustafić ended up in the Bratunac hangar, almost without air, with 150 fellow sufferers. Investigations and threats in the Bratunac police and detention continued, asking him to write what he knew. They continued driving Ibran in the car trunk along the Drina intimidating him. In Bijeljina, in solitary confinement, they continued with endless interrogation, harassment and extortion of hunger. He had been in solitary confinement when the signing of the shameful Dayton betrayal, as he called it, occurred. He spent five months and ten days in the Bijeljina solitary confinement "illegally". After the contact in prison with Osman from Bratunac and his exchange, everyone for everything, and after his reporting that he was alive in jail, he was recorded by the ICRC. They transferred them from the Bijeljina prison to Pale at the hall of the Cultural Center, where they were welcomed by representatives of the International Police. After that, Dragan Bulajić, president of the Commission for the Exchange of the Serb Prisoners

of War, came to visit, about which Ibran said: “After introductory words, he approached ‘war criminals’. He went straight to me and gave me his hand: “Good afternoon, Mr. Mustafić! How are you?” “Good afternoon, I’m fine, I’ll hold on,” I replied.

After a few sentences, Bulajić continued: “Mr. Mustafić, I know who you are, I know what kind of person you are, I know you will not believe me, but know that I have two sons. I swear on my two sons, I was aware of what Srebrenica can be transformed in, since I was in frequent communication with Amor Mašović and Hasan Muratović. I tried everything to prevent it. Considering that Muratović was a minister in the Government for relations with international organizations and institutions, I told Hasan that we urgently go to Srebrenica and that I was put on disposal to jointly enter Srebrenica. Hasan Muratović did not want to discuss this problem further after my mentioning of Srebrenica, saying “that Srebrenica does not interest him at all.”

It was clear to him that Bulajić was a Chetnik, but it was definitely clear to him that the treacherous bastards were worse than Chetniks. Ibran was exchanged with the help of Michael Steiner, who was then in Bosnia and Herzegovina.

## CONCLUSION

Interestingly, after his exile from bondage, Alija’s secret police AID, through the then director, suggested not to open the issue of Srebrenica because he would have been liquidated. “No one has ever remembered to have any conversation with him on the subject, and every normal government in the world would be interested in it. They did not care about the crimes. The AID was tasked with protecting the Bosniak officials and their wealth and that from their own people.

It is evident that a serious war crime committed in the “protected and demilitarized zone” of Srebrenica was aimingly well-designed, thoroughly planned, long-drawn and successfully realized by operatives of foreign intelligence circles, financially and mediaally supported by military and political potentates of mainly powerful Western countries, with the aim of obtaining an alibi for bombarding the positions of the Republic of Srpska Army and weakening the position of the Republic of Srpska at the upcoming Peace Conference in Dayton.

Also, this event must be seen through the prism of the forthcoming war in the Republic of Serbia, as well as through the prism of the established International Criminal Tribunal for Yugoslavia, which needed such an event. This crime was needed so that the Republic of Srpska and the Republic of Serbia would be blackmailed for the masses of issues all this time long, which is still ongoing. Undeniably, the people of Srebrenica were sacrificed for “higher goals”. The condemnation of the Serb people for crimes is realistic but the assessment of the planned destruction of the Bosniak people is unacceptable because the numbers of the victims were drastically increased and many who were killed in Srebrenica in any way prior to the operation were added.

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## THE CRIME IN SREBRENICA IN LIGHT OF NEW FINDINGS

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**Abstract:** Based on the fact that many believe that genocide took place in Srebrenica where Bosnian Serbs killed more than 8,000 local Muslims (Bosniaks) as evidenced by the judgments of the Hague Tribunal and confirmed by the judgment of the International Court of Justice, the author tries to argue that this is not the case. In the minds of many people, at the end of the last century, in the heart of Europe, genocide took place in which Serbs from Bosnia killed over 8,000 local Muslims (Bosniaks). This genocide was proven by the judgments of the International Criminal Tribunal for the former Yugoslavia (ICTY – i.e., The Tribunal) and confirmed by the ruling of the International Court of Justice (i.e., the ICJ). This event has become an indisputable part of history for most people. I will try to prove that this judgement is wrong.

After a brief introduction reminiscent of what the crime of genocide is, the author is dealing with the judgments of the ICJ, pointing out that the judgments are one type of solution based on compromise. Krivokapic in detail deals with genocidal acts (Article 2 / a of the Convention), while acknowledging that mass shootings occurred in Srebrenica, but points out that the number of victims is unknown even today, and that 8,000 were definitely not killed, as claimed in the first verdicts of the Tribunal. He proves that the number of shooting victims could have been at most 2,000, and even to accept the subsequent assessment of the Tribunal, which in 2015 reduced the number of slaughtered Muslims to 4,970, neither of these two figures are sufficient to talk about genocide.

The author deals with the intent of destruction and after exhaustive analysis concludes that the Tribunal has not in any way proven beyond reasonable doubt presence of any genocidal intent.

Krivokapic is also reviewing the problem of a protected group and points to the Tribunal's unsustainability of the local genocide, and that genocide has been committed against Muslims in B&H by executing Muslims from Srebrenica. The author recalls that genocide cannot be discussed if at least one out of three constituent elements is missing, and concludes that in the Srebrenica case, all three are missing. According to him, the 1995 war crimes and crimes against humanity were committed in Srebrenica. In the framework defined by the international law, primarily the Convention on genocide, there is no basis to consider genocide committed there.

**Keywords:** *Genocide, Srebrenica, Tribunal, International criminal law,*

### I. THE CRIME OF GENOCIDE

**A. Legal Resources** – The crime of genocide is defined by the Convention on the Prevention and Punishment of the Crime of Genocide in 1948 (i.e., The

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Convention). Only 150 states ratified this Convention, but its resolutions became part of the general customary international law, making it mandatory for all.<sup>2</sup>

The decisions of the Convention were also confirmed by being fully downloaded and incorporated into the statutes of international ad hoc criminal courts, including Article 4 of the Statute of the Hague Tribunal (1993).<sup>3</sup>

The fact that the international community considers genocide as precisely as defined in the Convention is also confirmed by the Rome Statute (1998), in which Article 6 contains the same formulation. The definition of genocide has not changed, even though in the meantime there have been various proposals to extend the description, to include some new actions (e.g. ethnic cleansing, cultural genocide), or to include some new groups (e.g., political, social, or gender.)<sup>4</sup>

**B. Definition** – According to section 2 of the Convention, genocide is considered, "any of the listed actions, committed in the intent of full or partial destruction of a national, ethnic, racial or religious group as such: a) the murder of the group members; b) serious injury of physical or mental integrity of members of the group; c) to deliberately undertake a group of living conditions that should lead to its full or partial physical destruction; d) measures aimed at preventing birth within the group; e) forcibly moving children from one group to another. "

Therefore, for the existence of this criminal offense, it is necessary to simultaneously prove the fulfillment of three constituent elements of genocide: 1) that it is exclusively about one of the above-mentioned crimes 2) that they are made with the aim of full or partial destruction of the concerned group as such; and 3) that it is the destruction of not any, but only a specific national, ethnic, racial or religious group. At the same time, these are the boundaries of what is considered genocide. If at least one of the three elements is missing, it may be another criminal offense, as a crime against humanity or a war crime, but not genocide.

## II. JUDGEMENTS OF THE INTERNATIONAL COURT OF JUSTICE

**A. Procedure** - The ICJ addressed the issue of genocide in Bosnia and Herzegovina (i.e., B&H), addressing the dispute between that country and the former Serbia and Montenegro (Yugoslavia).<sup>5</sup>

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<sup>2</sup> Krivokapic, 2012, 35-81

<sup>3</sup> Identical solutions are part of Art. 2 of the Statute of the Tribunal for Rwanda (1994) and documents establishing the so-called " mixed courts - Art. 4. Regulation no. 2000/15 Transitional Administration of the UN for East Timor (2000) and Art. 4/1 of the Cambodian Law on the Establishment of Extraordinary Boards in the Courts for the Prosecution of Crimes Committed at the Time of the Democratic Kampuchea (2001, May 2004).

<sup>4</sup> We must agree that "the definition of genocide was not an unfortunate compromise in the drafting of a document, but a logical and coherent attempt to solve a particular phenomenon of human rights violations, threatening the existence of what we would now call 'ethnic groups' and concluding that it is unlikely that the definition will be changed in the foreseeable future. Schabas, 2008a, 190.

<sup>5</sup> Case Concerning Application of the Convention, 2007.

The government from Sarajevo launched the lawsuit on 03-20-1993, during the war in B&H, against the former Yugoslavia (Serbia and Montenegro).<sup>6</sup> There are three important issues in this lawsuit: 1) Republika Srpska as one of the conflicting parties in the civil war and as an entity of B&H, has consistently challenged the lawsuit; 2) The government in Sarajevo claimed that genocide was committed against the Muslim-Bosniak population throughout B&H and that Yugoslavia was responsible for this. Finally, 3) The lawsuit was filed more than two years before the event in Srebrenica.

The ICJ brought the verdict in 2007, at the time the Tribunal had already pronounced several convictions for genocide before the Trial Chamber and the Appeals Chamber.

Just to remind the reader, in the case of Krstic, the first instance verdict was passed in 2001, six years before the ICJ verdict in 2007, and the second instance in 2004, three years before the judgment of the ICJ.

The ICJ ruled in 2007 that the 1995 massacre of about 8,000 Bosnian Muslims in Srebrenica was genocide. The Court found that Serbia was neither directly responsible for the Srebrenica genocide, nor that it was complicit in it.

Within these frames, the judges of ICJ were in a difficult situation. They could not ultimately challenge the Tribunal's sentences because it would defile the Tribunal, which was established by the Security Council, and would have serious political consequences. After all, the ICJ is not hierarchically superior to the Tribunal, nor is it authorized to change or terminate its convictions.<sup>7</sup>

Therefore, the ICJ resorted to a kind of compromise - it defined the "restrictive and conservative definition of genocide,"<sup>8</sup> in article 2 of the Convention, and specified that the destruction of the group relates to its physical annihilation, but refused to accept that acts of genocide were conducted based on the article 2/b-e of the Convention. The ICJ, on the other hand, confirmed that the massacre in Srebrenica is genocide in terms of article 2/a of the Convention.<sup>9</sup>

**B. Facts** - The ICJ accepted the factual situation and many provisions of the Tribunal. Since the Appeals Chamber of the Tribunal did not verify the facts, but accepted them as a truth confirmed by the Trial Chamber,<sup>10</sup> it opened a space for the

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<sup>6</sup> B&H is on 05-22-1992 admitted to the UN, so that the SMP government from Sarajevo was a representative of the country.

<sup>7</sup> That ICJ had no choice and could not change the sentences of the Tribunal, others noticed and drew attention that in the ICJ verdict there is implicit, but sharp criticism of the Tribunal's work, especially that the genocide charges are hardly sustained, which result from the frequent conclusion of the plea agreement. Magnusson, 2013, 28.

<sup>8</sup> Schabas, 2007, 116.

<sup>9</sup> We can see the compromise in the way that the ICJ solved the dispute itself - it found that Serbia violated the Convention because it did not prevent genocide and punished and extradited to the Tribunal those responsible for genocide, especially Ratko Mladic, but did not condemn Serbia for genocide and rejected the B&H request for damages

<sup>10</sup> After all, the Appeals Chamber noted that the Trial Chamber was in the best position to assess the evidence presented at the trial. Krstić, 2004, para. 33.

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errors and omissions in the first instance, (inaccurate factual state, the acceptance of one, and the rejection of other evidence, etc.). Therefore, if the factual situation established by the Tribunal was wrong or incomplete, the decisions of the ICJ could not be entirely correct.

**C. Judgment** - The ICJ rejected a lawsuit for genocide against Muslims/Bosniaks throughout B&H, but accepted it for genocide in Srebrenica. Although the prosecutor claimed that genocide was committed in all acts referred to in Article 2 /a-e of the Convention, the ICJ did not find that the acts referred to in article 2/b-e,<sup>11</sup> were committed, but it accepted genocide as the killing of members of the group (article 2/a).

In essence, they challenged all judgments of the Tribunal in the part, where the defendants were convicted of actions of the art. 4/b-d Statutes of the Tribunal (identical to art. 2/b-d of the Conventions). According to the hierarchical position, the ICJ is not authorized to change and repeal the Tribunal's judgments.

Regarding the killings of group members as acts of genocide, the ICJ relied on the facts established by the Tribunal, particularly that the 25,000 inhabitants of Srebrenica were deported, and more than 7,000 were killed.<sup>12</sup> However, these are only estimations, not proven facts. Therefore, the question is: What if it were determined that the data is not accurate, and that the Tribunal's judgments are based on incorrect facts?

Further, I will try to show that when it comes to events in Srebrenica, facts are not that simple. Nobody is denying that some serious crimes were committed, but not genocide, not even killing of the group members.

### III. GENOCIDAL ACTIONS

#### A. The Murder of Group members

**1. General Review** - Genocide will undoubtedly exist if, in addition to the other two constituent elements, the third one is fulfilled: all members of the protected group are killed, which in this case did not happen.

When it comes to the destruction of only part of the group, there are no clear rules on how many members of the group, or what part of the group should be killed to fall under the definition of genocide. What is certain is that the number should be substantial. In principle, it is hundreds of thousands or even millions of victims.

Raphael Lemkin, the ideological father of formulating a special crime of genocide, advocating the international determination of such a crime as a crime *sui generis*, had in mind the slaughter of about 1.5 million Armenians and 300,000 Greeks in Turkey 1914-1923.<sup>13</sup> He also referred to the Holocaust where the Germans slaughtered 5 - 6 million Jews as genocide for the first time in 1944. According to

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<sup>11</sup> Case Concerning Application of the Convention, 2007, paras. 318, 354, 355, 367.

<sup>12</sup> Case Concerning Application of the Convention, 2007, paras. 278, 290.

<sup>13</sup> According to some sources, 1.5 million Armenians, 800,000 Greeks and 300,000 Asiro-Halde. Were killed, De Zayas, 2010, 24-25.

him, genocide is "the destruction of the people or the ethnic group," and is the result of a conscious and systematic, coordinated plan of various actions to exterminate the group as such.<sup>14</sup>

In the only undisputed case of genocide in Rwanda, at the end of the last century, 1994, Hutu killed about 800,000 Tutsi in three months.

**2. The Srebrenica Case** – As much as we would like to avoid a victim's count, out of the respect, it is inevitable, because it is directly in connection with the qualification of the event.

**a) Absolute number of killed** - In the Srebrenica Memorial Centre – Potocari (i.e., The Memorial Centre) the names of 8,372 victims are recorded.

That figure is not accurate. The Bosniak researchers themselves have found that around 500 people that are on the list that are still alive and 72 of those listed as dead were not in Srebrenica at all.<sup>15</sup>

Furthermore, there is evidence that a large number of Muslim fighters and civilians killed before July 1995 are buried in the Memorial Centre. The remains of several hundred Muslims who did not die in Srebrenica and were originally buried in other locations, are buried in the Memorial Centre now. There are about a hundred of those who are buried there, but the court decisions show they died of natural causes. Even some Serbs are buried there.<sup>16</sup> Furthermore, it is known that many, whose names are listed on the victim's list, live in the West today, and that at least a few hundred (by some sources as many as 3,016) of those allegedly killed, the next year voted in the 1996 elections.<sup>17</sup>

In fact, the figure of 8,000 has always included those who were truly slaughtered, but also those who lost lives in combat, or in many other ways.<sup>18</sup> A list of Srebrenica victims has been created by the Prosecution's demographic expert. An expert for demography, Svetlana Radovanovic, determined that more than 1,000 people from that list were not among the citizens of B&H according to 1991 census, which means that they are fictitious persons.<sup>19</sup>

By 08-04-1995, almost a month after the fall of Srebrenica, the World Health Organization in Tuzla, the territory under Muslim control, registered 35,632 people who arrived from Srebrenica.<sup>20</sup> When we add to this list 796 people who fled to Serbia, it turns out that it has been documented that 36,428 people survived the fall of Srebrenica.<sup>21</sup> When we add to the list those who were held in the Serbian detention

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<sup>14</sup> Lemkin, 1944, 79.

<sup>15</sup> Maric 2010, 1.

<sup>16</sup> RTS 2015. For sources and accurate data including cases with a large number of names from each of the mentioned categories, see: Ivanisevic, 2015.

<sup>17</sup> Rooper, 2011, 134-135; Ivanisevic, 2015; Karganovic, 2017.

<sup>18</sup> Rooper provided an excellent analysis of the number of alleged and actual victims in Srebrenica, 2011, 101-152.

<sup>19</sup> Maric 2016.

<sup>20</sup> Amnesty International, 1996, 8.

<sup>21</sup> They were registered on the Serbian territory by the UN High Commissioner for Refugees (Amnesty International, 1996, 13) but the number is actually much higher because many of them have not registered.

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camps for some time, the number of survivors goes up to more than 38,600.<sup>22</sup> When that figure was taken away from 40,000 people (according to the Tribunal's assessment, there were so many in Srebrenica before it fell)<sup>23</sup> we come to the conclusion that there are about 2,000 people who were killed in fighting or were executed.

Despite the adding of new burials every year,<sup>24</sup> so far, at the Memorial center, after 24 years, there are a list of 6,575 human remains.

However, this list does not represent only victims of executions, because we are talking about human remains, and not bodies. In many cases, only parts of the body were buried, and sometimes only some bones, which presents difficulties in identify the remains, and whether the person in question is really dead, and where and how he/she died, etc.<sup>25</sup>

We should keep in mind that among the buried in the Memorial Centre there are also the remains of Muslim soldiers from Srebrenica who were killed in the breaking of the siege<sup>26</sup> in clashes with the Serbian forces and while crossing the minefields. The Chief of the General Staff of the Army of B&H, General Enver Hadzihasanovic,<sup>27</sup> stated before the Tribunal that 2,628 fighters of the 28th Division from Srebrenica died in the breaking of the siege.

Carl Bildt, a Swedish politician and diplomat estimated that 4,000 were killed, while John Schindler, a US intelligence officer in Sarajevo at the time, and later a professor at the U.S. Naval College, estimated that 5, 000 were killed during this military operation.<sup>28</sup> Although they were killed in combat, as a legitimate military objective, which means they are not victims of crime,<sup>29</sup> they are still listed in "victims

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<sup>22</sup> Rooper, 2011, 105; Maric, 2016.

<sup>23</sup> In an interview given to Belmin Karamehmedovic on 08-13-1995, Alija Izetbegovic said that in Srebrenica, prior to its fall, there were 35,000 to 36,000 people; Patricia Veld, a tribunal judge in the Krstic case, estimated that there were 37,000; The Krstić Trial Chamber found that there were between 38,000 and 42,000, or about 40,000 (Krstić 2001, paras 592, Krstić, 2004, par 15, Rooper, 2011, 105-107, Marić, 2016). The difference between 35,000 (lower Izetbegović's lower threshold) and 42,000 (upper assessment of the Tribunal) is as high as 6,000.

<sup>24</sup> like that 35 new remains were buried on 07-10-2018.

<sup>25</sup> It is possible that someone lost their feet, hands, etc. caused by the artillery, mines, etc., or that they were surgically removed at the hospital (e.g. in order to cut gangrene) and then those parts were buried, and even if the parts of the same person were buried more than once, as well as parts of the body of various persons.

<sup>26</sup> Column of 15,000 persons, 10 km long (Mladic, 2017, par. 2638) and comprised of armed soldiers, 28. Division of the B&H Army, with many civilians also, was trying to break the siege through the minefields and towards the positions of the ARS (Serbian Army) According to witnesses of hundreds of survivors before the Tribunal, the column has suffered enormous losses in 19 location in fights with the Serbian military.

<sup>27</sup> Krstic Trial Transcript, 2001, ICTY, Case: No. IT-98-33-T, April 6, 2001, lines 20-21, p. 9532, [www.icty.org/x/cases/krstic/trans/en/010406ed.htm](http://www.icty.org/x/cases/krstic/trans/en/010406ed.htm), 1.3.2019

<sup>28</sup> Bildt, Peace Journey: The Fight for Peace in Bosnia, 1998, 66, nav. according to: Karganović, Simić, 2013, 192-193; documentary film Flyum/Hebditch, 2011, A Town Betrayed, at 51:14 to 52:02 minutes.

<sup>29</sup> Important sources and their analysis of these events see at: Karganovic, 2011, 109-120.

of genocide".<sup>30</sup> About 500 Muslims were killed in mutual fighting.<sup>31</sup>

According to the "Bosnian Book of the Dead" issued by the Research and Documentation center in Sarajevo, about 2,000 people from Srebrenica, who either died or were killed 1992-1994, hence significantly before its fall in the hands of Serbs,<sup>32</sup> have been buried in the Memorial center. So, when we deduct 2,000 from 3,447 it shows that after the fall of Srebrenica, about 1,447 people were executed ( $3,447 - 2,000 = 1,447$ ).

According to the data from the Research and Documentation Centre, the number of Bosniaks killed in 1995 in the Srebrenica area is 4,256.<sup>33</sup> However, this also includes those killed in the first half of the year, before the fall of Srebrenica (from 1 January to 11 July 1995) and those who died in the breaking of the military siege and in mutual conflicts (at least 3,128). So, from that point of view also, the potential number of victims is less than 2,000.

That the number of executed Bosniaks, mostly soldiers (disarmed prisoners of war), is less than 2,000 could be found in the writings of well-informed neutral sources, such as the Portuguese General Carlos Martins Branco, who at the time was the deputy head of the UN mission for Croatia, and B&H; John Schindler, an American intelligence officer in Sarajevo, and others.<sup>34</sup>

Forensic expert Lubiša Simic, who, in the capacity of a defense member, studied the entire forensic material with the exhumation of the mass graves related to Srebrenica (3,568 of the autopsy reports made by experts from the Tribunal's Prosecution in the period 1996-2002) gave some very important information and conclusions.

Simic drew attention to the fact that DNA analysis cannot be used to determine the time, place and cause of death, and that only autopsy reports could provide accurate answers regarding the cause of death. He noted that in 2002 the Prosecutor's Office had been allocated with a total of 1,923 bodies, including the tombs that were dug up after the Krstić's conviction in 2001. This means that at the time of the verdict, the Prosecution could not have 2,018 bodies, as it claimed, but much less.

After analyzing all the remains that were exhumed from all of the mass graves related to Srebrenica, he divided them into five groups: (1) 442 bodies were found

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<sup>30</sup> Herman states that the Tribunal erased those deaths by turning them into a note, saying that "it is not possible to dismiss the possibility that a certain percentage of bodies in the graves investigated might belong to people killed in combat" and cynically concludes: "They could also say that there is no way to dismiss the possibility that some of these people are executed." Herman, 2012, 30.

<sup>31</sup> One of the founders of the ruling Bosniak party SDA, a former member of the Assembly of B&H and a long-standing member of the Organizing Committee for events in Srebrenica, Ibran Mustafic, claims that up to 1,000 Muslims from Srebrenica were killed by their compatriots during a breakthrough, because there were lists of those who "at no cost should they live to acquire liberty". These allegations were made in his book "Planirani kaos", Tanjug, 2013.

<sup>32</sup> Karganovic, 2009.

<sup>33</sup> Ibid.

<sup>34</sup> Flyium/Hebditch, 2011, *A Town Betrayed*, Documentary film, at 51,28-51,33 min.; Karganovic, 2017.

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tied over their hands or eyes, indicating that these persons were probably shot; (2) 655 persons have injuries from bullet or metal fragments, which may have resulted from executions, but also from combat; (3) It could be said that 477 victims were not shot because he detected the presence of metal fragments which did not originate from the bullet, indicating that they were killed in the breaking of the siege; (4) the cause of death could not be determined for 411 bodies because the remains are partial; (5) 1,583 "cases" contain no bodies or parts of the bodies, but only a few bones, and it is not possible to draw any conclusions (and the forensic experts of the Tribunal have noted that 92,4% of them cannot determine the cause of death). In conclusion, only for 442 out of 3,568 exhumed cases can be identified as likely victims of shootings. Everything else is either controversial or in the domain of speculation.<sup>35</sup>

What is important to take under consideration is that the exhumation of the remains of the tombs which could be linked to the crime in Srebrenica was under Tribunal control between 1996 and 2001. In that period, 3,568 "cases" (mentioned above) were processed and classified. From 2002 exhumation is under the exclusive authority of the ICMP (International Commission on Missing Persons) and the Commission for missing persons, whose work is not transparent. The Representatives of these organizations have radically expanded the scope of exhumation from 2002, covering mortal remains in the wider area of Srebrenica, and not making the difference between the tombs of the victims of the shooting, and the tombs found along the path of the breaking of the siege of the 28<sup>th</sup> Division of the Army of B&H Army, where they were killed in fighting with ARS (Serbian Army).<sup>36</sup>

The Tribunal itself does not know exactly how many people died in executions. Tribunal's Council has determined the various figures: "several thousand" (the sentences of Popovic and Krstic<sup>37</sup>); 4,805 (first-instance judgment of Krstic);<sup>38</sup> 4,970 (the second instance of Tolimir)<sup>39</sup> 5,336 (the first-instance judgment of Popovic),<sup>40</sup> 5,749 (the first-instance judgment of Tolimir);<sup>41</sup> 7,474 (the first instance verdict of Krstic);<sup>42</sup> 7,826 (the first-instance judgment of Popovic);<sup>43</sup> 7,000-8,000 (first

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<sup>35</sup> Simic 2012, 35-38. The author also gives a critical review to the data determined by the Tribunal in judgements, with the indication of omissions, inconsistencies and errors of forensics.

<sup>36</sup> Karganovic, Pavić, 2015, 15-16.

<sup>37</sup> Krstic 2001, couple. The 83.

<sup>38</sup> Krstic 2001, couple. 80, footnote 246.

<sup>39</sup> Tolimir 2015, pars. 90-91.

<sup>40</sup> Popovic, 2010, para. 664. The Appeals Chamber in the Popović and some other cases also accepted this figure, finding that this was "beyond reasonable doubt the final conclusion on the total number of executed persons". Popovic, 2015, para. 254..

<sup>41</sup> Tolimir 2012, pars. 751, 596. 1217.

<sup>42</sup> Krstic 2001, couple. 81, footnote 247.

<sup>43</sup> Popovic, 2010, para. 664. The Appeals Chamber has given the opportunity to confirm that figure by subsequent exhumations, noting that this does not constitute a final conclusion beyond a reasonable doubt. Popovic, 2015, 254..

instance and second instance verdict of Krstic);<sup>44</sup> "thousands" (the first-instance conviction of Karadzic);<sup>45</sup> "many thousands" (the first-instance judgment of Mladic);<sup>46</sup> and a "very large number" (also the first-instance judgment of Mladic).<sup>47</sup>

Sometimes, even in the same judgment, various numbers were used, such as, for example, in the first instance verdict to Krstic, in which different numbers of victims are listed on multiple places that 4,805, 7,474, 7,481, 7,500, and 7,000 to 8,000 were killed.

This clearly shows that the Tribunal never knew, and does not know even today, the number of people who died as victims of crime after the fall of Srebrenica. An additional argument in support of this assertion is the fact that more than 15 years after the first conviction of genocide (2001), the Tribunal in the sentences of Karadzic (2016) and Mladic (2017) avoided being involved in how many people were killed (because it really does not know) and resorted to the formulations "many thousands" and "a very large number", which in these cases means anything is acceptable in the criminal procedures.

The Tribunal created a special problem in the first genocide conviction by assuming the number of executed people and not accurately determining that. The first-instance verdict of Krstic (2001) operates with 7,000 - 8,000 victims, and the Appeals Chamber (2004) accepts it. However, at the time of the Krstic Verdict (2001), the Tribunal had less than 1,923 registered bodies, and for most of them the cause of death was not clear. They did not rule out the possibility that some of those bodies might be of the soldiers killed in fighting, however, the Trial Chamber has concluded (based on what?) that most of them have been executed.<sup>48</sup> That is, however, just an assumption, not a fact.

Even worse, the Trial Chamber accepted the Prosecution's claim that it had found 18 more mass graves related to Srebrenica which had not yet been exhumed, and that there were at least 2,571 bodies in it (unclear how it was established).<sup>49</sup> The Court accepted this number of victims as a fact, without any evidence of whether there are really these mass graves, where there are, how many bodies are in them, and what is the cause of their deaths (this is to be determined by autopsy only). Therefore, the Prosecution suggested and the Trial Chamber accepted this assumption as a fact. This is inadmissible in criminal proceedings.

Even then, the total number of potential victims would be about 4,494, (1,923 + 2,571) with the fact that even the Trial Chamber acknowledged that a part of them (not known how many) had died in combat. Since it is far from 8,000, the Chamber has assumed (another assumption!) "that the vast majority of these missing people

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<sup>44</sup> Krstic 2001, a couple. 84, 720; Krstic, 2004, couple. 2.

<sup>45</sup> Karadzic 2016, para. 5828

<sup>46</sup> Mladic 2017, paras. 3540, 3547, 3553.

<sup>47</sup> Mladic 2017, para. 3547

<sup>48</sup> Krstic 2001, couple. 80 and footnote 245.

<sup>49</sup> Krstic 2001, couple. 80 and footnote 246.

are dead."<sup>50</sup> Without giving any evidence, it concluded that with the exception of the wounded, all men, as they were extracted in Potocari (village near Srebrenica), and those trapped in the column of troops were executed.<sup>51</sup> But that is not true. There is evidence that part of the captured were held in captivity and later exchanged.

In fact, the number of 8,000 came immediately after dangerous events in Srebrenica. Families of the missing persons reported to the Red Cross 10,000 people. Red Cross disqualify 2,000 from this list because their disappearances were reported two or more times. The Prosecution accepted 8,000 as a targeted figure and did not try to determine how many people were actually shot. The Prosecution's aim was to prove that 8,000 were executed. The Trial Chamber in the Krstic case (2001) accepted that presumption and concluded that 7,000-8,000 persons were executed and that genocide was committed in Srebrenica. Later, that number of 8,000, as a proven fact, was accepted by the other Chambers of the Tribunal, and then the ICJ.

However, the experience teaches that the first estimates in such cases are usually several times higher than the actual number. The Muslim/Bosniak side itself has presented a lot of evidence that their data, especially that written during the war, cannot be trusted.<sup>52</sup>

Following the series of convictions of genocide, including the ruling of the ICJ in 2007, the Tribunal has reviewed the assessment, so in 2015, in the second instance, the verdict of Tolimir, they listed that 4,970 were shot. This was just another estimate without actual evidence.

In short, everything indicates that the Hague Tribunal manipulated with the numbers of people who were shot after they surrendered. This number has never been determined while there were some shootings, but the number of victims is below 2,000.

Keeping this in mind, there is a rational question we can ask: how are events in Srebrenica similar to those in Rwanda and the Holocaust? <sup>53</sup> or, in the words of Noam Chomsky: "If Srebrenica is genocide, then the description of what happened in Auschwitz had to come up with a new expression."<sup>54</sup>

**b)The Proportion of the killed in relation to the number of Muslims in B&H and Srebrenica** -For the existence of genocide, it may be relevant not only to include a total number of killed, but also their relative percentage in the targeted group. That,

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<sup>50</sup> Krstic 2001, couple. 81, couple. 543...

<sup>51</sup> Krstic 2001, couple. The 547.

<sup>52</sup> Muslim authorities have repeatedly launched untruths from Sarajevo, such as those after only a few months of war, about the genocide of Muslims in which 200,000-300,000 were killed (after that, it was established that 64,000 Muslims lost their lives in the 3.5 years of war ) and how the Serbian soldiers raped 20,000 Muslim women (afterwards, the United Nations Expert Commission registered a total of 514 rapes on all sides), etc.

<sup>53</sup> Magnusson, 2013, 43.

<sup>54</sup> Karganovic, (2012) 22-23.

by the way, was rightly pointed out by the Tribunal itself.<sup>55</sup> But not even 2,000 as we believe, or 4,970 as the Tribunal claimed, nor the 6,575 buried at the Memorial Centre, constitute a significant part of the Muslim population of B&H in order to discuss genocide.

We know that according to the census from 1991, just before the start of the war in B&H there lived 1,905.274 Muslims. So, if we even assume that the Serbian forces killed 2,000, this means that 2,000 is 0.10% of the population, consequently 4,970 makes up 0.26%, and 6,575 is up 0.34% of the Muslim people.

**c) Conclusion** – The number of executed victims, regardless of what number we have in mind: 2,000, 4,970, 6,575 is not nearly as many as required to discuss genocide. This applies to both the total numbers and the percentage of the victims in the group of Muslims.

As correctly noted by the Tribunal's Appeals chamber, in order to fall under genocide, a significant part of the group must be destroyed, or part of the destroyed group must significantly affect the group as a whole.<sup>56</sup> This was not the case in Srebrenica and B&H.

For the sake of better understanding, we must keep in mind that nobody believes that genocide happened in many cases that are more severe than what happened in Srebrenica: the shooting of 24,000 Poles in the 1940s by the Soviets in the Katina forest; the terrible crimes committed by the Japanese when they killed over 100,000 civilians and prisoners of war in Manila in 1945, and more than 200,000 civilians in Nanjing 1937-1938.

For nearly four years of war in B&H, all three sides have lost about 100,000 people, of which Muslim civilians account to around 34,000<sup>57</sup>. If we compare this to Iraqi victims estimated at 800,000 and higher, nobody used the term “genocide” to describe what happened in Iraq, let alone accused somebody of committing genocide.<sup>58</sup>

In short, in the Srebrenica case, not even the total numbers of presumed crime victims, nor their percentage in the numbers of targeted groups are high enough to talk about genocide.

### **3. Other Genocidal actions**

The Tribunal has also sentenced a number of Bosnian Serbs for genocide committed by the acts of the “b-d” definition of genocide. B&H, in the capacity of the claimant before the ICJ, claimed that along with these actions, the other actions under item “e”, (from definition of genocide, article 2 of the Convention), were committed also.

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<sup>55</sup> Krstic, 2004, par. 12.

<sup>56</sup> Krstic, 2004, par. 8-11.

<sup>57</sup>In fact, the figure quoted by the author is exaggerated, because according to the experts of the Prosecutor's Office, for all reasons during the war between 21.807. and 25,609 Muslim civilians died. Zwierczowski, Tabeau, 2010, 17-18.

<sup>58</sup> Herman, Peterson, 2010, 48.

The ICJ has refused such an approach. Therefore, it should not be questioned, that in the case of Srebrenica, the actions of "b-e" were not committed.

Nevertheless, the Tribunal, after the ICJ verdict, continued to stick to its stance,<sup>59</sup> so I will provide a brief review of these issues.

**a) Serious injury of physical or mental integrity of the group members (item "b")** – The Tribunal found that these actions were conducted against killed persons and against the deported population.

According to the Tribunal, in the case of those who were shot, the genocidal actions also included **death threats**. This statement is unacceptable because these actions did not lead to the destruction of the Muslim group. Death treats cannot cause genocide. After all, all those who are about to be shot are aware of their imminent death, but this cannot be qualified as a special war crime.

The Tribunal found that the forcible transfer of civilians from Srebrenica is genocide, because it causes serious mental injuries. It equated genocide with deportation, which is unacceptable. The group members have tremendously suffered, but the victims of every crime against humanity also suffer a great deal, but that is not genocide after all.

No one reasonably may expect to commit genocide by threatening death alone, so that all victims die only of that fear, or with the very act of deportation, so that the victims die from sorrow and pain.

Regarding Srebrenica, the ICJ ruled that, although many of the actions we are talking about, may be war crimes and crimes against humanity, it cannot be concluded that they were performed with a specific intent (*dolus specialis*) to destroy a targeted group.<sup>60</sup> That says it all.

**b) Deliberately undertake a group of living conditions that should lead to its full or partial physical destruction (item "c")** - This could be used only if it is proven that a significant part of the group is subject to these conditions with the intention of destroying the targeted group.

The Tribunal has in many cases<sup>61</sup> concluded that these methods of destruction include denial of food, medical care, shelter or clothing, and insufficient hygiene, systematic expulsion from homes, or exhaustion as a result of excessive work, or physical extortion. However, these criteria could apply to a multitude of situations in all wars, where everyone, including fighters, are subjected to risks and suffering. But it's not genocide.

The fact is that the Muslim civilians in Potocari suffered from insufficient food and water, that during the day they were exposed to heat, and at night to cold.<sup>62</sup> But It is beyond comprehension that the Serbs deliberately exposed them to these

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<sup>59</sup> Tolimir, 2012, Best. 737-742; Tolimir, 2015, the best. 206-212, 220; Mladić 2017, the best. 3541, 3542-3544.

<sup>60</sup> Case Concerning Application of the Convention, 2007, para. 319

<sup>61</sup>, Tolimir, 2012, para. 740-742 Mladić, 2017, para. 3542-3544

<sup>62</sup> Popović 2010, para. 309.

conditions (after all, Serbs did not collect them in one place) and especially that they did so with the intent of destroying them. Besides, if they wanted to extinguish them, they wouldn't have moved them to a secure territory. In addition, the Tribunal noted that the civilian Serbian authorities, acting on Mladic's orders, delivered to these people in Potocari a couple of tanks of water and certain quantities of food.<sup>63</sup>

The descriptions referred to in Article 2/c of the Convention relate to actions of such size and severity as to lead to indirect extermination.<sup>64</sup> An example of that would be what the Germans did in Southwest Africa between 1904 and 1907, when they were driven into the desert, and then by the methods of starvation and poisoning the wells, sought to exterminate the people of Herero and Nama. This resulted in the death of about 65,000 Herero (80% of the people) and 10,000 Nam (50% of the total number of Nam). Nothing similar has happened in Srebrenica.

Because they did not receive food and medicine, and were subjected to harsh climate conditions (held in open), about 3.4 million captured Soviet soldiers were killed in a German prison during the Second World War. The disappearance of so many men in the prime of their lives had to be reflected in all groups of the USSR population. Possible objections, that it was not a national, ethnic, racial or the religious group, do not hold water, because the Germans treated all the Soviets as one ethnic-racial group, as a lower class of human beings. They treated them differently than they treated the captured British and Americans.<sup>65</sup> However, no one has ever referred to this massacre as genocide.

Americans detained approximately 1.5 million Germans from April to September 1945, in the Rhine Valley camps, denying them the status of prisoners of war. According to a Canadian researcher, this was done at the initiative of the commander of allied forces in Europe, D. Eisenhower. As per one Canadian researcher, it was done at the initiative of Allied Forces commander in Europe D. Eisenhower. Due to his personal hatred of the Germans, the prisoners died of hunger and exposure to weather conditions. Prisoners were crowded in tight open-air spaces, without shelters, without tents and slept in holes that they themselves dug in the ground with their bare hands. They died of illness, caused by poor living and sanitary conditions. There were no toilets, and no blankets.

The Red Cross was prevented from giving them any help. In these US concentration camps about 800,000 to 1 million<sup>66</sup> captured Germans died.<sup>67</sup> The

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<sup>63</sup> Popovic, 2010, para. 210. The significance of this does not diminish the finding of the Tribunal that "some members of the Bosnian Serb forces" later took back the bread and other goods.

<sup>64</sup> After all, in the case of Tolimir, the Appeals Chamber correctly stated that Article 4/2 / c of the Statute refers to methods of destruction that do not immediately lead to the killing of members of the group, but ultimately want to achieve their destruction, as it also correctly noted that severe mental injury arises only from a work that has severe and long-term negative consequences on the ability of members of a protected group to lead a normal and constructive life and threaten physical destruction of the group as such. These arguments contradict the final conclusions and arguments of the Tribunal.

<sup>65</sup> Only 3% of prisoners of Western forces lost their lives in German captivity.

<sup>66</sup> Some Sources say they have died much less, but they don't deny that there were at least a few tens of thousands captured by the Germans.

<sup>67</sup> Bacque, 1989, 2, 30,52-53, 61, 69, 76, 109, 166. The preface to the book was written by a retired US colonel who was involved in the 1945 investigation into the US Army's offenses in Germany and

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Canadian author published in his book a copy of an order by which the local population was strictly forbidden, under the threat of shooting, to provide any food to prisoners, and the US officers were informed that the goal is to exterminate as many German prisoners as possible without international interference.<sup>68</sup>

None of these and similar cases are called genocide, and no one was convicted of the crime against humanity or of war crimes. One must keep in mind that there is no statute of limitations on these kinds of crimes.

Regarding events in Srebrenica, the ICJ ruled that from the evidence submitted, it could not be concluded that the acts (living conditions of prisoners), were carried out with a specific intention (*dolus specialis*) to completely or partially destroy a protected group.<sup>69</sup>

**c) Measures aimed at preventing birth within the group (item "d")** - If military-capable and biologically reproductive men are annihilated within one group, then that group is prevented from reproducing. That's the logic on which the assertion of this type of genocide is based.

Even if someone wanted to commit genocide, execution in this manner is complicated and the result is uncertain. Besides, although it is unknown how many men from Srebrenica have been killed, it is certain that a large number of them have survived. It is important to note that Serbs released a number of young men to their families and to the territory that was under the control of the B&H Army. The Tribunal's ruling mentions that the groups deported were composed *mostly* of women, children and elderly,<sup>70</sup> which means that there were also young men among them. So, those who were young men or children in 1995 have grown up and most certainly have married and had children. Serbs knew it would be so, but they still released young Muslim men and boys. Besides, Muslims today, not only do they live in Srebrenica, but they still represent an absolute majority.

The ICJ has ruled that no evidence has been given in this lawsuit under item "d."<sup>71</sup>

**d) Forcibly moving children from one group to another (item "e")** – These actions in the Srebrenica case did not exist. This is not about having children with relatives deported somewhere, but about the deportation being used to destroy the targeted group.

The Turks were taking away young boys of the conquered Christian people; they suppressed their awareness of origin, turned them into Muslims, and made them their

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later became a prominent historian of the US Army Military History Center in Washington. According to him, everything that is written in the book is true (Fisher Ernest F., "Foreword", and James Bacque, *Other Losses*, 1989, p. XIX-XXI).

<sup>68</sup> Bacque, 1997, 42-44, 59, 61. And this book has an affirmative pre-speech written by a doctor of historical sciences, and also a renowned professor of international law (De Zayas Alfred: "Foreword", in: Bacque James: *Crimes and Mercies*, 1997, Pp. XIX-XX).

<sup>69</sup> Case Concerning Application of the Convention, 2007, para. 354

<sup>70</sup> Young man 2017, para. 2556

<sup>71</sup> Mladic, 2017 par. 2556

elite troops – Janissaries. The Germans did the same in World War II when they took the blond and blue-eyed children from the occupied territory and sent them to Germany to be raised there as "Aryans" or "Super-Germans". But even these two historical cases are not about genocide, because it is not done to destroy the concerned group, but to reap certain benefits.

The ICJ concluded that there was no evidence of any form of violence towards pregnancy nor there nor that there was any intention to move children out of a protected group.<sup>72</sup>

**e) Conclusion** – The outlined arguments and the fact that the ICJ found that in the Srebrenica case there is no evidence that genocide was committed by the action of the "items b-e", is sufficient reason not to deal with these issues anymore.

### **B. Intent of Destruction**

**1. General** – This element is the most difficult to prove. It is necessary to verify that the crime was committed precisely with the clearly stated intention to abolish the protected group. It is not enough that the crime is committed against a large, or even a substantial number of members of the same group, nor because of hatred, racial discrimination, etc. But the actions referred to in Art. 2 of the Conventions must be enforced with the intention of completely, or partially destroying the group as such. This specific intention must be clearly manifested so that it differs from other reasons or motives that the perpetrator may have.<sup>73</sup>

This is the element in which genocide differs from other crimes against humanity and war crimes. It represents a special kind of imagination, *dolus specialis*. No matter how horrible this kind of crime is, without the proven intent of destruction, there is no genocide.

**2. Genocide in B&H** – If there had been an intention of extermination, the numbers would show terrible casualties among Muslims in the entire territory of B&H, with the number of civilian casualties being several times greater than the number of dead fighters. But what do the facts tell us?

Experts of the Tribunal, who cannot be disregarded for prejudice in favor of the Serbs, offered two tables - one with the maximum and the other with the smallest number of victims of war in B&H. In these tables, they included those killed in conflicts, executed, as well as those who died for other reasons (illness, crime, etc.). According to the maximum table, 104,732 persons lost their lives in the entire B&H, of which 68,101 were Muslims. According to the minimum table, there are at least 89,196 persons who lost their lives, of whom 57,992 were Muslims. According to both statistics, the proportion of Muslims in total victims is 65.0%,<sup>74</sup> while the

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<sup>72</sup> Case Concerning Application of the Convention, 2007, para. 367

<sup>73</sup> Case Concerning Application of the Convention, 2007, pars.181, 189.

<sup>74</sup> This is more than the share of Muslims in the population of BiH according to the 1991 census (43.7%), but it should be

borne in mind that they were fighting not only against the Serbs, but also against the Croats, as well as among themselves..

proportion of Muslim soldiers killed is (62.4%) and civilians (37.6%).<sup>75</sup> It is known that in the modern wars many more civilians are killed than soldiers. The fact is that on the Muslim side almost half as many civilians as soldiers have died, proves that they were not victims of any systematic destruction.

**3. Srebrenica** - The Chambers of Tribunal have shown that they understand correctly what the intent of destruction is, and that it must be clearly proven: "As a criminal offence with a special intention, the criminal offence of genocide requires proof of intent to destroy the targeted group, in full or in part."<sup>76</sup>

The Chambers of Tribunal also showed that they understood that intent to destroy refers only physical or biological destruction of protected human groups.<sup>77</sup>

Although the Trial Chamber has essentially cited these principles, (which are quoted above), it is taken a substantially opposite view in the case of Krstic. The Appeals Chamber concludes that the Trial Chamber correctly established the legal principle as a guide and then transferred the burden to the defense to prove that the Trial Chamber erred in its application.<sup>78</sup> So, although the Tribunal first announced it was going in the right direction, in fact, it selected the opposite direction.

The Tribunal used the controversial concept of "local genocide" as a confirmation of the thesis that "intent to eradicate a group within a limited geographic area, such as a certain region of the country or even a municipality, can characterize it as genocide" and called on the examples of the UN General Assembly, which has characterized the killings of about 800 Palestinians in Sabri and Châthouses, as genocide. It also referred to the sentences of German courts.<sup>79</sup>

The Tribunal overlooked that the General Assembly is a political organ and is not qualified to determine when the genocide occurred (only the court can do it.) In 1992 the General Assembly has redefined ethnic cleansing as a form of genocide,<sup>80</sup> while six years later it was not entered as a genocidal action in the Roman Statute. In addition, ICJ<sup>81</sup> confirmed many times that ethnic cleansing is not genocide.<sup>82</sup>

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<sup>75</sup> Zwierczowski, Tabeau, 2010, 17-18.

<sup>76</sup> Krstic 2004, couple. 20.

<sup>77</sup> Krstić, 2001, para. 580 In a judgment in the same case, the Appeals Chamber cites the views of the International Law Commission: "As can be clearly seen in the preparatory work for the Convention, the destruction in question is the material destruction of the group, either by physical or biological means, and not by the destruction of the national, linguistic, , cultural or other identity of a particular group "and states the same conclusions V. Shabaz, a prominent expert in this field. Krstić, 2001, para. 25, footnote 39

<sup>78</sup> Krstic 2004, couple. 26.

<sup>79</sup> Krstic 2001, couple. The 589.

<sup>80</sup> A Doc. AG/Res./47/121, 18 Dec. 1992; Крстић, 2001, 578.

<sup>81</sup> ICJ emphasized that "ethnic cleansing" does not appear in the Convention; that the deportation and displacement of members of the group, even when enforced, can not be equated with the destruction of that group; in the context of the Convention, the term "ethnic cleansing" does not in fact have any legal significance. Case Concerning the Application of the Convention, 2007, para. 190.

<sup>82</sup> Explaining that the deportation with genocide should not be equalized, one author noted that otherwise, one of the most important acts of ethnic cleansing of Europe in the twentieth century, the

When It comes to the practice of German courts this is insufficient because there only the two cases and those cases refer only to foreigners. There are many examples indicating that in these cases the court must not rely on the practice of States and their courts. It is enough to provide two examples from two other EU members: Spain and Denmark.

The case from Spain clearly illustrates that the national courts do not always understand the work of genocide<sup>83</sup>, and the second case, one from Denmark shows that states are often governed by political rather than legal reasons.<sup>84</sup> Besides, the International Criminal Court must judge on the basis of its statute and international law, and not to follow the practices of some countries, nor to create new rules.

The Tribunal, through a series of complex constructions, concluded that the Serbs had intended to destroy Muslims from Srebrenica as part of a protected Muslim group in B&H by having planned to kill military- capable men and expel women, children and elderly people from the territory.

The Tribunal created its own logic to prove the intention of the Serbs to destroy the targeted group.<sup>85</sup> Moreover, the Tribunal draws its conclusion on the existence of genocidal intent from the case based on the killing of military men. <sup>86</sup> Thus, a

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deportation of ethnic Germans from the countries of Eastern and Central Europe after the end of the Second World War was considered genocide, accepted. Magnusson, 2013, 32.

<sup>83</sup> Spain on 01-11-2006 accused genocide and other crimes committed in Argentina during the military junta dictatorship (1976-1983) of the former Argentine officer of Kavala, although the victims were political opponents, not members of the groups protected by the Convention, but - and Article 607 / 1 Spanish Criminal Code! While the defendant waited for him to begin proceedings in Madrid, Argentina requested his extradition and in 2008 Spain complied with that request. In the end of 2011, he was sentenced to life imprisonment in Argentina, but - for crimes against humanity, not genocide! The fact that the country of which the citizen and whose citizens committed the crimes did not qualify them as genocide, further indicates that the Spanish judge and the prosecutor who initiated the genocide procedure had made a mistake in qualifications for it.

<sup>84</sup> With reference to the (disputed) universal jurisdiction, Denmark prosecuted Serbs from B&H for crimes committed during the 1992-1995 war, but in 2008, it refused to prosecute 10 Somali pirates who captured its maritime forces on 09-17-2008. It ordered the pirates to be released, finding that they could only be tried in Denmark (in Somalia or one of the neighboring countries, they would be subject to a death penalty, and Danish law prohibits extradition to states that did not abolish it), but that the costs the transfer of these persons to Denmark and the trials were too great, with a special problem of repatriation after the serving of a prison sentence.

<sup>85</sup> ""In this case of factual circumstances established by the Trial Chamber, it is permissible to conclude that the killing of Bosnian Muslims was committed with genocidal intent. As already explained, the killing situation, as well as the conscience of the VRS Main Staff on the disastrous consequences that it will have on the community of Muslims from Srebrenica and other activities of the Main Staff, undertaken to ensure the physical disappearance of this community, is sufficient factual basis to concludes with a special intention. "(Krstić, 2004, para 35). It turns out that the terms of executions and the awareness of some members of the General Staff (not known to have been established) are sufficient proof of genocidal intent, with it being with those unnamed members of the Main Staff, who are not tried. It's really difficult to understand this logic.

<sup>86</sup> "In the absence of direct evidence of genocidal intent, the intention can still be derived from the factual circumstances of the crime. The conclusion that some of the bestiality was motivated by genocidal intent can be, moreover, carried out even when the identity of the persons to whom that intention could be attributed is not accurately determined. "Krstić, 2004, para. 34.

mere fact of mass murder becomes a proof of genocidal intent, which is contrary to the very definition of genocide.

However, the Tribunal has no answers to a number of questions without which any story about possible genocide loses its meaning:

**a) *Who has decided to destroy the certain group?*** The Tribunal concluded that the decision to commit genocide was made by unnamed "members of the General Staff of the ARS" (Serbian Army), or even by "some of the members of the General Staff the ARS" or by "part of the members of the General Staff of the ARS."<sup>87</sup> So, the Tribunal failed to determine who exactly had an alleged genocidal intention.

The Appeals Chamber issued an astonishing statement that "the fact that the Trial Chamber did not impose genocidal intent to a particular member of the General Staff of (ARS) could have been motivated by the desire not to attribute guilt to the individuals not being judged here," but that "does not affect the validity of the conclusion Bosnian Serb forces committed genocide against Bosnian Muslims."<sup>88</sup>

There is no logic here. It turns out that all those who were tried for genocide in the Tribunal were tried because some unknown members of the General Staff of ARS had genocidal intentions. But, if some of them had knowledge of the genocidal intent, they had to be brought before the Tribunal. The fact that they were not tried and they were not even named, says the Tribunal does not really have any knowledge that any particular member of the General Staff had genocidal intent.

**b) *When a decision to commit genocide was made?*** The Tribunal concluded that at the beginning of the military operation on Srebrenica, members of the General Staff of the ARS did not have genocidal intent, but that intent came later when the military objective changed from bringing the enclave down to the city's limits to taking over the entire enclave. In these frames, it is important to determine when exactly the alleged intent of destroying the Muslims in Srebrenica was created. Accurate time coordinates would support a stance on the existence of that intention. But the Tribunal has no answer to this question either.

**c) *Where was that decision taken?*** -And this is very important, because that information would prove that the decision to commit genocide was actually taken. It should be known in what place, in what building, at what meeting this decision was made. The Tribunal doesn't know the answer to this either.

**d) *What genocidal actions did the one with genocidal intent decide to use in order to achieve it?***

The Tribunal considers that it has adequately responded to this issue by concluding that the ARS has decided to kill the military-capable men, to expel Muslim civilians, and thus cleanse the Srebrenica area of Muslims. However, this argument cannot be accepted since there is no real evidence of genocidal intent. Also, ethnic cleansing is proclaimed as genocide, and these two actions are quite different.

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<sup>87</sup> Krstic 2004, couple. 29, 32, 33, 38.

<sup>88</sup> Krstic 2004, couple. 35.

*e) Which group did the ones who had genocidal intent chose to destroy?* - The Tribunal's answer is simple: it is a group of Muslims from Srebrenica as a part of the bigger group of Muslims in B&H. This conclusion is very controversial, and it deserves special review, so we will come back to it later.

Everything I mentioned requires precise and clear answers that should be proven beyond any reasonable doubt, as in the case of Holocaust or genocide in Rwanda. Without strong proof, the Tribunal's conclusions are based on assumptions, and criminal matters cannot be judged based on assumptions, but proven facts. That's not the case here.

The Tribunal itself admits that it does not have such evidence, and makes a new mistake by deciding that the existence of the intention for extermination may be concluded based on the behavior of the accused.<sup>89</sup> However, in the case of genocide, such findings are not allowed, because it contradicts the nature of this crime.

There is no genocide without intent to destroy, so the Tribunal forced itself to use complex procedures to somehow demonstrate that such an intention existed, even though there were obvious facts which indicate that everything is incomparably simpler and more logical. Specifically, it is not at all disputable: 1) that in the past 3 years, Muslim soldiers from Srebrenica committed horrific crimes against Serb civilians in that area; 2) that the 28th Division from Srebrenica was a threat to the ARS (Serbian Army) because it was very numerous (more numerous than the Serbian forces in that area). The 28<sup>th</sup> Division, well-armed, was attacking the positions of the ARS and the surrounding Serbian villages and presented a military threat that had to be eliminated,<sup>90</sup> and 3) that about 500 ARS soldiers were killed in the fighting against a Muslim column that was breaking the siege from Srebrenica to Tuzla. Was it not reasonable to conclude that some crimes against Muslims occurred due to revenge,<sup>91</sup> or for military reasons, or most likely because of both of them?

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<sup>89</sup> "In the absence of direct evidence of a genocidal intent, the intention can still be exported from the *faci* circumstances of the criminal offence. The Conclusion that some atrocities were motivated by genocidal intent can, moreover, be performed and when the identity of the room in which the intention could be attributed. "Krstic, 2004, couple. The 34.

<sup>90</sup> The tribunal took note of this circumstance, but noting that some of the civilians, including heavy invalids, were killed, assumed that they could not pose a military threat and concluded that the motive for their killing was the intention of destroying all Muslims from Srebrenica (Krstić, 2004, par 26). It is unusual that the Tribunal did not think that anyone who moves on crutches can shoot and command (after all, and General Krstic, who was tried in that process, was left without a leg from the footbridge, and then returned to the machine with a prosthesis). It is especially surprising that the Tribunal did not remember that someone who was disabled at the time of his death, may have been registered as a war criminal and was therefore shot (and the Tribunal itself established that the VRS had lists of Muslims - war criminals and searched for them).

<sup>91</sup> The Tribunal has shown a great deal of empathy towards the suffering of Muslim victims - men who are waiting for executions and civilians who go into uncertainty. These suffering were excessive. However, it might help members of the Tribunal to better understand the war situations if they tried to put themselves in the role of ARS soldier who tremendously suffered, because Muslim from Srebrenica raped and killed his wife, killed his mother, robbed his property, set his house on fire, and whose brother was also killed just before the fighting started with the column of the 28th Division from Srebrenica.

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Instead, the Tribunal will accept the Prosecution's thesis that Serbs wanted to commit genocide by killing all military-capable men and expelling all other Muslims, in order to ethnically clean Srebrenica.

In doing so, the Tribunal does not have facts at all. Even after all the evidence was presented, the Tribunal still does not know: (1) How many people were in Srebrenica before its fall, (2) how many of them were local people, and (3) how many people came in Srebrenica from other parts of B&H. The Tribunal does not know either: (4) how many of them were armed, (5) how many men went into breaking the siege and how many of them were killed in that military action, (6) how many were killed in mutual conflicts, (7) how many Muslims were captured and later exchanged, (8) how many people were deported from Srebrenica, (9) how many among them were men, (10) and how many prisoners were shot?

So, trials in the Tribunal are based on estimates and assumptions. The Tribunal assumes and therefore concludes that there was an intention of destruction, although there was no tangible evidence for it (it is not known who made this decision, when it was made, etc.).

In these assumptive conclusions, the Tribunal states that genocide is committed in those situations, which in the worst case could have been ethnic cleansing, and perhaps not even that.<sup>92</sup>

The Tribunal assumes that the Serbian forces knew that the murder of military-capable men in conjunction with the forced transfer of women, children and elderly would inevitably result in the physical disappearance of the Bosnian Muslim population in Srebrenica,<sup>93</sup>

According to this conclusion, the ARS's decision to deport Muslim civilians is interpreted as another way to ensure the physical destruction of the Bosnian Muslim community within Srebrenica. Thus, the possibility of renewing the Muslim community in that area was eliminated.

The Tribunal argues (in fact, assumes, there is no evidence) that the Serbs decided not to kill women and children because they were aware that this crime could be hardly hidden or presented as a military operation, and they were afraid of the high risk of international condemnation.<sup>94</sup>

The possibilities, not the facts, were again used of course, at the expense of the Bosnian Serbs. The Tribunal does not see that the civilians from Srebrenica were rescued and put in a safe place. What else, apart from relocation to a safe location, could have been done with a very large number of women, children, and elders? They gathered in one place (not brought in it by the ARS), and there was no water,

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<sup>92</sup> The Tribunal did not ask how is it that Srebrenica, which until the war was a mixed ethnic community, turned into a Muslim city in 1995. The answer is simple: because the Serbs are being expelled from it and in this area, Serbs were the first victims of ethnic cleansing.

<sup>93</sup> Krstic 2001, couple. 595. Krstic, 2004, couple. The 28-33.

<sup>94</sup> Krstic 2004, couple. 31.

food, medicine or shelter, and they had to be protected against possible individual violence?<sup>95</sup>

Transportation of civilians to a safe area was an obstacle to the ARS because it took place during critical military operations. It's surprising that the Tribunal even mentions the option of killing women and children when Serbs have never done it anywhere. The Tribunal assumes that the Serbs would kill civilians in Srebrenica if they have not been afraid of the international community. It is interesting that the Tribunal forgets that a similar operation was undertaken in the spring of 1993 by the High Representative for Refugees when 8,000-9,000 were evacuated from Srebrenica.<sup>96</sup> Has this action also been done because of the genocidal intent? In short, even if the movement of civilians from Srebrenica is deemed as ethnic cleansing, one cannot seek genocidal intent in it.

As the defense in the Krstic case correctly noted, the Tribunal unacceptably extended the definition of genocide. The Court decided that an attempt to move a community from its traditional residence was sufficient evidence that the alleged perpetrator intended to destroy a protected group. With this change, the Tribunal deviated from the meaning of the term genocide as defined in the Convention that refers to cases of physical or biological annihilation of groups, and included *geographical displacement* in the definition.<sup>97</sup>

If the Serbs wanted to commit genocide, they would do so against the Muslim civilians who were living in the area they controlled. Instead, they transported them to the Muslim zone while at the same time conducting a very risky military action of locating and capturing a vast array of Muslim fighters who were trying to breakthrough from Srebrenica to Muslim territory. The Serbian forces lost about 500 people in these operations. Also, if the Serbs intended to commit genocide, they would have done it in other places that were under their control, which included the largest part in B&H.

The Tribunal has additional problems: it ignores the fact that genocide is based on personal responsibility. For someone to be convicted of it, it is necessary to prove that all three constituent elements of the genocide exist in the defendant's concrete accusation. That means that the accused had genocidal intent. It is not enough that others had that intent, and the accused was just an instrument used to commit genocidal actions (e.g., taking part in shooting but without genocidal intent), nor that the accused person knew, and did not prevent the genocidal intent of others. It has to be proven with supportive evidence that the accused had the intention to commit genocide and did so.

The case against Krstic was the first case of genocide conviction before the Tribunal. Once it was ruled that genocide was committed in Srebrenica, the

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<sup>95</sup> We have to ask ourselves: what would happen if the civilians stay in their homes? It is not always possible to control all armed men in the war. Many Serb soldiers from that region have lost their children, wives, parents and friends in the past three years, all killed by Muslims from Srebrenica. Who could guarantee that some of these soldiers would not commit crimes against Muslim civilians?

<sup>96</sup> Krstic 2001, couple. 16.

<sup>97</sup> The Krstic case para. 43, 46-47: 2004, par. 24.

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Chambers of the Tribunal used that verdict and its argumentations against other defendants.

However, the Tribunal acknowledged that Krstic: did not want to kill Muslims; that he did not receive such an order; that he did not order or take part in the killings; that he did not know about the crimes; that he had been ordered to act humanly towards Muslim civilians, and that he did not try anything in Zepa similar to what happened in Srebrenica.<sup>98</sup>

Yet, Krstic was convicted under the authority of the Serbian command, which the Tribunal interpreted in a very problematic way.

He was sentenced as a commander of the Drina Corps, and according to the Tribunal, without the help of personnel and mechanization of this unit, the General Staff could not carry out a plan to execute Muslims from Srebrenica. According to the Appeals chamber, "Krstic knew that the buses, which he provided for transporting women, children and old people, would also be used to move men to various places of imprisonment." They also indicted Krstic because they believed he knew "that the personnel and vehicles of the Drina Corps were used in finding places for imprisonment, and for the execution and guarding of Bosnian Muslim prisoners at various places of detention." He was also convicted because, as they say, "he knew that vehicles and heavy machinery of the Drina Corps were used as a helping hand in the executions of the Bosnian Muslim civilians."

Regarding Krstic's verdict, several points should be made: 1) the Tribunal speaks of the General Staff, not, as it normally does about some of its members; 2) the Court mentions a plan to "execute Bosnian Muslims from Srebrenica", which suggests that the plan was to execute all of them, not just army-capable men; 3) the Tribunal cites some situations as genocidal acts, which are not even a criminal offense, such as the transfer of male prisoners to various places of detention, the conduct, and custody of prisoners, and so on; 4) the verdict mentions the use of vehicles and machinery of the Drina Corps in the executions, but it is not clear how they could have been used, except in the burials of the dead, which doesn't mean that whoever ordered their use knew the cause of the deaths, nor that he knew that everything was part of some kind of genocidal plan.<sup>99</sup>

And yet, on the above-stated basis, in which no elements of genocidal action or genocidal intent are seen, the Tribunal concluded that: "This knowledge and these forms of aid are a significant contribution to the execution of these crimes, which is a condition for the conviction of aiding and abetting in genocide of Bosnian Muslims from Srebrenica."<sup>100</sup>

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<sup>98</sup> Michael Mandell, a professor of international law at York University in Toronto, concluded: "If the case of general Krstic symbolizes anything, then it is the fact that genocide did not occur in Srebrenica." Krganovic, Pavic, 2015, 23.

<sup>99</sup> In the village of Kravica, where 30 ARS soldiers guarded a large number of captured Muslim soldiers, one prisoner grabbed a raffle from one guard and killed one and wounded another guard. The other guards opened fire and killed a large number of prisoners. 330 bodies were found in two primary graves in the nearby village of Glogovac, in which the captured prisoners were buried at that time. This was a tragic incident, not a mass execution, as part of a genocidal plan. Ivanišević, 2015.

<sup>100</sup> Krstic 2004, couple. The 238.

In doing so, the Tribunal ignores that at that time, Krstic was engaged in another major military operation in a different location (in Zepa). So, he was convicted based on the command responsibility, not because he was proven to have genocidal intent.

This is one of the reasons that the Appeals Chamber removed his penalties for the execution of genocide and participation in the joint criminal plan to commit genocide and left a punishment for complicity in it ("aiding and abetting the execution of genocide"). The impression is that the Appeals Chamber concluded that Krstic cannot be guilty for the execution of any acts of genocide, but that he had to be convicted for some criminal offense related to genocide, because the verdict would otherwise annul and bring down other convictions which were modeled towards Krstic's.

In fact, the tribunal could not prove genocidal intention for any person accused of it. And how can this guilt be proven when one does not know who and when made such a decision?

According to the Tribunal, those who were convicted participated in the commission of genocide, but it is not known who planned it and there is no material evidence, despite the fact that the Tribunal collected an incredible volume of documentation, a huge amount of eavesdropped conversations.)<sup>101</sup>

On the contrary, evidence shows that the attack on Srebrenica was planned suddenly after the Muslims of Srebrenica attacked the town of Višnjica and nine other Serbian villages. The aim of the operation was to secure the area around Srebrenica and to reduce the enclave to the city limits. Only when they saw that Muslim forces were not resisting, the Serbs decided to enter the city.<sup>102</sup>

The Tribunal's allegation that the Serbs removed Bosnian Muslims from Srebrenica was motivated by eliminating the smallest possibility of restoring the Muslim community in the area<sup>103</sup> is just another one in a series of wrong assumptions. Life in Srebrenica denounced this false claim of the Tribunal.

According to 1991 census, before the war in the Srebrenica municipality the Muslim population constituted 27,118 (72.88%). By the registration done in 2013, there were 7,248 Muslims (54.05%). This means there were 19,870 or 3.7 times less than in 1991. But they still represented the majority in Srebrenica. The number of Serbs has been reduced also. In 1991 there were 9,381 (25.21%) Serbs and now there are 6,028 (44.95%). This means that the number of Serbian people is also reduced by 3,353 or 1.6 times.<sup>104</sup>

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<sup>101</sup> If Serbs wanted to commit genocide against Muslims, there would be written evidence (orders, plans, etc.) as they existed in the case of the Holocaust. There would be evidence of public incitement to commit genocide, as was the case in Rwanda.

<sup>102</sup> Contrary to what was decided by the Tribunal (Krstić, 2004, paras. 15-16), the decision to attack the territory of Srebrenica was not made for strategic reasons, because otherwise it would have been passed much earlier (after all, the Serbs would not have agreed to create a UN-enclave) and the military operation was the result of the frequent attacks by Muslims from the protected zone. Its goal was not to deny the survival of Muslims, but to protect the background of the Serbian army and the Serb population in the surrounding villages.

<sup>103</sup> Krstic 2004, couple. 31.

<sup>104</sup> Census of 1991, Population according to national composition, Bosnia and Herzegovina,

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Given everything that's happened, these demographic changes are understandable, and they also demonstrate that after all, the Muslim (Bosniak) group is not destroyed but that it represents the majority in Srebrenica.

On the other hand, before the war on the territory of today's Federation of Bosnia and Herzegovina (it is one of the two political entities that compose Bosnia and Herzegovina, the other being Republic of Srpska) there were about 600,000 Serbs (21.1%) and now there are only 56,550 (2.55%).

According to the census from 1991 in the part of Sarajevo which later during the war was under Muslim control, there were 182,369 (50.49%) Muslims and 92,560 (26.53%) Serbs. According to the census of 2013 there are 222,457 (80.74%) Muslims/Bosniaks and only 10,422 (3.78%) Serbs. So, the number of Serbs decreased by 82,138 persons and fell from 26.53% to only 3.78%. The number of Serbs in Tuzla fell from pre-war 20,271 to 3,378 (16,893 less), in Mostar from 23,846 to 4,421 (19,425 less), in Zenica from 22,433 to 2,409 (20,024 less), etc.<sup>105</sup>

So, if Srebrenica now has 3.7 times fewer Bosniaks than in 1991, it should be kept in mind that the following cities today also have fewer number of Serbs than in 1991(pre-war time): Mostar has 5.3 times fewer Serbs, Tuzla 6.7 times less, Sarajevo 8.9 times less, and Zenica 11 times less. No one explains the cleansing of Serbs from these cities as a genocidal action.

Also, what to say about the Operation "Storm" in Croatia 1995, in which only in 4 days (Aug. 4<sup>th</sup> to Aug. 7<sup>th</sup>, 1995) Croatian forces killed approximately 2,000 and expelled about 250,000 Serbs. There is strong evidence that this was a plan of the state leadership of Croatia.

Therefore, if there was genocide in Srebrenica, then it was undoubtedly genocide against the Serbs in Sarajevo and, in particular, in Operation "Storm." Also, vice versa, if there was no genocide in these two events (the Tribunal never qualified them as such), then the same criterion must be applied to what happened in Srebrenica.

For a better understanding, the following facts should be emphasized: (1) Only a handful of Serbs were convicted of genocide (under the Command responsibility that is for participation in a Joint Criminal Enterprise),<sup>106</sup> but if there was genocide, the list of defendants would be a long one. (2) Direct perpetrators have not been prosecuted before the Tribunal, and the court has discarded any significance of state policy as a component of the analysis.<sup>107</sup> (3) If the Serbian Army (ARS) had a plan to commit genocide, it would have closed the enclave so that no one could

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<http://pod2.stat.gov.rs/Objavljenepublikacije/G1991/pdf/G19914026.pdf>, 03-01-2019; Census of Population,

Households and Flats in Bosnia and Herzegovina, 2013. Results of the census:

[www.popis2013.ba/popis2013/doc/Popis2013prvoIzdavanje.pdf](http://www.popis2013.ba/popis2013/doc/Popis2013prvoIzdavanje.pdf), 03-01-2019..

<sup>105</sup> At the same time, the number of Bosniaks increased: in Zenica for 12,629, in Tuzla for 18,105, etc. Filipovic, Misljenovic, 2016

<sup>106</sup> Rooper, 2011, 139.

<sup>107</sup> Kasesse, 2005, 115; Schabas, 2008b, 953-982.

escape.<sup>108</sup>(4) If there was genocidal intention, genocide would have been committed in neighboring Zepa, etc.

I should also remind you that the Muslim leader Alija Izetbegovic, on September 7, 1995, two days before the fall of Srebrenica, sent a letter to the leaders of the United States, the United Kingdom, France and Germany in which he warned that genocide would happen when Serbs enter Srebrenica.

Izetbegovic and Muslim Minister Muhamed Sacirbey also announced "genocide" in advance to the media. According to witnesses, Izetbegovic told a group of Muslims from Srebrenica at the meeting in Sarajevo in 1993 that US President Clinton has offered him "a deal" that if the Serbs enter Srebrenica and execute the 5,000 Muslims, that would trigger NATO military intervention on Serbian positions throughout B&H.<sup>109</sup>

**f) Conclusion:** The killings in Srebrenica were not carried out with genocidal intent and the Tribunal did not prove it beyond reasonable doubt. Deportation of civilians was not ethnic cleansing; people were moved to a safe place. Executions of some captured men were war crimes, not genocide.<sup>110</sup>

The War in Bosnia was brutal, but it was not a holocaust, there is no indication that anyone had any intention of destroying one group of people in terms of which the Convention speaks.<sup>111</sup>

### **C. Protected Group**

**1. General** – The third constitutive element of genocide is proof that the crime was committed against a national, ethnic, racial or religious group.<sup>112</sup> No other group (e.g. political) is a protected group in terms of the definition of genocide in the Convention.

The Tribunal correctly observes that "when a genocide conviction is based on the intention to 'partially' destroy a protected group, it must be a **significant part of that group**" (emphasized by the author). The goal of the Genocide Convention is to prevent the intentional destruction of entire human groups, and the targeted part must

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<sup>108</sup> This is testified by the Portuguese General Carlos Martins Branco in his memoirs "War in the Balkans" (pp. 201-206) He was the deputy head of the UNMO mission for Croatia and Bosnia from 1994-1996 and who, in that high position, received all intelligence from the field. He unequivocally claims that no genocide occurred. Karganović, 2017..

<sup>109</sup> Although Izetbegovic later denied that he had said that, there were witnesses, among them Hakija Meholic, the commander of the police in Srebrenica, and the second ranking man by the importance in Srebrenica during the war. Flyium/Hebdict, 2011 A Town Betrayed, documentary, at 27,18-29,30 min.

<sup>110</sup> Pilch 2013, 13

<sup>111</sup> Johnstone, 2005; Magnusson, 2013, 33.

<sup>112</sup>The definition of genocide contains two important restrictions: 1) it protects the four groups listed, unlike the related concept of crimes against humanity, which implies each group or collective that can be identified in the political, racial,

national, ethnic, cultural, religious, etc. and 2) essentially restricts the physical destruction or extermination of the group, as opposed to the crime against humanity, which extends to various forms of "persecution", i.e. intentional deprivation of fundamental rights due to the group's identity or collectivity. Schabas, 2008a, 161.

be substantial enough to affect the group as a whole." Also, "the condition of considerable influence (significant part) has to reflect the determining character of genocide as *crimes of mass proportion* (underlined by the author) and respond to the request stated in the Convention that the destruction of the targeted group must affect **the survival of the group as a whole**" (underlined by the author.)<sup>113</sup>

To confirm this viewpoint, the Tribunal also relies on the position of the (a) International Law Commission, which in 1996 stated that "the criminal offence of genocide by its nature requires the intention to destroy at **least a significant part** (underlined by the author) of a group "and (b) the report of B. Whittaker, Special reporter of the UN Subcommittee for prevention of Discrimination and Protection of Minorities, noted in 1985: "It seems that 'partly' implies a real significant number in relation to the overall group as a whole or in another way, a significant segment of the group, for example, its leadership."<sup>114</sup>

**2. Srebrenica** – The problem is the Tribunal sites interpretations which contradict the principles of the Convention.

From everything I had quoted, it follows that genocide exists only if (1) *a considerable part of a protected group* (i.e. a sufficiently large part) has been destroyed, that it is *a mass scale crime*; (2) that the destruction of the targeted part of the group *must affect the survival of the group as a whole*; (3) that it is about destroying *a relatively significant number of people in relation to the group as a whole*, or otherwise destruction of *a significant part, such as the group's leadership*.

For Srebrenica events to be declared as genocide it was necessary to prove that a relatively large number of people were killed in relation to the protected group as a whole (i.e., with regard to all Muslims in B&H), or that a part of the group that was killed was significant to the targeted group such as the leadership of all Muslims in B&H and not the leadership of only Srebrenica Muslims. It's not possible to prove genocide in Srebrenica, because it doesn't correspond to these facts.

With no other way to link what happened in Srebrenica to genocide, the Tribunal bowed to the concept of the so-called local genocide, the one aimed at the disappearance of a particular group from some narrower territory.<sup>115</sup> According to this approach genocide is committed even when the purpose is to destroy a particular group within a geographical area such as a region in the state or even a place.<sup>116</sup>

However, such an approach is contrary to the very nature of the crime of genocide.<sup>117</sup> With such logic, this kind of crime could be also done within the local community, one street, and even a building.

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<sup>113</sup> Krstic 2004, couple. 8.

<sup>114</sup> Krstic 2004, couple. 11

<sup>115</sup> This concept represents the innovation of Sheriff Basiunia, who pointed out in the US Congress that there is no doubt that war crimes were committed in B&H, but that according to the Convention, it would be difficult to classified B&H events as genocide, and that this would only be possible if a "progressive" attitude is taken according to which genocide can be carried out at the local level. Magnusson, 2013, 34.

<sup>116</sup> Krstic 2001, couple. The 589.

<sup>117</sup> One author is wondering what is the local genocide, and observes that no part of the Convention or the usual use of language lead to such an interpretation of the term "partly". According to him: "The

**3. The Problem with the part of a protected group.** – In essence, the Tribunal has accepted that genocide can be carried out by partial destruction of the smaller group that belongs to a larger group. The definition of genocide, which relates to *a significant part of the group*, has been unjustifiably expanded. It's interesting how it's done.

The Tribunal reminded that Rafael Lemkin, a prominent expert on international criminal law, who has created the word *genocide* and who participated in the drafting of the Genocide Convention explained that "partial destruction must have significant consequences on the group as a whole" and that "the Convention is valid only for mass-scale operations." The Tribunal referred to another researcher N. Robinson, who agreed with Lemkin, and specified that the perpetrator must have the intention to destroy a significant proportion of individuals who belong to the targeted group, and that "effort must be directed towards the destruction of the group."<sup>118</sup> This is a formulation that exactly reflects the purpose of the Convention.

In a concrete case, the only correct conclusion would be that the protected group represents Muslims of B&H, which would mean that genocide could be discussed only in case where a significant number of them were eliminated. However, everything suggests that a maximum of 2,000 people was killed. Even if 4,970 people were killed, which is the assessment of the Tribunal from 2015, it is far from a significant portion of the whole group.

Given the number of people killed, the Tribunal could not talk about genocide, so they decided in addition to the significant part of the protected group, to consider the number of targeted individuals, not only in absolute terms (how many individuals were killed), but also in relation to the size of the whole group. The Tribunal then concluded that in addition to the numeric size of the target group, its importance within the group should also be taken into account, and if the small part of the group in some way represents the entire group, or is crucial for the group's survival, then extermination of such small group could be classified as genocide.<sup>119</sup>

Even if after accepting the unrealistic thesis that 8,000 people were shot, the number would have been small compared to more than 1.9 million Muslims who lived in B&H according to the 1991 census or 1.4 million Muslims who lived in Bosnia and Herzegovina in 1995 according to Tribunal.<sup>120</sup>

The obvious conclusion is that what happened in Srebrenica cannot be called genocide, so the Tribunal accepted the Prosecution's position and took an unusual

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example shows that genocide can be done 'locally' only if most of the population is already geographically divided and concentrated. If this is the case, then this innovation is not necessary. If we talk about genocide in the way this Tribunal does, it means that the most important segment of the legal and scientific definition of genocide, the destruction of the people, is not seriously understood. This only makes sense if someone wants to use the symbolic notion of genocide at all costs where it doesn't belong. But if this is done, the words lose any meaning, which must have been clear to the judges in The Hague. "Magnusson, 2013, 43.

<sup>118</sup> Krstic, 2004, couple. The 10th.

<sup>119</sup> Krstic, 2004, para. 589

<sup>120</sup> It was proven by ICJ, Case concerning Application of the Convention, 2007, pars. 198-200

approach.

Tribunal concluded that 40,000 people lived in Srebrenica at the time of the fall. Apart from the local population, Muslim refugees from the surrounding villages also lived there. Although Muslims in Srebrenica represented only a small percentage of the total Muslims in B&H, the Tribunal concluded that they were of enormous importance to the survival of all Muslims in B&H.

In support of that claim, the Tribunal refers to reasons such as the strategic importance of the area for the Bosnian Serbs, as well as the importance to the international community.<sup>121</sup>

Tribunal concluded the following: (1) that the elimination of the enclave would enable the entire region to be cleared of the Muslim population ;<sup>122</sup> (2) that Srebrenica was a protected zone (3) noted that the elimination of the Muslim population from Srebrenica would be an indication to all Bosnian Muslims how vulnerable and helpless they were against Serbian military forces,<sup>123</sup> and on the basis of these arguments, the Tribunal concluded that a group of Muslims from Srebrenica was essential to the survival of all Muslims in B&H.

We wonder: where is genocide here? About 40,000 lived in the enclave before its fall, and according to the census of 1991 - 1,9 million Muslims lived in B&H. Nobody killed those 40,000 people, less than 2,000 were shot, or as Tribunal estimated in 2015 - 4, 970 people were executed. How could these estimated numbers of killed people, even in a small place like Srebrenica, affect the survival of all Muslims in B&H?

So, the Tribunal concludes that it doesn't really matter how many people were killed. This lead to the absurdity of conviction in the first degree of Tolimir for the genocide committed by killings of three Muslim leaders from Zepa.<sup>124</sup> Moreover, in the case of Krstic, the Tribunal concluded that "genocide can be committed towards one or only a few."<sup>125</sup>

How is it possible to commit genocide by killing only 3 men, or even one? Is that what the creators of the Convention had in mind?

Definitely not! That genocide cannot be carried out by killing only one member of a protected group. It clearly indicates the definition of genocide where it refers to the killing of group members (therefore not one member) as correctly indicated by Kasesse.<sup>126</sup>

But, let us return to Srebrenica. The Tribunal acknowledges that the protected group represents Muslims from B&H, but then declares that Srebrenica Muslims are

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<sup>121</sup> Krstic 2004, couple. 15.

<sup>122</sup> Krstic 2004, couple. 15.

<sup>123</sup> Krstic 2004, couple. 16

<sup>124</sup> The Appeals Chamber annulled this conviction, but not because of the wrong reasoning, but with the argument that the population of Zepa had already left the city. Tolimir, 2015, para. 257, 261, 263, 265.

<sup>125</sup> Krstic 2001, para. 685.

<sup>126</sup> Kasesse, 2005, 113.

crucial to the survival of all Muslims of B&H, and concludes that they have been destroyed (all 40,000). Based on this statement the conclusion is made that genocide has been carried out. Tribunal does not say that all 40,000 have actually been killed, but it takes the view that they were physically destroyed.<sup>127</sup>

In doing so, The Tribunal ignores: 1) the initial assessment that about 8,000 were killed is unrealistic and the court reduced that number to 4.970, ( although this figure is also an overestimation); 2) the vast majority of Srebrenica survived (it is already mentioned that more than 38,600 survived the fall of Srebrenica,);<sup>128</sup> 3) most of those who were in Srebrenica in July 1995 were not local residence, which suggests that locals did not make up most of the executed.

Nowhere is that said, but from the rationale of the Prosecution, which the Tribunal adhered to, it follows that there are 3 levels and 4 categories of protected groups in the case of Srebrenica.<sup>129</sup>

**a) Group A** – Muslims in B&H, or Bosnian Muslims. The Tribunal in many places insisted that they are a protected group<sup>130</sup> and that genocide against them was committed<sup>131</sup> by killing a group of Muslims from Srebrenica, who for some reason are an essential part for the survival of the entire group (all Muslims of B&H).

According to the Tribunal: "The Trial panel noted that the "group" for the purpose of the definition of genocide represents the Bosnian Muslims, and that "the part of the group" represents the Bosnian Muslim community from Srebrenica."<sup>132</sup>

**b) Group A1** – Muslims from Srebrenica. The Tribunal sees them as special and a very important subgroup within the group A. Although the Court acknowledges that they only make up a small part of the group as a whole, they are essential to the survival of the entire group A (all Muslims of B&H). According to the Tribunal, the Serbs committed genocide over them (Muslims from Srebrenica) by killing men,

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<sup>127</sup> It uses an incorrect calculation here. By treating as 40,000 of them destroyed, the Tribunal calculates that they accounted for 2.9% of all Muslims of BiH (1.4 million), which, according to its judgements, is a significant share. This is wrong, because the only thing that makes sense is to take into account only the number of those killed, what has already been said. But even if one for some reason has the desire to determine the share of Muslims in Srebrenica in the number of all Muslims in B&H, that one must start from the census of 1991 that shows that in Srebrenica lived 27,118, and in B & H 1,905,274 Muslims. This shows that the share of Srebrenica Muslims was 1.4%, which is more than 2 times less than what was decided by the Tribunal, and it is completely insufficient for this group (even if it was completely confronted with the destruction but was not) significant for the survival of Muslims in B&H).

<sup>128</sup> Rooper, 2011, 105; Maric, 2016.

<sup>129</sup> Division and names are ours and only conditional, given for a better explanation

<sup>130</sup> Already in the first genocide judgment, the Trial Chamber pointed out in the indictment that "the target group is defined as a Bosnian Muslim" and noted that the Muslims are a certain and distinct national group and are therefore covered by the definition of genocide. (Krstić, 2001, paras 558-560). Such a position was also confirmed in subsequent judgments (e.g. Popović, 2010, para 840). The fact that the Bosnian Muslims are a protected group in terms of the definition of genocide was confirmed much later in the case of Mladic. Mladić, 2017, para. 3538.

<sup>131</sup> For example, Krstic, 2001, couple. The 599.

<sup>132</sup> Krstic 2001, couple. 560, 591.

<sup>133</sup>and deporting women, children and older people. Besides, the Tribunal explicitly discusses the "Bosnian Muslim genocide of Srebrenica".<sup>134</sup>

Accordingly, depending on the situation that is needed, the Tribunal at one point treats all Muslims in Bosnia and Herzegovina as a protected group, and in another situation Muslims from Srebrenica are a protected group, specifying that they are part of the first group.<sup>135</sup>

Although the Court proclaimed Muslims from Srebrenica as a "considerable part" of all B&H Muslims, and thus, a protected group,<sup>136</sup> the Tribunal has not proven at all the reasons why that "considerable part" is substantial to the survival of the whole group. Muslims from Srebrenica consisted only of a very small portion of all Muslims in B&H and did not differ in any way from the others. That was concluded by the Tribunal itself,<sup>137</sup> and yet Srebrenica Muslims were considered as a special subgroup, so special that the concept of a group could be applied towards the definition of genocide.<sup>138</sup>

A special problem is the fact that at the time of its fall, most of the inhabitants of Srebrenica were people who came from other areas, internally displaced persons and soldiers. In addition, at the Memorial Centre's monument it reads that the remains of the victims from 13 or more municipalities were buried there. Some of these listed municipalities (for example, Sarajevo, Foca or Bijeljina) are more than 100 km away from Tuzla.<sup>139</sup>

This also suggests that Muslims from Srebrenica are not a special sub-group of Muslims of Bosnia and Herzegovina, but the Tribunal treated them as a separate protected group when they needed to expand definitions of genocide.

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<sup>133</sup> According to the Tribunal, they are the only part of the protected group, relevant to the analysis in the light of the definition of genocide. Krstić, 2004, para. 19.

<sup>134</sup> Krstić 2004, couple. The 238.

<sup>135</sup> "Striving to eliminate some of the Bosnian Muslims, Serb forces committed genocide. They ordered the destruction of forty thousand Muslims of Srebrenica, who, as a group, represented Bosnian Muslims in general." Krstić, 2004, para. 37.

<sup>136</sup> Krstić 2001, couple. 22.

<sup>137</sup> "On the other hand, the Bosnian Muslims who lived in Srebrenica cannot be distinguish from the other Bosnian Muslims according to any ethnic, ethnic, racial or religious characteristic. The only distinctive criterion would be geographical, and this criterion in the Convention is not foreseen. Among other things, it is not certain that Bosnian Muslims who lived in the enclave, at the time of the attack, considered themselves a separate national, ethnic, racial or religious group within the Bosnian Muslim group. Indeed, most of the Muslims who were at Srebrenica at the time of the attack were originally not from Srebrenica, but from the wider area of Podrinje. The evidence shows that they considered themselves more as members of the Bosnian Muslims." Krstić, 2001, para. 559.

<sup>138</sup> As one author rightly observed, the Tribunal's opinion that the Muslims from Srebrenica differ in their patriarchal culture from other Muslims in B&H was accepted and a separate group was created in which the death of a man could have more serious consequences than usual. Magnusson, 2013, 37-38.

<sup>139</sup> The Tribunal claimed that there was no presence of Muslim soldiers from other distant areas of B&H in Srebrenica, and it was justified on the grounds that the displaced persons from distant areas would seek salvation in neighboring Tuzla, where there were no combat operations at all, and not in the surrounded Srebrenica, in the depths of the territory under the control of the ARS. Marić, 2016.

The Tribunal is not clear in most cases which group is a protected one and how that group should be called. In various examples, the Court refers to that protected group as "Bosnian Muslims" and that part of the group represents "Srebrenica Bosnian Muslims" or "Bosnian Muslims of Srebrenica", "Eastern Bosnian Muslims", "Bosnian Muslims of eastern Bosnia", "Muslims from Srebrenica or Muslims of Eastern Bosnia", "the Bosnian Muslim community of Srebrenica", or "the Bosnian Muslims, inhabitants of the enclaves."<sup>140</sup> These names do not correspond to the terms of the definition of genocide.

Affirming the concept of the so-called local genocide and defining a protected group as a subgroup of Muslims from Srebrenica, the Tribunal introduces a new category of the protected group - "an entity in a geographical area of significance."<sup>141</sup>

**c) Groups A1<sup>1</sup> and A1<sup>2</sup>.** – Within the A1 sub-group, the Tribunal is essentially distinguishing two new subgroups. First (we will call it A1<sup>1</sup>) are military men from Srebrenica and another (A1<sup>2</sup>) Muslim women, children and the elderly from Srebrenica. These subgroups differ by their members' personalities, and in particular, by the genocidal actions which, according to the Tribunal, were committed against them.

**(1) The Military-capable men.** - The Prosecution has tentatively used the term, and the Tribunal has accepted it. A much more correct name would be "prisoners of war", but if necessary, it could be added that there were certain civilians alongside them.

However, it is quite different when it is said that prisoners of war have been shot than when we say that military-capable men have been shot. Lastly the terminology used: "military-capable men", suggests that these are civilians. In reality, the primary victims of the executions were just prisoners of war. It should also be added that those who were not armed were also under military contracts of the 28<sup>th</sup> Division of the Army of B&H.

In order to enhance the image of the heinous actions as much as possible, the men are referred as "boys". Although it is said in the judgments in various places that "military-capable men"<sup>142</sup> have been slaughtered, the phrases "men and boys"<sup>143</sup> and even "boys and men" are used, suggesting that victims are even children.<sup>144</sup> The Tribunal uses terminology that suggests a crime, even though it does not know how many people were actually shot, let alone how many of them were children aged 16-17. Insisting on the term "boys" rather than "young men" they are trying to reinforce the image of terrible genocide. In doing so, it is ignored that the "boys" (male juveniles of various ages) have been released by the Bosnian Serbs into the territory under the control of the Army of B&H, and that in some cases the Tribunal

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<sup>140</sup> Krstic, 2001, para. 90, 560, 633; Krstic, 2004, para. 15 Popovic, 2015, para. 413.

<sup>141</sup> Krstic 2001, para. 590.

<sup>142</sup> Krstić, 2001, para. 621; Popovic, 2010, para. 856, 857, 860; Popovic, 2010, para. 857, 858.

<sup>143</sup> Tolimir, 2015, para. 590

<sup>144</sup> Mladic, 2017, para. 2638

acknowledges that "only capable men are systematically killed."<sup>145</sup>

Having noted that the genocidal intent must consist in the physical or biological destruction of the group, the Tribunal concludes: "The killings of military-capable men were undoubtedly physical destruction and, given the extent of the killings, the Trial Chamber's conclusion, that their extermination was motivated by genocidal intent, is legitimate."<sup>146</sup> The tribunal does not want to see that with this decision it put these men in a special protected group. Such a rationale is unsustainable.

It is especially necessary to emphasize that even though the Tribunal admits that a few thousand men from Srebrenica have survived in various ways, in some places it explicitly discusses that the Serb forces had killed "all the military-capable men, " or "all men from Srebrenica."<sup>147</sup> Although this is not true and is contrary to the other conclusions of the Tribunal, the Court treats it as a fact, and then concludes that the genocide was committed in the particular case.<sup>148</sup>

Even if we accept that the number of those killed is about 2,000 (what we believe is true) or 4,970 (the Tribunal's assessment of 2015), in both cases it is very far from both the absolute and the relative proportions needed to categorize it as genocide.

**(2) Women, children, old people.** This is yet another incorrect term. Because it is clear from the phraseology of the Tribunal's judgment that besides women, children and the elderly, "others", that is men, were also deported. The Tribunal notes that a group of more than 25,000 deported was mostly composed of women, children and the elderly.<sup>149</sup>

Although their lives are preserved, the Tribunal finds that genocide was committed against these individuals.<sup>150</sup>

The Tribunal also concluded that although that while Muslims from Srebrenica represented only a small percentage of B&H's Muslim population (protected groups) they represented a significant part of the group as a whole, because they were a patriarchal society in which men had higher education and secured a material basis for their families. The Tribunal also concluded that the units of the ARS were aware that the murdering of military-capable men would deeply disturb the social and cultural fundamentals of the group,<sup>151</sup> or create lasting troubles.<sup>152</sup> The Tribunal then came to the conclusion that since the killed men (7,000-8,000) were a fifth of the entire Srebrenica community, the destruction of such a large number of men would

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<sup>145</sup> Krstic 2001, couple. The 595.

<sup>146</sup> Krstic 2004, couple. 27.

<sup>147</sup> Krstic 2001, a couple. The 597.

<sup>148</sup> Popović 2010, couple. The 866.

<sup>149</sup> "About 25,000 Bosnian-Muslim, mostly women, children, and elderly ". Mladić, 2017, para. 2556.

<sup>150</sup> The Tribunal does not have a clear picture of how persons have been deported from Srebrenica. It operates various estimates ranging from 20,000 to 30,000. In the case of Mladic, there are 25,000 to 30,000 Muslim civilians in Potocari, and then he says that 25,000 of them were transported to the territory under the control of the Army of B&H. Mladić, 2017, para. 2453, 2556.

<sup>151</sup> Krstic 2001, para. 592 Arandjelovac, 2010, para. 865-866 Tollmir, 2015, best. 185-188.

<sup>152</sup> Krstic 2004, para. 37.

"inevitably result in the physical disappearance of the Bosnian Muslim population in Srebrenica".<sup>153</sup>

However, the importance of subgroups for a protected group is not measured by the characteristics of patriarchal social values. Furthermore, it is forgotten that these are citizens of the former Yugoslavia which has built a socialist system for 50 years, which is characterized by the insistence on the equality of men and women and the education of all. After all, if one can talk about certain elements of patriarchalism, it is important to know that at that time patriarchalism was characteristic of most Muslims in B&H, but also of Serbs in the area of Montenegro, Macedonia, and of a large part of Croats.

The conclusion of the Tribunal states that, the strong patriarchal nature of Muslims from Srebrenica was the reason that the victims were condemned to physical destruction, and this is wrong for several reasons: 1) not all of the men of military strength were killed in Srebrenica; 2) among the men shot, the majority were not from Srebrenica, so that their killings did not affect the survival of the Srebrenica's group; 3) nothing prevented unmarried women from Srebrenica from marrying and having children with other Bosnian Muslims, 4) even if we accept that in a highly patriarchal environment widows and women whose husbands may have been missing could not remarry, they already had children, and as a rule several of them; 5) young men and boys who were deported from Srebrenica quickly grew up to have their own children with Srebrenica's partners.

Serbia, which was a highly patriarchal country at the time, lost 28% of the population in the First World War and even 62% of the male population aged between 18 to 55 years old, which were of the reproductive and working age.<sup>154</sup> And yet, the country recovered quickly.

Finally, it's already mentioned that even today, Muslims live in Srebrenica and make up the majority of the population there.

In fact, many Muslim men from Srebrenica survived the war. Some of them left the enclave before its fall and a number went with civilians to Potocari. The Army of Republic Srpska allowed over 3,000 soldiers to cross into the Muslim territory when the ceasefire was achieved while many men were in military positions outside of Srebrenica. The Serbian Army took care of wounded and handed them over for treatment, while a number of Muslim soldiers were held in captivity and later exchanged. According to the Tribunal's assessment there were about 15,000 people in the column that were trying to break the siege from Srebrenica to Muslim controlled territory, and about two-thirds of those survived.<sup>155</sup> It should be emphasized that soldiers killed in battles or in mutual conflicts cannot be added to the list of the alleged genocide victims.

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<sup>153</sup> Krstic 2004, para. 28.

<sup>154</sup> Serbia lost 1,247,436 inhabitants (402,435 soldiers and 845,001 civilians) and 264,000 disabled people. Nikolajevic, 1956, 76.

<sup>155</sup> Among other things, starting with the numbers established by the Tribunal itself, if there were 15,000 men in the column (Mladic, 2017, par 2368), of which 4,970 were killed and 2,628 were killed in the battle, this means that at least half of the column survived.

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The claim that the units of the ARS were aware that the murder of military-capable men would profoundly disrupt the social and cultural background of the group, or bring the group in the lasting troubles, is not true. Not all military men from Srebrenica were killed. The disruption of the social and cultural basis of the group, as well as causing permanent damage is not genocide.

Finally, we have to repeat once more that the count of 7,000 - 8,000 killed was declared by the Tribunal at the very beginning in the first processes,<sup>156</sup> and later in 2015 that number was reduced to another estimate of about 4,970 killed. The Tribunal included in the Muslim community in Srebrenica some of those who are not from that area. However, everything suggests that a maximum of 2,000 people were executed, and even if we accept the Tribunal's estimate of 4,970, which is tragic, it is far from being genocide.

Let's recall what happened in Serbia. In 1941 Germans executed in Kragujevac, the Serbian city (with about 27,000 inhabitants) 2,796 civilians, of which more than 300 were minors, that is 10,36%, and in the second Serbian town, Kraljevo, in 3 days, they shot about 2,190 civilians, from then 13,000 inhabitants, or 16.9% of the population. For more than half a century, it was believed that the number of victims was much higher, that 7,500 were shot in Kragujevac, and more than 4,000 in Kraljevo. Still, no one's ever called it genocide.

Although it is not expressly said anywhere, the Tribunal essentially presented the difference between *Protected groups* (A - all B&H Muslims), *Targeted groups* (A1- Muslims from Srebrenica) and *Attack groups* (A1<sup>1</sup> - the slain army men and the A1<sup>2</sup>-deported civilians), and then it turned out that genocide had been conducted against the *Attack groups* (A1<sup>1</sup>, and A1<sup>2</sup>) which destroyed the *Targeted group* and thereby perpetrated genocide against the *Protected group*.<sup>157</sup> Such an approach violates the entire concept of genocide.

Thus, according to the Tribunal, any attack on the group that forms part of a group, even when it does not aim to physically or biologically destroy that group, but only to expel it, could qualify as genocide. The entire structure, complex, unrealistic and most importantly, contrary to the spirit of the definition of genocide was fabricated by the Tribunal because it was the only way to reach the conclusion that genocide was committed in Srebrenica.<sup>158</sup>

Let's add a couple of very important facts. If what happened in Srebrenica represents genocide, then genocide was committed against Serbs in Sarajevo, where about 8,000 were killed (these are only victims in the part of Sarajevo controlled by

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<sup>156</sup> Krstic 2001, para. 84, 720; Krstic, 2004, para. 2.

<sup>157</sup> Many times, the Tribunal uses terms *Protected group* and *Targeted Group* as synonyms, and sometimes assigns the different meaning to each term. Nevertheless, it gives them a different meaning somewhere, concluding that "the Targeted part ... is either Bosnian Muslims of Srebrenica or Muslims of Eastern Bosnia". Krstić, 2004, para. 15.

<sup>158</sup> It was rightly noted that in the case of Krstic, in which the Tribunal concluded that genocide could be carried out in a "small geographical area," genocide lost any connection with the Holocaust-the plan of extermination of the entire nation. Herman, Peterson, 2010, 48

Muslims)<sup>159</sup> and the vast majority expelled.<sup>160</sup> By applying the Tribunal's rules, we can talk about the genocide and the crimes of members of the 28<sup>th</sup> Division of the Army of Bosnia and Herzegovina, which in the period 1992-1995 destroyed over the 50 surrounding Serbian villages and killed about 3,000 people, mostly elderly, women and children. Nobody, however, calls it genocide.

**4) Prisoners of War** – Another important problem has been missed by the Tribunal.

According to the 1993 agreement, the Srebrenica enclave was declared a safety zone under the protection of the UN, which implied its complete demilitarization.<sup>161</sup>

Instead of the protected zone of Srebrenica, there was the 28th Division of the Army of B&H, which had about 5,800 combatants with wide-ranging weapons. It was not a platoon, not a company, not a battalion, but a division! In addition, other military-capable men (several thousands of them) were under military contracts, which means they could have been mobilized at any time. More importantly, the 28th Division was not a peacekeeping unit in the protected zone, but a combatant division, which has repeatedly attacked the ARS and the surrounding Serbian villages.

The 28<sup>th</sup> Division destroyed more than 50 Serbian villages and killed 3,262 people from whom 880 (27%) were soldiers and policemen and 2,382 (73%) civilians.<sup>162</sup> Many of the victims were tortured and killed in a horrible way – some people were decapitated, some males castrated, some women raped before they were killed; pregnant women have been cut on the stomach in the shape of a cross; some victims were crucified in trees by their hands pinned with nails.<sup>163</sup>

For these reasons, after the demilitarization of Srebrenica, all those who carried weapons became illegal fighters and lost the protection under international law. This is especially true for those who were still actively involved in combat, especially those who committed crimes against civilians. Srebrenica also lost the status of a protected zone.<sup>164</sup>

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<sup>159</sup> Milivoje Ivanisevic's book "Srpske žrtve i srpska stratišta Sarajeva", published in 2010 by the Institute for the Serbian Suffering in the 20th Century, contains the names of 8,225 Serbian victims, of whom 6,755 were killed, the fate of 1,390 is unknown, 53 are without sufficient data for identification, and 27 of them died from the consequences of wounding or abusing. [www.karadzic-odbrana.com/attachments/643\\_Milivoje\\_Ivanisevic\\_Srpske\\_zrtve\\_i\\_srpska\\_stratista\\_Sarajeva.pdf](http://www.karadzic-odbrana.com/attachments/643_Milivoje_Ivanisevic_Srpske_zrtve_i_srpska_stratista_Sarajeva.pdf),03-01-2019

<sup>160</sup> Claims that sometimes can be heard that the Serbs themselves left Sarajevo at the invitation of the government from Pale are frivolous. No one abandons his hometown, his house, workplace, friends, etc. if it was not forced to do so, the government of Republika Srpska could not have forced more than 70,000 Serbs to leave Sarajevo.

<sup>161</sup> Karganović, Simic, 2013, 53-73.

<sup>162</sup> Ivanisevic 2010, 6. The Description of the worst crimes, with the names of executors and victims, see: "Pravda" 2015.

<sup>163</sup> Flyium/Habditch, 2011, *A Town Betrayed*, Documentary film, at 18,30-22,40 min.

<sup>164</sup> The enclave of Srebrenica was a demilitarized zone, which according to the law of armed conflict means all fighters, weapons and military equipment should be evacuated; that the authorities and the population were not allowed to undertake any hostile act and that any activity related to the

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The captured Muslim fighters were not executed for their national, ethnic, racial or religious affiliation (if so, they would have been killed all across B&H) but because they were treated as enemies who committed perfidious and other war crimes. It does not mean that their executions did not represent the war crimes themselves, they should have been questioned first, then judged and punished only if proven guilty. However, they were not killed because of genocidal intent.

Such crimes are characteristic of civil wars, including those without any dominant ethnic, racial or religious traits. Among other things, Yugoslav partisans at the end of World War II shot captured prisoners without trials, for they treated them as collaborators of the occupiers (enemy) - not because of their ethnic or religious affiliation, but because they were enemies, many of whom have had bloody hands. Only in Bleiburg (Austria) in May of 1945, 12,000-15,000 were executed – mainly Croats and Slovenians, but also Serbs, and Muslims

**Conclusion** – The Crimes against Muslims in Srebrenica were committed for the revenge and for the cause which was of a military nature, not because they were treated as a separate ethnic, national, racial or religious group. Under the same conditions, the same kind of crimes would have been committed against Serbs who fought in the civil war for a different political cause.

### IV CONCLUSION

**A. The Political dimension of Genocide** - Genocide is a distinctively political crime. By nature, it implies the existence of some kind of ideology, political program, or at least hatred on a broad basis, not towards individuals, but towards the entire group, with the idea of exterminating it.

Also, although it should only be linked to responsible individuals, there is a tendency to assign genocide to the entire nation, which opens up the discourse for various political and media manipulations, tales of "genocidal people" and the like.

Furthermore, declaring that in some situations genocide has been carried out and not in other, very similar situations, it turns this criminal offence into an instrument for achieving only political objectives, but not justice.<sup>165</sup> It was observed that the mass murder in Srebrenica became a legend and one of the most recognizable crimes in history, but it should also be remembered as an event that helped shape the whole idea of military interventions.<sup>166</sup>

The politicization of genocide testifies to the fact that in some countries, denial of genocide is a criminal offense. If it is understandable that Germany has imposed criminal responsibility for challenging the Holocaust, such an approach is not

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military effort had to stop. The violation of the status of the zone by the Muslims, meant that the ARS was releasing the obligation from the demilitarized zone agreement and that the zone was losing such a status. These issues are regulated by Art. 60 of Additional Protocol I (1977) to the Geneva Conventions on the Protection of Victims of War (1949) and are part of general customary international law, which means they are binding on everyone. Krivokapić, 2017, 598-602.

<sup>165</sup> Kelly, 2007, 147-162.

<sup>166</sup> Gibbs, 2015, 1.

acceptable outside these frameworks. So, if denial of genocide is treated as a criminal offense, then it prevents any scientific and other research for the truth, and threatens to impose certain “truths” for political purposes.<sup>167</sup> But at the same time, the court or other authority which in some cases recognized that genocide was committed, can make a mistake and be an influential factor to political purposes.

Finally, the fact that the issue of genocide is used for political purposes is clearly proven by the example that the United Kingdom in 2015 proposed to the Security Council the adoption of a resolution condemning the genocide in Srebrenica (not passed due to the Russian veto.) Here is another example: European Parliament passed a resolution that made Serbia's entry into the EU conditional on the recognition of Bosnia's genocide (i.e. something that happened in another state and where Serbia did not participate).<sup>168</sup>

**B. The judgment of the Tribunal and the ICJ.** - The Tribunal's Judgments found that genocide took place in Srebrenica, which was confirmed partially by the verdicts of ICJ.

That, however, still does not mean that it is an objective truth. There is a lot of controversy<sup>169</sup> about the establishment and operation of the Tribunal, and there are frequent accusations that it is a political, not a legal body.<sup>170</sup> Besides, the impact of politics on the work of the Tribunal is illustrated by the fact that, although competent, the Tribunal did not initiate any proceedings against the commanders and perpetrators of crimes committed by NATO forces during the aggression against Yugoslavia (1999).

Regarding Srebrenica, the Tribunal has made a series of cardinal mistakes and omissions. It has not established a real factual situation and even to this day it is not known how many Muslims were in Srebrenica, how many were in the column trying to breakthrough, how many were killed in the battle with ARS units, how many prisoners were killed, who and when made an alleged decision to commit genocide, etc. The Tribunal actually does not know any decisive fact.

When using the incomplete and incorrectly established factual conditions, it is evident that the Tribunal had to misapply the Substantive law. Furthermore, the Court introduced many controversial institutes, interpretations, assumptions, etc.

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<sup>167</sup> "The Srebrenica massacre has also received symbolic and mythical characteristics, all in the service of political agendas. Myth says that in July 1995, around 8,000 Bosnian Muslim men and boys were executed in the vicinity of Srebrenica, and that all these executions were carried out in accordance with the genocidal plan. The political agendas that claimed the massacre were Bosnian Muslims who tried to engage NATO more actively in the Bosnian conflict, the Croats, who needed the demonization of Serbs in order to carry out their ethnic cleansing plans (which removed 250,000 Serbs from the Croatian Krajina in the coming month, August 1995) and the Clinton administration, which was under pressure because it did not actively intervene on the side of the Croats and Muslims, and requested an excuse to do so." Herman, 2006, 409.

<sup>168</sup> Tomčić 2018.

<sup>169</sup> Krivokapic, About some of those issues, 2013, 7-55

<sup>170</sup> Đurković 2018, 33-52; Gaćinović, 2018, 11-25.

A special problem is the fact that the Tribunal has called for proper legal rules and principles, but then applied them in the opposite way. It should be added that the voices in the Chambers of the tribunal, were often divided and various councils sometimes had significantly different approaches.<sup>171</sup>

The very important fact is that the Tribunal did not have any precisely, established, significant evidence, and convictions for genocide are based on the Prosecution's assessments. We have to ask ourselves; would the Court condemn Krstić for genocide if the prosecutors assumed that 2,000 or 4,970 people were executed? This is an important issue because when the Tribunal in the Krstić case concluded that genocide was committed, such a qualification was passed on to other cases.

Errors in the work of the Tribunal, especially those in the detection of facts and the application of substantive law, have influenced the qualification of the events and the relevant judgments. Thus, the wrong facts gained a much wider dimension that go even beyond the impact of the fate of the convicted.<sup>172</sup>

As for the ICJ, it opted for a kind of compromise, rejecting requests related to all genocidal acts, except murder, but it made the judgments by using the facts established by the Tribunal, which were more assumptions, than the proven truth.

It is questionable as to how the ICJ would have ruled that before it declared its judgments, had there not been a whole series of convicting genocide verdicts already brought by the Tribunal and had the ICJ known that the Tribunal would lower the number of killed people in 2015 to 4,970.

With the ruling of the Tribunal and the ICJ "we have found ourselves in a rather confusing situation that the key concept of international law has been used contrary to common sense and the intention of the Convention to which it should apply."

We must agree with the assessment, that by diluting the meaning of genocide, the Tribunal has not only reduced the authority of the International Court, but has also weakened the differences between genocide and crimes against humanity, thereby offending the memory of the extreme cases of genocide, distorting history, and complicating attempts to prevent or mitigate genocide through effective policy-creation.<sup>173</sup>

**C. Conclusion** - When using the incomplete and incorrectly established factual conditions, and even without talking about the manners of performing and evaluating certain evidence, which is a problem for in itself, it is impossible to agree with the finding of the Tribunal that "an indictment has been proven beyond reasonable doubt" that genocide was committed against Muslims in Srebrenica in July 1995.<sup>174</sup> Genocide is committed only when it is proven that coexists with all three constituent

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<sup>171</sup> Magnusson, 2013, 42-44.

<sup>172</sup> Magnusson, 2013, 43

<sup>173</sup> Southwick, 2005, 226 - 227

<sup>174</sup> Krstić, 2001, para. 599

elements of the crime. In the concrete case, mass killings occurred, but not on such a scale as to speak of genocide.

There were no other genocidal actions, as concluded by the ICJ. The second element – the intention of destruction has not been proven beyond a reasonable doubt. Finally, when it comes to the third element, the Tribunal has "creative" interpretation of the definition of genocide, expanding it to groups within the groups and on what happened on the local level. But the Tribunal is not a legislative organ and it has no right to create or alter the rules. Only member states of the Convention can do that.

After all, Basiuni himself, who gave a theoretical background for what the Tribunal did, acknowledged that the Rome statute shows that states are reluctant to accept the legal consequences that would extend the existing definition of genocide as defined by the Convention.<sup>175</sup>

Genocide cannot be accepted by the International Law if only one of the three constituent elements is missing. In the Srebrenica case, all three elements are missing.

In 1995, a number of serious crimes were committed in Srebrenica, but these were war crimes and crimes against humanity. In the framework defined by international law, primarily the Convention, there is no basis to consider that genocide was committed in Srebrenica.

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<sup>175</sup> Bassiouni 2003, 139.

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## THE CONTEXT OF THE EVENTS IN JULY 1995 IN AND AROUND SREBRENICA AND THE LOSSES OF 28<sup>th</sup> DIVISION OF THE ARMY OF BIH

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**Abstract:** The author writes about military activities in the area of central Podrinje and Srebrenica during the war, specifically the summer of 1995, referring to the original material of all sides. According to the Muslim sources, the author concludes that the Muslims 28th Division suffered heavy casualties which numbered between 4,500 and 5,500 combatants during armed operations against the Army of Republika Srpska. Muslim leadership was poorly prepared and executed, including the breakthrough of the Serbian siege toward Tuzla.

The outcome of the war in Bosnia and Herzegovina (B&H) in the 1990s, among other things, was determined mainly by its historical heritage which include, the occupation of the Serbian territories by the Turkish empire in the 14th century, the Austro-Hungarian invasion of Bosnia and Herzegovina, and the extreme carnage of World War II. The Turkish period, which lasted for about five centuries in this region is a period of historical regression. This period was marked by social and religious violence, the Islamization of the Serbian Christian people, and the constant suffering and displacement of the population. After Turkey, the Austro-Hungarian occupation came, which deepened the existing gap between the people living in the area. This interethnic intolerance led to the extremely bloody outcome of World War II. Genocide was committed against the Serbian people.

The Serbian people, unlike the Muslims and Croats in B&H were very unprepared for the conflicts in 1992, which resulted in the ethnic cleansing of the Serbian population from the area of central Podrinje and the destruction of a large number of the Serbian settlements.

From April 1992 to March 1993, the Muslim Armed Forces, based in Srebrenica, ethnically cleansed the vast area of Serbs in several municipalities in central Podrinje.<sup>2</sup> They killed about 2,000 Serbs in these attacks, while the rest of the Serbian population escaped.<sup>3</sup>

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<sup>2</sup> RCRIZ; ICTY, Y0312634 and Y0312635, Monograph 8th Srebrenica Task Force 28th Division KoV.

<sup>3</sup> RCRIZ, Chronology of Attacks on Serb Villages of Middle Podrinje in the Area of Responsibility of the 28th Division of the OG Srebrenica Army of B-H 1992–1995. years

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Ethnic cleansing of the Serbian people and a large number of war crimes committed against civilians and prisoners of war were the reasons for the Army of Republica Srpska's (ARS) counter-attack in February, March and April 1993. Muslim forces were defeated in April of 1993. To preserve Muslim military capacity, the UN created security zones among them, Srebrenica and Zepa. The agreement on demilitarization was signed in April and May of 1993 by representatives of the UN, ARS, and ARB&H in Sarajevo.

Demilitarization was never carried out in Srebrenica and Zepa. These two UN security zones became a haven for the Muslim forces whose terrorist groups carried out constant attacks on the Serbian people. Despite the terrible crimes committed against the Serbian people, they would return to the safe zone. Muslim political and military leadership used their civilians in Srebrenica as hostages for manipulation in order to gain international attention. The UN forces stationed in the enclave did not do their job at all. They just observed the Muslim military build-up and committed crimes against the Serbian people.

### **ATTACKS OF MUSLIM FORCES ON SERBIAN SETTLEMENTS AND THEIR CRIMES**

The Muslim military and political leadership had no intention at all to pursue demilitarization. The order of Sefer Halilovic, commander-in-chief of the Army of the Republic of Bosnia and Herzegovina (ARB&H), testifies to that: "I returned to the Headquarters and sent an order to Srebrenica and Zepa not to hand over any useful piece of weaponry, not even a single shot."<sup>4</sup>

So, the Muslim political and military leadership made a mockery of the demilitarization agreement. They tricked the Serbian officials as well as UNPROFOR (United Nations Protection Forces) whose responsibility was to implement the deal.

The opportunity to demilitarize Srebrenica and to protect the civilian population in it was lost. The consequences of not implementing the agreement will be evident later.

The Muslim side has signed a demilitarization agreement with the precise intention to consolidate their troops on time, in order to improve armaments for achieving political and military goals. The formation of the 8th Srebrenica Operational Group (OG) and later of the 28th Division is the best examples of this. UNPROFOR was used to cover up militarization of two UN security zones Srebrenica and Zepa.<sup>5</sup>

Many documents prove that the Muslim forces in these "demilitarized" enclaves had very organized military formations under the direct command of the General Staff of the ARB&H.

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<sup>4</sup> Sefer Halilovic, *Cunning Strategy*, Sarajevo, 1998, p. 108.

<sup>5</sup> RCIRZ, SWC AB-H, no. 14 / 75-156 / 93, 01/01/1994; RCIRZ, 2nd Corps Command, no. 02 / 1-103, March 20, 1995

A report sent by the Srebrenica military command in April 1994 to the ARB&H Defense Secretariat in Tuzla states that the total number of recruits in Srebrenica, excluding Zepa, is slightly less than 9,600.<sup>6</sup> Six months later, in the fall of 1994, there were six brigades with more than 6,000 active-duty combatants in these two enclaves. Including reserve units, the number of troops was almost double. In May of 1995 the command of the 28th Division in Srebrenica requested 15,000 military booklets<sup>7</sup> from the ARB&H 2nd Corps command in Tuzla.

Even after the signing of the demilitarization agreement, Muslim military formations, located in the "security zones" continued to attack and commit atrocities against the Serbian settlements and the Serbian army.

After leaving Srebrenica and returning home, members of the Dutch Battalion said in their report: "The forces of the Army of the Republic of B&H carried out systematic actions from the enclave and then retreated to UN-protected territory."<sup>8</sup>

In just under six months from February to July 1995, Muslim military units from these two UN-controlled enclaves carried out over 35 military actions in the depths of the Serbian territory and caused considerable losses, atrocities against the civilians, and damage to the ARS. According to the Muslim documents, all these actions were fully coordinated with their superior command - the 2nd Corps and the General Staff of the ARB&H.

The ARS had to keep at least four brigades around Srebrenica and Zepa to prevent Muslim forces from getting out and committing crimes to the Serbian people. They couldn't deploy a large number of Serb troops to other critical fronts. Sefer Halilovic, commanding officer of the ARB&H, said:

"When the unblocking action of Sarajevo began, the General Staff and the command of the 2nd Corps of the ARB&H ordered the units in Srebrenica and Zepa to carry out sabotage actions to divert Serbs from Sarajevo."<sup>9</sup>

In one of the actions, June 26, 1995, forces of the 28th Division from Srebrenica and Zepa succeeded in threatening the General Staff of ARS. That was the third time during the war that Muslim soldiers from these "security zones" attempted to seize the headquarters of the Serbian army. At least three companies<sup>10</sup> of the most elite formations from the 28th Division participated in this combat action, causing heavy casualties to the Serbian military and civilians. On June 28, 1995, the Command of the 2nd Corps of ARB&H sent a *Combat Report* to the General Staff of the ARB&H: "The units of the 28th Division carried out an offensive raid on the morning of June

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<sup>6</sup> RCIRZ, Deployment report, Municipal Sec. for the Defense of Srebrenica, no. 03-6 / 94, 04/08/1994.

<sup>7</sup> RCIRZ, Secretariat of Defense Department in the Municipality of Srebrenica, no. 03-102-3 / 95, 06/01/1995

<sup>8</sup> RCIRZ; ICTY, R104-0993, Hearing-based Report (Soldiers of the Dutch Battalion) on Srebrenica, Assen, 4 October, p. 20.

<sup>9</sup> Sefer Halilovic, *Cunning Strategy*, Sarajevo, 1998. P. 109

<sup>10</sup> Which is equivalent to the number of UNPROFOR forces in the Srebrenica enclave.

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27, 1995 - an action on the Serbian positions in the Karaula area in the vicinity of Han Pijesak. We caused considerable losses to the aggressor: 40 Chetniks were killed, one wounded in the chest was captured and is in hospital in Zepa. There were many wounded, and twice as many as killed. About 40-50 infantry barrels, 4000 small ammunition, two radios, and other military equipment was seized and brought to the unit. The sabotage reconnaissance group returned to the unit without any problems or losses. We will send a more detailed report later."<sup>11</sup>

Three days later, on June 29, 1995, the commander of the 2nd Corps sent the following message to the commands of the 28th Division and 285th Brigade: "Successfully conducted sabotage action. I congratulate you on your successful combat operations, which contributed significantly to the successful unblocking of Sarajevo. You caused them heavy losses in fighting for the final liberation of the Republic of B&H and the crushing of Serbo-Montenegrin fascism.

In the coming period, obey the orders issued so far. Prepare active combat plans immediately. You will receive orders for further combat operations from us or the General Staff of the ARB&H." <sup>12</sup>

### **MASSIVE LOSSES OF THE MUSLIM FORCES IN BREAKTHROUGH OF THE SIEGE**

Due to the increasingly aggressive military action by Muslim forces from the enclaves, the political and military leadership of Republika Srpska has decided to launch a military operation to stop them. The expectations of this military operation was to cut the corridor between the two enclaves: Srebrenica and Zepa and to suppress the 28th ARB&H Division towards the urban area for better control. The code of this military operation of the Army of Republika Srpska (ARS) was "Krivaja '95." It started on July 06, 1995.

After several days of fighting and very little resistance from the Muslim forces, which were numerically much larger than the Serbian forces, the ARS entered the city almost without any resistance in the afternoon on July 11, 1995. Muslim military units left the city without fighting the same day. The political and military leadership of Srebrenica decided to leave the enclave<sup>13</sup> and embark on a military operation by breaking through the Serbian siege towards the 2nd Corps in Tuzla. At their command, all members of the active and reserve forces of the 28th Division assembled in the Susnjara<sup>14</sup> region, from where they started their breakthrough on

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<sup>11</sup> RCIRZ, Combat Report, no. 2 / 2-13-484, 06/28/1995

<sup>12</sup> RCIRZ, Successfully performed sabotage b / d, congratulations, 02 / 1-670 / 4, 06/29/1995.

<sup>13</sup> RCIRZ; ICTY, 01854399, Federal Ministry of Defense, Security, and Intelligence Sector. "At about midnight on July 10, 1995, a meeting of the 28th Division was held in the Post Office building in Srebrenica, at which, it was most likely, the decision was made to leave Srebrenica and organize a breakthrough into free territories."

<sup>14</sup> RCIRZ; ICTY, 01007645, Suada Salkic, Statement, SDB Tuzla, July 24, 1995

the morning of July 12, 1995. They left behind their civilian population, parents, children, wives, and sisters to their "enemies" the Serbian military and the UN forces.

While several hundred UNPROFOR members were trying to resolve the issue of civilians arriving at their base near the city, at the same time, just a few kilometers west of them, at the gathering place – Susnjar, the Muslim leadership was reorganizing the 28th Division and getting it ready for the final abandonment of the city and the breakthrough of the siege.

So, on July 11, 1995, in the afternoon and evening, all military conscripts, members of the active and reserve forces of the 28th Division<sup>15</sup>, about 10-15 thousand<sup>16</sup> of them, assembled in Susnjar, received the order of their command to conduct a combat operation of breakthrough towards Tuzla. There were also some women active<sup>17</sup> in military formation. Some of them took refuge in a UN base in Potocari, and with the rest of the civilian population were transported to Muslim-controlled territory.<sup>18</sup>

After reorganizations<sup>19</sup> into brigades in Susnjar, the head of the 28th Division started military breakthrough toward Tuzla on July 12, 1995, at about 12.30 AM. Their only way was across the territory controlled by the ARS, about 100 kilometers in length. The aim was to join forces in the Baljkovica area (about 70 km north) with the 2nd Corps of the ARB&H. This direction of movement was recommended by the 284th Brigade reconnaissance group, which 15 days earlier cleared the road.<sup>20</sup>

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<sup>15</sup> RCIRZ; ICTY, 03572698, Srebrenica War Presidency Decision on General Mobilization, June 25, 1992; RCIRZ, Report, no. 03-102-3 / 95, June 01, 1995 requesting-insists on 15,000 military booklets for recruits

<sup>16</sup> RCIRZ; ICTY, R1100576, 2nd Corps Military Security Division ARB&H and the Sector of the SDB Tuzla submitted a statement to the General Staff of the ARB&H and the Security Administration on August 28, 1995, p. 5.: "During the formation and reorganization we did not determine the number of people in the column that started to move in the evening, but according to some estimates, there were between 10,000 and 15,000 people in it, among them about 6,000 armed combatants, but not counting the fighters from Zepa. There were not many women and children in the column, possible about ten women. "

<sup>17</sup> RCIRZ; ICTY, Y0312617, Monograph of the 28th Division, p. 4. "Since the demilitarization of the enclave, the number of soldiers has been reduced from about 11,500 to 5,700, of which about one hundred are women.

<sup>18</sup> RCIRZ; ICTY, R104-0993, Hearing Report of the Dutch MoD (Members of the Dutch Battalion) on Srebrenica, Assen, 4 October, p. 45 and 46; "4. 14. AB-H soldiers could not always be recognized as military personnel. Men previously seen wearing uniforms and fighting in the southern part of the enclave were identified by members of Dutch Battalion as they mingled, dressed in civilian suits with refugees moving from Srebrenica to Potocari or when spotted at a base in Potocari. Local women who were known to be AB-H members were also later seen in civilian clothes. "

<sup>19</sup> RCIRZ; ICTY, R1100576, SVB Division 2. K. AB-H and SDB Tuzla Region, Report to the AB-H General Staff, August 28, 1995; RCIRZ; ICTY, 01008158, Nazif Osmanović, Statement, SDB Tuzla, December 28, 1995.

<sup>20</sup> RCIRZ, 284th Brigade Report (iblr) to the command of the 28th Division, no. 02-348 / 95, June 26, 1995

## THE CONTEXT OF EVENTS IN JULY 1995 IN AND AROUND SREBREN...

At the head of the column was the 284th Brigade<sup>21</sup>, followed by a mujahideen unit,<sup>22</sup> while the 282nd Brigade was put at the end of the column with an assignment to provide protection there.<sup>23</sup> Only a small number of combatants of the 28th Division wore a military uniform. Most of them had civilian clothes.<sup>24</sup> The head of the column had critical duties: to provide safe passage to the entire 28th Division, to break down ARS units along the breakthrough routes, to determine the passage area and so on. The Muslim elite, both political and military, was well protected, while poorly armed and unarmed civilians, including some women and children, moved in another part of the column without any protection.

The 284th Brigade left as they knew the terrain best. The direction of movement was Konjevic Polje, Cerska, Udrc, Zvornik Kamenica, Snagovo, Baljkovica and the entrance to Kalesija. "In the column one by one, we were all moving, about 12,000 of us with small arms. Some individuals carried RPGs (Hand-held anti-tank grenade) and other weapons. We took as much ammunition as one was capable of carrying. After Jaglic, we passed the Serbian positions, and in the column, in complete silence, we walked for four hours till we came across the first ambush in the Pobudje region."<sup>25</sup>

Since the column of the 28th Division was sometimes even 10 km long, members of the 28th Division often witnessed various events in different parts of the column. These events often described the same places, but at different times. Survivors of these military operations testified to these events. They made statements to their (Muslim) military and state security authorities, and I primarily used their statements in this article.

"Chetniks (Serbs) were targeting us with artillery and infantry weapons. All kinds of bullets were showering on us. I crossed the first ambush, but could not see

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<sup>21</sup> RCIRZ; ICTY, R1100576, SVB Division 2. K. AB- and SDB Tuzla Region - Report to the AB-H General Staff, August 28, 1995.

<sup>22</sup> RCIRZ; ICTY, 01008151, Bego Muminovic, Statement, SDB Tuzla, July 07, 1995: "My Mujahideen unit of the Maneuver Brigade, together with the engineers, got an order to start the breakthrough first."

<sup>23</sup> RCIRZ; ICTY, R 1100576, SVB Division 2. K. ABiH and SDB Tuzla Region, The report to the General Staff AB-H, August 28, 1995; RCIRZ; ICTY, 00371738, Statement of Selvid Salihovic to SDB Tuzla, October 20, 1995: "An army and civilians were lined-up and reorganized in Buljim. They created a column of about 12,000 persons. The column was headed by members of the Army and representatives of Srebrenica military and civilian authorities. The exception was the Mountain Battalion with Ejub Golić, who remained at the head of the end of the column."

<sup>24</sup> 24-RCIRZ, DA17-6094, Moral Assessment in Units of the 28th Division, no. 04-72 / 95, May 20, 1995: "In a couple of shipments, we received about 700 uniforms from the GS of the AB-H, but we are not yet able to figure out how to redistribute it without causing a general rebellion. How to distribute 700 pairs to 6,200 troops without a general uprising and fall of f/m (fighting moral) RCIRZ; ICTY, 02199363, Vejiz Sabic, Statement to Hague Tribunal Investigators, April 8 and 9 and May 16, 2002: "Some soldiers in my unit wore uniforms. I wore it also, but most people didn't, because only 30 members of my group had uniforms."

<sup>25</sup> RCIRZ; ICTY, 06685739, Nedžad Ademović's Statement to SDB Tuzla, August 7, 1995

how many of our fighters were killed or wounded. The attack lasted for 20 minutes, but since there were many of us, almost every shot they fired, killed one of our people,"<sup>26</sup>

"... at about 10.00 AM on the same day, the Chetnik paramilitary units<sup>27</sup> opened strong artillery on us, firing on the remaining brigades and civilians who were at that time in Buljin, where, in his estimation, about 1,000 soldiers and civilians were killed."<sup>28</sup>

According to the statement issued by the Security and Intelligence Sector of the Muslim Ministry of Defense, the end of the column was only able to reach Kamenica in the evening. Kamenica was the resting and meeting place, located in the area between Ravni Buljim and Siljkovic.

"On July 12, 1995, around 6:30 PM, that is at the time when Chetniks attacked, Mujo Mehmedovic was in the forest below the village of Šiljkovići with one group from the column. He testified that Chetniks killed about 1,000 Bosniaks with shells and other firearms. He recognized five people."<sup>29</sup>

It looked like the decision was made to save the "elite," while the plans to save the lives of the rest of the people in the column were not clear.

They brought some wounded people to Kamenica, the place where we all meet. The leaders here selected those who would be among the first for transfer to free territory. First, they chose municipal leaders and influential people. The family of Commander N.O (Naser Oric) was among them also. Then they selected military units to escort them. The goal was to transfer this chosen group of about 2,000 people into Tuzla, our free territory. People started pushing each other to get in the selected group."<sup>30</sup>

"They came across the first ambush at Kravica. There was an armed struggle. Aggressor's soldiers were jumping in our column firing at members of the ARB&H, and creating confusion and chaos in it. At one point, our people, members of the ARB&H, were shooting and killing each other, not knowing what was going on and unaware that they were killing their own people."<sup>31</sup>

The second witness, from the 282nd Brigade (the formation that was moving at the end of the column), confirmed this story to his state security authorities:

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<sup>26</sup> RCIRZ; ICTY, 06685739, Nedžad Ademović' Statement to SDB Tuzla, August 7, 1995

<sup>27</sup> Witness as a member of the so-called ARB&H uses the term "Chetnik military formation" instead of Army of Republica Srpska (ARS)

<sup>28</sup> RCIRZ; ICTY, 00371746, Enver Avdić's Statement to SDB Tuzla, October 27, 1995

<sup>29</sup> RCIRZ; ICTY, 00371746, Enver Avdić's Statement to SDB Tuzla, October 27, 1995.

<sup>30</sup> RCIRZ; ICTY, 00442913, Mujo Rahmanović's Statement to State Commission for the Collection of Facts on Missing persons, no. 01-0585 / 95, August 18, 1995

<sup>31</sup> RCIRZ; ICTY, R1100612, Dana Ristanovic's Statement to SDB Tuzla, no. 14-1597, September 14, 1995

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"In the meantime, the Chetniks surrounded the rest of our column by throwing hand grenades and anti-tank rockets on us. At the same time, they were shooting us with different infantry weapons. There were many seriously wounded, and killed people. According to the private estimate of this source, between 2,000 and 3,000 people were killed on this occasion alone, including one woman. The same source stated that during this battle, he was walking over corpses for 100 meters until he reached the nearby forest."<sup>32</sup>

As many members of the 28th Division testified, complete chaos ensued, and collective panic completely overtook the Muslim army, resulting in a massacre, especially after dark.

"At 9:00 PM after the 284th Brigade started to move, immediately afterward we were attacked with infantry weapons. We were being targeted from the area of Kravice village, Rogac district, Konjevic Polje village, and all other areas. We have had massive losses and many injured. There was panic among our people, and they started killing each other, throwing bombs on each other. This mutual killing went on all night, and there was shooting all night long."<sup>33</sup>

"The column I was in came across the first ambush in Kamenice, where they were shooting at us, using all kinds of weapons. I estimate that about 1,000 people were killed. That is what I saw. We were collecting and carrying our wounded, but when we would come across another ambush we would leave them there because we had to save ourselves.

Trying to escape ambushes I saw so many dead and wounded people all around, but I cannot say how many. I even saw hanged people, but I don't know who hanged them."<sup>34</sup>

For some reason, the Muslim military and state security authorities in their subsequent reports and analyzes, submitted to the General Staff and the Presidency, failed to mention any of these killings and struggles, but blamed the Chetniks for all the losses and chaos.

"According to Behadija Krdzic's testimony, Chetniks surrounded a group of fighters and civilians in the area north of the village of Kamenica in the evening, and opened fire on them using all kinds of firearms.

Following the terrible turmoil of the crowds, some people from this group fled to nearby forests and temporarily managed to escape. This witness came to the same place the following day and found many killed people. He recognized seven persons.

According to his estimate, about 2,000 Bosniaks were killed in this massacre.

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<sup>32</sup> RCIRZ; ICTY, R1100644, Halid Alic's Statement to SDB Tuzla, no. 14-1765, October 17, 1995

<sup>33</sup> CIRZ; ICTY, 06685739, Nedžad Ademović's Statement to SDB Tuzla, August 7, 1995

<sup>34</sup> RCIRZ; ICTY, 02631635, Isad Mujanovic's Statement to SDB Tuzla, September 14, 1995.

Kemal Mujić also testified that he saw about 2,000 Bosniaks killed on one hill near Kamenica. Nazif Fejzić was an eyewitness when Chetniks in the area of Kamenica village shot one small group of five Bosniaks.

According to him, until the morning of July 13, 1995, Chetniks carried out 7-8 attacks on Bosniaks in the area. They killed and injured so many people that we had to walk over their corpses."<sup>35</sup>

"Walking through the woods, I saw several bodies of killed and massacred bodies of Bosniaks, but I do not know their names. I want to point out that in the village of Kamenica, members of the Serbian army ambushed and killed thousands of Bosniaks on that occasion ."<sup>36</sup>

"During my passage through the territory with many ambushes in several basins (the area around Bratunacka Kamenica - D. P.), and from where the Chetniks opened fire on the column, I saw in my estimate, over 2,000 corpses that no one was even trying to gather in one place let alone to bury them. "<sup>37</sup>

"I did not want to surrender, so I started to walk back the same way. When I walked up to the slope, I was shocked by what I saw. All along the hill, people laid dead as if somebody put them next to each other. In my opinion, there were about 2,000 corpses. I had no other way but to walk over their bodies. I was so horrified by the scene. For fear of recognizing my brother, I did not want to look at them, I hardly squinted at their lifeless bodies. "<sup>38</sup>

"In the town of Buljim, Srebrenica municipality, Chetniks noticed us and started shelling us until we reached the Jadar River (road communication Konjević Polje - Nova Kasaba - D. P.). According to my estimate, they killed about 3,000 people. "<sup>39</sup>

"It is interesting how the crossing of the asphalt roads was organized; soldiers who were carrying arms would cross first, and then those without weapons. "<sup>40</sup>

The testimony of Mujo Rahmanovic is similar. He came with the group he lead from the opposite direction, from the north, from the Zvornik municipality. They did not manage to break into Tuzla, so they decided to head towards Zepa. The group came to Bratunacka Kamenica via Sandic and Lolic so they could see dead people between the asphalt road near Kaldrmica and Konjevic Polje and Kamenicko Brdo. There were many.

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<sup>35</sup> RCIRZ; ICTY, 01854396, Federal Ministry of Defense, Security and Intelligence Depart. p. 14–15.

<sup>36</sup> RCIRZ; ICTY, 01185372, Kadrija Muratović's Statement, Sarajevo, October 18, 2002

<sup>37</sup> RCIRZ; ICTY, 02631847, Ismet Handžić's Statement, K-da 2. K AB-H, no. SP. 06-101-160-57-1 / 95, 09/24/1995

<sup>38</sup> RCIRZ; ICTY, 02631788, Kemal Mujić, Statement, K-da 2. K ABiH, Security Section, no. SP. 06-101-160 / 95-11, Sept. 2, 1995

<sup>39</sup> RCIRZ; ICTY, 06817246, Adrahman Babajić's Statement to CSB Tuzla, SJB Srebrenik, no. 20 / 02-1-0098 / 95, July 24, 1995

<sup>40</sup> RCIRZ; ICTY, 01854396, Federal Ministry of Defense, Security and Intelligence Sector, p. 14–15.

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"When we crossed the road, we had to go back to the same destination where we started. There were 3,000 to 4,000 of dead people in the area from our first gathering place in Kamenica to the last creek on Mount Buljim."<sup>41</sup>

Another group that returned from Zepa slightly later than the previous group, walked back the whole way from Susnjar to Buljim and Kamenica to the asphalt road. They testify:

"Coming to Mount Buljim, we found many skeletons and body parts of those killed along the way (in the breakthrough - D. P.)

We arrived in the forest at the place where the second ambush occurred (the area of Bratunacka Kamenica) to try to identify some of the bodies. Corpses were still everywhere. I recognized the bodies of two men who were with me at the beginning through their clothes and their bags. I searched for my brothers but did not find any of them. We did not count the bodies we saw, but I would estimate that there were about 2,000 to 3,000 of them. We arrived in Burnice and down the hill, I saw again the same corpses I told you about before. No one moved them. Hamdija sent three people into the creek to check if the bodies were still there. On their return, they said there were more bodies in the stream than on the road."<sup>42</sup>

Fighting and killings continued on both sides of the conflict in the Zvornik municipality in the coming days. Nuriz Selimovic, commander of the reconnaissance squadrons who went in front of Sabic, testified to the severe fighting in the area of the village of Liplje:

"For communication, I had two Motorolas, one GP-300 and a Japanese Motorola 1,000, the last Japanese model. Upon approaching the village, we came only a few meters away, and we discovered this strong and well-planned Chetnik ambush. I called Commander Sabic and Ejub Golic, Commander of the Independent Battalion and Nedžad (Bektić - D. P.), a Lieutenant of the Security Corps to agree on an ambush plan. We decided to let them come close to us, to inflict as many casualties as possible. We killed four on the spot; we captured five to six alive, left two alive, left ...Among those two we caught, one was Captain Zoran."<sup>43</sup>

Fighting in the area of Liplje village area was very difficult, with heavy casualties on both sides. Hamid Mujčinović, a member of an engineering company in the 284th brigade, testified about fighting against ARS in the area of Liplje:

"On the next day, on July 14 of this year, near the town of Kamenica (Zvornik), we encounter a Chetnik ambush in a clear, open area. In that fighting, that lasted for several hours, we had about 400 severely injured and lightly wounded, and close to 600 dead soldiers and civilians."<sup>44</sup>

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<sup>41</sup> RCIRZ; ICTY, 00442913, Mujo Rahmanović's Statement to State Commission for Collecting Facts about Missing people no. 01-0585 / 95, August 18, 1995

<sup>42</sup> RCIRZ; ICTY, 00396028, Nurif Memisević's statement to ICTY investigators on Jan. 19, 1996.

<sup>43</sup> RCIRZ; ICTY, 02631686, Nuriz Selimović's Statement to SVB ABiH, July 26, 1995.

<sup>44</sup> RCIRZ; ICTY, 06685473, Hamid Mujčinović's Statement...

Rizo Secic, a member of the 283rd brigade of the 28th Division, also testified about his experience: "In the evening we almost came to Snagovo and crossed an asphalt road there. We headed right from that road up one hill where we encountered a Chetnik ambush. First, they started firing infantry weapons on us. Then to the right of another hill, the anti-aircraft gun began to shoot the moving column. On the left, a tank fired. There was a mass of dead and wounded people. We fought the Chetniks with infantry weapons and we captured, as far as I know, two Chetniks.

During our breakthrough of the siege I saw a large number of our soldiers and civilians committing suicides. They were using bombs, guns, anything they could use to kill themselves. A lot of people were going out of their minds."<sup>45</sup>

Nazif Osmanovic talks about the same thing:

"We all went together toward Snagovo. Near the Snagovo, we encountered a Chetnik ambush where we had many dead and wounded, and we were broken up into smaller groups."<sup>46</sup>

Members of the column passing through the same area three or four days later also testified about the severity of the fighting, and about loss of the Muslim forces. One of them was Sead Hasanovic who, with one of the groups was left behind the head of the column, around the village of Liplje. They continued to the north and they saw many dead comrades, but also those who were left wounded or maimed.

"Then my brother Senad and I waited in the area for three days. We waited for Jadar River<sup>47</sup> to be safe to cross over and we came across some other people in an area called Kamenica, but it is not the same Kamenica where they ambushed us, this one is towards Zvornik.

We went through the village of Lipanj,<sup>48</sup> and after we passed the school in Lipanj, I saw many dead bodies. There were corpses all over the area, and we encountered bodies every ten to fifteen minutes. I've also seen people crawling on the trails because they couldn't walk."<sup>49</sup>

"On the road in the direction of Snagovo, we encounter a large number of dead civilians, and in the village of Perunika, beside the road when crossing it, I saw over 200 dead civilians. The foul odor of the corpses was coming from the surrounding forests."<sup>50</sup>

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<sup>45</sup> RCIRZ; ICTY, O2631680, Rizo Šečić's Statement, August 6, 1995.

<sup>46</sup> RCIRZ; ICTY, 01008158, Nazif Osmanović's Statement to SDB Tuzla, December 28, 1995.

<sup>47</sup> He is talking about road Konjevic Polje - Nova Kasaba.

<sup>48</sup> Apparently, according to the area that he cites, this is the same village of Liplje because a place with the name Lipalj does not exist in the area.

<sup>49</sup> RCIRZ; ICTY, 03021141, Sead Hasanovic's Statement to ICTY Investigators, June 9<sup>th</sup> and 16<sup>th</sup>, 2000.

<sup>50</sup> RCIRZ; ICTY, 01008033, Adil Mehmedović's Statement, SVB ARB&H, August 16, 1995.

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Senahid Hasanovic, a member of the 281st Brigade of the 28th Division, also testified about the battles at Baljkovica during their attack on the ARS defense lines:

"We crossed the highway Zvornik - Tuzla below Crni vrh, and went on to Baljkovica, where we came across enemy artillery and tanks. We managed to capture them with the help of rain and hailstorm. Many soldiers of the AB&H, as well as the commander of the Mountain Battalion, Ejub Golić were killed. The fight lasted until 12.30. We were able to break their defense, and I think about 1,700-1,800 people in the column crossed the line. I also believe that a lot of people were killed that day in the fight, maybe 200 to 300. I saw a lot of dead bodies passing them."<sup>51</sup>

Experienced scout Nuriz Selimovic said the following about the losses of the Muslim forces during the breakthrough: "My opinion is that we had the most significant losses in the Kamenica (Bratunacke - D. P.) region when the column was cut off. and panic increased among the fighters. I think more could have been done in this area if we had not listened to people who were in the column behind us. I guess we had at least 4,000 - 5,000 losses of military capable people."<sup>52</sup>

General Staff of the ARB&H provided a detailed report for Alija Izetbegovic concerning the number of active members of the 28th Division who survived the breakthrough. This report is just official confirmation for all those documents of the Muslim military and state security collected (I quoted some in this article), based on statements made by the surviving members of the 28th Brigade. In this document dated July 28, 1995, the following facts were stated:

"Mr. President,

The Army General Staff designated its team, and together with the 2nd Corps command, organized the reception of the 28th Division, which neatly passed front lines, and even now we have occasional arrival of individual combatants.

Over 80% of the active forces of the 282nd Brigade were killed, a clear indication of what kind of catastrophic losses the 28th Division experienced.

Other brigades also suffered grave losses of about 70-80% of their active force. The only exception is the 284th Brigade, which headed the column which was provided with special protection of the Command, political, and other "elite." They lost "only" about 45% of their active force. There are a few other exceptions where military units accounted for "just" more than 50% of active-duty casualties.

Based on all testimonies of the participants of the 28th Division that I mentioned, we can conclude that beyond any reasonable doubt, the 28th Division of ARB&H had lost thousands of its active and reserve personnel during this military struggle. Soldiers and civilians were led by their Command to break through the Serbian siege and then in critical fighting moments were left to fend for themselves.

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<sup>51</sup> RCIRZ, Senahid Hasanovic's Statement, RS MUP, April 23, 2004

<sup>52</sup> RCIRZ, ICTY, 02631686, Selimović Nuriz's statement to the ARB&H VB, July 26, 1995.

**The numerical situation on July 27, 1995:**

The current situation is as follows:

Military unit Lbr = light brigade	Number of those who survived front lines
Command of 28 <sup>th</sup> division	158
280 lbr	239
281 lbr	270
282 lbr	202
283 lbr	294
284 lbr	607
28 bba	278
Volunteers who have not been in combat so far	88
Under treatment	143
<b>Total (number of survivors)</b> 53	<b>2,311</b>

Their Command and comrades left behind wounded, exhausted people, often taking away their weapons to protect themselves: "leaving the wounded and unarmed people to fend for themselves as they could."<sup>54</sup>

When we sum up all losses arising from direct conflicts with the ARS, mutual conflicts, minefields, individual and group suicides, **according to Muslim sources**, it could be concluded that the 28th Division of the ARB&H had at least 4,500-5,500 dead people.

Participants of this military operation, who surrendered and who were subsequently executed or exchanged, were not included in these final tragic numbers. When speaking of captured members of the 28th Division, including active and reserve units, it is necessary to emphasize that a more significant number of them were executed, while about 400 were later exchanged.

The following is the trail of the 28th Division in trying to break through the siege from the reorganization in Susnjari (July 11, 1995) to Ravni Buljini, Bokcin Potok, Bratunacka Kamenica, Kaldrmica, Pobudje, crossing the asphalt road in Kaldrmica and Djugum, through Cerska, Udrč, Glodjansko Brdo, Liplje, Snagovo, Marčići, Zvornicke Kamenice, Perunike, peak Planinci, Crni Vrh peak, all the way to Križević, Potočani, Pandurica and Baljkovica and other places.

<sup>53</sup> RCIRZ, ICTY, 01854513, GS ARB&H GS Report to Alija Izetbegović, strict. conf. no. 1 / 825-1744, dated July 28, 1995.

<sup>54</sup> RCIRZ, ICTY, 00371752, Hasan Alić's statement to SDB Tuzla, Oct. 09, 1995, p. 3.

### CLEANING UP THE BATTLEFIELD

Acting on the rules of service, the ARS General Staff and the Drina Corps Command issued orders for the complete cleanup of the battlefield, that is; cleanup of killed soldiers of the 28th Division in the combat zones in the areas of responsibility of all subordinate units at the Drina Corps level. The orders above-defined precisely this:

A. "3.1 Clean up the area by removing the dead livestock and burying the fallen members of the opposing party. Bury members of the opposite side in their cemeteries. "<sup>55</sup>

B. "Cleaning the Battlefield Order

According to the orders of the ARS General Staff 10 / 33-1-193 from July 20, 1995 urgent needs were identified in order to find and collect human and animal bodies in the area of responsibility of the units and to bury them in the ground, burying and removing of everything that can be dangerous and harmful to human and animal health, especially from the area of Srebrenica and Zepa, as well as from the places around Kamenica and Snagovo, We have to prevent pollution of water, food, soil, and air as well as prevention from infectious diseases of humans and animals. Therefore, I order:

Immediately organize and access a complete battlefield cleanup in your district with a focus on the Srebrenica and Zepa regions and the routes leading from these regions towards Central Bosnia.<sup>56</sup> This needs to be done in cooperation with civil protection authorities, health and hospital officials, public utility companies and business organizations as well as local municipalities. These orders were completed and all corpses were buried in tombs of the municipalities where the 28th Division was breaking through the siege. It is possible that during the cleanup some corpses of those killed in battle and remains of those subsequently executed are buried in some tombs.

All members of the active and reserve units of the 28th Division who lost their lives in the fighting and were subsequently buried according to the orders of the ARS were re-excavated from mass graves after the war by laws of investigative bodies and after identification. They buried their remains in Memorial Center Potocari as victims of war crimes. All those buried in this Memorial Center have the status of a shahid, martyr for Islam.

Naser Oric, the commander of the 28th Division in Srebrenica, whose soldiers were exiting the enclave and committing horrific crimes against the Serbian people and the army, leads the *March of Peace* each year toward the Memorial Center Potocari, where his comrades worship their shahids, that is, martyrs of Islam.

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<sup>55</sup> RCRIZ; ICTY, 02935598, General Ratko Mladić's Order on the Normalization of Life and Work in the Municipality of Srebrenica, Official Gazette No. 03 / 4-1731, July 21, 1995.

<sup>56</sup> RCRIZ; ICTY, 04312687, Colonel Lazar Acamovic, Order for battlefield cleanup to all subordinate units at the DK (Drina Corps) level p. 18-146 / 95, dated July 20, 1995

The *List of Missing Members* of the active and reserve forces of the 28th Division has been transformed into the *List of War Crime Victims*.

Muslim officials systematically have hidden facts about their losses in the military operation in the breakthrough of the Serbian siege from Srebrenica to Tuzla. They were also hiding the circumstances of the cleanup of the battlefield and origination of the mass graves.

All the post-war manipulations about Srebrenica and the "Serbian crime" are based on hiding and manipulating with facts and documents.

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## DEMOGRAPHIC CHANGES DURING THE 1992-1995 WAR IN BIH WITH THE FOCUS ON PODRINJE REGION

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**Abstract:** After the war (1992-1995) in BIH that had civil, ethnical and religious character, errors are common or wittingly manipulation with number of war victims. Demographic losses include: death of military and civil personnel during the war and death cases after the war caused by injuries, illness, malnutrition, etc. birthrate decline during the war and after it.

Residents in the reproductive age have lost their lives in war or they were separated from their families because of the war situation so they were not able to participate in the reproduction of population. The demographic losses include refugees so-called migrations due to war situation. Height of demographic losses depends on the assessment on what situation would prevail if there was no war. There are various assessments on that. There were drastic differences in the case of BIH that is apparent in some surveys from various institutions and authors. In order to calculate demographic losses in BIH, calculation starts with number of the population who lived in it before the war (according to census 1991) population number is calculated just before the war on the basis of data on number of birth and deaths and on emigration and immigration. Subsequently, on the basis of recorded prewar demographic movements it should estimate the number of population during the war and after if there was no war. That is the manner in order to get expected number of population at certain age. A decade and half after the end of war in BIH, we still do not have reliable data on the total number of war victims. One thing is certain that there is no mentioning of 25.000 and 328.000 killed. Current researches show 100.000 and 110.000 victims. These numbers should be interpreted with caution (unreliable sources of information, duplication of victims names, incomplete data...). This work represents also the first attempt on confirmation of postwar demographic losses, regardless of the lack of total number of war demographic losses in BIH.

**Keywords:** *civil war, demographic analysis, democratic losses, victims, manipulation of the number of victims*

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The Hague Tribunal Secretariat has considered, first, the biography and bibliography of the authors of this paper, and accepted that he had the necessary references as a demographic expert.

- The Hague Tribunal Secretariat then considered the Demographic Expert Report of the author of this book in written form and fully accepted it.

- After accepting the author as a demographic expert, as well as his Demographic Expert Report, the author of this paper was from 7-14 May 2011 at the Hague Tribunal, where he explained his report and responded to cross-examinations.

- The Hague Tribunal, after the author's expertise and the cross-examinations, decided to fully accept the Demographic Expert Report and to attach it to the defense evidence.

## INTRODUCTION

The problem of demographic losses is one of the most important aspects that is necessary for understanding the cause and effect connection during the war conflicts and in the post-war period in BiH. Due to its size, structure and spatial distribution, demographic losses are good indicator of direction, strength, character and consequences of the war.

Based on previous scientific research, it is evident that there is a direct cause-and-effect connection between the ideological, political and historical roots, causes and aims of the war in BiH, and the level of direct and total demographic losses.

It is particularly important to emphasize that this paper presents those indicators and assessments that, according to all reports of other authors in the ICTY, were not processed, which in this research was verified, documented and argued based on objective data sources.

On this occasion it should be emphasized that it is practically impossible to see a complete and contemporary demographic picture of BiH for several reasons. In particular, extraordinary circumstances (war events in BiH) have also caused demographic trends that were remarkable, not only in their character, but also in the extent that statistical monitoring in such extraordinary circumstances was very difficult. In this sense, the war victims and the two-millionth number of refugees and displaced persons are distinguished.

The purpose of this research is to determine or estimate the size and structure of demographic losses during the war in BiH (1992-1995) based on available but incomplete data, especially in the domain of direct, migration and pure demographic losses.

The aim of the research is to establish the cause-and-effect connection between war demographic losses and the occurrence and deepening of depopulation processes within the natural and total movement of the BiH population.

The war demographic losses in BiH during 1992-1995 are important factor in contemporary trends in the development of its population.

The term demographic war losses is used in demographic research of victims in war events. This is the broadest term when it comes to victims and this notion must not be confused with actual war losses, that is, the number of people who actually died, were killed or died due to the consequence of war events.

After the Second World War, until now, mistakes are often made or the number of war victims is deliberately manipulated. In addition, the intermingling of demographic victims with real victims, from ignorance or intention, plays an important role.<sup>2</sup>

Demographic losses include:

- the casualties of military and civilian population during the war and post-war deaths due to injuries, illness, insufficient nutrition, shortages of drugs caused by war circumstances;

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<sup>2</sup> Žerjavić, 1989

- the birthrate decline during the war and after the war, where residents in the fertile period lost their lives in the war, or who were separated from the family due to war, could not participate in the reproduction of the population, subducting the deaths of children, that occurred during or after the war, if children were born;

- refugees, or migrations due to war opportunities.

The height of demographic losses depends on the assessment of what circumstances would prevail in the absence of war. Different estimations are possible regarding this, especially if expert arguments are mixed with ideological and political motives. In the case of BIH there are drastic differences, which is evident in numerous and different data sources.

*The actual war losses* involve the fallen soldiers in all armies and armed groups that existed during the war in Bosnia, civilians who were killed in fighting, and civilians killed in repression operations on either side, as well as missing persons during the 1992-1995 war.

*Pure demographic losses* include birth declines (birth-rate losses) during and after the war, as well as increased mortality caused by war.

*Migration demographic losses* include population migrations outside the borders of BIH during the war and after the war.

In order to calculate the total demographic losses, it starts from the number of people who lived on the territory just before the beginning of the war. It starts from the last census of the population before the war (in the case of BiH census in 1991), and on the basis of data on the number of born and died and on emigration and immigration, and based on assessments if data are not available, the number of inhabitants is calculated immediately before the war (in the case of BiH a year after the 1991 census).

After that, based on recorded demographic trends before the war, the population movement was estimated during the war and after the war, if there was no war. Of course, differences in assessments, motivated by professional or political reasons, are possible. In this way we get the *expected number of inhabitants* in certain years.

Then, the expected number of inhabitants is compared with the actual recorded number, in the first year after the war, when the population census was made (the census did not take place in BIH and the estimated data on the number of inhabitants after the end of the war are used).

When the real number is estimated from the expected number of inhabitants, *total demographic losses* or shorter *demographic losses* are obtained.

By subtracting demographic losses, pure demographic loss, *real demographic loss* is obtained. Calculating the migration balance (subtracting emigrants by adding immigrants) we get the total number of war-caused fatalities, which we call *war losses*.

Bosnia and Herzegovina is a country that still has no reliable data on the number, as well as other characteristics of its population. Undoubtedly, the large demographic losses were created during the war, but also after the war, which was to be determined by the 2013 Population Census, for which there was no methodological and other reasons.

### METHODOLOGICAL APPROACH AND EXPLANATIONS

Research on demographic losses require an integral approach, with predominantly scientific empirical research, with the application of key scientific methods: deductive, mathematical and statistical, comparisons, classifications, WBS methods, Milestone methods, observations, analyzes, syntheses, etc.

Within the scientific and empirical research, and on the basis of assumed hypotheses, in accordance with the research objectives, one of the most important tasks is to establish a data control mechanism in the process of their collection, while entering them in the database, as well as in the data processing itself. In this way, "entering" into mathematical and statistical forms would be avoided, but rather focusing primarily on determining the empirical data content, its accuracy and veracity, which only then become valid for application and credible interpretation.

The application of several scientific methods in data collecting needs to be understood, primarily, in the function of data complementarity, that is, their completeness, control by mutual comparison, in order to validate them.

The basic intent in the research of war losses must be based on the completeness, credibility and veracity of the data, on the basis of which it is only possible to get to the knowledge that can obtain the status of scientific knowledge, that is, scientific truth.

Only those data who can be collected from relevant documents (which provide essential knowledge of the phenomenon and its properties) can be considered credible for processing and analysis. This particularly applies for data relating to the status of victims in the 1992-1995 war.

*Data sources* are one of the most important factors of validity and reliability of data. *Empirical sources of data and scientific resources* play the most important role in the empirical research.

In each research, documents have special significance and can be classified according to a complex criteria, that consist the author, authenticity, credibility, and time of origin.

In this research, two basic groups of data are distinguished. The first data group consist the *primary* documents as data sources. It is about census and vital statistics of statistical organizations in BIH. They have books of censuses and documentation where the results of the census were presented (particularly in 1991), as well as vital statistics on fertility and mortality. Therefore, these are the primary statistical-demographic data sources, the highest degree of availability and credibility. The utilization of these sources, bearing in mind the object and purpose of the research, is determined by a different census methodology and the methodology of collecting and processing the vital events in BIH in the observed period (1991-2017).

Secondly, the important methodological explanation for vital statistics is the fact that official data on the number of live births and deaths in the BIH since 1992-1995 are not complete. Also, in primary documents, as sources of data, we include those who provide complete or more complete and reliable data, whose authors are institutions, organizations, authorities and other relevant and competent individual

and collective entities, domestic and international. These include: records of military units (numbers, payroll units, military evidence forms, etc.), records of deaths and wounding, documents of medical institutions on deaths or wounding, relevant results of scientific institutions and other sources.

The second group consist the *secondary data* sources. Those are the sources that do not primarily deal with the collection and processing the demographic data, but nevertheless within the scope of its work they have the recording or running of an appropriate statistical- demographic database, which can serve to break down some of the partial aspects of the problem on war demographic losses in BiH. That in particular, refers to the collection, recording, data processing and publication on the number of casualties and deaths due to the consequences of the war and in the post-war period. In this context, this research relies on official and verified, but not least, complete data. However, by applying the principles of complementarity, with primary sources, they become a significant and reliable support in the collection and control of data obtained from the researchers on the field.

In previous studies of demographic problem on war events in BiH from 1992-1995, the problem of determining direct demographic losses (dead and missing) is most often posed.

In empirical research, which also includes the problem of determining the number of victims, it is necessary to conduct the procedure of scientific research conceptualization, whose role is also the basic task of ensuring the development of an applicable scientific research project, without which there can be no valid and complete data.

The analysis of the current research practice and numerous research results in BIH point to significant deficiencies in the scientific and methodological approach to research, such as: the issue of scientific and methodological approach in research, the use of scientific methods in the scientific research process, the use of data sources, or their role and importance in the process of collecting, as well as defining concepts and terms.

In the absence of complete and credible sources, the number of killed and missing people, so far, it has been mostly manipulated for daily political purposes. Data processing in numerous documents in BIH can only serve to obtain an approximate picture of the structure and size of the demographic losses of the BIH population in the period 1991-2017.

During the war, the population of BiH has experienced major changes in its disposition. These changes are qualified in different ways (genocide, ethnic cleansing, population transfer, deportation). The result of these changes is *ethnic territorial homogenization* and the easing of ethnic mosaics in BIH. It is important to emphasize here what ethnic cleansing is? In fact, not every removal of the population is ethnic cleansing. The concept of ethnic cleansing implies that the population was removed quickly and forcefully.<sup>3</sup> The aim of this research is to show the proportions of demographic changes in BIH caused by the war. It should be borne

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<sup>3</sup> Grcic, 2005

in mind that there is generally no reliable data, and apocryphal number about the extent of those brutal operations are often oversized or minimized.

There is a lot of ambiguity in the classification of civilian and military war victims. *Civil (civilian)* is any person who does not belong to the armed forces and does not participate directly in combat operations. All persons who are civilians are civilian population. The term "*military person*" means that all soldiers and officers of all army ranks, who are on the front, in reserve, in hospitals and on vacation, excluding medical, hospital and religious personnel who participate in direct combat activities. All the rest of the population is civilian population. The essential question is how can the military losses be determined the most precisely? In determining the military demographic losses, it is necessary to determine the coverage of the population during the war (which is the most common failure in numerous surveys in BIH).

The entire population during the war should be divided into two categories: soldiers and civilians. The division between the military and the civilian population is only the first step in determining the classification of losses among soldiers and civilians by types of losses.<sup>4</sup>

From demographic point of view, all deaths are categorized independently of their causes (wounding, illness, etc.) into the losses among soldiers and civilians. Speaking from a demographic view of human military losses, two terms should be distinguished: total losses, i.e. the total number of deaths of soldiers during the war, and the net losses, which are obtained by subtracting the ordinary mortality in the given conditions.

When determining the scale of irreversible demographic losses, changes can be made between the census, before and after the war (the problem of BIH is that the post-war census has not been conducted), especially with regard to the number of male population. In order to calculate the losses of the male population, in addition to the factual number in the post-war census, the hypothetical number, or how many residents of male population would be if there was no war. The difference between hypothetical and factual number is the basis for calculating the loss of the male population. From the beginning of war, even right before its beginning, there were major demographic changes in the form of migration of the BIH population. From this point of view, it is important to define categories of refugees and internally displaced population.

*Internally Displaced Persons* mean the population forced to migrate due to armed conflict, the situation of general violence, human rights violations, natural disasters or human-induced catastrophes. Internally displaced persons do not exceed the internationally recognized border of a particular state (in this case it is BIH), but migrate within the territory of their own country. In doing so, they do not have international protection granted to refugees by the 1951 Convention and the 1967 Protocol. Internally displaced persons are in the jurisdiction of the state in which they are located.

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<sup>4</sup> Ibid

Refugees cross the internationally recognized border, or migrate outside the territory of a particular country. In addition, this category of persons has an international protection allowed by the 1951 Convention and the 1967 Protocol. The category of refugees is counted into the migration demographic losses, which affects the overall demographic losses of each country from which they have moved.

The movement of the population during the war in BIH can be characterized as *forced* migration of the population, but also as an elemental and organized migration.

Finally, there are many long-term determinants of total depopulation of BIH population over the last hundred years. Among the most important ones the following should be included: Demographic losses due to two world wars, a continuous emigration of the population, diseases and epidemics, economic crisis, agrarian reform and colonization, demographic aging, economic emigration, rural exodus, lack of active, incentive and pro-natal population policies, nuptiality decline, social position and family roles change, unemployment.

#### **DEMOGRAPHIC FEATURES OF BIH (1948-1991) MIGRATION LOSSES IN THE PERIOD OF 1948-1991**

The centuries-old emigration character of Bosnia and Herzegovina is particularly reflected in decades after the Second World War. Together with Montenegro and Macedonia, it was the place of Yugoslavia which, in all post-war population censuses, was distinguished by the negative migration balance, i.e. more emigrants over immigrants. At the same time, a constant trend of strengthening the emigration component from Bosnia and Herzegovina is evident.

The emigration from BIH since the first postwar census in 1948 to the 1991 census and the breakup of Yugoslavia is marked by three major currents: a) permanent emigration (1948-1991), b) emigration after opening borders (moving to work, 1961-1991) and c) emigration to other republics of the SFRY (1948-1991).

The more massive wave of migration of workers began in 1968. Non-agricultural economic sectors could not absorb all the workforce that came from the countryside, so unemployment grew more and more. In addition, the five-year development plan of the country (1966-1970) envisaged a slowdown in the employment rate.<sup>5</sup> Undoubtedly, an additional increase in unemployment would cause a serious social crisis. Therefore, the saving output was found in "opening the borders" and allowing the employment of residents abroad. A massive departure has contributed, quite understandable and attractive factor - demand for all profiles of workers, the possibility of multiple wages, more favorable opportunities for work in the professional activity, etc. Thus, the Western European market has attracted not only the deagrarian population and unemployed ones, but also a large number of employed persons, which was 35.5% among the workers abroad in 1971. "The Promised Land" becomes SR Germany, which accounted for about 70% of the total contingent of migrant workers from BIH in 1971.

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<sup>5</sup> Wertheimer-Baletic, 1969

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## DEMOGRAPHIC CHANGES DURING THE WAR 1992-1995 IN BH..

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It has already been said that since 1971, the population censuses have been included in the workplace abroad, and since 1981 also the members of the family who are staying with them. Census lists are not the best source for monitoring external migration, they give the current state (current cross-section), every ten years. In particular, the census is unreliable regarding the number of citizens abroad, because it is estimated that only a smaller part of the evicted continent is covered in overseas countries.

In the post-World War II period, BIH was distinguished by the strong emigration, the most prominent among the regions of the former Yugoslavia. The reasons for this should be sought in economic and demographic factors. Unequal effect of these factors in BIH and in the Yugoslavia as a whole, have created the conditions for maintaining a permanent negative migration balance over the entire mentioned period. The economic and demographic circumstances in BIH have encouraged the population to move out.

Table 1. Net migration balance in BIH from 1948-1990

<b>Period</b>	<b>Neto migration balance Total</b>	<b>Annually</b>
1948-1952.	- 29.779	- 5.956
1953-1960.	- 161.610	- 20.201
1961-1970.	-216.072	- 21.607
1971-1980.	- 133.780	- 13.378
1981-1990.	- 171.207	- 17.121

Source: Calculated by the vital-statistical method

In the period 1948-1981, 548,417 persons from Bosnia and Herzegovina moved out, and 158,291 persons moved in.

The percentage of net migration balance of the total population varies by individual periods. The smallest was in the interval 1948-1952, when the average number of inhabitants was 1.1%, and the highest 6.1% in the period 1961-1970. However, the percentage of net migration balance relative to natural increase is much higher and in the ninth decade exceeds even 40%. Accordingly, emigrations from BiH were very significant.

The economic impact on the large migration balance came from the fact that BiH was less developed than the immigrant areas of the former Yugoslavia, and of which it was developing more slowly. On the other hand, demographic processes in Bosnia and Herzegovina were more dynamic than in the former Yugoslavia as a whole, so it was constantly pushed for moving to areas where this demographic dynamism is weaker.

Initially, migration of workers took place according to the model of temporary, circulating workers, i.e. according to the model of *gastarbeiter* ("guest worker", the term has originated in the Federal Republic of Germany). It was thought that at the

time of the conjuncture, migrants would provide the necessary labor force (and without some important social and syndicate rights), and with the advent of the crisis, they would return home. It was widely believed that this model corresponds not only to hosts, but also to migrants and countries of origin.<sup>6</sup> But over time, it has strengthened the conversion of temporary migrant workers into permanent migrants, and the worker abroad becomes an emigrant.

It has already been emphasized that post-war migrations from the former Yugoslav republics are considered within the framework of external migration. This was done for the period 1948-1991. According to the relevant sources, it can be established that in that about 350,000 persons moved out in that period from other countries of the SFRY (now independent states)<sup>7</sup>. Bosnia and Herzegovina is the second most affected by external migration (after Croatia), with 4.7% living outside its territory (205,720). The most biologically most viable part of the population has left BIH. A special problem was the mass phenomenon of the emigration of highly skilled workers, skilled labor and young highly educated people.

After the Second World War in which a large number of BIH population was killed, mostly in their fertile age, an intensive demographic growth began, among the most prominent in the area the former Yugoslavia. By 1991, the population increased by 71%, which is immediately behind the highest achievement attained in Macedonia (76%) and significantly above the Yugoslav average (48%). Changes in the BIH population differ from the changes in the areas bordering BIH. In Montenegro, the growth rate of 1948-1952 was 2.2% and 0.5% in 1981-1990. The difference is particularly expressed in Croatia where this rate was not higher than 0.8% at the beginning, to fall to 0.4% at the end of the ninth decade. In Serbia without provinces, the initial population rate is 1.5% and the ultimate is only 0.1%.

During the economic and technological modernization in BIH the pattern of population renewal has changed: high birth rates and mortality have been replaced by lower rates. Mortality rates began to decline as a result of improving hygiene conditions and overall progress in health care. By the time, by increasing employment in non-agricultural activities and urban development, there is also a decrease in birth rate. Population growth has also changed, depending on the changes of birthrate and mortality.

Following the intensity of the birth rate decline, BIH was the first place among all the regions of the former Yugoslavia, so it was gradually leaving the group of high birth rates and it was entering the low birth rate group. Reduction of births was faster than social and economic development, which is clearly confirmed by the fact that the birth rate of BIH population has already approached the birth rates of Croatia and Slovenia, although BIH is underdeveloped in comparison to those two countries. The decline in mortality went back to the period 1975-1979, when it was almost halved comparing to the initial period. By reaching the lowest level in the second half of the eighth decade, the mortality rate has begun to increase slightly since then.

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<sup>6</sup> Bade, 1997

<sup>7</sup> Breznik, 1975; Stevanovic and Breznik, 1986

According to the rate of decline in mortality, BiH was in the third place among the republics of the former Yugoslavia. Particularly high mortality rates were observed in infants. High mortality in this category is more strongly reduced than the mortality of the total population.

The rate of natural increase from the period 1950-1954 until 1985-1989 is reduced to almost one-third of the initial state. The characteristic of this are two crucial periods: the first 1965-1969, when this rate falls below 20, and the second one from 1985-1989, when the fall exceeds the limit number of 10. By lowering the rate below the mentioned border number of 10, BiH has stepped away considerably from Montenegro and Macedonia, as economically underdeveloped republics of the former Yugoslavia, with whom it previously formed a group that was distinguished by high natural growth. Reducing birth rates had the biggest impact on reducing the rate of natural growth.

In the period after the Second World War, Bosnia and Herzegovina distinguished itself by a strong emigration, the most prominent among the territories of the former Yugoslavia. The reasons for this should be sought in economic and demographic factors. The unequal effect of these factors in BiH and in the Yugoslav territory, in general, created the conditions for maintaining a permanent negative migration balance over the aforementioned period. The economic and demographic circumstances in BiH have encouraged the population to move out.

The percentage of the net migration balance of the total population varies from time to time. The smallest was in the interval 1948-1952, when the average number of inhabitants was 1.1%, and the highest 6.1% in the period 1961-1970. However, the percentage of net migration balance in relation to natural increase is much higher and in the ninth decade exceeds 40%. Therefore, emigrations from BiH were very significant. The economic impact of such a large migration balance came from the fact that BiH was less developed than the immigrant areas of the former Yugoslavia, and it was developing even more slowly. On the other hand, demographic processes in Bosnia and Herzegovina were more dynamic than in the former Yugoslavia as a whole, so it was constantly pushing for the emigration to the regions where this demographic dynamism is weaker.

### **WAR DEMOGRAPHIC LOSSES (1992-1995)**

#### ***Direct demographic losses***

According to the available data, the estimated demographic losses in 1991 in BiH were from 97,207 to 104,732.92. If we take these numbers as the basis for further and deeper research, we can estimate that during the war in BiH, 2,40% of the total BiH population from the 1991 census was killed, missing or died due to war consequences.

Direct demographic losses are characterized by:

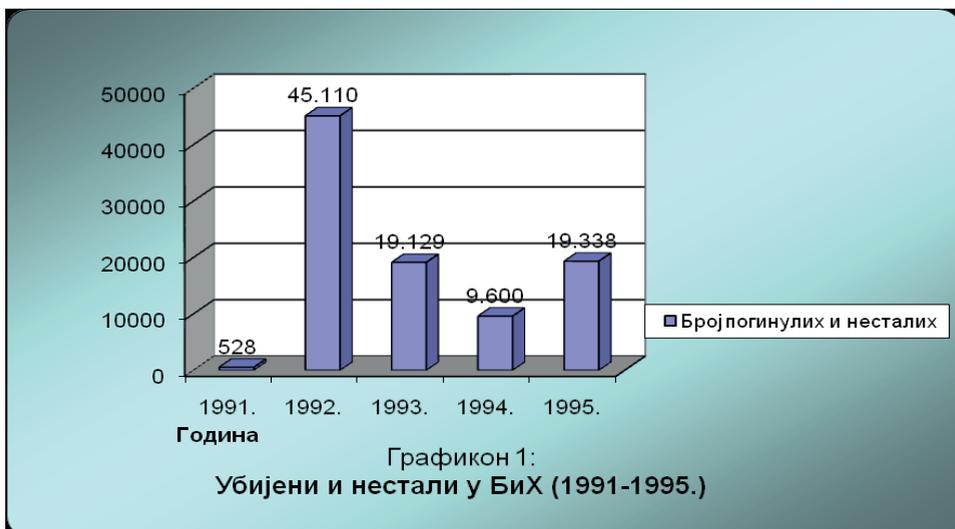
- a relatively high proportion of dead civilians, indicating the territorial non-selective nature of war activities itself, which indicates that warfare had

- taken place farther from the separation lines; the selectivity of war mortality by gender and age, or greater deaths of men, especially in the age of 20-40;
- the structure of war mortality according to the time and casualty area, also points to the temporal and spatial selectivity of direct demographic losses.

Certain methodological problems exist in attempting to define the time frame of direct war losses. According to the Research and Documentary Center in Sarajevo, killed and disappeared persons in the period 1991-1995 have the following trend: The above data according to other surveys do not represent the final number of persons killed and disappeared during the war in BiH, but considering that they include an estimated number of direct war losses, we can consider them as representative enough to assess the temporal selectivity of war mortality in BiH.

From the data it can be seen that with regard to direct war victims, the worst war year of 1992, during which approximately 46.41% of citizens were killed or died due to the war consequence. The next is 1995, with 19.89%, 1993 with 19.68%, 1994 with 9.88%, and 1991 with 0.54% of war mortality (killed persons from BiH on the non-BiH battlefields).

The second, internationally more reliable data source on the total number of people killed during the war in BiH is the book "War in Numbers," by author Ewe Tabeau, expert demographer at the International Criminal Tribunal for the former Yugoslavia in The Hague. The mentioned author made a total of 30 reports for the Prosecution's needs at the ICTY in The Hague, from 2000 to 2011. Its methodological approach to the report drafting differs significantly from the reports conducted by the Research and Documentation Center in Sarajevo. A key objection is that Tabeau did not use a variety of different and relevant data sources in order to avoid inaccurate statistics and create wrong historical picture on the research problem. Finally, the best approximate assessment of the truth about war casualties in BiH will be obtained from many relevant and reference sources.



Tabeau has used mostly methodologically multiple system or multiple re-coverage assessments. The simplest version of this methodology, the assessment of dual systems, applies when two separately collected but incomplete lists of some population members are available.<sup>8</sup>

In order to prove ethno-demographic changes in BIH as a result of war events, Tabeau approached the so-called data pairing, or used data from the 1991 census for certain local communities and data from voter lists 1997-1998 that was created by the OSCE. But bearing in mind that registration in the voter lists was not mandatory, the reference and relevance of the results obtained by such procedure is completely questioned.

Nevertheless, the results presented in unreliable sources of data were accepted in the expert reports of Tabeau, that was submitted by Prosecution to the ICTY in The Hague, referring to the changed ethnic composition of the population and war victims all over the BIH municipalities.

If all the important Tabeau reports (30 reports) are annexed, it is possible to accentuate them in terms of defects in the following way:

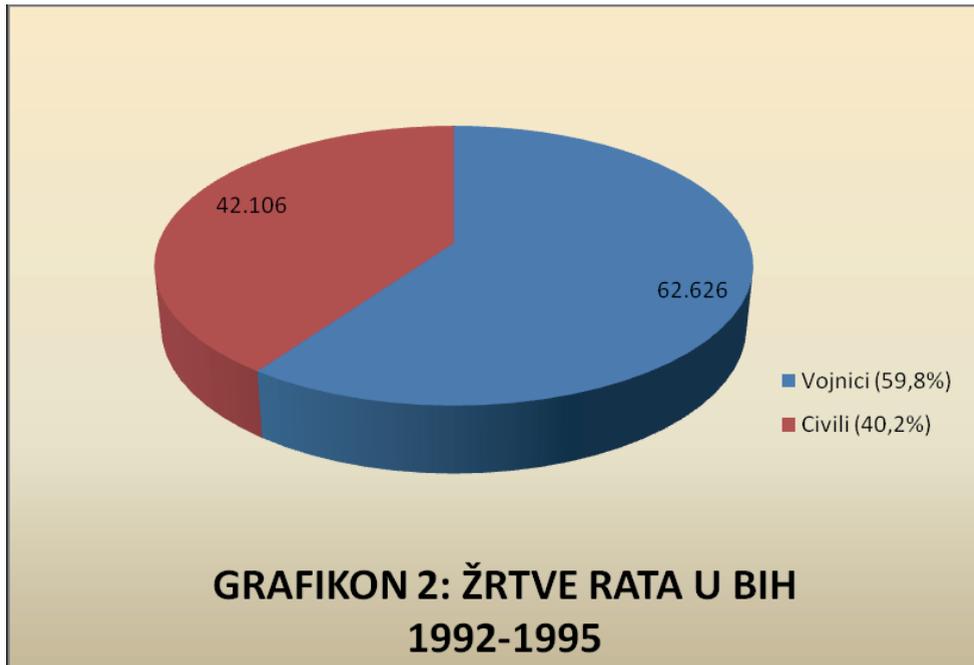
- absence of report consistency on individual victims of ethnicity in terms of civil and military status,
- the existence of complete versus less complete data in certain proofs of ethno-demographic changes,
- questionable reliability of numerous data sources (irrelevant institutions dealing with statistical data processing, lack of empirical sources),
- standardized documents not used in order to prove the statements of the interviewed (less reliable records),
- although comprehensive, reports are based on fewer reference data sources, which does not prevent partiality in statistics and creation of a historical inaccurate image;
- prior to the establishment of military and civilian war victims, the reports did not cover the entire population during the war, nor did the division into soldiers and civilians, which results in suspicion in the number of killed soldiers and civilians (possible manipulation of victims for the acquisition of certain benefits),
- the apparent occurrence of duplicates in victim records,
- researches represent the expression of certain achievements, but they should be further focused on improving of data sources and empirical research,
- when it comes to the number of war victims, none of these sources, if used alone, can not be sufficient or competent, especially since the procedure for the conceptualization of scientific research has not been implemented;
- the best approximate estimates of the truth will be obtained from the results gained from many (different) sources and on the basis of different

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<sup>8</sup> Tabeau, 2009

methodological approaches, as well as on the basis of valid and complete scientific project research.<sup>9</sup>

In addition to the Research and Documentation Center in Sarajevo, the total number of victims of war in BiH was also presented by Tabeau in her book "War in Numbers". According to her research, the total number war victims (1992-1995) was 104 732, noting that the data are not final and that the number of victims is just a minimum number.



*Data source: Tabeau, E: War in Numbers, Helsinki Committee for Human Rights in Serbia, Belgrade, 2009.*

So, in BiH there are practically only two more relevant surveys and reports on total war victims with their structural characteristics. If we agree with the authors that the total number of victims is approximately correct, we can hardly agree on the structure of the victims by nationality, which is easily proved on individual examples. According to Research and Documentation Center in Sarajevo, the ratio of victims by nationality is (approximately): Bosniaks 66%, Serbs 26%, Croats 7.5%, Other 0.5%. On the other hand, Tabeau states that the national structure has been altered as follows: Bosniacs 68%, Serbs 22%, Croats 9%, Others 1%? By rejecting these allegations, the author has proved this on the example of the Zavidovići municipality. According to the Research and Documentation Center in Sarajevo data, in the Zavidovići municipality, there were about 600 Bosniak victims, 150 Croats, and the remaining victims were 100 Serbs, which is absolutely inaccurate.

<sup>9</sup> Pasalic, 2011

## DEMOGRAPHIC CHANGES DURING THE WAR 1992-1995 IN BH..

In the Vozuća, Gostović, Dolac and the part of Bočinje settlements, about 500 Serbs were killed or disappeared. In the same way, data for dozens of municipalities in BiH can be challenged, which calls into question the degree of research reliability of mentioned authors, especially of Research and Documentation Center in Sarajevo, whose statistical data are not the result of their own research, but of uncritical download of data from various sources.

The data on the total number of war victims are expansive and based on flat-rate estimation, It is visible from a number of other data sources, which are not based on empirical research:

- Institute for Health Protection Sarajevo, in 1996, published preliminary data on 156,824 war victims, and only two months after that it published data on a total of 278,800 victims;
- according to the research by I. Bošnjović and A. Smajkić, the number of killed and other victims is 258,000, out of which 138,800 Bosniaks;
- by prof. Murat Pasha, about 328,000 people were killed, died or disappeared, of which about 218,000 Bosniaks;
- V. Zerjavic announced that 220,000 people were killed in BiH, of which 160,000 Bosniaks, 30,000 Croats and 25,000 Serbs;
- International Peace Research Institute from Stockholm 1993, published the data on 169,100 of killed;
- According to prof. Herberto Hirsch, about 200,000 people were killed;
- prof. In 1997, Francis Boyl presented an assessment of 139,000 fatalities, while  
George Kenney in 1995 presented the number of deaths related to the war to 25,000 to 60,000.

There are a number of other data from a number of authors on the different numbers of victims during the war in BiH, ranging from 150,000 to 250,000 people.

Therefore, presented flat-rate data and assessment of 25,000 to 328,000 war victims of the above authors speak of one dilettante approach in the research of direct war losses in BiH, and as such they are not useful for any more relevant research on demographic losses in BiH.

According to numerous sources in the Republic of Srpska, the total number of Serbian victims in the BiH war ranges between 32,500 and 34,500 (out of which 17,500 soldiers on the front line, 5,000 individual fallen soldiers and 10,000 to 12,000 civilians).

If data on the total number of war victims in BiH (1992-1995) are taken, according to the above sources, it is evident that they do not match and cannot be considered final and completely accurate. According to Tabeau, the number of victims she claims is only close to the minimum number, not the total number. Such conclusion gives us the point that the number of victims of the Serbian National Corps is minimized and ranges between 32,500 and 34,500, which is much more than her claims (over 10,000 victims). Taking into account the data and research on the casualties of the Serbian population in BiH (based on several data), direct war

demographic losses in BiH amount to a minimum of about 110,000, of which about 31.5% were Serbs, about 60.5% Bosniaks, and 8% Croats and others.

### **Migration demographic losses**

Under the migration demographic losses, we mean population losses resulting from the war induced increased population emigration from the country. Due to their volume, spatial outcome and structural and demographic characteristics, they caused complex and unfavorable, short-term and long-term effects on the population and socio-economic development of BiH as a whole.

Forced migrants are displaced due to war, individual persecution, or massive human rights violations. The population of BiH was by far the most affected by forced displacement. In the period 1993-1998, over 70% of all refugees and internally displaced persons from the former Yugoslavia were BiH citizens.

The highest average annual migration balance was recorded in BiH in the first half of the 1990s (-51.8% 0), with a total loss of around one million people. Almost half of this loss was compensated between 1995-2000.

The forced (war) migration during the war in BiH was caused by about 2 million refugees and internally displaced persons, or close to 50% of its total population (1991 census). However, from the standpoint of migration demographic losses at the level of BiH, it is relevant to look only at war-induced external migration of the population. However, it must be noted that not all migration during the war and post-war years were forced war migrations, but, for example, economic migration, war events, due to unfavorable impact on economic trends and social security, were significant incentive factors of emigration. In other words, it is very difficult to methodologically correctly and accurately show the war and peacetime (economic) migrations in BiH.

According to the latest population census in BiH, there were 4.37 million inhabitants. Nearly 2 million inhabitants or nearly 50% of the total population of Bosnia and Herzegovina have left their homes. The most displaced persons were Serbs 830,000, Muslims 797,000 and Croats 350,000.<sup>10</sup> Out of the above-mentioned contingents of refugees and displaced persons, around a million inhabitants escaped abroad (outside BiH), which made up about 22.85% of the total population in BiH (according to the 1991 census). After the end of the war in 1995, the number of refugees abroad began to decrease, until 2010, when they were still outside BiH 527 887, and a number has been integrated in the countries of refuge (they became citizens of these countries).

In conditions without war 1992-1995, according to the previous trend of population displacement from BiH, about 40,000 inhabitants would leave.

Based on the presented data on war losses in BiH (1992-1995), their total number is:

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<sup>10</sup> Spiric, Marijanac, 1999

## DEMOGRAPHIC CHANGES DURING THE WAR 1992-1995 IN BIH.

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- direct war losses .....	110,000
- pure demographic losses (birthrate losses) .....	39 750
- migration demographic losses .....	986 216
Total demographic losses .....	1 135 966

The expected number of inhabitants in BIH (in the absence of war) is around 4.46 million, so that the total demographic loss (1992-1995) have reduced the BIH population to less than 3.4 million inhabitants, after the end of the war. According to research by Tabeau, her expert reports stated that at the end of 1995, BIH had about 3.4 million inhabitants, of which about 2.6 million inhabitants with voting rights (adult, over 18 years old).

The highest average annual negative migration balance rate was recorded in Bosnia and Herzegovina in the period 1992-95 (-51.8 per 1000 inhabitants), with a total loss of one million people. Half of that loss was recovered between 1995 and 2000 (close to 500,000, while the rest was outside BIH 527,000).

Table 2. Demographic losses in BIH (1991-2013)

Category of demographic losses	Absolute	%
Direct demographic losses (war mortality)	110.000	10,80/ 9,49
Migration losses (as a war consequence)	908.480	89,20/ 78,42
Total actual demographic losses	1.018.450	100,0
Pure demographic losses (birthrate losses)	140.000	12,08
Total demographic losses	1.158.450	100,0

Source: Pašalić, S. (2012). Expert report, ICTY, Hag

Bosnia and Herzegovina, and especially the Republic of Srpska, are now in a deep demographic crisis caused by numerous, complex and long-term destabilizing factors of population movement and development. Negative dynamic and structural demographic trends are becoming more and more serious threats to social stability and economic development of the country, which also significantly reflects on education as a whole. BIH and the Republic of Srpska are losing the population by natural and mechanical means, and especially the negative process in demographic development is the aging of the population. All this deepens the imbalance in the functional age contingents important for future reproduction (especially in education), but also for the formation of an economically active population, i.e. labor force. Although depopulation in all its forms is a general process in BiH and the Republic of Srpska, there is a certain population polarization that is induced both at the level of administrative units (cities, municipalities) and at the settlement level (urban / rural) or region. The demographic impoverishment of BIH and Republic of

Srpska, especially the growing population discharge, is an important factor of spatial or regional developmental imbalances.

At the beginning of the 1990s, BiH has entered one of the special stages of its socio-political and demographic development. The war on its territory, and the postwar and transitional difficulties, with the inevitable influence on social events and processes have especially shook the demographic trends. War events in BiH in the early 1990s have caused very intensive emigration. Migration losses as a result of the war (1992-1995) amounted to 527,000 persons. Based on the data on the number of immigrants in the intercensus period from 1991 to 2016, the data of vital statistics and the application of the vitality method for determining migration, we can estimate that from 1991 to 2016, about 1,152,437 people have migrated, which is 26.3 % of the number of BiH inhabitants in 1991. This emigration power was in general directly caused by war (refugees), but also by economic opportunities.

The highest average annual negative migration balance rate was recorded in Bosnia and Herzegovina in the period 1992-95 (-51.8 per 1000 inhabitants), with a total loss of one million people. Half of that loss was recovered between 1995 and 2000, (close to 500,000, and the rest is outside of BiH 527,000.<sup>11</sup>

Table 3. Demographic losses in BiH (1991-2017)

	Born	Died	Birth rate	Migration balance	Total Depopulation
Bosnia and Herzegovina	903 943	894.661	+9 282	-1152.437	-1.143.155
Republic of Srpska	302.952	353.618	- 50.666	-355.529	-406.195
Federation of BiH	552 972	496 570	+54 637	-779 873	-725.236
District Brcko	28 200	22 800	+ 5 311	-17 035	- 11 724

*Source: Stevo Pašalić and Nenad Lalić ( 2017). "Influence of Demographic Aging On Economic Development Of The Republic Of Srpska (Bosnia And Herzegovina)", International Journal of Development Research, 7, (07)*

$D = (NM) + (IE) D = (874,785-858,325) + (-1,152,437) = (+9 282) + (-1,152,437) = - 1 143 155$ , the total number of inhabitants for 2017. From the form:

$D = P_2 - P_1$  where the intercensus change of population is coming:

$P_1 = 4.377.033$  (1991) - 1.143 155 (total demographic losses 1991/2017) = 3.233 878.

Number of inhabitants of BiH 2017. = 4 377033 (1991) - 1 143 155 (depopulation 2017) = 3.233.878

<sup>11</sup> Pasalic, 2012

**Attachment: PODRINJE**

Podrinje (upper and middle) covers the area of the upper and middle currents of the Drina river and several municipal territories (Goražde, Višegrad, Srebrenica, Bratunac, Vlasenica, Skelani, Milići, Šekovići, Zvornik and Rogatica).

The Drina River is the border of this area on the east with Serbia, which makes its geographical and geostrategic position very favorable.

See Annex A.8

The municipalities of the upper and middle Podrinje, where the demographic and urban destruction of the Serbian population was expressed, covers an area of 3,237 km<sup>2</sup> with 266,233 inhabitants (1991 census).

Changes in the natural population components (birth rate, mortality, fertilization and natural growth) in Podrinje, until the 1960s, took place quite slowly. Since the 1960s, the Podrinje has had a strong concentration of the Muslim population, thanks to the high rate of natural increase in their population, as well as some others demographic factors. Shortly after the World War II, Serbs were the largest ethnic group in most of the municipalities of this region.

According to data from 1991, the contribution of Serbs in the ethnic structure of Podrinje municipalities was: Bratunac 34.2%, Goražde 26.2%, Rogatica 38.4%, Srebrenica 25.2%, Visegrad 32.8% and Zvornik 38.0 %.

The structure of the population by ethnic affiliation in Podrinje was significantly changed during the war (1992-1995) due to the process of ethnic territorial homogenization within the regions of Bosnia and Herzegovina. Thus, in this area, the dominance of the Serbian population was now expressed, where Serb refugees from central and northeast BiH and other parts under the domination of Muslims have also moved.

Ethnic turmoil and changes were expressed in all municipalities of Podrinje: Bratunac (5,000 evicted Serbs), Srebrenica (4,500 evicted Serbs), Goražde (8,000 evicted Serbs), Zvornik (6,000 evicted Serbs), Vlasenica and Milici (about 500 evicted Serbs). In the refugee camp, there were about 25,000 Serbs from Podrinje who returned to their homes after they had been placed under Serbian military control.

Serbian civilian casualties was characteristic in Serbian villages of Podrinje that took place during Muslim diversion actions and ambushes. This was especially expressed in the municipalities of Srebrenica and Bratunac.

Natural deaths are included into total mortality (748,325) and killed during the war (110,00 war mortality).

In the municipality of Bratunac, 19 scaffolds were registered, where hundreds of Serbs were killed. The greatest casualties of Serbs were in the Serb village of Kravica where 47 Serbs were killed and the village was burnt to the ground on the Orthodox Christmas day in 1993. A large number of Serbs were also killed in the villages of Loznica (32), Bjelovac (24), Sikirici (21), Zagoni (20) and Fakovici (19). In Srebrenica and the surrounding area, 9 scaffolds were found where Serbs were killed. The casualties of Serbs were particularly expressed in Srebrenica itself (39

victims), Podravanje (30) and Brežani (19). In the newly formed Serbian municipality of Skelani, 61 victims by Muslim formations were registered.

The casualties of Serbs in Vlasenica and Milići are the result of diversion actions and ambushes by Muslim formations in remote and scattered Serb villages in these municipalities. Also, in Gorazde and the surrounding area, there were 4 scaffolds where Serb civilians were killed by Muslim military formations.

During the war, In the area of Podrinje, a total of 28 camps for Serbs were registered. Out of that number, there were 14 in Gorazde and the surrounding area and 6 in Srebrenica. Commercial facilities, buildings of municipal, courts and police, as well as all greater basement rooms served as camps. Thousands of Serbs of all ages have passed through such camps in Podrinje. It is not possible to find out the exact number of killed in these camps, but it is presumed that is is about thousands of Serbian ethnicity. The largest number of these victims were buried in Bratunac, Skelani and Serb villages that were free during the war.

The total number of Serb-majority settlements is 303 or 40%. The land owned by the Serbs amounts to 48% of the total territory area.

Serb 68 settlements were burnt in the war, and from 90 settlements Serbs were displaced. This was especially the case in the Bratunac municipality where 21 Serb settlements were destroyed. Particularly striking was the casualties of Serbs in the village of Kravica on the Orthodox Christmas day, on January 7, 1993. During the war in Podrinje, out of a total of 43 industrial facilities, 17 of them were destroyed up to 50% and two had the damage of more than 50%. In Zvornik, as the largest center of Podrinje, commercial buildings did not suffer, which is significant for the future economic development of this municipality.

The buildings of the Zvornik-Tuzla eparchy of the Serbian Orthodox Church were also affected by the Muslim formations during the war. Two churches and eight parish homes were burnt down. Church buildings were the most affected in the municipalities of Bratunac and Srebrenica.

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## THE HAGUE TRIBUNAL: SENTENCING INDIVIDUALS IN ORDER TO ESTABLISH THE RESPONSIBILITY OF THE SERBIAN PEOPLE FOR GENOCIDE

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**Abstract:** The International Criminal Tribunal has not fulfilled the requirements to be an independent and impartial body, because it is basically an unlawful tribunal established by the UN Security Council, which was not entitled to establish it, since only the General Assembly of the United Nations can establish it. Past events confirm that The Hague Tribunal was a completely dependent and biased court that tried to accuse the representatives of the authorities and the Army of Republic Srpska in order to establish the sole responsibility of the Serbian people for the past war in Bosnia and Herzegovina, completely ignoring the responsibility of other participants in the armed conflicts. Past trials confirm the complete inability of the Tribunal to determine the facts, because it tried to determine the genocide of the Serbian people and its responsibility for the war consequences in Bosnia and Herzegovina by the maximum accusations of the representatives of the Serbian people.

**Keywords:** *Illegality of the International Criminal Tribunal, judicial bias and non-objectivity, imposed responsibility of Serbs for genocide with no facts.*

### ICTY - UNLAWFUL COURT

According to international legal acts, the judicial body must fulfill a number of requirements: first, the court must be established by law, secondly, the court must be an independent and impartial body, and thirdly, the judges to judge it must be adequately qualified for it. The International Tribunal for the Former Yugoslavia (ICTY) does not meet any of these criteria.

The Tribunal was established without a legal basis, i.e. it was not based on the law. The decision to establish The Hague Tribunal was taken at the United Nations Security Council meeting on February 22, 1993, and it was contained in Resolution no. 808. In accordance with this resolution, the UN Secretary-General has submitted a report with the draft Statute of the Tribunal. The ICTY Statute was adopted on May 25, 1993, by adopting Resolution No. 827 which has never been seen before in international practice.

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What is the legal basis for the creation of The Hague Tribunal? Paragraph 2 of this Resolution reads: "The UN Security Council decides to establish an international tribunal ...". But on what legal grounds? The analysis turns out that they ... do not point out. At the same time, there are facts that show that the Tribunal's creators were aware of the absence of legal bases for its establishment. First, it is necessary to pay attention to the helpless argument that supports the legality of the creation of the ICTY, the UN Secretary-General, which refers to Article 29 of the UN Charter, which refers to the right of the Security Council to create "subsidiary bodies". Even members of the Council did not use this argument in Resolution No. 827. It is understandable why. First, Article 29 links the right to create subsidiary bodies only in the performance of their functions by the UN Security Council. It is clear that the prosecution of individuals is not part of the functions of the UN Security Council. Secondly, the judicial body cannot be "auxiliary", in principle (the constituent characteristic of the court is its independence), and especially the political body.

At the same time, refusal of referral to Article 29 has not been replaced by a reference to any other Article. However, understanding the inadequacy of the reasoning proposed by the UN Secretary-General, the Security Council did not find a second solution and mentioned ... Chapter VII. The creation of the Tribunal by referring to such an Article, but in the chapter, is a good indicator of the absence of the UN Security Council's legal argument on the decision taken.

One more important fact is to be highlighted here. Several member states of the Security Council have explicitly stated that there is no legal basis for the creation of the International Criminal Court by the UN Security Council. Accordingly, a representative of the People's Republic of China (PRC) said that the International Court should be established by concluding a treaty in order to establish a solid legal basis for this.<sup>2</sup> Brazil also voiced disagreement with the legal justification for the establishment of the UN by the UN Security Council. The representative of Brazil in the UN Security Council stated that the establishment of the Hague Tribunal, exclusively on the basis of a Security Council resolution, leaves an unresolved set of legal issues related to the powers and competencies conferred by the Council, referring to the UN Charter.<sup>3</sup>

In his report to the UN Security Council, the UN Secretary-General acknowledged that the right way to establish the International Tribunal was to conclude an international treaty. However, he then concludes that the creation of the International Tribunal by the adoption of the Security Council Resolution is also

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<sup>2</sup> See the statement by the representatives of the People's Republic of China in the UN Security Council, Li Zhaoming, at the UN Security Council meeting on 25 May 1993. // UN Document: S/PV.3217. - C. 33. Despite the fact that the Chinese delegation voted in favor of Resolution no. 827, the PRC's position is explained as follows: "Our political attitude should not be considered as our support for this legal approach."

<sup>3</sup> See the statement by the representative of Brazil in the UN Security Council, Sardenberg, at the UN Security Council meeting on 25 May 1993. // UN document: S/PV.3217. - C. 37.

permitted, because the conclusion of the treaty "will take too much time".<sup>4</sup> This argument is obviously not convincing from the point of view of international law.<sup>5</sup>

At the first trial at The Hague Tribunal, the first question was the problem of the lawful establishment of the Tribunal. International legal acts provide that every person has the right to be tried only in such a court which has been established by law. At his trial, D. Tadic pointed out that the International Tribunal can only be established in accordance with an international treaty or after the amendment of the UN Charter; that Chapter VII of the UN Charter does not provide room for the establishment of judicial bodies; that the UN Security Council cannot establish personal criminal responsibility; that a political body (UNSC) cannot establish an independent and impartial tribunal. The tribunal itself brought the decision on this application.<sup>6</sup> This in itself violates the general principle of the law *Nemo iudex in sua causa* - "No one can be a judge in his case". The International Tribunal rejected the argument that the International Tribunal can only be formed in accordance with an international treaty or after a corresponding change in the UN Charter, but not with a Security Council resolution, citing an example of the creation of the Administrative Court (AT) of the UN General Assembly. According to judges, this means that the Security Council "has even greater powers" and can create legal bodies. As we see, the search for arguments about its own legitimacy has continued, but it was not crowned with success at the most critical moment: when the decision had to be made by the highest judicial body of the Court itself. Obviously, referral to the Administrative Court does seem pathetic. First, the ICTY case is not related to the UNGA, but to the Security Council, where, unlike the former, not all UN member states are represented, but only 15 countries. Secondly, the AT is exclusively the UN internal body and is only responsible for the staff of this organization. Third, AT jurisdiction does not apply to criminal cases. In the case of D. Tadic, it was not the right of an international organization to create internal bodies for regulating legal relations in relation to their employees, but the ability to make decisions that exceeded their authority. According to Article 2 of the UN Charter, the organization can not jeopardize the exclusive competence of the states: "No provision of this Charter gives the Organization the right of intervention in matters exclusively within the competence of the Member States." The creation of The Hague Tribunal violated the principle of national sovereignty - the basic principle of international law, and in particular the UN Charter itself. State sovereignty is the

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<sup>4</sup> *Report by the UN Secretary-General, submitted in accordance with paragraph 2 of UNSC Resolution 808 (1993) // UN Document: S/25704 of 3 May 1993, paragraph 20*

<sup>5</sup> It should be noted that the initial draft of the Statute of the International Tribunal for the former Yugoslavia was prepared precisely as a draft of an international treaty. Previously, the Draft Statute of the ICTY was developed within the Organization for Security and Co-operation in Europe (OSCE) and in the form of a convention.

<sup>6</sup> *Prosecution v. Tadic, ICTY (Appeals Chamber) Decision on Intervention Motion for Interlocutory Appeal on Jurisdiction, 02.10.1995, paragraph 27.*

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inalienable legal quality of an independent state. The only attempt of the ICTY to bring a new legal argument was to refer to Article 41 of the UN Charter, listing measures that the UN Security Council can take in cases of violations of peace. The International Tribunal rejected the defense's argument that the creation of the judiciary was not mentioned in the article on the grounds that "these are only listed examples". But the court ignored the main argument of the defense - the UN Security Council has no judicial powers and therefore cannot transfer them to anyone, and therefore a list of measures can not involve the creation of a criminal court.

The UN's judicial body is the International Court of Justice, but it falls outside of the UN Charter. While formally emphasizing that the Statute of the International Court of Justice is an integral part of the UN Charter, the official separation of these two international treaties allows non-members to be members of the International Court of Justice, as well as members of the UN, to have a special attitude towards the Court. This again emphasizes that the UN Security Council, as the executive body, has no judicial powers. The International Court of Justice operates on the basis of a special international treaty - the Statute of the International Court of Justice. During the creation of The Hague Tribunal, the United Nations Security Council transferred these powers of authority that it did not own, thus violating another general principle of law. No one can transfer more rights to another institution than it has.

The problem of the legality of the establishment of the Tribunal has also been initiated in other processes. Request by S. Milosevic was denied with a simple reference to a previous decision in Case D. Tadic. Also, there were some other judges in all other cases denying the defendants when asked to have the lawfulness of the court reconsidered. In 2005, V. Seselj asked to hold special hearings on the issue of legitimacy of the International Criminal Tribunal for the former Yugoslavia, to which the Court replied that there was no need to consider this issue.<sup>7</sup>

### **THE ICTY IS A DEPENDENT AND BIASED TRIBUNAL**

Independence is a constituent element for both individual judges and the institution as a whole.

The statutes of almost all international courts emphasize the principle of independence and impartiality of judges. For example, the Statute of the International Court of Justice in Article 2 states that the Court consists of the Council of Independent Judges. Article 12 of the Statute of the ICTY has established that the Tribunal's courts consist of independent judges. At the same time, Article 13 prescribes that persons with a high moral character, impartiality and conscientiousness, who fulfill the conditions set in their countries for appointment

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<sup>7</sup> Prosecution v. Tadic. Selective ICTY Decision (Pre-Trial Chamber) on the International Court of Justice (International Brief No. 87), 13 May 2005.

to a higher judicial position, shall be elected judges. Apparently, these standards are not sufficient to guarantee the independence and impartiality of the Tribunal.

First, the nomination of candidates for international judges of the Tribunal is done by the states, and in a very non-transparent manner. It is quite logical that a state nominates only those candidates who themselves fully share the political views of the country's leadership, and not, for example, the opposition or, in particular, another state or group of states. The state nominates only such candidates, who, certainly will come out of the national interests of their state, when dealing with any issue.

The NATO organization and individual NATO countries were direct participants in the armed conflict in the former Yugoslavia. However, NATO countries have taken over the lead positions at The Hague Tribunal. At various times, Tribunal judges, represented by NATO member states, comprised between 60% and 80% of the judges of the Court. At the same time, despite the prohibition of two citizens of the same country joining the Court, later an *ad litem* judge's office was introduced, to which this rule was not applied. It seems that the International Tribunal should represent the widest possible spectrum of states, but judges from the same NATO countries have yet again become members of *ad litem* judges. As a result, four NATO members: France, the Netherlands, Belgium and Italy, received double representation in ICTY judge members. The composition of the prosecution was not at all limited and consisted mainly of representatives of NATO member states who directly supported one of the parties to the conflict (Bosnia and Herzegovina, Croatia, Kosovo and Metohija) - but in any case they were always against the Serbs.

Finally, it should be noted that judges, who were citizens of the NATO countries that committed the aggression against the Federal Republic of Yugoslavia in 1999 and who actively participated in the destruction of the SFRY in the period 1980-1993, constituted 100% in the formation of a certain composition of specific judicial and appeals chambers. For example, at the trial of V. Seselj, the citizens of NATO member states, constituted 100% of the panel of judges, and 60% of the Appeals Chamber. It is necessary to pay attention to the fact that since October 1, 2009, out of nine unnamed *ad litem* judges, there were eight judges who were nationals of non-NATO countries. This shows that the citizens of such countries were used as decoration (for example, for the statistical needs of representation of different countries, geographic regions and legal systems), whereas courts of law mainly involved judges from NATO countries.

It should be noted in particular that the objective signs of a lack of independence are also confirmed by the subjective signs that are most clearly manifested in the activities of the ICTY. The most striking example of this is the refusal to institute proceedings against officials from NATO member States who committed crimes during the aggression against the FRY from March to June 1999. Despite there being sufficient evidence that NATO countries committed war crimes and crimes against

humanity, the ICTY prosecutor refused to even open the case and launch an investigation. At the same time, the analysis of a document to refuse the launch of an investigation shows that it does not contain convincing legal arguments. The State Duma Committee of Russia personally handed over tens of thousands of pages of documents confirming the commission of the crime.<sup>8</sup> Accordingly, the Tribunal Prosecutor Del Ponte lied, arguing that she did not have enough evidence. Therefore, the facts show that neither the International Tribunal for the former Yugoslavia, as a whole, nor its own judges were individually independent.<sup>9</sup>

As for impartiality, in theory there are two parties to the impartiality of the judges: objective and subjective, as confirmed by the decisions of international judicial bodies. Thus, for example, in the *Hausshild v. Denmark* judgment, the European Court of Human Rights emphasized the presence of subjective and objective aspects of judicial impartiality. At the same time, subjective impartiality should be determined on the basis of the personal judgments of a particular judge in this particular case, while objective impartiality is determined by the assessment of whether the judge has the necessary guarantees sufficient to exclude any doubts on this matter.<sup>10</sup>

The objective of impartiality is that the court must provide sufficient guarantees, excluding any legitimate doubt about its impartiality. This interpretation is given in a series of decisions by international and supervisory bodies, in particular the European Court of Human Rights, the American Commission on Human Rights, the African Commission for Human and Human Rights. Article 13 of the Statute of the ICTY states that judges must have a high moral character, impartiality and integrity.

A clear example of the lack of impartiality of the Court is the case of Prosecution v. Vojislav Seselj. In almost five years of pre-trial proceedings (2003-2007) the issue of the independence and impartiality of the court was that all this time it was a case that was constantly replaced by pre-trial judges and trial chambers, and no judge acted in an impartial manner. A judge who approved the indictment against V. Seselj (Judge O. Kona) behaved biased because neither *prima facie* charge was acceptable. The indictment did not fulfill the elementary requirements of the very jurisdiction of the tribunal, but it did not remain unnoticed by Judge Kwon. The Appeals Chamber annulled the exact decision of the Court of Justice to exclude the indictments related to Vojvodina, which were not within the jurisdiction of the ICTY. Making an

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<sup>8</sup> *Resolution of the State Duma (Federal Assembly) of the Russian Federation no. 3954-II of 12 May 1999 "On the Establishment of the State Duma Commission on the Study and Record of Information on Crimes During the Aggression of the North Atlantic Treaty Organization and Their Weapons Against the Federal Republic of Yugoslavia"*. URL: <http://base.consultant.ru/cons/cgi/online.cgi?rek=doc;base=EKSP;n=208217> (date of access: 07/07/2010).

<sup>9</sup> Del Ponte C. Hant. *Me and war criminals*. - M.: Eksmo, 2008. p. 208

<sup>10</sup> Hausshild, Denmark, *European Court of Human Rights*, ECHR, Judgment, 24.05.1989, paragraph 46.

unfounded indictment (Del Ponte) is an offense, its approval is another offense (Kwon), and the Appellate Chamber (Meron, Pokar, Shahabudin, Gunei, de Roca) justifying these actions is another offense. According to the general principle of the criminal law in force in all legal systems of the world, the commission of a criminal offense to conceal another wrongful act is an aggravating circumstance. Such a situation, when absolutely all judges who were appointed to the case of V. Seselj, did not act independently and impartially, raises the issue of qualifying the entire institution as dependent and partial. Lack of evidence on the indictment against V. Seselj confirms the replacement of the act itself. This replacement is called the "modification" of Rule 73 bis CPD by the ICTY. However, after more detailed examination, it becomes clear that this is unfounded and, in essence, unreasonably approved indictment. Accordingly, in the original version of the indictment, the prosecution was not able to precisely formulate even the basis for the personal criminal responsibility of the Accused. In its Decision of 26 May 2004, the Court of Justice ordered the Prosecution to remove the ambiguities of paragraph 11 of the indictment concerning the term "committed".<sup>11</sup> Clearly this is the key word for the entire indictment, and the vagueness of this term means only one thing - the lack of evidence among those who made the charge. Another question arises: why this ambiguity was not solved by the judge who determined the indictment? The answer may be either it was due to the incompetence of the judge (see below) or due to the deliberately unlawful proceedings, which in both cases is unacceptable.

It is necessary to consider the issue of impartiality of the ICTY as a body as a whole. In accordance with Article 11 of the ICTY Statute, the Tribunal consists of: The Prosecutor's Office, the Judicial Council, the Appeals Chamber and the Registry. An analysis of the activity of these bodies shows that each of these bodies manifested as having no criteria of impartiality. First, it is necessary to emphasize the problem of the election of the accused by the prosecution. An analysis of this issue shows that the election of a person against whom the ICTY has decided to file a charge was clearly discriminating. Accordingly, of the 161 indictees for The Hague Tribunal, the Serbs account for about 70%. Following this, these charges ended with the following result: 78 convicted at the ICTY, 63 were Serbs, 11 Croats, 2 Bosniaks, 3 Albanians and 1 Macedonian.

However, the picture is exactly the opposite: only two of them are Serbs, but there are 5 Croats, 3 Bosniaks and 4 Albanians. 318 As a percentage, the number of justified Serbs is 3%, Croats - 22%, Bosnians - 33%, Albanians 67%, Macedonians - 50%.

As for the duration of the verdict, Serbs occupy almost 80% (approximately 930 years of imprisonment), Croats - 14% (166 years), Bosniaks - 3.5% (41 years), Albanians - 1.6% (12 years). As for the Serbs as victims of crime committed by other

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<sup>11</sup> Prosecution v. Vojislav Seselj, Decision on the proposal of Vojislav Seselj disputes the jurisdiction and form of the indictment, 26 May 2004, § 62.

ethnic groups, their participation is only 9.5%, while the share of Croats and Bosniaks among the victims is 29 % and 54%.

Therefore, according to the charges before the International Criminal Tribunal for the former Yugoslavia, during the civil war on the territory of the former Yugoslavia, no serious crimes were committed against the Serbs. Judging by the verdicts, the main criminals (sometimes the only criminals) were only the Serbs. Such a picture is in direct contradiction with reality, which directly reverses it. This ICTY policy has been seriously criticized, including by the leadership of Russia.<sup>12</sup> This ICTY policy was designated by the Russian Ministry of Foreign Affairs as "a clear anti-Serbian movement in the activities of the Tribunal." It is also necessary to pay attention to the ICTY Court of Appeal's policy on sentencing. For similar crimes (for example, crimes committed in prison camps), the indicted Serbs have been constantly charged with genocide, while the defendants for other nationalities have never been charged with genocide. If the accused is a Serb, the prosecution accuses anyone who was nearby: the guard as a perpetrator of the crime and, in addition, the head of the camp, the mayor of the municipal police, the head of the municipality, etc. If the accused is not a Serb, the Prosecution refuses to file a lawsuit against others, other than the perpetrator, even if there is evidence of their guilt.

During the Celebic trial, numerous witnesses testified about crimes committed against them by others, other than those who were at trial, but the prosecutor refused to initiate criminal proceedings against those. In the case of the Prosecution v. D. Erdemovic, the accused appointed several dozen other accomplices of his crime, including those who committed the crime, but the prosecution not only did not sue them, but called them to testify as witnesses. The Prosecution refused to file a case against the SFOR forces during the arrest of S. Drljaca. The Prosecution did not give Serbian witnesses the possibility of testifying against the President of Bosnia and Herzegovina, A. Izetbegovic, although the crimes were massive.

The situation with a non-ethnic Serb accused of The Hague Tribunal is quite different. The activities of the terrorist organization KLA and its leaders, who have now assumed positions in the self-proclaimed government of Kosovo, are in fact justified by the Tribunal. First, the leaders and ordinary KLA militants are the main prosecution witnesses in the proceedings against the highest political and military leadership of the Federal Republic of Yugoslavia. Secondly, only three trials were held against members of the KLA, the result of which was the justification of almost all those charged with committing the crimes. In fact, NATO aggression is justified. It is also necessary to point out the case of the former Chief of General Staff of the Army of Bosnia and Herzegovina, S. Halilovic. Despite the fact that the main attack on the Army of Bosnia and Herzegovina was directed to the Serbian population of the Republic, during several years of civil war, the tribunal prosecutors confined

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<sup>12</sup> *Message from the Ministry of Foreign Affairs of the Russian Federation* no. 590, of 22 June, 2000.

themselves to only one episode of the war of 1993, and only against the crimes committed against the Croats. Therefore, crimes against the Serbs are simply deleted from the history of the armed conflict in Yugoslavia as non-existent - and this is a targeted, systematic and methodically based policy of the ICTY's Prosecution. On 16 November 2005 The Hague Tribunal acquitted S. Halilovic. Such a decision proved to be predictable, not only because of the quality of the charges, but also because, immediately after the arrest in September 2001, Halilovic was acquitted and released, not only until the beginning of the "trial", but also afterwards, and this is a case with no precedent one in the practice of the ICTY. It is also necessary to mention the case of the former regional commander of the Muslim army in western Bosnia, Naser Oric. Accused of the crimes - however, against the Serbs - N. Oric was sentenced to only two years in prison and was immediately released from the courtroom, having spent three years in prison in The Hague.

This verdict showed that the ICTY considers that Oric's crimes are insignificant. In this regard, it should be noted that Oric was indicted, inter alia, for crimes committed against Serb civilians before the fall of Srebrenica in July 1995, when there was genocide against the Serbs in and around the city itself. By acquitting Oric, the Tribunal made it clear that it would not establish the truth about the events in Srebrenica. Indeed, events in Srebrenica at The Hague Tribunal are considered to be the conspiracy of the highest leadership of Serbia on the genocide against Bosniaks. If we admit that before the murders of Bosniaks, they committed genocide against Serbs themselves for several months, the theory of the Belgrade plan would become irrelevant. Oric's explanation in this context is certainly a confirmation of the entire concept of The Hague Tribunal - the only perpetrators of violations of international humanitarian law during the armed conflict in the former Yugoslavia are exclusively the Serbs. In the same series of ICTY acquitting rulings, there is a decision in the case against the KLA commander, F. Limaj and regular militants of the KLA and guards of the concentration camp, I. Musliu and H. Bala. The first two were completely acquitted and released. The third defendant was found guilty, but apparently disproportionately - in the context of the usual KLA crimes - for a crime: "complicity in the torture of one prisoner" and "complicity in the killing of nine other prisoners." The victims of the KLA fighters are the tens of thousands of people, but ICTY demonstrates the justification of the leaders of this organization. Indictment against militant UAC, A. Murtezi was generally withdrawn by a decision of the Tribunal itself.

Finally, special attention should be paid to the case of three members of the KLA, led by military commander, R. Haradinaj. This case was intended to provide impression of the objectivity of the Tribunal. Therefore, if all previous charges against non-Serbs were raised against a person of a lower rank, then the charge against R. Haradinaj had to reject any allegation of the Tribunal's prejudice, because by the time the indictment was issued against him, Haradinaj was the prime minister of an independent Kosovo. However, it is necessary to pay attention to numerous

circumstances. Therefore, if the indictment against S. Milosevic was being prepared for several weeks, then the indictment against Haradinaj was being prepared for more than seven years. This circumstance should be taken into account while taking into account the fact that the events for which Haradinaj was officially indicted occurred more than a year earlier than the events for which Milosevic was charged. Milosevic. The fact that the ICTY does not really want to establish the truth about the KLA crimes in this case is the fact that Haradinaj, who was accused of crimes against humanity and violation of the laws and customs of war, was immediately released as soon as he arrived at The Hague and awaited trial at home. Despite the fact that Haradinaj has repeatedly violated the conditions of his provisional release (first of all, violation of the ban on participation in public political life), the ICTY has not decided to return him to prison. In addition, without being held in a defense unit, Haradinaj was completely liberated and triumphantly returned to Kosovo. After a retrial, Haradinaj was freed again without filing a defensive part of the process, which is the most common farce.

Based on the justification of the militant organizations of the terrorist organization KLA, there is largely a demonstrative verdict of the Serbian leaders present. In the case of Prosecution v. M. Krajisnik, the accused was sentenced to 27 years in prison without sufficient grounds for pronouncing of guilt in general. Moreover, when pronouncing the verdict, the presiding judge, as evidence of the intention of the accused to perform ethnic cleansing, quoted the words M. Krajisnik that "we must actually implement the ethnic division of Bosnia". However, the judge could not be informed (this was stated during the defensive part of the process) that M. Krajisnik spoke at a meeting of the People's Parliament of Serbs in Bosnia and Herzegovina to implement the famous Cutileiro Plan that foresees the cantonization of Bosnia on an ethnic basis, which was closed under the auspices of the international community and with the consent of all opposing sides. Therefore, his call for the implementation of a peace agreement that was only concluded by the parties at war is evidence of Krajisnik's intention of ethnic cleansing. This distortion of the word is too sincere and even demonstrative. We believe this is a living example of the absence of impartiality and non-objectivity. It should be noted that the same judge falsified the statement M. Krajisnik to be the statement of the liberated R. Haradinaj - Judge A. Ori (The Netherlands).

The extraordinary evidence of the bias of the International Criminal Tribunal for the former Yugoslavia as an institution as a whole is the result of its activities as expressed in the following statistical data: of 161 persons indicted by the Tribunal, Serbs account for 60% (96 persons), Croats - 18% (29 persons), Bosniaks - 5% (9 persons), Albanians - 5% (9 persons), Macedonians - 1% (2 persons). Among the prisoners of the Tribunal, 67% were Serbs (64 people), only 18 were convicted among Croats, and among Bosniaks, Albanians and Macedonians, one each. In terms of imprisonment - Serbs were sentenced to a total of 1,220 years of imprisonment,

seven of the accused were sentenced to life imprisonment, and only Serbs were convicted for this term. (Croats received a total of 290 years in prison, Bosniaks 51 years and Albanians 19 years). Only the Serbs were killed during the arrest (S. Milković, S. Drljača, D. Gagović, N. Ivanić, I. Ivanic and others), and only the Serbs were killed in the prison of the Tribunal ...

### **THE ICTY IS AN INCOMPETENT COURT**

Lastly, it should be noted that Article 14 of the ICCPR refers to the right of everyone to be tried before a "competent court". The term "competent" does not refer to the qualifications of judges, but to the jurisdiction of the court in terms of its jurisdiction. This conclusion stems from the preparation of the Pact: during the drafting of this treaty, a number of delegations emphasized the danger that the notion of "competent" was understood as referring to judges and emphasized that the purpose of including this term was to prevent the creation of courts specifically for any person or conduct in order to have a ban on arbitrariness guaranteed by the judiciary. In other words, courts which do not have the competence of *ratione personae* or *ratione materiae*, even if they are established by "law", are not competent under Article 14 of the ICCPR.

As we see, ICTY was created specifically for a particular situation, and judges were selected for a particular situation in order to fulfill their intended purpose. In addition, judges were appointed in any case to respond to the imposed responsibility of the Serbs for the crimes. Thus, all guarantees for providing the competent court to the accused have been violated.

In addition, many ICTY officers (primarily investigators, prosecutors and judges) are also incompetent in terms of appropriate professional qualifications. Therefore, an introduction to the Rules of Procedure after the Tribunal has started the plea agreement (accepting guilt without trial) is a result of the lack of professionalism of investigators and prosecutors who could not prove the guilt of several accused because of lack of professional experience in the proper investigation and prosecution during the court hearing. Most of these investigators and prosecutors represent the United States, Britain, Australia and other countries of the Anglo-Saxon model of the criminal processing, which are more often dealt with by trade, rather than the real and, most importantly, fair trials for all parties. The arguments of the judges also show that they are not able to make a decision based on the law and cannot even justify it. The author of this article, on one occasion, presented to the President of The Hague Tribunal T. Meron arguments in the case of General Mladic on 25 pages. The answer from T. Meron was on the same 25 pages, which consisted of a simple repetition of the author's arguments (a procedure in Word, known as "copy-paste") with postscript: "So, I, Theodore Meron, am not convinced by the arguments presented" with no explanation whatsoever. And this is no exception. Therefore, all decisions are made suddenly and in haste. No one at The

Hague Tribunal is concerned with whether the arguments are convincing and whether they exist at all!

The Tribunal's inability was discovered from the very beginning of its activities, when it became clear that investigators and prosecutors were not able to prove the guilt of those they accused. In many ways, this incompetence is the result of the composition of the prosecution which was formed: the vast majority of employed come from the states of the Anglo-Saxon law, primarily the United States and Britain, where the plea bargaining is widespread: the accused and prosecutors). According to the evidence of the former US State Prosecutor R. Clark, in certain periods of time in the United States, in agreement with justice, there were up to 90 or more percent of all cases resolved. Such a system leads to the fact that American investigators have no experience in real investigation of the crime and proving the guilt of the accused. Therefore, at the very beginning of the work of the ICTY, it was necessary to include urgently in the Rules of Procedure and Evidence of the International Tribunal on the "solution of justice": the US-British prosecutors could not prove anything differently!

### **THE ICTY IS A CRIMINAL BODY**

Simply put, The Hague Tribunal is a criminal body.

As the ICTY practice shows, it was created for criminal purposes - the hiding of real crimes or the responsibility for the commission of crimes against the victims of crime. Prosecutors and judges of the NATO countries have provided groundless allegations against the highest political and military leadership of the Serbs in all former Yugoslav republics involved in armed conflicts. At the same time, NATO states themselves have triggered armed conflicts and actively participated in them against the Serbs, and this has not been sanctioned.

By raising an indictment against the highest leadership of Serbia in 1999 during the NATO bombing of the Federal Republic of Yugoslavia, the Tribunal acted as a weapon of war, and thus will remain in history as a criminal authority.

Analysis of the ICTY decisions shows that they were built on an arbitrary structure. The Hague Tribunal does not have rules governing the criteria for adjudication. This gap is not accidental, it is created intentionally, so judges can make decisions on arbitrary penalties. The Contemporary International Criminal Justice (CICJ) was created precisely for the purpose of being used as a weapon before, during and after the war. Accordingly, the CICJ authorities intentionally had "tied hands", so that judges made any decisions, regardless of the evidence presented during the process. The main problem of the ICTY Judgment in the case of Radovan Karadzic, in the case of General Mladic, and in other cases, highlight a striking major fault – they completely ignored the defense's evidence, as well as the lack of justification to explain the basics on which the court accepts some evidence (prosecution) and rejects others (protection). By issuing deliberately unfounded

indictments and pronouncing knowingly unjust sentences, the Tribunal confirmed its crime.

There is sufficient evidence that the administration and employees of the Tribunal were involved in the murders of a number of prisoners, including Slobodan Milosevic, Milan Babic, Vladimir Kovacevic, Slavko Dokmanovic and General Zdravko Tolimir.

The Tribunal rejected the request of Radovan Karadzic in which he demanded an independent investigation into the disproportionately high cancer statistics in The Hague Tribunal Prison ...

### **CONCLUSION**

The official name of the International Criminal Tribunal for the Former Yugoslavia is "the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991". However, an analysis of the actual practice of this body shows that the real aims of establishing this institution were the creation of a new historical record, "illuminated" by an international court decision. The main provocation of the West was the accusation of the Serb political and military leaders for the committed genocide. This accusation has become central to all proceedings at The Hague Tribunal.

The Tribunal was established to remove the responsibility of real criminals and impose the responsibility on the Serbian population of Yugoslavia for all the crimes committed during the armed conflict in the territory of the former Yugoslavia. The court was established for the legal "consecration" of the planned aggression against the Federal Republic of Yugoslavia in 1999.

The main goal of the ICTY was to convince the world that the Serbs were responsible for the genocide. However, this task has not been fulfilled, as an objective review of all materials of the ICTY shows that The Hague Tribunal is illegal, dependent, biased and criminal as an institution which had no right to conduct trials. All charges against the highest political and military leadership of the Serbs throughout the territory of the former Yugoslavia were based on false evidence and cannot be used as a basis for impartial conviction.

It is indisputable that this Court tried at all costs to accuse the representatives of the Serbian people of genocide, and by using non-objectivity and taking on with only one side, contrary to international law, the verdicts of individuals deliberately imposed collective responsibility on the whole nation for genocide against Bosniaks.

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## THE CRIME BUT NOT GENOCIDE WAS COMMITTED IN SREBRENICA

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**Abstract:** Here is a brief overview of events related to the deaths of soldiers of the 28th ABiH Division which was fighting its way over 100 kilometers in the territory conquered by Serbian forces. Here I will present evidence that proves that most of the soldiers of this Division lost their lives in battles with Serbian forces in their attempts to break through the siege of Srebrenica and reach the territory controlled by the ABiH.

**Key words:** *The Hague tribunal, 28th ABiH Division, Republic Srpska Army, genocide, Federation Bosnia and Herzegovina*

### 1. LEGAL CONTEXT OF GENOCIDE

The Convention on the Prevention and Punishment of the Crime of Genocide<sup>2</sup>, adopted in Geneva in 1946, provides: "For this Convention, genocide shall mean any of the offenses committed in the event of the **total or partial destruction of a national, ethnic, racial or religious group as such:**

- a) killing of members of a group;
- b) serious violation of the physical or mental integrity of the members of the group;
- c) deliberately subjecting the group to living conditions that should lead to its complete or partial destruction;
- d) measures directed against the prevention of birth within the group;
- e) Forced transfer of children from one group to another. "

The International Criminal Tribunal for the Former Yugoslavia<sup>3</sup>, established illegally by the UN Security Council Resolution 827, instead of the decision of the UN General Assembly, abandoned and violated this definition of genocide. According to the Tribunal, genocide can be committed against a small, local group of people. <sup>4</sup> This approach mocks and obscures the real purpose of the Genocide Convention.

If we take just one step further away from the logic of the Tribunal, such an approach will lead to the fact that it is possible to commit the crime of genocide

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<sup>1</sup> Branko Lukić, has been the Head of the Legal Defense Team of Lieutenant General Ratko Mladić before The Hague Tribunal.

<sup>2</sup> Hereinafter the Convention on Genocide

<sup>3</sup> Hereinafter Tribunal

<sup>4</sup> <http://www.icty.org>

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against members of one household, what is indeed not the intention of the Genocide Convention.

The position of the Tribunal's Prosecution is that all those buried in the graves around Srebrenica and Zvornik were executed. This attitude of the Tribunal relieved the Prosecution of the obligation to prove how the members of the 28th Division lost their lives. It also opened the door to manipulations and deliberate misrepresentation of facts and truth.

This approach is not acceptable because it ignores the basic principles of criminal laws and no legal system in the world accepts it.

As an additional way of identifying the dead, related to events around Srebrenica, the Prosecution of the Tribunal proposes, and the Tribunal accepts that the procedure to determine DNA of corpses. It is clear even to the layman that DNA analysis identifies only the identity, but not the reason for death.

The Tribunal was further obstructing the determination of the truth by not allowing the Institute for Missing Persons, founded at the level of B-H, to determine the list of missing persons and how they had died in and around Srebrenica.

Using only DNK and prohibiting work on establishing a list of missing people in B-H, are severe subjects which need further research, but it is beyond this article.

The fact is that the most graves are found along the path the 28th Division was fighting its way to reach the territory that was under Bosnian Army control. The Serbian forces performed the obligation to clear the terrain immediately after the fighting and buried the dead soldiers from the battle.

## **2. NUMBER OF KILLED IN SREBRENICA**

### **2.1. Verdicts of the Tribunal**

Since the very beginning, the Tribunal has been raising and repeating the same lie: "In July 1995, the forces of the Republic Srpska Army, VRS, attacked the town of Srebrenica in eastern Bosnia and Herzegovina. In a few terrible days, more than 8,000 boys and Bosnian Muslim men were taken to detention centers, abused, tortured and then executed. As their bodies were buried in mass graves, a mechanism for denying these crimes was launched."

This misrepresentation is challenged even by the judgments brought by this illegally established court. In each judgment, the Tribunal gives different numbers of killed people.

In the verdict against General Radislav Krstic, the following was found: "The Trial Chamber found that in July 1995, after the fall of Srebrenica, Bosnian Serb forces executed **several thousand** Bosnian Muslim men. The total number of executed **probably** varies between 7,000 and 8,000 men." <sup>5</sup>

In the case against Lieutenant Colonel V. Popovic et al.: "The Trial Chamber found that in the period from 07-12-1995 to the end of July 1995, several thousand Bosnian Muslim men were executed." <sup>6</sup>The Trial Chamber also declared that at least

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<sup>5</sup> MIKT Trial Verdict in the Krstic Case, (IT-98-33-T) August 2, 2001, para. 84

<sup>6</sup> MIKT Trial Judgment in the Popović Case (IT-05-88-T), June 10, 2010, para. 793

5,336 people were killed after the fall of Srebrenica, and that number could be as high as 7,826.<sup>7</sup>

In the Blagojević / Jokić case, the Trial Chamber finds: "On the basis of the above, the Trial Chamber finds that, beyond the reasonable doubt, more than 7,000 Bosnian men and boys were killed by members of the VRS and/or the MUP RS." <sup>8</sup>

In the case of general Tolimir, the findings are as follows: "Based on the above, the Trial Chamber finds that the Bosnian Serb forces killed at least 4,970 Bosnian Muslims in the specific circumstances referred to in paragraphs 21.1-22.4" <sup>9</sup>

In the case of gen. Mladić, the Trial Chamber relied on the adjudicated facts of the earlier cases and concluded that between 7,000 and 8,000 Bosniak Muslims were killed.<sup>10</sup>

At the same time, the opposite conclusion is reached that several thousand were shot,<sup>11</sup> without giving the final figure. Moreover, at another place in the judgment, they found that 3,720 Bosnian Muslims were killed.<sup>12</sup>

## **2.2. Evidence of the killed in the fighting - Introduction**

The method by which the defense team of General Ratko Mladic tried to tear down this fabrication about the number of shot soldiers of the 28th Division, was to prove how many of them were killed in the fighting and then to take that number from the total number of buried, which is about 8,000.

The defense was not at any point in dispute that a certain number of combatants 28 divisions were unlawfully executed by different armed groups, but the evidence suggests that this number does not exceed the figure of 2,000.

In defining these figures, that is the number of Bosniaks who were killed in the battles while trying to break through the territory under the control of the Serb military forces, we relied mainly on the statements given by 54 Muslim / Bosniak members of the 28th Division, who participated in this breakthrough from Srebrenica to Tuzla, over 100 kilometers long distance. In addition to these statements, the defense used the testimony of the chief military prosecutor for events in and around Srebrenica in July 1995. He accepted the allegation that 3,000 fighters of the 28th Division were killed in the fighting, but he also believed that that number is higher than 3,000.<sup>13</sup>

Secondly, it is necessary to emphasize that the fighters of the 28th Division provided these statements to the security institutions of the Muslim / Bosniak forces, and a lesser extent to the investigators of the Tribunal in The Hague.

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<sup>7</sup> MIKT Trial Judgment in the Popović Case (IT-05-88-T), June 10, 2010, Footnote 2862

<sup>8</sup> MIKT Trial Judgment in the Blagojević / Jokić Case, (IT-02-60-T), January 17, 2005, paragraph 569

<sup>9</sup> MIKT Trial Verdict in the Tolimir Case, (IT-98-33-T) December 12, 2001 para. 84

<sup>10</sup> MIKT Trial Judgment in the Mladic case (IT-09-92-T), November 22, 2017, 3042, footnote 13121

<sup>11</sup> MIKT Trial Judgment in the Mladic case (IT-09-92-T), November 22, 2017, paragraphs: 3540, 3543, 3547, 3553

<sup>12</sup> MIKT Trial Judgment in the Mladic case (IT-09-92-T), November 22, 2017, paragraph 5129

<sup>13</sup> The testimony of Richard Butler in the Tolimir case (IT-05-88 / 2-T)

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Thirdly, the Defense received all these statements from the Tribunal's Prosecution, and therefore the Prosecution itself did not challenge them in any case. Consequently, it is beyond doubt that all these statements are authentic and credible.

Fourth, all fighters of the 28th Division, who testified about the losses in the fight, broke through the Serbian forces to Tuzla and were not captured.

Fifth, the Bosniak security authorities took almost all statements immediately after the breakthrough of the 28th Division fighters. Only a few reports were made in the later period, also by the same Bosniak security organs. These statements received later, fully confirmed the original stories.

Based on the reports, which I will elaborate in detail here, it is indisputable that about 6,000 of the 8,000 fighters of the 28th Division of the Army of Bosnia and Herzegovina died in fighting with Serbian forces, mutually battling, or committed suicides.

This truth is known to the Prosecutor's Office of the Tribunal and the Tribunal itself, but it is hidden, and Prosecutors have never used it as a fact of any verdict against Serbs who were indicted /convicted.

Representatives of the international community, their civil and military leaders, knew the truth from the very beginning. Carl Bildt confirmed that he and Rupert Smith, then head of staff at the UN military in BiH, had information about the losses that the 28th Division suffered during an attempt to break the siege of Serbian forces toward Tuzla. Carl Bildt said that according to the report they had, more than 4,000 combatants of the 28th Division lost their lives in the battles during the breakthrough.<sup>14</sup>

Some of the fighters of the 28 divisions, that took part in the breakthrough and who testified to the security services of the Bosniak side, are talking about certain segments of this breakthrough in which they participated. We concluded the number of killed people by using a very detailed and very conservative review and analysis of all individual statements.

It is undeniable that with time, researchers of the subject are getting more proof of what happened, and that the truth is becoming more and more evident. This evidence proves that the position of the Tribunal and the Bosniak side that the Serbian forces executed 8,000 people after they captured them, is a made-up story.

### **2.3. Evidence of those killed in the fighting Testimony of the fighters of the 28th Division**

The following is an abbreviated review of the evidence since the space of this paper is limited from 5 to 10 pages. According to the statements of the soldiers of the 28th Division who survived and whose testimony was used in the analysis, it appears that there were five phases of the breakthrough from Srebrenica and five places where Bosniak fighters suffered substantial losses trying to break the siege

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<sup>14</sup> Carl Bildt: "Peace Journey" page 66 - "And probably more than four thousand people lost their lives in a week of brutal fighting in the forests, along with the roads and valleys between Srebrenica and the Tuzla region, as the column was trying to gain security."

and fighting with Serbian forces over 100 kilometers from Srebrenica to Tuzla. Tuzla was under Bosniak control.

### **2.3.1. The first part of the breakthrough - sections from Susnjar to the road Nova Kasaba - Konjević Polje**

I will describe here several locations where the soldiers of the 28th Division of the Army of Bosnia and Herzegovina lost their lives: a) in fighting with the Serbian forces, b) in mutual struggles, and in c) mass suicides they committed.

The breakthrough from Srebrenica started on July 11, 1995, in the afternoon. All soldiers, members of the active and reserve forces of the 28th Division of the ABiH, gathered in Susnjari, near Srebrenica.<sup>15</sup> There were between 10 and 15 thousand fighters including a dozen of women.<sup>16</sup> This organized military column headed to break through Serbian territory to reach Tuzla<sup>17</sup>

The forces of the 28th Division had suffered massive losses on July 12, 1995, in the afternoon, in the area between Susnjar, Buljim, and Kamenica. In this fighting, in the morning and afternoon, more than 1,000 fighters of the 28th Division were killed.<sup>18</sup> (See footnotes 1-18)

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<sup>15</sup> A. The decision of the Srebrenica War Presidency on General Mobilization of June 25, 1992  
B. Order of the General Staff of the ABiH and the Ministry of Defense Title: 03-123-1 / 95 - April 19, 1995, on the formation of reserve units, pg. 4 and 5  
C. Report Title: 03-102-3 / 95 of June 01, 1995, in which 15,000 military cartons are required  
D. The Military Security Service Department of the 2nd Corps of the ABiH and the Sector of SDB Tuzla sent the Act on August 28, 1995, to the General Staff of the ABiH and the Security Administration.

It is stated on p. 5: "When establishing a column, the number of people in it that started that evening, was not determined, but according to some estimates, there were between 10 and 15 thousand people. Among them there were about 6,000 armed fighters, not counting fighters from Zepa.

There were not many women and children in the column. There may have been about a dozen women. "

E. In column one by one, we all started moving, about 12,000 of us with personal weapons and some individuals were wearing RPG- wasp, OSE, and PAMs (*interpreter's note: anti-tank rockets*) - Ahmetović Nedžad, statement of SDB Tuzla, August 07, 1995 pg 2

<sup>16</sup> The same as footnote 14.

<sup>17</sup> Ahmetovic, Nedžad, a statement to SIPA officials, March 09, 2006 pg.3

<sup>18</sup> (see all footnotes below 1-18, given by the soldiers of the 28th Division)

1) Military Security Service Department 2 Corps of the Army of BiH and Sector of SDB Tuzla Report 08-28-1995. the act of the General Staff of AP BiH, pg.6.

2) Kovacevic, Sadik, statement of SDB Tuzla, 10-30-1995, pg.1.

3) Halilovic, Osman, a statement to investigators H. Tribunal, August 14,15 and 16, 1995 pg. 2

4) Muratovic, Kadrija, statement of Sarajevo, 10-18-2002

5) Alic, Hasan, Statement by SDB Tuzla 09.10-09-1995, pg 2.

6) Ramic, Sado, statement of AID Tuzla, 02-12-1996, pg1. + sketch of Kamenica.

7) Avdic, Enver, statement of SDB Tuzla, 10-27- 1995, pg 1.

8) J. A. statement to SDB Tuzla, 08-04-1995, pg.2. (Proof closed to the public).

9) Husic, Ramiz, statement to the Hague Tribunal investigators, 06-09-1999, pg 2 and 3.

10) Halilovic, Osman, a statement to the investigator of the Hague Tribunal, August 14, 15 and 16, 1995 pg. 3 and 4.

11) Halilovic, Suljo, statement to AID Tuzla, 02-01-1996, pg.1.

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The estimates of breakthrough survivors from the 28th Division, as well as the official estimates of the Bosniak side, go well beyond 2,000 killed in combat at that location.<sup>19</sup>

The significant losses of the 28th Division in the fighting continue in the evening hours of the same day.<sup>20</sup> At this point of the breakthrough comes not only the fight with the Serbian army but also the mutual struggles of the members of the 28th Division,<sup>21</sup> as well as mass suicides.

When taking into account all statements, testimonies, and documentation, we can conclude, beyond any reasonable doubt, that in the area from Susnjar (Jaglić) and Buljim, up to the road Milići-Nova Kasaba-Konjević Polje, at least 3,000 - 3,500 thousand members of the 28th Division were killed in (a) combat with the Serbian forces, (b) in mutual struggles and (c) as a result of mass suicides.<sup>22, 23</sup>

### **2.3.1 The second part of the breakthrough - crossing the road between Nova Kasaba - Konjevic Polje**

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12) Vejzovic, Gaddafi, the statement in Sarajevo 10-07-2002.

13) Federal Ministry of Defense, Security, and Intelligence Department, Military Secret, Strictly Confidential, 01854388-01854412, pgs. 14, 15, 16 and 17.

14) Handzic, Ismet, statement to the 2nd Corps of ABiH, 09-24-1995 pg 2.

15) Memisevic, Nurif, statement to the investigator of the H. Tribunal. 01-19-1996 pgs 2, 3, 4 and 5.

16) Mujanovic, Isad, Statement given to the Security Authority on 09-14- 1995 p 2

17) Ademovic, Nedžad, the statement to SDB Tuzla, 07.08-07-1995, p. 2.

18) Federal Ministry of Defense, Security and Intelligence Department, Military Secret, Strictly Confidential, ERN 01854388-01854412, p.14 and 15.

<sup>19</sup> A) Federal Ministry of Defense, Security and Intelligence Department, Military Secret, Strictly Confidential, 01854388-01854412, p. 14, 15, 16, and 17.

B) Handzic Ismet, Statement to VB 2nd Corps of the ABiH, 09-24-1995, p.2. - "During my passage through the territory with ambushes in several basins (the area around Kamenica Bratunac-remarks DP), the places where the Chetniks opened fire on the column, I saw, in my estimation, over 2,000 bodies that nobody tried to collect at one place, let alone to bury them."

<sup>20</sup> Ademovic, Nedžad, statement to SDB Tuzla, 07.08-07-1995, p. 2 and 3: "We had massive losses and a lot of wounded ... Returning to Srebrenica, we went part of the way where we came, and we saw a large number of corpses. On that day I saw a total of about 1000 bodies. "

<sup>21</sup> -Ademovic Nedžad, the statement to SDB Tuzla, 08 - 07-1995, p. 2 and 3: "There was a panic among our people, and they began to kill each other, they were throwing bombs. This situation lasted all night and all-night firing was going on."

- The statement of the protected witness KW-12 in the case R. Karadzic before the Hague Tribunal, p. 44799-44800. - "We met those people, some 130 to 150 meters away from us. They shot, and we shot at them. Only in the morning, we saw what we did. We killed Ibro Duda and some of his groups. I would estimate that lots of people died there; let's say that between 450 and 500 people have died in total." (interpreter's note: this was mutual killing; they did not realize they were shooting each other)

<sup>22</sup> Selimovic, Nuriz: Statement to the ABiH Governing Body, 26.07-26-1995, p. 4: "When I came to them, to the location they told me, where the Muslims were killing each other, there was a terrible sight. There were over 500 dead people. I saw some hanged people, wounded people. I saw people who were wounded by bombs, grenades, that those people who wanted to surrender, opponents of this idea, were throwing bombs on them. It was a terrible sight. "

<sup>23</sup> ABiH, 2nd Corps Command, Department of Security, number: SP. 06-712-24-50 / 95, 08-23-1995.

Since the late evening hours of 07-12-1995 till the noon of 07-13-1995, heavy fighting took place during the crossing of the 28th Division over the road: Milići-Nova Kasaba-Konjević Polje-Sandići.

According to the testimony of participants in the event, an agreement reached within the 28th Division to ensure the secure path of the breakthrough on the said road until all the members of that division pass into a safe place was not respected. As a result of non-compliance of this agreement at least about 700 members of the 28th Division were killed in this crossing.<sup>24</sup>

### **2.3.2. The third part of the breakthrough from the road Nova Kasaba - Konjević Polje to the merger of the 28th Division with the 2nd Corps of the ABiH in Baljkovica**

The first part of the 28th Division passed the Nova Kasaba-Konjević Polje road in the early morning hours of 07-13-1995 and continued to break through the fight for the next few days towards Baljkovica (Nezuk). The first gathering was at Udrac.<sup>25</sup>

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<sup>24</sup> A) Ademovic, Nedžad, the statement to SDB Tuzla, 08-07-1995, p. 3. - "While I was wounded by a bomb, I saw about 200-300 people on asphalt killed by the Chetniks (Serbs - interpreter's note) on the road N. Kasaba-Konjević Polje. The Chetniks had blocked their passage."

B) Smajlovic, Muhamed, statement to the Hague investigators, May 18th and 28th, 2000, p. 3. - "We decided to go to Sandici and try to cross the asphalt road there. There was clearness just before the road, and we decided to cross it there. We came under enemy fire, and they bombarded us. People continued to move forward in an attempt to pass the road, although some were killed. I estimate that about 200 people lost their lives in this incident. That was on July 13, 1995. We moved about two to three kilometers away to try again to cross the asphalt road."

C) Salkic, Abdulah, statement to the Sector AID Tuzla, 02-05-1996, p. 1. - "At a part of the road over Djugum near Nova Kasaba, on a side gravel road, I saw about 300 wounded people who were lying on the road and looking for water. They begged us to take them from that place. However, the conditions of the area did not allow this, and we could not carry them, nor give them first aid."

D) Karamujic, Sead, statement to the VB body 2. K ABiH, 08-06-1995, - "The highest number of victims was the second day of the breakthrough while crossing the asphalt road in Konjević Polje. Here the Chetniks managed to split our column. We did not detect any gases, but we can conclude that gases were used by the way people acted, by their uncontrolled behavior: some committed suicide, others surrendered to Chetniks, some were throwing bombs to our column of fighters and civilians for no reason."

E) Federal Ministry of Defense, Security and Intelligence Department, Military Secret, Strictly Confidential, 0185-4388-0185-4412, p. 14th and 15th - "In the early hours of that day, our security in the area of Lesina secured part of the road Nova Kasaba - Konjević Polje. We started in groups of 100 people to cross over this road; then we crossed the river Jadar to Ceranska river and further towards the mountain Udrac. However, precisely at that time, there was very heavy artillery and infantry attack on the column that at that moment stretched from the asphalt road Konjević Polje - Nova Kasaba to the forest above the village of Siljkovici. The Chetniks committed terrible massacres and around 6:30 PM managed to cut off our column at about the passage through the asphalt road N. Kasaba - Konjević Polje."

Mujić fled from the region of Kamenica village and encountered Dževad Topić with whom he tried to find the bypass road to the passage through the asphalt road Kasaba - Konjević Polje and, with another 15 people, saw about 1,000 killed Bosniaks near the asphalt road. Later, after 20 days, Mujić saw at that place a freshly excavated mass grave that was not well-hardened, and an unpleasant smell was coming from it... Hasanović Džemal testified that in the vicinity of Konjević Polje he was an eyewitness when the Chetniks from a very short distance used tanks to fire grenades at the column and, according to his estimation, on that occasion, they killed more than 500 Bosniaks. They used trucks to drive their corpses to unknown direction all night."

<sup>25</sup> Suljic, Kadrija, Statement to the VB Authority of 03-03-1996, pgs 11-12.

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By analyzing all the statements and facts, we can conclude with certainty that the 28th Division of the ABiH had more than 1,000 dead since the crossing of the road Nova Kasaba-Konjević Polje to Baljkovica.<sup>26</sup> (see testimonies 1- 17 in Footnotes).

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<sup>26</sup> See all below: 1- 17.

1) Kadric, Midhat, the statement to SDP Tuzla, 10-07-1995, p. 2. - "The group was led by a certain Ibish ... On this road, the group encountered ambushes set by Chetniks, which resulted in the death of a large number of persons from that group, but also other groups."

They saw a large number of dead alongside that road, and Kadric estimates that he saw about 500 dead ... The group was moving for 8-9 days ... and then they arrived in the area of Baljkovica, where they saw over 100 killed residents from Srebrenica..."

2) Memisevic, Nurif, statement to the investigators of the Tribunal in The Hague on 01-19-1996, p. 2,3,4 and 5: "On the way from Bratunac Kamenica to Baljkovica ... I saw several hundred corpses, but I could not recognize anyone."

3) Mujcinovic, Hamid, SDB statement ... p. 2. - "On the next day - July 14 of this year, not far from Kamenica (Zvornik), we encounter a Chetnik ambush in a wiped area. There we had about 400 wounded and close to 600 dead in the fighting that lasted for hours..."

In those struggles, our column was broken, which had by then close to 6,000 people. In my estimation, between 2-3,000 people managed to escape. The others returned to Udrc, and I do not know anything about their fate.

There were many Chetniks killed in these battles, and we captured a certain Chetnik captain VP named Zoran, about 40 years old ... Passing through mined forest areas near Baljkovica, I saw many corpses ... probably they lost their lives in earlier crossings toward Tuzla. In the battles that took place in the region of Baljkovica, the last Chetnik stronghold towards the free territory of Nezuk, in my estimation, a large number of armed soldiers and the civilian population was killed. "

4) Cikaric, Zijad, the statement by Alija Sinanovic, 09-16-1995 p.2: "... and I went to Baljkovica four times and returned. In my second move, four young men were killed in an ambush in the Krizevac fields. I also saw fifteen bodies in the decay phase. On Snagovo, I saw four corpses in the decay phase, impossible to identify ... From Kamenica, we went through Snagovi, Perunik, Križevci, Hajvaza, Mahala, Bulatovci, all the way to Memic. Along the way, we did not encounter the Chetniks nor their ambushes, but from the surrounding forests, we could feel the bad smell of the dead bodies."

5) Mehmedovic, Fadil, the statement to the ABiH Security Authority, 07-30-1995, p.1: "We left from Udrc, and there were many ambushes by the Chetniks. I do not know the names of the position in that area. When we reached the asphalt road leading to Zvornik and Šekovići, the Chetniks closed the passage; I've seen many bodies near the road. "

6) Sestic, Rizo, statement to the ABiH Security Authority, August 6, 1995 p.2. - "In the evening we came almost to Snag where we crossed an asphalt road. We headed right from this asphalt along a hill where Chetniks ambushed us. They first started firing from infantry weapons. Then from the right side of a hill, the top began to hit the column that was moving. On the left side, they had a tank. There was a mass of dead and wounded. We were resisting the Chetniks with infantry weapons and we captured two Chetniks ... I saw during the breakthrough of our column that fighters and civilians were massively committing suicides with bombs, rifles and with anything they could find around. Many people lost their minds."

7) Osmanovic, Nazif, statement of SDB Tuzla, 12-28-1995, p.2: "We all went together towards Snagovo, and near Snagovo we encountered a Chetnik ambush where we had many dead and wounded, and we were broken into fewer groups."

8) Dedic, Sulejman, statement Tinja 09-23-2000, p.3: "In the late-night hours when I traveled to Snagovo, before the logs warehouse, we saw a large number of those killed; there was an unpleasant odor, and there were some wounded who asked for help. In Baljkovica ... in the late-night hours we saw, but also felt an unpleasant smell of dead people..."

9) Avdic, Enver, statement SDB Tuzla, 10-27-1995, p.2: "Furthermore, the source pointed out that during his passage through Cersko, he observed on the left and right side of the road about 100 killed and massacred men. He could not recognize anyone."

10) Handzic, Ismet, statement to the ABiH Military Security Authority, 09-24-1995, p.2: "I remind you, that I have encountered all the corpses that are in the decay phase on my way to Velja Glava, and I cannot say with certainty that I could recognize anybody."

11) Salihovic, Selvid, the statement to SDB Tuzla, 10-25-1995, p.2: "On the road from Udrac to Baljkovica, the source did not encounter Chetnik ambush, but beside the road, he saw several hundred unknown bodies, which were located on the road and both sides of it."

12) Hakic, Nermin, statement of Mihatovići, Tuzla, 08-19-2002, p.3: "Yes, I was an eyewitness when the Serb forces shelled the whole length of the road from Srebrenica to Crni Vrh. People who went with me were dying from shelling; at Snagovo, some were killed with a sniper. The people who left before me were killed from the ambush, and to the best of my memory, the name of that place is Baljkovac stream ... "

13) Alić, Hasan, statement of SDB Tuzla, 10-09-1995, p.3: "Going further from this place near a stream, he found a group of 100 killed Srebrenica people, whom he did not recognize because they were in the decay phase ... "

By coming to the Hunting Lodge, a certain Suad, a native of Kazan near Srebrenica, separates 70 well-armed soldiers, previously taking all the weapons and hand grenades from the wounded, leaving the wounded and unarmed people to cope as they know. "

14) Ademovic, Sheval, statement Sector AID Tuzla, 01-19-1996, p.1: "After arriving on Snagovo, we tried to break through to Baljkovica and Memic, and in those attempts, we encountered the corpses of our fighters who had tried to break through. There were many wounded also."

15) Hasanovic, Sead, a statement to the Hague tribunal investigators, June 09 and 16, 2000, p. 3: "This is not the same Kamenica where we were ambushed, but one towards Zvornik. We moved through village Lipanj, and when we passed the school there, I've seen many dead in that area. The dead were in the whole area, and we came across the bodies every 10 to 15 minutes. I also saw people crawling because they could no longer walk. "

16) Hasanović, Senahid, the statement to members of the RS MUP, 04-23-2004, p. 2: "That day, the fight lasted until 12.30, and on that occasion, we managed to break through the line. I think that there were about 1700-1800 people in our column, and I think that many people died in that battle; perhaps that day about 200 to 300, I saw a lot of dead bodies passing by them. "

17) Selimovic, Nuriz, Statement to the ABiH Governing Body, 07-26-1995, p. 4, 5, 6 and 7: "Senad and I decided to view ambush because we were born on these terrains, so we knew them well.

We descended through the Kamenica line 4-5 km long and then continued through Novo Selo, Bajrić, Jošanica, and Liplje. That night we spent on the road to Bajric. They attacked us from the left side of the Velja Glava. Then the maximum exhaustion, hunger, tiredness, and panic occurred (the departure of two fighters towards Chetniks) ...I called Commander Shabic again and Ejub Golic and commander of the independent battalion and Nedzad, a lieutenant security officer from k-de 28 d KOV, to agree on a plan to break the ambush. I called Commander Shabic again and Ejub Golic and commander of the independent battalion and Nedzad, a lieutenant security officer from k-de 28 d KOV, to agree on a plan to break the ambush.

We agreed to let them get closer to us so that we could inflict as many victims as possible. We opened fire on them, with a collective voice we cried *forward*. We jumped and started, forcing them to flee. We killed four of them on the spot, 5-6 were captured, two we left alive, the rest of them... In the morning at about 10 o'clock, we continued the road to the Križevci fields. A Chetnik that we killed on Snagovo told us said that we would come upon an ambush in the Križevci fields ...

We continued the route of searching the terrain of Križevci fields until Parlog. Since then, many people who were in the background have begun to commit suicide; there were signs of psychological disorders, where they would disintegrate from each other and then open fire on each other Suddenly, a fire from artillery weapons, tanks, cannons and anti-aircraft weapons (PAM) were firing on us in the Parloga region. In our column that was moving in less than 3 minutes, we had 25 - 30 wounded, two dead ...; We headed, we destroyed one tank and missed another one, and we returned and destroyed one crew and captured two conveyors and one tank that we left in the hedge. We proceeded further from the artillery on the left side straight to Baljkovica, we lowered steeply to the bottom of the valley, shedding the Chetniks in front of us, who were throwing away everything they had... In the early

## CONCLUSION

When we add together all the losses from Susnjar and Kamenica through Cerska and Crni Vrh to Baljkovica and all the circumstances that occurred during the breakthrough from the surrounding area of about 100 km, we can conclude that the 28th Division of the Army of Bosnia and Herzegovina had at least 6,000 dead soldiers. They lost their lives either in fighting with Serbian forces, mutually battling or committed suicides. These losses of about 6,000 soldiers cannot be in any way associated with the number of people who were captured and then killed. The evidence proves that the position of the Tribunal and the Bosniak side that the Serbian forces executed 8,000 people after they captured them, is a made-up story.

Total losses of the Bosniak side in this tragic event amounts to about 8,000. It is clear from the evidence presented that no more than 2,000 people were executed after they surrender, which indeed is a crime, but does not meet the essential principles of the crime of genocide.

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- 3 Documentation of SDB Sector Tuzla
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- 5 Documentation of the Hague investigators on the events in Srebrenica
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- 7 MIKT Trial Judgment to General Krstic, (IT-98-33-T) 08-02-2001
- 8 MIKT Blagojević / Jokić Trial Judgment, (IT-02-60-T), 01-17-2005
- 9 MIKT Trial Judgment in the Mladić case (IT-09-92-T), 11-22-2017
- 10 MIKT Trial Verdict in Popović (IT-05-88-T), 06-10-2010
- 11 MIKT Tolimir Trial Verdict (IT-05-88 / 2-T), 12-12-2012
- 12 Order of the General Staff of the Army of BiH and the Ministry of Defense Strictly Confidential, no: 03-123-1 / 95; 04-19-1995 on the formation of a spare unit
- 13 The decision of the Srebrenica War Presidency on General Mobilization from 06-25-1992
- 14 The testimony of Richard Butler in the Tolimir case (IT-05-88 / 2-T)

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morning hours, a couple of guys who went with me started to take the rest of the column to the place of wounding, where we were stopped and crushed.

The fighting lasted for an hour; I was with the other wounded in the house near the gravel roads so that we could give people an orientation for the next journey. About 10-11 o'clock, we also headed towards Baljkovci with the help of two colleagues from the k-de brigade. In the path that lasted from 1 to 2 hours we got information and with the column, we merged with our people in Nezuk ... About 10-11 o'clock, we also headed towards Baljkovci with the help of two colleagues from the k-de brigade. In the path that lasted from 1 to 2 hours we got information, and with the column, we merged with our people in Nezuk ... My opinion is that we had the most significant losses in the Kamenica region, when the column was cut off, and since then, the panic among the fighters has increased, and I think that there was much work to be done on this plan, that we did not listen to those who were walking behind us ... I suppose we had at least 4,000 -5,000 losses of military-capable men.

# MATRIX OF FINDING THE ACCUSED SERBS GUILTY OF CRIMES BEFORE THE HAGUE TRIBUNAL WITHOUT PROVING IT IN CRIMINAL PROCEEDINGS

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**Abstract:** In the proceedings before the ICTY the truth has not been established to a great extent; it should have been its basic purpose to eliminate inter-ethnic intolerance in the territory of the former SFRY. Undoubtedly, most of the former Yugoslavia, where armed conflicts were conducted, was a place where civil war broke, which caused suffering on all sides. The one-sided behavior of the Hague Tribunal, taking only one side and not taking the truth, has led to the general need for re-examining the work of ICTY and the purpose of its establishment.

The Serbs were in subordination in such a relationship, and the defense of the representatives of the Serbian people could not change such relations due to procedural controversy. This is particularly true of allegations of joint criminal enterprise and the determination of the role of individuals in genocide, which represent a precedent. All this indicates that in the Hague Tribunal there is a matrix of finding guilty the accused Serbian indictees before the Hague Tribunal, without their guilt being proven.

**Keywords:** *The Hague Tribunal, Joint Criminal enterprise, Genocide, Residual Mechanism, Abuse of Procedural Law*

Since its establishment and commencement of practical work, the International Criminal Tribunal for the former Yugoslavia (hereafter referred to as the ICTY) has shown many weaknesses which, ultimately, in the opinion of a large number of legal experts, have resulted in a major disturbance of its reputation and credibility, which the UN Security Council attributed to it by its decisions and by the very establishment of this Court. The ICTY seems to have failed to meet the expectations and tasks which the UN Security Council has established it for, as regards its work and the way of making and implementing certain decisions.<sup>2</sup> As a result of such conduct by the ICTY, today, i.e. 25 years after its establishment, the question of

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<sup>2</sup> International Criminal Tribunal for the Former Yugoslavia, ICTY; International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991).

[https://sh.wikipedia.org/wiki/Me%C4%91unarodni\\_krivi%C4%8Dni\\_sud\\_za\\_biv%C5%A1u\\_Jugoslavia](https://sh.wikipedia.org/wiki/Me%C4%91unarodni_krivi%C4%8Dni_sud_za_biv%C5%A1u_Jugoslavia)

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achieving the justification for forming such an *ad hoc* tribunal, such as the ICTY, is being raised. A large number of legal experts and the laity of the public, by monitoring the work of the ICTY, may come to the conclusion that there are inexplicable inconsistencies in its work and the manner of application of the statute upon which it was established, international legal rules in this area, and in particular the procedural rules and evidence as the ICTY Code of Conduct.

### **DISCRIMINATION OF THE SERBIAN PEOPLE REPRESENTATIVES BEFORE THE HAGUE TRIBUNAL**

By reviewing the statistical data on the ethnic structure of persons under investigation by the ICTY's order, the persons against whom the proceedings were conducted, the persons against whom the final judgments were delivered, and in particular the type and the height of the punishment applied, one can come to the conclusion that something almost like discrimination dominated in the ICTY's work regarding the members of the Serbian people from all the territories of the former Yugoslavian states. In this way, violations of the universal principles on the prohibition of war crimes and the need for their punishment have been violated, regardless of the ethnic or religious affiliation of war crimes perpetrators.

A particular problem is the relation to victims of war crimes, where in the course of conducting the trial and in its final outcome, the national, racial or religious denominations must not be maintained. All victims of crimes before the court should be treated the same. Unfortunately, in the practical work of the ICTY, there have been numerous and serious differences in the application of standards of certain legal rules and legal institutes when it comes to the "Serb side" in relation to other parties in the conflict in the regions of Yugoslavia. Such an observation can be turned into a serious expert conclusion if all the ICTY decisions taken so far and the ongoing procedures are to be analyzed and examined.

It is not necessary to remind that equality of all people is one of the fundamental principles and prerequisites for enjoying any human right. This especially must be the basic postulate of the courts. The Universal Declaration of Human Rights of 1948, as one of the most important documents issued under the auspices of the UN, states in its Article 1: "All human beings are born free and equal in dignity and rights".<sup>3</sup>This principle as a fundamental principle must be incorporated in all international and national legislations. Article 7 of the same Declaration provides: "All are equal before the law and are entitled without any discrimination to equal protection of the law."The International Covenant on Civil and Political Rights<sup>4</sup>, in

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<sup>3</sup> UNIVERSAL DECLARATION ON HUMAN RIGHTS. Adopted and proclaimed by the General Assembly by Resolution 217A (III) of 10 December 1948.

<sup>4</sup> Adopted and opened for signature and ratification or accession by resolution of the United Nations General Assembly 2200A (XXI) of 16 December 1966. It entered into force on 23 March 1976

Article 14 paragraph 1, guarantees: "Everyone is equal before courts and tribunals". Article 21, paragraph 1 of the ICTY Statute guarantees: "All persons are equal before the international court". The guarantee of equality of all and the respect for their respective rights before international courts unequivocally results from the previously cited provisions of international acts, including the Statute of the ICTY itself. The uneven treatment of defendants in criminal proceedings before the ICTY has completely disrupted this concept and seriously challenges the legitimacy, legality and fairness of decisions made in such specific proceedings.

### **THE JOINT CRIMINAL ENTERPRISE AS THE MOST CHALLENGING INSTITUTE OF THE HAGUE TRIBUNAL**

In the practical application of certain material-legal and process-legal institutes, in procedures before the ICTY, there comes to their overwhelming interpretation and improper application. Most often, such deformations, as before and in the case, occur in proceedings against Serb indictees for any of the events resulting from conflicts in the territory of the former Yugoslavia. In the following discussion, we will try to list some of the most significant of them in order to substantiate this claim.

One of the most problematic institutes, applied at the ICTY, as regards the forms of accountability of persons prosecuted in ICTY proceedings, is the definition and application, and the extradition of the joint criminal enterprise as a form of liability (hereinafter referred to as JCE). The application of this institute, as interpreted by the ICTY in its work and in its decisions, has led to the widest form of responsibility that borders and at times passes over into the objective responsibility of entire peoples or ethnic groups, and thus renders a large number of innocent people responsible. Particularly within the JCE III - the charges for crimes you never intended to commit, but which were predictable only to a certain extent, represents one of these forms of responsibility.

Such a legal interpretation and application of this form of strict (inescapable) liability by the ICTY can encompass every individual, from ordinary soldiers, to the top of the command structure, with only one condition - that you may be engaged in warlike activities on any of the sides. In such a situation, it may happen that you are being punished for crimes that you have not even heard of, in no way involved in their execution, in any form of accountability known in the practice of criminal law in the world. As stated above, regardless of the conflicts characterizing the conflict in the territory of the former Yugoslavia, in each of these variants there prevails the opinion that conflicts in the territory of the former Yugoslavia had the character of a civil war.

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in accordance with Article 49. Official Gazette of the SFRY (International Treaties) 7/1971. international treaties of the United ...

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It is commonly known that civil wars, especially those occurring in the territories with ethnic and confessional multitudes of the population, which, in addition to being burdened by the difficult historical facts of previous conflicts, are highly severe. Such conflicts regularly lead to the execution of very serious crimes on all sides. This also happened in the case of conflicts in the territory of the former Yugoslavia. Given this assumption, and having in mind this third form of responsibility within the JCE, it would simply mean that whoever fulfilled his constitutional obligation and engaged in any conflict, could predict that in those conflicts various crimes might happen and by the side he or she was engaged in, so he or she could be responsible for such acts as such.

In addition to those persons in conflict who are engaged in one of the conflicting parties (soldiers, policemen and the like), the third form of JCE responsibility includes the civilian structure of some of the parties in conflict. First of all, these are the political structures that are in power at that moment. By extrinsic interpretation of the third form of JCE responsibility, and by introducing political factors into the responsibility, a very paradoxical possibility may arise allowing that ultimately every citizen who voted for a particular political option could have foreseen that this political option was covered by JCE, there may occur a war conflict - a civil war, in which there will probably be crimes for which a voter can and will be responsible. This is absolutely unacceptable. This shows all the absurdity of applying and interpreting this kind of responsibility to the ICTY.

Such dissemination of responsibility is a negation of one of the basic rules of criminal responsibility, which is the individual responsibility for the act of perpetration of the criminal offense. The purpose of conducting criminal proceedings in all the laws of the world, as well as the procedure as regulated by the ICTY, is to strictly determine the individual responsibility of each prosecuted individual and determine his or her role in the commission of each individual crime. The JCE application in the third form totally relativizes this principle and leads to almost objective liability in the widest form.

And, finally, when referring to the JCE, it should be noted that when looking at the indictments, judgments and final judgments, it is easy to see that this problematic form of accountability is almost reserved for members of the "Serb side". As far as the Serbian side is concerned, the JCE includes all military, police, security, political and local structures of government in Republic Srpska, which again confirms the thesis stated in the first part of this paper.

### **INADMISSIBILITY OF RESPONSIBILITY FOR HELPING AND SUPPORTING THE SIDES**

Another form of accountability to the ICTY, and the way it is applied, constitutes a violation of basic criminal liability rules. The way the ICTY applies this form of accountability is that by assisting and supporting the sides, there can also be established the responsibility of a large and wide circle of persons who in any way

provide logistics to one side in the conflict. The practice before the ICTY is not uniform on this form of responsibility, as well as on the previous one, and there are different opinions, but unfortunately there prevails the opinion by which the one who is responsible for the crime can be the one who in any way supports or helps one of the parties to the conflict, even though he or she does not make a direct intent on the execution of any criminal offense, and especially not a crime. According to this overwhelming opinion in the ICTY, the one who helps and supports can be responsible for a crime he or she did not want and for which he or she did not know. This form of responsibility is based on the assumption that one who helps one of the parties in the civil war knows that the crimes are likely to be committed and that any help he or she provides makes him or her, therefore, guilty of helping and supporting someone who does something unlawful in the conflict. This is also considered to be an unacceptable way of extending an interpretation of this form of responsibility which, like the JCE, can lead to a very wide range of perpetrators responsible for individual crimes.

By combining these two forms of accountability, as explained in the foregoing, i.e. helping, supporting, and the third form of JCE, the responsibility can be extended to unquenchable levels and make entire peoples, ethnic groups or states responsible. And such a combined application of these two unacceptable forms of accountability can only be found in the indictments and the verdicts against the Serbian defendants, which is one of the evidence on the different application of standards and inequalities with the ICTY.

The whole problem of applying these two unacceptable forms of responsibility could be viewed in the following way:

- It is generally well-known, and it has recently been both scientifically and historically established, that the main cause of the outbreak of inter-ethnic conflicts and civil war on the territory of former Yugoslavia –was the breakup of the former SFRY caused by external factors, followed by the secession of former republics and provinces. The question is whether the parts of the international community that encouraged, helped and supported it, and in certain situations, directly participated in the breaking up of the former Yugoslavia and the secession of its parts would be held responsible for it? Did they know that such activities would necessarily develop into a civil war in which crimes would happen?! Did they know that a premature and contrary-to-the-international-law recognition of self-contained parts of a sovereign territory provokes interethnic conflicts that were at that moment predictable?! Did the one who armed the individual sides and supplied them with other material goods during the conflict could predict that those weapons and the tangible assets would be used for committing the crimes?

- If the standards of the JCE application and the support and assistance were applied to the specific foreign factors that played a key role in the dissolution of former Yugoslavia, would this lead to their responsibility and

whether these parts of the international community would then support such standards before the ICTY?!

### **UNACCEPTABLE INTERPRETATION OF GENOCIDE**

Interpreting and applying the provisions of international criminal law, which define genocide as one of the hardest acts of violation of international law, are also very problematic with the ICTY.<sup>5</sup>The interpretation of the concept of genocide which is extensive and based on many assumptions led to complete absurdity. Defining genocide on the basis of the objective element (number of victims) without a clear subjective element (genocidal intent) is also unacceptable.

The way of qualifying the events in and around Srebrenica in 1995 is just one of these examples. The ICTY's decision that genocide against Muslims was committed in Srebrenica by the Serbian side, which is a decision based on a presumed number of victims of the Muslim side, and which number never explicitly and in any of the court proceedings was not determined in the way that the court practice requires it in all countries of the world, and the creation of a new term "situational (current) genocidal intent" is the negation of everything that genocide essentially is. One finds oneself under the impression that in this situation a political decision had to be co validated through court proceedings in advance, and most probably for the excuse needed for this decision. In this situation, the decision-making process was completely reversed from the regular one. Instead of applying a legal norm that has already been defined (definition of genocide), it is assumed that this must be genocide, and then, in those circumstances, the ICTY was obviously forced to change the forms of essential elements of this criminal offense and adjust the factual situation to bring it under the already made decision.

### **ABUSE OF PROCEDURAL RIGHTS**

In addition to these several material-legal examples of the way of ICTY operation and application of standards, it seems that some of the procedural issues in the case law brought before the Tribunal should also be pointed out.<sup>6</sup>

The proceedings before the ICTY in a large number of cases begin with the presumption of guilt, not the presumption of innocence. The facts that are part of the final decisions that have been made beforehand are being treated by the ICTY in the new proceedings as already established and ruled, and thus initiating a presumption of guilt to the person who is being prosecuted, because then the factual burden of proof is transferred to the defense. Therefore, the Defense is required to bring those

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<sup>5</sup> Agreement of application and implementation of international humanitarian law within the context of the conflict in Bosnia Herzegovina, Geneva, 22 May 1992.

<sup>6</sup> [http://www.icty.org/x/file/legal%20library/statute/statute\\_sept09\\_bcs.pdf](http://www.icty.org/x/file/legal%20library/statute/statute_sept09_bcs.pdf)with amendments of 7 July 2009 pursuant to resolution 1877). Updated Statute of the International Criminal Tribunal for the Former Yugoslavia ....

facts under a "reasonable doubt", in order to have them re-examined and re-proved. A particular problem is the problem of the facts that were less relevant in the previous proceedings for the defendant, which were neither disputed, nor were they individually examined as true during the proceedings. Such a fact comes into the verdict, and in the subsequent proceedings it is already a fact that, in the latter proceedings, *a priori* prescribes the guilty plea, even though neither the defendant nor his or her defense had so far had the opportunity to deal with the truth of that fact in any way. The most common explanation given by the ICTY judges when rejecting the Defense's proposal for such a verdict is that they have already been subjected to verifications in another procedure (the witness was cross-examined by another defense). This practice is unacceptable because the charge and responsibility must be individualized, which in turn implies different aspects of looking at a particular fact.

The scarce defense requirements, the inequality of arms at the expense of defense, the lack of material resources for defense, imposition and not the free choice of defense attorneys, largely lead to a defense in which an individual, legally inadequate, faced with a large number of general and individual facts, deals exclusively with the lowest factual level, i.e. individual facts related to him or her personally. In the inability to review the higher factual levels, in terms of their generality, these facts are inherent in the integral part of the verdicts, without being processed in any way in terms of their accuracy. The newly accused in the new trial, to which this general fact imputes presumption of guilt, is now faced with all the shortcomings as well as the previously accused in the previous trial, with yet another aggravating circumstance, which is the burden of general facts that the court has already proven to be.

Regardless of the factual linkage, timeliness and very often interdependence of events occurring in conflicts in the territory of the former Yugoslavia, each procedure would in itself have to be a *sui generis* process with regard to the complete factual situation that is charged to it. On the contrary, and what has already been done before the ICTY, more docile trials of events that have already been judged by the practices of the tribunal are turned into a "paper trials". Denying witnesses to appear before the court *in vivo* and be cross-examined by the defense of the new defendant and check the facts that have not previously been disputed represents a serious violation of the rights of the defendant to enter into the procedure under a presumption of innocence on his or her side. The presumption of innocence in this way before the ICTY is usually only declarative, its factual application, as explained above, turns into the exact opposite.

The application of the provisions of the Rules of Procedure and Evidence to the ICJ, with regard to the recognition of witness testimony, without cross-examination, is also a problem that most often results in a violation of the rights of the defense. Disabling a defendant to face a witness completely violates the principle of the directness of the evidence examination.

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The standards established by the ICTY in its decisions regarding the handling of indirect evidence (second and third-party testimonies, as well as the transfer of information from unknown persons), also greatly compromise the possibilities of establishing material truth in the proceedings before the ICTY.

Violations of the Rules of Procedure and Evidence regarding the manner of disclosure of evidence are very frequent. In more than 90% of cases this is what the prosecution does, of course, at the expense of the defendant and defense. The prosecution investigation system imposes the obligation of legal disclosure and release of evidence by the prosecution to the defense, which the Prosecution does not complete in a vast number of cases. This phenomenon can be freely characterized as the abuse of the procedural rights of the prosecution and improper and non-sanctioned obstruction of rights. In some cases, in the pre-trial phase and the trial phase, on the written objections of the defense, regarding the violation of the rules of disclosure of evidence by the prosecutor's office, the court found that the prosecution had violated the rules for a total of 76 times! Sanctions are left out and the prosecution has no interest in stopping this kind of unlawful behavior. In the same case, the Prosecution filed a large number of documents that were applicable in the previous stage on the side of the defense, only after the prosecution (evidence presentation by the Prosecution) had ended.

Apart from clearly proclaimed rules of procedure and evidence of the obligation of all parties to cooperate with the ICTY (prosecution and defense), there are different standards regarding the non-compliance with this rule. When certain documents, evidence or accusations are claimed from the Republic of Serbia or Republic Srpska, this appears to be conducted in a very brutal manner under a threat of the UN Security Council's authority in introducing sanctions and similar threats, and when the same is claimed from Croatia or the Muslim side and when the claims are followed by their failure to comply with the ICTY's orders, there are no threats and no sanctions. In this way, a sense of discrimination before the ICTY is created at the level of the state and nation, which then is transformed into a general opinion "that the ICTY was established to judge the Serbs".

A particular problem in the work of the ICTY since its establishment, including the period of the work of the residual mechanism is the mode of operation and decision-making in the second instance. From the very start, we have pointed out the problem of the inadmissibility of participating judges in second instances who have already expressed their legal opinions on some of the previous events on one or more occasions, and are now subject to new proceedings (Srebrenica, Sarajevo). It is hard to expect that any one of the first or second instance members in the previous court proceedings, who has already expressed their factual and legal perception of the event, would decide differently now in the new procedure. In this way, the possibility of prejudicing the results of the second-instance proceedings has been reached through the appointment of certain judges to the second-instance panels.

Particularly, in this form of manipulative determination of the second-instance panels, the former president of the residual mechanism and the President of the ICTY, Theodor Meron, especially stood out. We are lately witnessing the events in the Residual Mechanism of the ICTY on the conflict of solving this issue we have set long time ago. Only after 25 years of operation of the Hague Tribunal, for the first time, this problem was being solved seriously. The exemptions of certain judges from second instance proceedings in the cases of Radovan Karadzic and General Ratko Mladic, the personal and professional conflicts in the operation of the mechanism itself, the public appearances of individual Tribunal judges (Harhoff, Flugge, Antoneti), showed all flaws, irregularities and lack of principles in the application of the legal standards when it comes to the accused Serbs.

### **INSTEAD OF A CONCLUSION**

All of the stated represents only a part of the irregularities and inconsistencies in the application of the standards before the ICTY, which renders a great number of proceedings, and most often those that are initiated against the Serbian defendants, illegal and unjust. All of the above facts are verifiable through the analysis of the parts of the passed decisions and the proceedings before the ICTY by a qualified expert group in a procedure that could be organized by the UN Security Council. The UN Security Council should take such a step, bearing in mind the justification of the fulfillment of the ICTY founding goals.

It is generally believed that the ICTY's proceedings have largely failed to establish the truth, which can only represent an additional burden on the already violated inter-ethnic relations of the former SFRY. People in this area, after all the hardships that the civil war threw on them, are in most urgent need of one thing that has not been delivered to them yet, and that is the truth. Without the truth in the territory of the former Yugoslavia, there is no reconciliation, and the untruthful facts that are presented in the judicial form can be the cause of some new conflicts in the future. The reassessment of the work and fulfillment of the ICTY's founding purpose would certainly be directed towards preventing the emergence of new conflicts and a major contribution to the creation of conditions for the reconciliation of peoples in this area, in the hope that all efforts will be made with regard to the reassessment of the work and purpose of ICTY establishment.

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## THE LEGAL SIGNIFICANCE AND RANGE OF THE SREBRENICA GENOCIDE RULING

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**Abstract:** If genocide is viewed as deliberate and planned destruction and suppression of a national or other group in a particular area then this cannot be applied to the events in and around Srebrenica in 1995, where Serb forces accepted and organized the transfer of women and children who they came to the UN base in Potocari, to the destination that suited them.

In the operation of the Army of the Republic Srpska in Srebrenica, the mainly military-capable population from the 28th Division of the Army of Bosnia and Herzegovina suffered most of the time that struggled through the battle over the territory of a long 100 kilometers controlled by few Serbian forces.

The political and diplomatic offensive of many international circles led by the United States and Great Britain is aimed at recognizing the genocide allegedly committed by Serb forces against Muslim soldiers moving from Srebrenica to the territory of the Federation of Bosnia and Herzegovina. Given that day-to-day fighting with Serbian forces has no elements of genocide that could not be determined by the court, although in some judgments he has emphasized participation in genocide.

Such diplomatic activity is necessary for the involvement of NATO forces and the US agency MPRI in the preparation and execution of the Croatian Operation Storm in which 250,000 Serbs were ethnically cleansed from Croatia and thousands more were killed by Croatian forces, and such resolutions should label the Serbs as genocidal people .

*Key words: genocide, resolutions on genocide, The Hague Tribunal, VRS operation.*

The question of the legal significance and range of the judgments of the International Criminal Tribunal for the former Yugoslavia („ICTY“) related to Srebrenica crimes became actual after the European Parliament's decision enacted at the end of November 2018. In relevant part it reads: "The European Parliament regrets the continued denial of genocide in Srebrenica by some Serbian authorities, reminds them that full co-operation with the International Criminal Tribunal for the former Yugoslavia and the mechanism inherited it also includes a full acceptance and enforcement of its judgments and decisions and stresses that the recognition of genocide in Srebrenica is a basic step on Serbia's path to EU accession" (underlined (Z.Ž.))

President of the European Parliament Delegation for Cooperation with Serbia Eduar Kukan said on this occasion that the EU had a clear stance on the Srebrenica massacre and that this resolution was not new one. However, obviously for the first

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time " it was emphasized that the recognition of genocide in Srebrenica is a basic step on Serbia's path to EU accession". (Underlined (Z.Ž.)

### **OFFENSIVE OF INTERNATIONAL GROUPS FOR RECOGNITION OF GENOCIDE IN SREBRENICA**

A question arises: why is it necessary that after the judgments of the ICTY, which determined that crimes against Bosnian Muslims committed in Srebrenica in July 1995 constitute genocide, political bodies of Serbia must accept it too.

More precisely, why it is so important that these mass killings being legally qualify as genocide by the Serbian political bodies. For the reminding, on March 31, 2010, the National Assembly of the Republic of Serbia passed a Declaration on the Condemnation of the Srebrenica Crimes Committed against the Bosnia People in July 1995. The declaration however, did not qualify the crime as Genocide.

A similar issue arose in 2015 after a failed UK initiative to the UN Security Council for the adoption of a resolution condemning the genocide in Srebrenica. This proposal is not accepted because Russia has vetoed it.

Another question also arises: why, after the ICTY judgments on genocide against Bosnian Muslims in Srebrenica in July 1995, a confirmation of the UN Security Council as a political body was required.

In other words, what is the significance and authority of the final judgments of the ICTY if their findings are to be accepted by the political organs of the United Nations and other Member States.

It should be emphasized that the term "genocide in Srebrenica" is inaccurate. Namely, in the ICTY judgments, Genocide implies primarily the mass killing of captured able-bodied Muslim men and boys after July 11, 1995 in five villages of the Municipality of Zvornik<sup>1</sup> and one village in the Bratunac Municipality<sup>2</sup>. It is not established that any killing was committed in Srebrenica, since the town was completely deserted at the time of the entry of the VRS. However, as the term "genocide in Srebrenica" has been widely accepted, the same term in this article denotes the above mentioned killings.

The answers to the above questions should be sought in the events that followed a couple weeks after the Srebrenica crime. But before that, we will consider the arguments of the proposed British resolution, why the crime in Srebrenica should be characterized as genocide.

The main argument is that "accepting the tragic events in Srebrenica as Genocide represents the pre-condition for reconciliation" and "denying this Genocide" hampers the efforts towards reconciliation" and that" continual denial deeply affects the victims". The argument is not convincing one. The text failed to clarify who would reconcile with whom and also why just the term „Genocide“ was a leading force for such accomplishment. More specifically, the confession of the mass killing

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<sup>1</sup> Petkovci, Orahovac, Kozluk, Branjevo and Pilica

<sup>2</sup> Kravica.

of Bosnian Muslim men captured after the fall of Srebrenica in July 1995 is not the key to reconciliation, whatever that meant, but the legal qualification of such a crime. If that crime was legally qualified as a crime against humanity and/or a war crime, reconciliation could not be achieved. But if qualified as Genocide, prospects for reconciliation would be almost at the fingertips.

As additional reason, the Proposal of the Resolution also alleged that continuous denial of genocide deeply affects the victims. Assumingly the Proposal denotes as the victims, survivors of the killing and members of the families of the murdered. It is understandable that such victims might be affected by the denial of crimes committed against their loved ones, by justification of such crimes and especially by impunity or by too mild punishments of convicts. However, it is difficult to believe that the victims, even if they are legally educated, will be affected if the crime against their loved ones is legally qualified as a Crime against Humanity or War Crime, but not as Genocide.

Crime against Humanity and Genocide are equally serious crimes and entail equal punishments. In the ICTY jurisprudence, the same sentences were rendered for Genocide and Crimes against Humanity.<sup>3</sup>

Therefore, insisting that the Republic of Serbia and the UN Security Council condemn these crimes as genocide comes from the practical interests of the states that participated in the preparation of Operation Storm in Croatia. Namely, just three weeks after the Srebrenica killings the action of the Croatian army and police commenced. The action resulted in the killing of several thousand Serbs and the mass extermination and deportation of approximately 250,000 Croatian citizens of mass murders, mass robbery and the destruction of their property both on the territory of Croatia and in the territory of BiH.

Among other things, it made Croatia and the states that aided and abetted such an action responsible under civil law for the damage done to the victims. Instead of punishing perpetrators of the crimes of Croatian forces against Serbs, almost all of them were released from the Hague Tribunal. And in return for Croatia, these same allies got an accelerated status in the European Union.

### **SERB SEARCH FOR JUSTICE**

After some time, the victims of "Storm" organized themselves and initiated the court procedures for compensation of damages suffered during the action.

Thus, in 2010, the Serbian Association of Victims of the Genocide of Krajina filed a lawsuit to the Federal Criminal Court in Chicago against US military corruption MPRI (Military Professional Resources Incorporated) for indemnity with a claim amounted to 10.4 billion dollars.

The legal basis for the lawsuit was in the contract from September 1994 between MPRI and the Croatian Government as a part of the "Democratic Transition

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<sup>3</sup> Popovic, Beara and Tolimir were convicted of Genocide on the life imprisonment, as well as Galic and Milan Lukic, who were convicted of Crimes against Humanity

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Program". Since the MPRI was under direct control of the United States Government, the contract was approved by the State Department.

This lawsuit has suggested possible new proceedings against the states that directly or indirectly participated in this action.

So there was a need to find a legal justification for the help of "Storm".

The search for an adequate defense has become urgent when the Federal Judge in Chicago dismissed the defendant's objection of non-jurisdiction of the US court. The rationale *inter alia* reads that the "widespread connection and substantial contacts" of the respondent company with the state of Illinois brought this case under the direct jurisdiction of the Federal Court in that country.

It explains why precisely at that time Serbia was asked to condemn and confess the crimes committed against Bosnian Muslims in July 1995 as Genocide. Such a confession would open the door for the next Resolution of the UN Security Council confirming the Srebrenica Genocide. These two documents would provide a solid defense to the defendant in the civil proceedings to prove that his assistance in the Operation „Storm“ was undertaken in the execution of the obligation to prevent genocide that began several weeks earlier in Srebrenica

The inclusion in "Storm" Operation solely to help the governments of Croatia and Bosnia and Herzegovina to liberate a part of their territory from the insurgents is a matter of choice and thus does not relieve the participants of the responsibility for the damage done to victims of such armed actions. Therefore, it was necessary to justify this engagement with the international obligations of the Croatian allies.

Given that Operation „Storm“ began just a few weeks after the Srebrenica crime, the best justification for engaging in this campaign could be found in the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the United Nations General Assembly on 9 December 1948 („Convention“).

Article 1 of the Convention obliged the states signatory to prevent and punish Genocide. Convention did not limit such obligation to their own territory but, with the consent of other states, on their territories too. There was no such obligation as to other crimes.

Thus, a clear interest emerged that the crimes, committed after the fall of Srebrenica in July 1995, be legally characterized as Genocide. This would justify the participation in the Operation „Storm“, of the Western countries as a necessary act for the prevention and spreading of Genocide from Srebrenica to the territory of Croatia and Bosnia and Herzegovina. More precisely, if the Srebrenica crime, committed in mid-July 1995, would be legally qualified as a Genocide, the participation of the Croatian allies in the preparation and implementation of the "Storm", in early August 1995, could be justified by the obligation to prevent further spreading "post Srebrenica Genocide" which Serbian forces would continue.

However, the question remains why the ICTY judgments, which established Srebrenica genocide, could not serve to this purpose, but additional political decisions of the UN Security Council and the Republic of Serbia were needed.

### **FOR A GENOCIDE THERE MUST A PURPOSE**

According to the UN Convention, genocide commits anyone who, with intent to destroy in whole or in part a national, racial, ethnical or religious group (protected group) as such, through killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group and forcibly transferring children exposes them to unbearable living conditions, prevents the birth or takes away children of the group to another group. Therefore, all these acts are punishable as Genocide only if they were committed with the intent to destroy a protected group in whole or in part as such (genocide intent). If genocide intention is not ascertained, all acts listed above are punishable but not as Genocide, but as another criminal offense (crimes against humanity, war crimes, etc.).

In the procedure for the compensation of the damage, to the victims of the "Storm", the defendant would have to prove that he knew that the "Serb forces" (VRS and Ministry of Interior of Republic of Srpska) committed genocide against Bosnian Muslims in mid-July 1995.

The Prosecution of the ICTY has indicted 19 people for crimes in Srebrenica. The ICTY has sentenced 16 defendants to the prison terms ranging between five years and the life imprisonment. All convicted were members of the "Serb forces" in July 1995. At this point of time two judgments are not final.<sup>4</sup> The case of an accused VRS member was transferred to the Court of Bosnia and Herzegovina, who sentenced him to a prison sentence.<sup>5</sup>

The Prosecution of the ICTY had also indicted two senior state officials of the former Federal Republic of Yugoslavia: President Slobodan Milosevic and General Momcilo Perisic. The first one was found dead in the ICTY Detention Unit, and the proceeding against him was suspended, while the other, accused of aiding the Srebrenica genocide, was finally acquitted.

Of 14 finally convicted of the crimes committed in Srebrenica, three were found guilty for the perpetration of genocide through the participation in the so-called joint criminal enterprise ("JCE") for murders;<sup>6</sup> two of them were convicted for aiding and abetting Genocide.<sup>7</sup> The other indictees were also found guilty of Crimes against Humanity and/or War Crimes committed in Srebrenica since the ICTY did not establish the genocidal intent in their deeds.<sup>8</sup>

Final genocide convictions could only prove the alleged genocidal intent of the three VRS officers, but not that the Croatian allies participated in the preparation of

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<sup>4</sup> Ratko Mladic and Radovan Karadzic.

<sup>5</sup> Trbić.

<sup>6</sup> Vujadin Popović, Ljubiša Beara and Zdravko Tolimir.

<sup>7</sup> Radoslav Krstic and Drago Nikolic.

<sup>8</sup> Dražen Erdemović, Momir Nikolić, Vidoje Blagojević, Dragan Obrenović, Ljubomir Borovčanin, Radivoje Miletić, Milan Gvero and Vinko Pandurević.

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the Croatian Operation "Storm" in order to prevent Genocide. Even under the assumption that these three officers possessed a genocidal intent, such intent could not be known to the countries that decided to participate in "Storm" for allegedly preventing genocide.

In addition, the ICTY did not convict of Genocide most of the accused for Genocide but for Crimes against Humanity and War Crimes. Among them are individuals who were on a higher hierarchical position and with much broader powers than at least two of those charged with genocide. These include some members of the VRS Main Staff, commanders of the Drina Corps and subordinate units in whose zone the mass executions were carried out with the use of their assets and soldiers. In these judgments it was correctly established that they did not have a genocidal intention and the actions for which they were convicted were qualified as a crime against humanity and war crimes, but not as genocide.<sup>9</sup>

## THE GREAT BRITAIN IS IN A HURRY FOR THE VERDICT THE SERBS FOR GENOCIDE

In the first half of 2015, the UK drafted a resolution that would be adopted by the UN Security Council, with the recognition and condemnation of genocide in Srebrenica. Such a document would serve as evidence in the ongoing proceeding for the compensation of damage before the US Federal Court but also in all future proceedings. The document would prove that the participating States in Operation „Storm“ only fulfilled the obligation to prevent the spread of genocide after July 1995 but not to help Croatia to persecute, kill and deport the Serb population.

As a reason for the Resolution, the draft asserts the 20th anniversary of the Genocide in Srebrenica.<sup>10</sup>

The parts of the proposed Resolution clearly reveal the intention to justify the involvement in the "Storm" Operation with the international obligation to prevent genocide.

For example, it was stressed that the United Nations, including the Security Council, should pay attention to indications of an early warning of potential genocide and to ensure a swift and effective action to prevent or stop genocide, in accordance with the Charter of the United Nations. This sentence just had to confirm that the military action of the Army of the Republic of Srpska to seize Srebrenica was "an indication of an early warning of a potential genocide". "A quick and effective action is needed to prevent or stop genocide" is obviously referred to the Operation "Storm". The proposal also sets out criteria for "early recognition of potential genocide". So, the briefings on the violation of human rights and international humanitarian law, hate speech and incitement were alleged as the indicators for early

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<sup>9</sup> For the crimes committed after the fall of Srebrenica in July 1995, the ICTY has been found guilty for Crimes against Humanity and War Crimes, but not for Genocide, Milan Gvero, Radivoje Miletic, Vinko Pandurevic, Vidoje Blagojevic, Dragan Obrenovic, Momir Nikolic, Ljubomir Borovcanin, Dragan Jokic and Drazen Erdemovic..

<sup>10</sup> Draft of the Resolution PP5.

recognition of potential genocide. In short, such early warning of a potential genocide entitles the signatory of the Genocide Convention to take the preventive measures it deems necessary.

The process before the US Federal Court was completed by settlement. It is also possible that other groups of victims of "Storm" launched a similar lawsuit, prompting the recent European Parliament's decision related to Srebrenica Genocide. Now, the EU has placed as the main precondition for admission to its membership, the recognition of Serbia that Genocide in Srebrenica was committed.

This acknowledgment, which would be accompanied by the corresponding Resolution of the UN Security Council, the accomplices of the Storm Operation would be exempted from material and moral responsibility for the damage done to the victims of the Operation of the Accord State in Operation Storm, would be free of material and moral responsibility for the damage caused to the victims of the Operation. More than 250,000 victims of that Operation would remain without compensation

### **CONCLUSION**

The countries that helped the "Storm" police action had a strong interest in justifying their participation in the preparation and implementation of this campaign by preventing the alleged Genocide committed in Srebrenica a few weeks earlier.

This was necessary because the victims of Operation Storm filed lawsuits against certain states and their companies, accomplices in the operation, seeking compensation for the damage inflicted in this action. Since ICTY judgments could not support such a defense, they tried to back it up with evidence from the Republic of Serbia and the UN Security Council to relieve responsibility for the crimes committed during the Croatian Operation Storm.

All this unambiguously suggests that the political and diplomatic offensive of many international circles headed by the United States and Great Britain are aimed at recognizing the genocide allegedly committed by Serb forces against Muslim soldiers of the 28th Division of the Army of Bosnia and Herzegovina who have broken through the direction of Srebrenica towards the Federation of Bosnia and Herzegovina. Considering that there are no elements of genocide in the 100-kilometer long day-long battle with Serbian forces, because no document was found to confirm the genocidal intention of the Serb side to destroy Muslim groups in that area.

It is indisputable that such diplomatic activity is necessary in order to justify the involvement of NATO forces and the US agency MPRI in the preparation and implementation of the Croatian Operation Storm, in which 250,000 Serbs were ethnically cleared from Croatia, and more than one thousand were killed by Croatian forces, and such resolutions should label the Serbs as genocidal people. It was not enough that the Serbian people were exposed to the greatest suffering in the past wars in the territory of ex-Yugoslavia, and now blackmailed by European integration by recognizing genocide and placing them on the pillar of shame, and that is precisely the people who survived a series of genocide in the past two world wars and whose population completely decimated.

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## SREBRENICA: THE TRUTH AND DELUSIONS

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**Abstract:** The paper shall predominantly be about the conflicts in Podrinje, which were the product of inter-ethnic intolerance and the beginning of the war on the territory of this former Yugoslav republic. They were in the function of achieving the goals contained in the Islamic Declaration and the complete ethnic cleansing of Serbs from these areas, which led to the mass crimes of Muslims under the command of Naser Orić. The proclamation of Srebrenica as the security zone and the failure to carry out demilitarization enabled the continuation of the incursions of Muslim forces into Serb villages, the killing of the innocent population, by spreading the unprecedented terror over the population, with more than 3,626 people killed in Podrinje.

Given that the UNPROFOR could not prevent crimes, the Army of the Republic of Srpska launched a military action of the Drina Corps on July 6, 1995, under the name "Krivaja 95". Faced with the development of the situation, the Muslim forces started to break into Tuzla and started direct armed conflicts, with more than 2,000 Muslim soldiers killed. There are numerous theses that the abandonment of one's own civilian population and so-called sacrifice of Srebrenica were in agreement with the then leadership from Sarajevo in order to provoke international intervention and to destroy the Republic of Srpska by the NATO and its allies, which would be confirmed later as true. Even today, the events around Srebrenica have been continually manipulated, especially the number of Muslim victims and unsubstantiated accusations of the Serb people for genocide.

**Key words:** *conflicts in Podrinje, security zones, demilitarization, the VRS "Krivaja 95" operation, genocide*

### INTRODUCTION

Srebrenica is a mountainous municipality in the eastern part of the Republic of Srpska connected with a road that leads from Bratunac over mountain ranges and connects it with the Drina River and the bridge that connects with Ljubovija and other populated places in the Republic of Serbia. This road, that is, the connection between Srebrenica and Serbia, had a huge significance and represented the security of the Serbs who lived in this area. Unfortunately, through the whole period of existence of this place, through the Middle Ages, the Ottoman era, the First and Second World War, and then this last one, history was not sympathetic towards them and systematic persecution and destruction took place against them. Only in the Second World War in Srebrenica and in the villages surrounding it a large number of people were killed and these crimes continued in the last defensive-homeland war between 1992 and 1995.

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Historically, on the territory of Srebrenica, there were traces of life since the earliest times. It was considered to have a very favorable geographical position, the wealth of the silver ore and the famous medicinal spa Guber. This enabled it, on the one hand, to develop crafts, agriculture and culture, and on the other hand it was always a target and was subject to war, occupation, change of rulers, etc. Silver and medical spa, as well as the position on the Drina River, were a constant challenge both from the east and from the west for its conquest. In the time of the Roman Empire, it was the main center for the forgery of money and the largest blacksmith of the Roman Empire. It was considered, especially after the arrival of the Franciscans to Srebrenica, that it represented the border between eastern and western civilization, and that the border, in its nature, should be the river Drina.

In the Middle Ages, due to its natural resources and geographic location, Srebrenica had the status of a colony and the headquarters of the Roman mining administration for the provinces of Pannonia and Dalmatia. In the first half of the 14<sup>th</sup> century, miners of the Sasa mine renewed the silver production, which would be the most important silver mine in the Balkans after Novo brdo in Serbia and would enable the development of trade (shops, craft shops and warehouses), housing infrastructure (houses, buildings, churches) and catering (inns-taverns, beer houses). In Srebrenica, there was also the first mint manufacturing coins and customs, and it represented a strong colony for the Dubrovnik merchants and permanent consuls. It had its own statute and a mining law that showed the basics of city self-government. In the 15<sup>th</sup> century, it was the economic center of the whole central Podrinje, and besides the people from Dubrovnik, people from Bar, Kotar, Ulcinj, Korčula, Albanians, Ottomans and Greeks came there. The significance of the exploitation of silver was indicated by the number of 66 Dubrovnik goldsmiths who stayed there from 1413 to 1459. The existence of 15 types of crafts was confirmed in sources. There stayed doctors, actors and pipers as well. The price of a house from 1427 was 300 ducats, a value that pointed not only to the wooden houses in the city, but also to the stone building. The city had mills, leprosarium and its abattoir.<sup>2</sup>

The development began to stagnate after the capture of Srebrenica by the Ottoman Turks in 1459 and 1460. Until 1879 Srebrenica had the status of a market place, and in 1895 it acquired the status of a city. The arrival of the Turks would be the beginning of a difficult period for the Christian population.

The deep economic crisis that hit the former Yugoslavia also directly affected Srebrenica. The population that worked in factories at that time was starting to look for better living conditions and only a small number of those who, studying abroad, tried to return and help in its development. Especially a large number of these departures were recorded just before the beginning of the war conflicts in this area in the period 1990-1991 and the war and its consequences in this area, for many years after its completion, provoked the interest of the domestic public and were the subject of studying of the whole range of domestic and international commissions.

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<sup>2</sup> For more information, see: Wikipedia <https://bs.wikipedia.org/wiki/Srebrenica>

**SREBRENICA BEFORE AND DURING THE WAR CONFLICTS FROM  
1991 TO 1995**

Already on the eve of the outbreak of the war in 1990 and 1991, systematic provocations, initiated by the Party of Democratic Action and its activists, began against the Serbs. Initially, they began to appear at sports and cultural events through the glorification of Islamic and Ustasha features and later at organized rallies and gatherings. The purpose of these rallies and gatherings was to promote Bosnia as a Muslim state and the main slogan was that Serbs should go to Serbia, and that they had better go willingly than by force. The ever-joint elementary schools in the villages began to divide, and Muslims introduced religious classes in their schools. Everything that was multinational up to that point started to burst at the seams, agricultural cooperatives, businesses, etc. As time went on, and especially in the winter of 1992, these provocations culminated, from breaking windows at night in public buildings, breaking into shops, writing various derogatory inscriptions and graffiti on the facades of buildings and facilities, arming the Muslim population by the Territorial Defense, and right down to the erection of barricades and the interception of buses and vehicles. All this was a clear signal to the Serbs that they had to leave this area and that if they did not do so, they would have to do so by force.

Taught by mass suffering in the World War II and the numerous atrocities committed by Muslims and Ustashes in earlier history against Serbs, Serbs from Srebrenica began to withdraw first to Bratunac and surrounding villages and then to the Republic of Serbia. On the other hand, Muslims left Bratunac and went to Srebrenica, and many of them, both Serbs and Muslims, fled the area and went to Yugoslavia or abroad, fearing war. Then the Orthodox Church and the chapel were demolished by Naser Orić and his followers, and the Serbs in Bratunac responded by demolishing the mosque. Orić and his Islamic fundamentalists increasingly began to invade and attack Serb villages, killing and expelling Serb civilians, women and children, which in particular increased the number of refugees in Bratunac day by day.

The aid received at the time by the United Nations and other international organizations was mainly passing through Bratunac and going to Srebrenica, and what particularly caused anxiety and uncertainty laid in the fact that along with this humanitarian aid, many weapons were delivered to this enclave. Unfortunately, neither the expulsions nor the killings of Serbs in the surrounding Serb villages in Srebrenica encountered or aroused the attention or the so-called representatives of the United Nations and other international organizations. Not choosing ways and means, misusing the United Nations and Red Cross tags in addition to various weapons, NATO supplied Srebrenica with various items of food and products that came from Western European countries, the USA, Asian, African and Islamic countries. Islamic countries in particular did not choose the means to bring this aid to the Muslim brotherhood in Bosnia. In Bratunac itself, a large number of innocent civilians were killed by shelling from the surrounding hills by Orić's

fundamentalists, and the devastation of residential and other commercial facilities were increasing day by day. This created the need for organizing Serbs to oppose Muslim aggression but also to create the minimum conditions for the survival of women and children in and around Bratunac. Immediately afterwards, a line of demarcation was established between the Serb and Muslim forces, and Canadian and later the UNPROFOR Dutch units made a buffer zone, which would nonetheless be significant for creating minimal living conditions in Bratunac. This would allow the establishment of a plumbing system demolished by the Muslims, electricity, classes in schools and the opening of modest shops and markets, so that in addition to a lack of food, medicine, clothing and footwear, it still represented a ray of hope for the impoverished, starved and up till then the innocently, almost daily shelled Serb population.<sup>3</sup>

Muslims, led by Naser Orić, committed horrific crimes against the innocent Serb population from May to December 1992, destroying dozens of Serb villages and, in the most brutal manner, killing Serb civilians in the municipalities of Srebrenica, Bratunac and Skelani. In the Srebrenica municipality alone, 21 Serb villages were attacked and more than 400 civilians were killed and more than 560 people were killed in the attack on 22 Serb villages in the Bratunac municipality, and all their homes and properties were burned and destroyed. Unfortunately, to this day no one has been held accountable for these crimes and Naser Orić was acquitted of these serious crimes against civilian population.<sup>4</sup>

At that time, Muslims had several radio stations in Srebrenica that sent information to the world. Their primary goal was to cover up the horrific crimes committed against innocent Serb civilians in Srebrenica and surrounding villages on the one hand, and on the other, they did not choose the means to inform their Western mentors of the alleged crimes committed by the Serbs in these areas. The reports they prepared and wrote were delivered to different addresses and mainly to the countries that supplied them not only with humanitarian aid but also with weapons. These were mainly, in addition to the main actors in this conflict, the United States, England, France, Germany, Islamic countries and some other countries. Nijaz Mašić wrote about this in more detail in his book, “Srebrenica-Aggression, Resistance, Betrayal, Genocide”, published in 1999. He wrote, among other things, “At this time, Muslims are making another desperate attempt. They launch a shocking message to the public that on April 12, 1993, a Serb mine or grenade exploded on a school playground during a football game, killing 66 and injuring 100 people, mostly children.”<sup>5</sup>

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<sup>3</sup> For more information, see: Milivoje Ivanišević, Srebrenica, July 1995. *In Search of the Truth - The Life of Serbs in Bratunac*, p. 47-52.

<sup>4</sup> The acquittal by the International Criminal Tribunal for the Former Yugoslavia and the Court of Bosnia and Herzegovina provoked fierce reaction and resentment from both families of the killed civilians and the domestic and international public.

<sup>5</sup> For more information, see Nijaz Mašić, “Srebrenica-Aggression, Resistance, Betrayal, Genocide”, 1999, p. 63.

However, at that time, the Serb artillery did not operate at all, and the Serb army could not be attributed in any way to this situation, but it was actually part of the Muslim scenario, with the aim, similar to the crime that happened in front of the bakery in Vase Miskina Street in Sarajevo, to provoke sympathy and intervention of the international community against Serbs.

This cry of the Muslim side for international intervention was calculated primarily with the aim of avoiding the defeat of their armed forces and at the same time declaring the Serb side responsible for all that was happening in and around Srebrenica.

Pressed by numerous horrific reports of the alleged Srebrenica Muslims' suffering, on 16 April 1993, the Security Council adopted Resolution 819 declaring Srebrenica a protected zone, and unconditionally requested from Serbs and Muslims to keep Srebrenica safe. Following the Security Council Resolution, the President of the Republic of Srpska Dr. Radovan Karadžić issued an order to suspend all further actions of the Republic of Srpska Army on and around Srebrenica, except for the necessary defense.<sup>6</sup> However, such an order was not sent by Alija Izetbegović or the headquarters of the so-called Army of BiH, which in a way confirmed the fact that Muslims with Naser Orić were preparing to continue achieving their war goals, ethnic cleansing, persecution and repression of the Serb population in this area. Immediately thereafter i.e. after the Security Council Resolution came into force, Canadian soldiers were deployed to Srebrenica itself, 143 of them. However, although the commanders of the Army of the Republic of Srpska, Lieutenant General Ratko Mladić, immediately, on the following day, i.e. April 18, 1993, following the adoption of Security Council Resolution 819, and Sefer Halilović, on behalf of the Muslim side, signed the Agreement for Muslims to surrender their weapons to the UNPROFOR within 72 hours from the arrival of Canadians to Srebrenica.

This Agreement did not come to fruition, so a new Security Council Resolution of May 6, 1993 No. 824 followed, largely endorsing the resolution adopted earlier. This resolution allowed the Muslims to exchange the wounded and the sick and evacuate more than 500 of them outside the territory of Srebrenica.<sup>7</sup> Unfortunately, even after the signing of this latest agreement, the Muslims did not surrender their weapons and retained control of the territory not only of Srebrenica but of a large number of Serb villages in the area. They never agreed to form a commission to oversee disarmament, and they did not even prohibit the wearing of weapons, let alone the use of weapons in this so-called demilitarized zone. The UNPROFOR did not insist on that either. On the contrary, Muslims continued to invade Serb villages within this zone and continued to kill innocent Serbs and to plunder Serb property.

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<sup>6</sup> “*Radovan Karadžić’s War Orders*”, International Truth Board on Radovan Karadžić, Belgrade, 2003 *Order to the General Staff of the Army of the Republic of Srpska*, str.conf. no. 01-53/93 of April 16, 1993.

<sup>7</sup> For more information, see the Srebrenica and Žepa Demilitarization Agreement of 8 May 1993 signed by Lieutenant General Ratko Mladić and General Sefer Halilović in the presence of Lieutenant General Philippe Morillon.

So for example, 24 hours after the ceasefire came into force and the area was declared a protected area, the Muslim forces, at two different locations in the villages of Močević and the hill Kvarc on April 17, 1993, killed 6 Serb soldiers and injured a large number of them. As time went on, it became clear that such a small number of the UNPROFOR members, i.e. 143 Canadian soldiers, and especially given the fact that Muslims did not obey the Arms Surrender Agreement, was not enough to control the territory of about 150 square kilometers.

The mere fact that the UNPROFOR, as a UN armed force, did not insist on demilitarization of Muslim forces in the area, but the then UNPROFOR commander, Swedish General Wahlgren, announced that the demilitarization was over, suggested that some United Nations representatives were in close contact with representatives of the United States as the protégé of Muslims in this war. It would later turn out that when the bombing of the Republic of Srpska began, the Muslim forces armed as such were transformed into the NATO infantry and were in full cooperation with them, attacking the territory and the Army of the Republic of Srpska. The UN staff, including Kofi Annan as one of the organization's top representatives, only served as a vehicle for pursuing US interests in the Balkans. The establishment of The Hague Tribunal by Security Council Resolution 827 of 25 May 1993 would serve to further denigrate the Serbs and prosecute them before this Tribunal, as if Muslims and others, i.e. Croats, had not participated in this war.

It should be borne in mind that since the adoption of the Security Council Resolution on the proclamation of the protected zone, Muslims were receiving huge amounts of humanitarian aid for which the Serbs were deprived concomitantly. This humanitarian aid, consisting of food and medicine, measured in thousands of tons, and given that most of this humanitarian aid was parachuted, it was difficult to presume how many of these state-of-the-art weapons were supplied with this food and medicine. Unfortunately, the UN International Commissioner for Refugees and the International Red Cross also took part in the supply of these weapons, ammunition and military equipment.

The situation in the Serb villages in this so-called security zone was getting harder every day. This population was daily confronted with the provocations and incursions of Orić's Muslim forces, as well as the lack of food and medicine.

It should be emphasized that from the beginning of the war conflicts in this area until July 1995, as the beginning of the Serb offensive in this area, 3,626 Serbs were killed, while only Naser Orić, the Srebrenica war commander, was convicted of war crimes against them to two years' imprisonment, which he served while in trial. During the incursion of Muslim units, neither Serb civilians, women, the elderly, children, the sick and the exhausted were spared, and their property was looted and taken away, while houses, barns and other facilities were burned and completely destroyed. Members of the Muslim army sought to destroy the traces of the existence of Serbs in this area by acting in this manner.

As these atrocities also continued in the eyes of the UNPROFOR public, Serbs were forced to launch an offensive against Orić's Muslim forces in July 1995.

## CONFLICTS IN JULY 1995

The operation to disarm Muslim units in and around Srebrenica, despite the existence of two signed agreements based on United Nations resolutions in this security zone, failed. The Muslims rejected any thought of disarming themselves so that these agreements were executed only in so far as they concerned the dislocation of wounded Muslim fighters from Srebrenica to other parts of the Federation of BiH. The disarmament could not be carried out because the Canadians did not have enough soldiers to protect the area, some 150 square kilometers of security zone, and the Muslims acted arrogantly and denied any thought of disarmament. On the contrary, they continued to invade the Serb villages from Skelani to Bratunac, which were located in this zone, looting them and continuing with terror over the Serb population. The Serb population was, from day to day, dissatisfied with this status and position in the so-called security zone, especially given the fact that they did not receive the humanitarian aid, which was delivered in thousands of tons in action "Parachute" or otherwise to Srebrenica and exclusively to Muslim villages. Unfortunately, international organizations such as the International Red Cross and others were delivering various types of weapons into this enclave and preparing for military action. The Dutch Battalion also did not succeed later in the disarmament of the Muslim units. This difficult situation in the so-called security zone was getting harder day by day.

Such a grave condition of the Serb civilian population necessitated the need to plan military action on the basis of which it would be protected and further casualties and incursions of Muslims would be avoided, as well as the devastation of these villages. That is how the planning of the military operation called "Krivaja 95" occurred. This operation was planned within the VRS Drina Corps, and was aimed at pushing the Muslim army into the city of Srebrenica itself from a wider area of the so-called security zone, thus controlling them, that is, avoiding the possibility of further incursions and attacks on the Serb villages in this enclave.

According to the available documents, it is obvious that the aim of the Serb army was not to capture Srebrenica but to protect the Serb population from the increasingly frequent attacks on Serb villages by Muslims. There are numerous documents about this, including the statement of one of the Hague tribunal's chief investigators for Srebrenica, Mr. Jean-René Ruez, who, in an interview with Sarajevo's weekly "Dani", after reporter's question: "Do you have any elements that would confirm previous plans for these massacres?", he replied, "No, there were no previous plans. Occupying the enclave was not planned at all. The plan for this offensive is from July 5<sup>th</sup>. The original plan was to reduce the enclave to the city of Srebrenica itself and turn it into a large open-air refugee camp for the United Nations to begin evacuating the zone." The reporter also asked him: "That statement is based on the documents you own?" Ruez replied, "Yes, entirely."<sup>8</sup>

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<sup>8</sup> For more on this, see Milivoje Ivanišević, *Srebrenica July 1995 – In Search for the Truth – the Serb Operation "Krivaja 95"*, p. 53 and 54.

Reputable French lawyer Jacques Vergès, who quoted General Philippe Morillon at one point, said: “I am convinced that the population of Srebrenica was a victim of higher interest, but higher interest located in Sarajevo and New York, but certainly not in Paris.”<sup>9</sup>

In addition to the above mentioned, there were other views of the Dutch soldiers in particular, which stated: “Operations carried out by the troops of the Republic of Srpska Army were adapted to maintain the status quo and to provide protection to the Bosnian Serb population in the enclave from attacks by the BiH Army carried out from the enclave. In a report based on the so-called debriefing on Srebrenica compiled by Dutch Brigadier General Van der Vihd of October 1995, it was stated: “The BiH Army forces carried out systematic actions from the enclave and then retreated into the United Nations-protected territory.”

At the time of this operation, a large number of representatives of well-known international humanitarian and other organizations were present in Srebrenica. Such as the International Committee of the Red Cross, Doctors Without Borders, Swedish Refugee Care Project, United Nations High Representative for Refugees and many other, including the so-called “UN Civilian Police” which was to help the Muslim local Police (UNCIVPOL).

The operation began in the early morning hours of July 6, 1995, and only after three days of fierce and front-line armed clashes with the Muslim armed forces of the Drina Corps units of the Army of the Republic of Srpska, they found themselves on the edge of the security zone of the town of Srebrenica. According to some data, there were a small number of Serb soldiers and units. So for example, Mike Evans, a London Times correspondent for the July 14 article in the same newspaper, wrote: “There are reports that up to 1,500 Serbs participated in the Srebrenica attack, but intelligence sources estimated that the main attack was carried out by about 200 people, with five tanks. It was a fairly low-level operation, but for some incomprehensible reason, the BiH Government’s soldiers in Sarajevo did not give too much resistance, a source stated.”<sup>10</sup>

The following statement is similar and also comes from a foreign source: “The Bosnian Serbs had a very well controlled and disciplined army. Their operations - and Srebrenica is the best example - were vigilant and methodical. At each stage, they considered the possibility of a strong UN response. Even in the war with Muslims, they were reluctant to take risks and suffer losses. Their victories were obtained cheaply.”<sup>11</sup>

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<sup>9</sup> For more on this, see Jacques Vergès, “*Justice for the Serb People*”, Lausanne 2003, taken from Milivoje Ivanišević, Srebrenica July 1995 in Search of the Truth - The Serb Operation “Krivaja 95”, p. 54.

<sup>10</sup> For more information, see Aleksandar Pavić, “*The Forbidden Truth about Srebrenica. Handbook based solely on foreign sources*”, Legenda, Čačak 2006, p. 19.

<sup>11</sup> Taken from Milivoje Ivanišević, Srebrenica July 1995 - In Search for the Truth – the Serb Operation “Krivaja 95”, p. 58.

Instead of the Muslim army's retreat to Srebrenica, they abandoned it and continued their breakthrough towards Tuzla, so that, immediately afterwards, there was a rally in which, besides many reputable invitees, at the grandstand, there were side by side the commander of the 28<sup>th</sup> Division, Brigadier Naser Orić, and the BiH Presidency Chairman and the BiH Army Supreme Commander Alija Izetbegović. This confirms the fact, and that was written by numerous local and foreign media, that there was a plan of the then top of the so-called BiH Army, headed by Alija Izetbegović, on retreat of the Muslim army from Srebrenica and leaving Srebrenica to the Serb armed forces, which shortly thereafter entered the place. Prior to the commencement of the rally of the 28<sup>th</sup> Division command, commanded by Naser Orić, which marched majestically in the Tuzla Center before Commander-in-Chief Alija Izetbegović, the commanding officer reported that the Division was fully operational and ready to carry out all combat tasks, but he did not say anything about the Muslim civilians who remained in the care of the Dutch Battalion and the Serbs.

In a Report on the so-called debriefing on Srebrenica composed by O. Van der Wind, the Dutch Brigadier General, on October 4, 1995, he said: "The order to leave the protected area did not pass among the Muslims without fierce resistance, and, on many occasions, with the conflicts of combatants or certain smaller units. The Dutch soldiers, the crew of the observation post "M", themselves witnessed a sharp conflict between Muslims on July 10 and 11. The Dutch testified: "Chaos prevailed among the soldiers of the BiH Army. Again the fighting began. That evening, a team from the OM (observation post "M") was allowed to leave because they agreed to bring the wife and children of a local BiH Army leader with them. When two BiH Army soldiers, armed with weapons, tried to prevent them from leaving, the BiH Army leader shot them in the head. This again led to conflicts between the soldiers of the BiH Army."<sup>12</sup>

The abandonment of the enclave by the Muslim army, as seen in this Report, caused major conflicts within the army itself, among the civilian population and the organization of withdrawal from the zone. The very belief that was increasingly prevalent among Muslim civilians that Srebrenica had been sacrificed by Muslim military and civilian leadership provoked increasing disgust and revolt among the population, both towards its leadership and the Dutch Battalion and other peacekeepers. What was particularly interesting to the members of the Dutch Battalion was the surprise that young military-able residents, that is, men, were leaving their wives and children, and the elderly and continuing to flee. The Dutch considered them to be either cowards or afraid of responsibility for crimes they had committed against the Serb population in the previous period.

Throughout this operation, members of the Republic of Srpska Army behaved correctly towards the civilian Muslim population, as evidenced by numerous documents. So for example the journalist Tim Bucher wrote in a July 24, 1995 article in the Daily Telegraph: "After five days of interviewing, the United Nations chief

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<sup>12</sup> For more on this, see *Ibid*, p. 58 and 59.

investigator, on alleged human rights abuses during the fall of Srebrenica, did not find any testimony on crimes from the first hand.”

UN High Commissioner for Human Rights Henry Willand told reporter Tim butcher: “We have not found anyone who has seen the crime with their own eyes.”<sup>13</sup>

In Jirgen Elzeser’s book, “War Lies. From the Kosovo conflict to the Milošević process”, we also find several statements by a Dutch soldier about the behavior of Serbs as they entered the zone. Karel Mulder said: “A lot of what is being said about Serbs is madness... I was among the refugees for three days and the Serbs treated them well.”<sup>14</sup> Or Captain M. Schuten’s statement: “Everyone is chatting about everyone, but no one is showing solid evidence. I note that the Dutch people want to prove at any cost that the bloodshed happened...”<sup>15</sup> We have similar testimonies in the mentioned Srebrenica Debriefing Report.

### VICTIMS OF SREBRENICA

Even today, after more than twenty-four years, there are general disagreements about the number of victims in Srebrenica. When we talk about it here, first of all, we refer to all those victims who were killed during the war conflicts, from 1991 and 1992, until the end of these conflicts and the Serb military operation, “Krivaja 95”. The greatest casualties against the innocent civilian population were committed in the period before the proclamation of Srebrenica as the so-called security zone, but later as well. The increasingly frequent incursions of Muslim extremists led by Naser Orić into the Serb villages within this zone. Muslims were choosing the most important Serb religious holidays, such as Christmas and Petrovdan, invading their villages, burning down their homes and killing Serb women, old people and children.

Unfortunately, this is evidenced by the numerous monuments on which the Serb villages extended. Given the many crimes committed against Serbs during previous wars, especially during World War II, it is clear that the only goal of Naser Orić and his followers was also supported by Izetbegović as the creator of the Islamic Declaration, to permanently expel Serbs from the these spaces and obscure their presence and any traces of its centuries lasting existence. Most Serbs were killed at the outset of the war and until the establishment of the UN Security Zone. According to last data, which is unfortunately not conclusive, the number of Serbs killed is 3,626, most of them civilians and a much smaller number of members of the army and police.

According to some figures, which are also not conclusive, ending with the military operation “Krivaja 95”, which originates from the lists of missing persons

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<sup>13</sup> For more information, see Aleksandar Pavić, “*The Forbidden Truth about Srebrenica. Handbook based solely on foreign sources*”, Legenda, Čačak 2006, p. 26

<sup>14</sup> Jirgen Elzeser, “*War Lies. From the Kosovo Conflict to the Milošević Process*”, JASEN, Belgrade, 2004. p. 43.

<sup>15</sup> *Ibid*, p. 43.

made by the International Committee of the Red Cross, there are about 7 to 8,000 Muslim victims in total. However, it is obvious that all missing persons from this list were not killed in these conflicts. Out of this number, 3,016 persons were on the Srebrenica electoral roll in 1996, which leads to the conclusion that many, if not all of those voters were among the living. The number of casualties can be determined from the exhumation data, and the Prosecution multiplied the number of 1,883 exhumed persons by 2.6, i.e. 3.56, respectively, thus, according to which between 4,900 and 6,700 Muslims were killed at the same locations, while alleged Muslim witnesses claim that 9,200 people were killed.

There is ample evidence which suggests that the number of casualties and buried at the Potočari Memorial Cemetery was increasing by including those who had died before or after July 1995. During this post-war period, the Muslim propaganda continued with its anti-Serb propaganda against Serbs, in which they sought to prove that the Serb army had committed genocide in July 1995, that the Republic of Srpska had been created on genocide committed in Srebrenica and elsewhere in Bosnia and Herzegovina and that as such should be abolished. It is overlooked that their leadership, led by Alija Izetbegović, who was wholeheartedly assisted by some Western countries, deceived not only its population but also the international community with a goal to bomb the Republic of Srpska and to destroy it ultimately. These imputations by this leadership were not only present through the sacrifice of Srebrenica but also through the sacrifice of its own civilians at the Markale Market in Sarajevo and some other locations.

The international community was easily passing over what was happening in the Tuzla Column, Dobrovoljačka Street in Sarajevo, with graves in Žitomislić and many other places, the execution sites of the Serb people in this conflict. Some high-ranking representatives of the international community, as well as ambassadors of some Western countries, particularly stood out in it. Special mention should be made here of High Representative Paddy Ashdown, who, under the threat and blackmail of the then representatives of the Republic of Srpska, set up a special Srebrenica Commission, which allegedly dealt with the determination of the number of the Srebrenica victims, and which, in a highly arbitrary and non-argumentative manner, reached the wrong number of victims.

From the perspective of the innocent victims of this past war, it is inappropriate and incomprehensible that they did not receive the same treatment. Many high representatives and ambassadors of Western countries never paid homage to the victims of Srebrenica, Bratunac, Sarajevo, Kazani, Tuzla and many other places. They were blinded by the fact that Muslims in this past war were victims of the so-called Greater Serbian aggression, while completely neglecting the fact that the same West had destroyed the former Yugoslav state in which all peoples were equal and had the same rights, and that the war in this region had been based on the Islamic Declaration and the killing of a Serb wedding guest in Bašaršija and numerous Serb civilians killed throughout this former Yugoslav republic even before the war conflicts, including Srebrenica. After all, the fact that the largest number of Serbs

was made responsible for the so-called war crimes, fewer Croats, and almost negligible number of Muslims who could be considered the sole culprit for the outbreak and of war in this region, tells about the unprincipled attitude of the so-called “international community”, all according to the character and consequences of this war. It is clear that if there was no opposition to the killing and expulsion of Serbs from these areas and the emergence of the Republic of Srpska that all these areas of the majority of Bosnia and Herzegovina in which they lived, today would be reminiscent of another Jasenovac.

However, in order to further continue the cohabitation, in such a Dayton-like Bosnia and Herzegovina arranged this way, it would be necessary to approach it in an objective manner and consider all the causes and consequences of the outbreak of war and war conflicts in this region. Particular attention should be paid to all victims of this tragic conflict, regardless of their religious, national or any other affiliation, and all crimes committed on any side and by anyone should be viewed in accordance with the international standard, i.e. the Geneva Conventions and to insist on the responsibility of those who perpetrated them no matter what nation the villains came from. This could be achieved through the formation of a special international commission from among the most respected experts in particular fields, by publicizing the results that this Commission would produce. Any other approach, including the imposition of certain solutions, and especially through abuse related to the manipulation of victims, their numbers, nationality, age and other social structure, should be excluded from such a report by the Commission and should be based solely on an objective criterion.

### CONCLUSION

The conflicts that arose in and around Srebrenica were the product of interethnic conflicts and the beginning of the war in the territories of this former Yugoslav republic. They served the purpose of achieving the goals enshrined in the Islamic Declaration and the complete ethnic cleansing of Serbs from the area. This is confirmed by the fact that a large number of crimes committed by Muslims, under the command of Naser Orić, were committed against the innocent Serb population, especially until the proclamation of Srebrenica as a security zone. As Muslims disobeyed Security Council resolutions and signed demilitarization agreements within the security zone, and continued to further invade Serb villages, killed innocent population, introduced unprecedented terror over them, while UNPROFOR’s international forces could not guarantee them any security and survival, on 6 July 1995, the Republic of Srpska Army launched a military action planned within the Drina Corps, called “Krivaja 95”. The action did not aim to capture Srebrenica as a populated place, but to put Muslim forces under control and prevent them from invading Serb villages and killing Serb civilians. Soon Muslim forces decided to break through to Tuzla and directly clash with units of the Republic of Srpska Army, leaving their civilian population in Srebrenica. They were probably afraid of responsibility for the crimes they committed from 1992 to 1995 in

numerous Serb villages against civilians. There are numerous claims that this abandonment of one's own civilian population and the so-called sacrifice of Srebrenica was in agreement with the then leadership of Sarajevo to provoke international intervention and to destroy the Republic of Srpska by NATO and its allies, which would be later confirmed as true.

Unfortunately, from the very beginning of the Srebrenica-related conflicts to the end of it, a large number of civilians were killed at the beginning, Serbs by July 1995, and later Muslims as well. It would never be possible to determine their exact number. However, these victims were not treated in the same way, not even by the highest representatives of the international community. Instead of Muslims confronting the truth and objectively considering everything that happened with and about this conflict, they continued to spread propaganda that the Serbs committed genocide in Srebrenica, that the Republic of Srpska was a genocidal creation and that it should be abolished as such. However, this thesis also proved to be extremely wrong. Starting with The Hague tribunal, then a number of international organizations, then the International Court of Justice in The Hague which dealt with the dispute over Alija Izetbegović's lawsuit against the Federal Republic of Yugoslavia, in which he claimed that Republic of Srpska was founded on genocide, it was proven that Serbs had not committed a crime characterized by genocide in any part of the former Yugoslav Republic of Bosnia and Herzegovina.

The last resolution of the National Assembly of the Republic of Srpska, the Government's decision to set up a special International Commission to ascertain the truth about Srebrenica, as well as the then UNPROFOR commander in Bosnia and Herzegovina, Mr. Lewis MacKenzie, who has given statements these days to numerous domestic and foreign media that genocide did not occur in Srebrenica, which was very important for an objective view of all the events that had taken place in the past war, and especially for the creation of a greater degree of trust between Serbs, Croats and Bosniaks living in the area. Time has shown that every other approach was wrong and did not produce any results, and that more attention should be paid to the truth in this region and not to misconceptions.

In the long term, war events with and in connection with Srebrenica will prove to be a major mistake of Muslims in its initial occurrence, i.e. until July 1995, followed by Serbs as well. This is unfortunately a feature of all other war conflicts that are, as a rule, tragic and abound in the casualties of a large number of innocent civilians.

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# JUDGEMENTS AGAINST THE SERBS FOR GENOCIDE AT THE HAGUE TRIBUNAL AND THE COURT OF BOSNIA AND HERZEGOVINA – POLITICAL AND LEGAL IMPLICATIONS

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**Abstract:** Nobody argues that war crimes and their perpetrators must face the justice regardless their nationality or side taken in the war. The prosecution of the war crimes committed in the war in Bosnia and Herzegovina was under the jurisdiction of the international *ad hoc* court – the International Criminal Tribunal for the Former Yugoslavia (ICTY), known as the Hague Tribunal, the Prosecutor's Office of BiH, and for the smaller part in the jurisdiction of the entities' courts. This paper analyses the practice of ICTY and BiH judiciary through the statistical data, clearly indicating the selective approach to justice in the cases of war crimes, which may have, or already has political and legal implications for the social relations, political and legal order in the post-Dayton BiH, but also for the peace and coexistence of the constitutive peoples in BiH. In other words, the practice is that mainly Serbs were indicted and convicted before the named courts, and that the Serbs were, as a rule, charged with the most serious crimes, such as genocide and crime against humanity. In addition, apart from the individual criminal responsibility, the Serbs were also charged with the command responsibility, the joint criminal enterprise, and other most serious crimes under the international criminal law; the Serbs were sentenced to the maximum prison sentences. On the other side, the minor number of members of the other two peoples were charged and convicted before the same courts, despite the huge number of Serbian victims in the war.

The subject of the research is the prosecution of the war crimes committed in the war in Bosnia and Herzegovina, with reference to the genocide and possible legal and political effects of the verdicts of the ICTY and Court of BiH on the political and legal system and relations in BiH.

**Key words:** *ICTY, Court of BiH, war crimes, genocide and discrimination*

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## PREFACE

Nearly two decades after the war in Bosnia and Herzegovina, the international circles have significantly different opinion about the character and nature of the conflict. Historians, legal experts, sociologists, politicians and religious leaders hold contradictory positions. Determinations vary: “civil”, “religious”, “aggression”, “fratricidal”, “international” etc. The Dayton Peace Accord defined the war in BiH as a “tragic conflict in the region”, and we hold it as an indisputable fact.<sup>3</sup>

There are also disagreements about the number of casualties, and each side has its own data. For instance, the Demographic Service of the ICTY’s estimate is that approx 68,000 Bosniaks, 23,000 Serbs, 9,000 Croats and 5,000 others were killed in the war in Bosnia and Herzegovina. According to the data of the Republic Centre for the Research of War, War Crimes and Missing Persons, the number of killed Serbs is much higher – over 29,000. According to the data of the Investigation-Documentation Centre in Sarajevo, compiled in four volumes of the *Bosnian Book of the Dead*, the total number of the killed in the war in BiH is 95,940. Out of this number, 62,013 are Bosniaks; 24,953 Serbs; 8,403 Croats and 571 others.<sup>4</sup>

A large number of Serbs were sentenced for crimes committed against non-Serbs, mostly to the maximum prescribed sentences, while, on the other hand, very few persons were convicted of war crimes committed against Serbs, mainly to a minimum prison sentence. The above does not correspond in any way with the number of the Serb victims, which is a key hypothesis of the selective access to justice on the international and domestic level. In other words, the question arises, who is responsible for a large number of killed Serbs?

## INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY)

International Criminal Tribunal for the Former Yugoslavia (ICTY) or the Hague Tribunal, was founded by the Security Council of UN with the aim of prosecuting war crimes punishable by the international war and humanitarian law in the former SFRY. UNSC Resolution 808 (1993) from 22 February 1993, provides for the “establishment of the international tribunal for prosecution of the persons responsible for the grave violations of the international humanitarian law committed in former Yugoslavia since 1991”. Resolution 827 (1993) of the SC from 25 May 1993 adopted the Statute of the court and decided to establish a court whose official title is “International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia between 1 January 1991 and the Days Established by the Security

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<sup>3</sup> See: General Framework Agreement for Peace in Bosnia and Herzegovina. Available at:<http://ndcsarajevo.org/Dokumenti/Dejtonski-mirovni-sporazum.pdf>,

<sup>4</sup>*Bosnian Book of the Dead*, editor Mirsad Tokaca, Investigation-Documentation Centre, Sarajevo, 2012.

Council upon the restoration of peace”. Therefore, ICTY was established by the UNSC Resolution 827/1993, but not by the UN General Assembly, which would have been a normal state of affairs considering the character of the UN and the fact that new bodies are to be established by the General Assembly, as a representative body, not by the body of the General Assembly – such as the Security Council. In this way, at the very creation of the ICTY, it took out a burden of lacking legality, which would later mark its entire work and existence.<sup>5</sup>

“In its legal nature, the ICTY is an *ad hoc* court, its decisions do not have the binding effect of the precedents for other courts and tribunals, except in the light of the possible persuasive authority *ratio decidendi* of its decisions, which largely depends on the answer to the question whether the jurisprudence of the Hague Tribunal is in line with internationally recognized norms and human rights standards.”<sup>6</sup> Bearing in mind the above stated and the fact that the ICTY examined individual criminal responsibility, it is surprising that the ICTY jurisprudence has become an integral part of the subsequent judgments of the Court of BiH.

Seeking for a successor, on 22 December 2010, the UN Security Council adopted a resolution establishing a new body, it appears illegally again, that is, the International Residual Mechanism for International Criminal Courts, with the task of closing the remaining ICTY cases and also another *ad hoc* tribunal - the International Criminal Tribunal for Rwanda, which will continue the jurisdiction, rights and obligations, as well as the basic functions of these courts. In the case of the ICTY, the residual mechanism became operative in early July 2013. Officially, the ICTY ended its work on 21 December 2017.

### **ICTY RESULTS WITH REFERENCE TO THE GENOCIDE<sup>7</sup>**

ICTY has charged 127 persons with grave violations of the international humanitarian law committed in Bosnia and Herzegovina 1992 – 1995. Out of the total number, 90 Serbs (70,8%), 28 Croats (22,1%), 9 Bosniaks (7,1%) were charged. Out of the total number, the proceedings for the 113 accused were concluded, while the proceedings are still pending against four persons, but before the Mechanism for International Criminal Courts (the *Stanišić and Simatović* case is in the repeated

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<sup>5</sup> See: Jovasevic Dragan, *International criminal judiciary – between law, justice, reconciliation and victims’ rights*, Vojno delo, Belgrade, 2011, p.67-91.

<sup>6</sup> Kojic Milorad, The Hague Tribunal and Court of BiH try to determine the sole Serbian responsibility for war crimes, *The Role of VRS Officers in Establishment and Defense of Republika Srpska during Defensive-Homeland War*, Collection of Papers from the Scientific and Professional Conference, Organisation of VRS Officers, Banja Luka, 2018, p.425

<sup>7</sup> The part of the text concerning the statistics and its description is almost identical to the text published in: Kojic Milorad, The Hague Tribunal and Court of BiH try to determine the sole Serbian responsibility for war crimes, *The Role of VRS Officers in Establishment and Defense of Republika Srpska during Defensive-Homeland War*, Collection of Papers from the Scientific and Professional Conference, Organisation of VRS Officers, Banja Luka, 2018, p.425

proceedings before the Trial Chamber, while the cases Karadžić and Mladić are in the appeal procedure). The second-instance verdict against Radovan Karadzic, according to the announcement of the International Residual Mechanism for Criminal Tribunals in The Hague, will be pronounced on 20 March 2019,<sup>8</sup> while the second-instance verdict against Ratko Mladic is scheduled for the second half of 2020. It should be pointed out that the ICTY transferred five cases for a total of 10 accused persons (9 Serbs and 1 Croat) to the judiciary of Bosnia and Herzegovina.

Of the mentioned number of persons against whom the proceedings were concluded (113), 73 persons were sentenced to prison sentences, nine persons were released, 13 defendants died and 18 indictments were withdrawn (with the recommendation that these cases be conducted before the domestic judiciary). With regard to the number of convicted persons, the largest number of persons are Serbs, 50 (68.5%), 18 Croats (24.7%) and only five Bosniaks (6.8%).

Out of 73 persons who were sentenced for crimes committed in the territory of Bosnia and Herzegovina, five of them were sentenced to life imprisonment and 1,076.5 years of imprisonment. Out of the fines imposed, the highest were imposed on Serbs, all five life sentences and 758 years imprisonment. On the other hand, Croats were sentenced to 277, and Bosniaks to 41.5 years imprisonment.

The ICTY Prosecutor's Office established the practice of charging only Serbs for genocide and participation in the genocide, so 23 Serbs were charged with genocide. For instance, charges were brought against: Radislav Krstic, Vujadin Popovic and other officers and members of the Main Staff of VRS in the case "Srebrenica"; then, against Radoslav Brdjanin, former president of the Autonomous Region Krajina and general Momir Talic in the case "Bosanska Krajina" in which the prosecution claims that "the genocide was particularly striking in municipalities Bosanski Novi, Kljuc, Kotor Varos, Prijedor and Sanski Most"; against former president and vice-president of the Crisis Staff of the Prijedor municipality Milomir Stakic and Milan Kovacevic in the case "Prijedor"; against Goran Jelusic, former member of the local police in Brcko in the case "Brcko"; against the former member of the extended Presidency of the Republic of Srpska Biljana Plavsic and former Speaker of the National Assembly of the Republic Srpska Momcilo Krajisnik where "the genocide manifested to the most extremes in municipalities Bosanski Novi, Kljuc, Brcko, Kotor Varos, Prijedor and Sanski Most", etc.

When it comes to the most serious act against humanity and humanitarian law, we should mention the former President of the Republic of Serbia, Slobodan Milosevic, who was also indicted by the ICTY for genocide in several municipalities of Bosnia and Herzegovina (Bijeljina, Bosanski Novi, Brčko, Ključ, Kotor Varos, Prijedor, Sanski Most and Srebrenica).

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<sup>8</sup> About the first-instance verdict against Radovan Karadzic, see: Blagojevic Milan, *Political Anatomy of a Verdict*, Republic Centre for Research of War, War Crimes and Missing Persons, Banja Luka, 2016. The book provides a detailed criminal-legal analysis of the verdict.

The ICTY has pronounced five final judgments: against Zdravko Tolimir, Ljubisa Beara and Vujadin Popovic for genocide, and Drago Nikolic and Radislav Krstic for aiding and abetting genocide. Radovan Karadzic and Ratko Mladic have been convicted of crimes by the Trial Chamber for the crime of genocide in Srebrenica, and the appeals are pending.

From the all above stated it is clear that the ICTY Prosecutor's Office indicted only Serbs for the serious crimes of violations of humanitarian law and war rights. The holders of political, public and military functions of all ranks, from the lowest to the highest, have been convicted for both individually and for command responsibility, and were charged with participation in joint criminal enterprise against Bosniaks and Croats. On the other side, only nine Bosniaks and 28 Croats were indicted.

In case of Bosniaks and crimes they committed against the Serbs in BiH, the ICTY has brought indictments in only three cases: (1) Rasim Delic, on the basis of criminal responsibility of the superior to El Mujahid unit within the 3rd Corps of the Army of BiH (three years imprisonment); (2) the manager and guards of the Čelebići camp in the municipality of Konjic (three persons convicted, one of which was a Croat, and one person was acquitted); and (3) Naser Oric on the basis of criminal responsibility for crimes in several villages in the municipalities of Srebrenica and Bratunac (acquitted).

Except for trials of former generals of the so-called Army of RBiH and senior officers of the 2<sup>nd</sup> and 3<sup>rd</sup> Corps of the Army of Bosnia and Herzegovina, who were tried for crimes against Croats in Central Bosnia (Kakanj, Zenica and Travnik), and to a smaller extent for crimes against Serbs, all other cases before the ICTY, in which Bosniaks or Croats were indicted, referred only to conflicts between the so-called Army of the RBiH and the HVO, in which the victims were Bosniaks and Croats.

In the end, the summary of the ICTY statistics seems really devastating when it comes to Serbs. Of the total number of cases, only nine persons were charged with crimes committed against the Serbs (three of them for crimes committed against Croats and Serbs), while other proceedings related to cases where the victims were Croats and Bosniaks. In this respect, it should be noted in particular that out of total of 318.5 years imprisonment imposed on Croats and Bosniaks, only 50.5 years of imprisonment was imposed for crimes against Serbs, which makes 4.7% of total prison sentences, not counting life prison sentences.

In total, in its nearly two-and-a-half-decade work, the ICTY pronounced over 1,000 years imprisonments for Serbs for wars in the territory of the former SFRY, imposing life imprisonment only on them, and for the first time since the Nazi trial, the verdict for the act of genocide. In this way, according to lawyers and analysts, Serbs were blamed for almost all crimes; Serbian victims have been completely ignored.

## CREATION OF JUDICIAL INSTITUTIONS IN BOSNIA AND HERZEGOVINA

The Prosecutor's Office and the Court of BiH represent unconstitutional categories. If we analyze the BiH Constitution, we cannot find any provisions that regulate the existence of judicial bodies at the level of BiH (excluding the Constitutional Court of BiH). Therefore, BiH has no jurisdiction over judiciary, hence all that is not within the jurisdiction of BiH belongs to its entities, and because the judiciary, in accordance with Art III / 1 of the BiH Constitution is not within the competence of the BiH institutions, it is clear that it is within the entities' competence. Also, since the OHR imposed laws establishing mentioned judicial institutions, we can say that these institutions are established "forcefully" and projected "paralegally".

The High Judicial and Prosecutorial Council of BiH (HJPC)<sup>9</sup> was established with the aim of having jurisdiction over the selection of judges and prosecutors in all judicial institutions in BiH, despite the fact that the judiciary is within the entities' competence. Therefore, it is a body that combines the election and monitoring of the work of judges and prosecutors. Bearing in mind that the Prosecutor is a party in a court proceeding, this concept is unsustainable. Also, the HJPC is outside the control of the legislative and executive powers, which is unprecedented in democratic systems of power-sharing. Namely, the reports on the work of the HJPC *are duly noted* by the representative bodies of the state and the entities without any implications.

The Law on the Court of BiH<sup>10</sup> and the Law on the Prosecutor's Office of BiH<sup>11</sup> were imposed by the OHR, after which they had to be adopted with the same wording in the Parliamentary Assembly of BiH. Within these two institutions, special departments for the prosecution of war crimes were established. The BiH Court has usurped jurisdiction in a manner that, under the pretext of protecting the legal order of BiH, it can exclude and place under its jurisdiction, without any justification, the prosecution of criminal offenses prescribed by the entity criminal legislation. The anomaly is also that the Court of BiH decides on the conflict of jurisdiction that takes place between itself and any other court.

Finally, the work of the Court and the Prosecutor's Office of BiH was also characterized by the practice of engaging foreign judges and prosecutors. More specifically, from their creation, more than 70 foreign prosecutors and judges from the West European countries and the United States have introduced into these judicial institutions of the continental legal system an Anglo-Saxon approach by calling on the precedents of the ICTY and other foreign courts.

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<sup>9</sup> "Official Gazette of BiH", 25/2004, 93/2005, 48/2007.

<sup>10</sup> "Official Gazette of BiH", 16/02.

<sup>11</sup> "Official Gazette of BiH", 42/03.

## **PROSECUTION OF WAR CRIMES BEFORE THE COURT OF BiH<sup>12</sup>**

Since the establishment of the Court of BiH in 2002 the indictments against 782 persons have been confirmed.<sup>13</sup> Concerning the national structure of the accused, almost 60% of the confirmed indictments are against Serbs, and concerning the nationality of victims, it is evident that the indictments were dominantly confirmed for crimes committed against Bosniaks and mainly non-Serbs.

Despite the decision of the European Court of Human Rights in Strasbourg in the case "Maktouf and Damjanović vs. Bosnia and Herzegovina" in 2013, which prohibits the retroactive application of the criminal law to perpetrators of war crimes, the Court of BiH continued with the application of the stricter law when confirming indictments against perpetrators.<sup>14</sup>

When analyzing the nationality of persons charged with war crimes, indictments against 434 Serbs were confirmed, which makes 55.5% of the total number of all confirmed indictments. The number of accused Serbs is disproportionately high in relation to the number of the accused from the other two constituent peoples, bearing in mind that the indictments were confirmed against 232 Bosniaks (29.7%) and 116 Croats (14.8%). If we are to compare the number of the accused Serbs and Bosniaks, as the two most numerous peoples in Bosnia and Herzegovina, it is evident that twice as many Serbs were indicted.

When analyzing the work of the Court of Bosnia and Herzegovina on war crimes cases, it should be noted in particular that the crimes committed against victims of all constituent peoples in Bosnia and Herzegovina have been prosecuted, but disproportionately, that is, in the majority of cases, crimes committed against Bosniak victims are prosecuted. Most of the persons are prosecuted for crimes committed against Bosniaks, i.e. 354 persons, or 45.3%. For war crimes committed against Bosniaks, the indictments against the Serbs were most often confirmed (282 Serbs are charged with crimes committed against Bosniaks). The indictments were confirmed against 141 Serbs for crimes committed against non-Serbs. Here it is necessary to emphasize that Bosniaks make most of the non-Serb population. As examples, the judgments of the Court of BiH can also be used in cases: S1 1 K003472 09 - Babić Zoran et al. H-KR-08 / 549-2 - Đurić Gordan, H-KR-08 / 549-1 - Ivanković Damir, S1 1 K 013165 13 KRŽ - Knežević Radoslav, S1 1 K013227 13 -

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<sup>12</sup> The text is almost identical to the text published in: Kojic Milorad, The Hague Tribunal and Court of BiH try to determine the sole Serbian responsibility for war crimes, *The Role of VRS Officers in Establishment and Defense of Republika Srpska during Defensive-Homeland War*, Collection of Papers from the Scientific and Professional Conference, Organisation of VRS Officers, Banja Luka, 2018, p.431-434. Statistical data on the Court of BiH are updated as of 1 March 2019.

<sup>13</sup> Total number of the confirmed indictments before the Court of BiH is 758, because 22 persons were indicted in two different cases, and one person in three cases.

<sup>14</sup> Compare: Blagojevic Milan, *Unconstitutional retroactive application of incrimination in crimes against humanity in Court of BiH* (disturbed precedency of law), Official Gazette of RS and Prosvjeta, Banja Luka, 2014, p.7-17

Zečević Saša, S1 1 K 009135 - Četić Ljubiša and S1 1 K003365 Čivčić Petar et al., that is, the war crimes committed on the Koricanske stijene<sup>15</sup> where victims were Bosniaks, as indicated by the verdicts, but sentences were imposed for the crime against the non-Serb population. Also in other cases for crimes committed against the non-Serb population, the Bosniaks most frequently appeared as victims, and Croats were only isolated victims. Considering the fact that mainly Bosniaks make the non-Serb population, we can conclude that the indictments were confirmed against 506 persons for crimes against Bosniaks, which makes almost three quarters of the total number of persons against whom the Court of BiH confirmed the indictments. This means that the indictments for crimes against Bosniaks have been confirmed against 423 Serbs.

For the criminal offense of Genocide, indictments have already been confirmed against 46 persons, all of them are Serbs and all are charged with crimes against Bosniaks. Undoubtedly, the Court of Bosnia and Herzegovina has created a reality in which Bosniaks have the "victim's exclusivity".

A particularly interesting situation is related to the criminal offense of the crime against humanity, which was not prescribed by the Criminal Code of SFRY. This criminal offense is specific because the maximum punishment that can be pronounced by the Criminal Code of BiH is a long-term prison for a period of 45 years.<sup>16</sup> Therefore, in relation to the punishment that can be pronounced, this criminal offense becomes even more serious than the genocide, since the CC of SFRY should apply when imposing a sentence, that is, the prescribed maximum sentence of 20 years.

Concerning the nationality of the charged persons, out of 381 persons, most of them are Serbs. For this criminal offense the indictments were confirmed against 299 Serbs (78.5%), 48 Croats (12.6%) and 34 (8.9%) Bosniaks.

The final sentence has been pronounced against 223 persons, most of them are Serbs, 135 (60.5%), then 54 Bosniaks (24.2%) and 34 Croats (15.2%).

The majority of persons were convicted of crimes committed against Bosniaks - 102 or 45.7%. The number of persons convicted of crimes against the other two nations is disproportionately smaller in relation to the number of persons convicted of crimes against Bosniaks. This is particularly evident given the fact that another 48 persons (21.5%) were convicted of crimes against non-Serbs. We said earlier that only Serbs were tried for crimes against non-Serbs, and that the non-Serbs were mainly Bosniaks. When analyzing this fact, it is evident that 67% of convictions were imposed for crimes committed against Bosniaks. At the same time, only 41

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<sup>15</sup> In cases "Koricanske stijene", 13 Serbs were prosecuted, out of whom ten were sentenced to 183 years imprisonment.

<sup>16</sup> See; article 1 paragraph 41 of the *Criminal Code of BiH*, Official Gazette of BiH, 3/2003, 32/2003, 37/2001, 54/2004, 61/2004, 30/2005, 53/2006, 55/2006, 8/2010, 47/2014, 22/2015, 40/2015 and 35/2018.

persons were convicted of crimes against Serbs, which makes only 18.4% of the total number of convicted persons.

The Court of Bosnia and Herzegovina pronounced sentences of 2,538 years imprisonment, and the practice is to impose draconian sentences on Serbs, because 1,828 years and six months of sentences were imposed on Serbs (72%), while on the other hand Bosniaks were sentenced to 415 years (16.4%), Croats to 294 years and six months imprisonment (11.6%). Sentences imposed on Serbs are not proportionate to the number of convicted persons, because, as previously mentioned, 135 Serbs have been sentenced, which means that Serbs are sentenced to 13.5 years of imprisonment on average, while on the other side 54 convicted Bosniaks were sentenced to the average 7.7 years of imprisonment; and 34 Croats were sentenced to the average 8.7 years of imprisonment. From all this, we can conclude that the Serbs have been sentenced to almost double the sentences than members of the other two nations. For comparison, the average sentence imposed by the Court of BiH for war crimes is 11.4 years.

Even more devastating statistics appears from the analysis of the nationality of victims of war crimes for which sentences have been pronounced. The highest sentences were imposed for crimes committed against Bosniaks, that is, 1,233 years or 48.6% of all sentences. Bearing in mind that the non-Serbs are mainly Bosniaks, this number is even higher and amounts to 1,992.5 years or 78.5% of the total sentences imposed by the Court of BiH. For crimes against Serbs, only 308 years and six months imprisonments were imposed, which makes 12.1% of the total pronounced sentences.

### **POLITICAL AND LEGAL IMPLICATIONS OF THE SENTENCES OF ICTY AND COURT OF BOSNIA AND HERZEGOVINA**

For a long time, different courts, both domestic and those in our neighborhood, and especially the Hague Tribunal, although establishing individual criminal responsibility, have stated in their judgments the most difficult qualifications of Republic Srpska using terms: "joint criminal enterprise of the highest military and political leadership" "genocide", "organized and systematic attack". In doing so, the Republic Srpska Army is proclaimed a criminal organization, and nearly entire military and political leadership of the Republic Srpska from the wartime period has been indicted and convicted. The ICTY, as well as the Court of BiH, through a selective approach to the most serious crimes punishable under international criminal law, seek to place the blame of the tragic war not only in BiH, but also in the former SFRY on the Serbs, making the international community and world public opinion create a negative attitude towards the Serbs and the Republic Srpska.

The attempt to create history based on judgments can have serious legal and political consequences for the Republic of Srpska. There is a less hidden intention to

bring the legal "acquis" of the ICTY and the Court of BiH before the International Court of Justice and thus jeopardize the survival of Republic Srpska before this court.

On the other hand, the existing judicial system in BiH that is artificially created is unsustainable. There are constant calls for judicial reform and for its correct positioning in the system of democratic division of power. For these reasons, in 2011, a Structural Dialogue on Judicial Reform in BiH was initiated between the EU and BiH. One result of the mentioned dialogue is the State Strategy for the Work on War Crime Cases adopted by the Council of Ministers in 2008.

The aim of the Strategy was to comprehensively address issues of violation of international humanitarian law in the war in Bosnia and Herzegovina, and to close a large number of unsolved war crimes cases. The Strategy envisaged solving the most complex and most pertinent war crimes cases within seven years (until the end of December 2015), and other war crimes cases within 15 years (until the end of December 2023), and the appropriate distribution of cases between the judiciary at the level of BiH, the Entities and the Brčko District of BiH, aimed at more efficient prosecution of war crimes cases within the set deadlines.

In order to monitor and supervise the implementation of the Strategy and the realization of the set goals, the Council of Ministers of BiH decided to establish a Supervisory Body for monitoring the implementation of the State Strategy for War Crimes in 2009. In most cases, the competent institutions have not implemented the findings of the Supervisory Body.

Since all goals set by the Strategy have not been achieved within the deadlines, and given the number of war crimes cases pending in the prosecutor's offices in Bosnia and Herzegovina, there is a need for amendments to the Strategy (i.e. the revised Strategy). Despite the efforts of Republic Srpska, the revised Strategy has not been adopted. This is why the only achievements of the structural dialogue are obsolete and it can certainly be declared unsuccessful.

The described selective approach to justice and the continuing ignorance of Republic Srpska's request for reform of judicial institutions at the level of BiH have negatively affected political opportunities and trust in institutions, thus preventing the full establishment and maintenance of lasting peace and co-existence in BiH. In legal terms, this creates uncertainty and compromises the legitimacy of the legal system, which certainly reflects on the overall political arena and situation in such a divided society.

## **CONCLUSION**

The ICTY (Hague Tribunal) and the Court of Bosnia and Herzegovina have not treated in equal and fair way the prosecution of war crimes committed during the war in Bosnia and Herzegovina. The disproportionate number of convicted Serbs, the gravity of the crimes they were charged with, compared with other nations' charges, and especially in relation to the number of Serbian victims, indicate the

obvious bias and arbitrariness of international and domestic judiciary to the detriment of the Serbs.

The ICTY has not fulfilled its primary task, that is, the establishment of peace and trust among the peoples of the former SFRY. Moreover, with its jurisprudence, the ICTY has often adversely affected the work of judicial institutions in Bosnia and Herzegovina. Namely, the ICTY has neither introduced a control mechanism nor prevented obstruction of cases transferred to the domestic courts for crimes committed against Serbs.

The OHR has unconstitutionally imposed the BiH judicial system that has also selectively enforced justice and, through indictments and sentences, proclaimed Serbs the sole perpetrators of crimes in the past war, covering the entire territory of Republic Srpska.

Such a situation has produced an unstable domestic legal and political environment that makes BiH territory unstable, prevents the establishment of trust among the peoples and gives a very bad picture of BiH internationally. At the same time, such selective justice does not contribute to the reduction of inter-ethnic tensions in Bosnia and Herzegovina, and makes it more difficult to build a more efficient state union that would be in the interest of all citizens and equal peoples.

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# THE SANITATION OF THE BATTLEFIELD - HUMAN AND HYGIENIC SANITARY OBLIGATION OF THE RS ARMY, RATHER THAN HIDING THE CRIME

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**Abstract:** The term "asation" or "asation of the battlefield" at one point may sound indictable to individuals, and an order for asation, as an order for a crime, although it is a professional international legal concept in which the warring parties commit to remove human and animal corpses, bio-agents and unexploded ammunition after the ending or stopping of the conflicts. The goal is to avoid infections and subsequent human casualties, and the obligation under the Geneva Conventions exists and has dated back since 1864.

This study is trying to show the asation of the battlefield in every sense, both from the position of duty and the human aspect, and because of the truth itself in accomplishing this truly complex activity. Professional elaboration asation of the battlefield is important because of the border itself that is separation of the asation from the crime. Often, some of the authors, for reasons best known to themselves, do not separate these two terms, since mass graves can also be a consequence of the cleaning of the battlefield.

**Key words:** asation, battlefield, warfare, international law

## INTRODUCTION

Asation, as a measure of the civil protection finds its roots in the battlefield, which contained the moral responsibility of the leadership of the warring parties for determining the number of dead and elimination their corpses. Asation of the battlefield means: "Taking sanitary-hygienic measures and sanitary-technical and other necessary measures and activities on the ground in settlements or facilities in order to find dead and alive animals, as well as removal of all sources and carriers of the danger to the health of people, animals and the environment polluters".<sup>3</sup>

The goal asation of the battlefield is to dignifying the funeral of the dead, protection of the environment and prevention of spreading infectious diseases to humans and animals.

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<sup>3</sup> *Instructions for the disposal of the battlefield*, General Staff of the Army of Yugoslavia - logistics sector -Military publishing institute, 1999. p. 3.

## THE SANITAT. OF ... HUMAN AND HYGIENE SANITARY OBLIGATION...

In contemporary society, asanation represents the moral behaviour and generally accepted practice of modern states, international organizations and institution, both in emergencies and in the war. The Geneva and Hague conventions obliged all warring parties to find, possibly identify and to bury dead as well.

In general, viewed from a legal point of view, but as the military sense, set of the measures and activities, used during the armed conflict; the issue of asanation is identically understood in all countries and applied in practice during armed conflicts.

As it is already emphasized, the term "asanation" includes activities and measures that are being carried out in the field of combat operations or in the areas where these facts have already been completed.

The use of mass tombs for burying more corpses at the same time is permitted only in emergency and war situations when, for epidemic reasons, a large number of corpses should be amenable for a short time. The corpses are buried without coffins; they are arranged in layers, side by side, each layer is sprinkled with a disinfectant and a soil height of 0.5 - 0.75 meters, and one meter high above the level of a mound. Humans are visibly marked as a mass grave.<sup>4</sup>

The Geneva Conventions and additional protocols prescribe the rules for dealing with bodies of deceased people during an armed conflict. A conflict party is obliged to list, as soon as possible, all data that can contribute to the identification of the deceased.

The role of the army in providing humanitarian aid and civilian protection dates back to the establishment of the Berlin Bridge in 1948. Then the *Hague and Geneva Conventions*, as well as the *Additional Protocols*, will try to alleviate the consequences of the war on civilians, prisoners of war and sick and wounded civilians.<sup>5</sup>

### **A CONCEPTUAL DEFINITION OF SANATATION**

In the Old and Middle Ages, numerous wars and natural disasters, especially infectious diseases epidemics, have resulted a large number of deaths. In the records of ancient Egypt, ancient Greece, and from the period of the Roman Empire, there are data on the treatment of the dead from infectious diseases, earthquake and floods victims, the attitude towards the dead soldiers in numerous wars. Depending on the culture and religion, the applicable to rules and regulations, the practice of medicine as a science and the application of the rules and customs of war that existed in the ancient and medieval times, the treatment of the victims was recorded through extreme examples of exceptional examples of humanism until extremely monstrous treatment of the victims.

The asanation of the terrain through the history of mankind after the war, the epidemic of infectious diseases and natural disasters was carried out for the following reasons: a) The bodies of dead and dead people, as well as the remains of

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<sup>4</sup> Kristoforovic-Ilic, M. and ass: *Communal hygiene*, Prometej, Novi Sad, 2002, p. 101.

<sup>5</sup> Baljak, M: *Peace operations of international organizations*, Asoglas, Zvornik, 2018, p. 33-34.

dead animals, were a source of danger (infection) and for these reasons they had to be removed outside the housing, outside the settlement, away from the source of drinking water and agricultural land; b) Different cultures (customs, religions, traditions) have imposed on social communities that in some way they go towards the dead (the transfer of mortal remains, methods and techniques of burial or destruction of bodies, not/marking tombs, individual and collective funerals, etc.); c) Military culture and customs of war have imposed certain methods of dealing with dead soldiers (for example, the formation of memorial ossuary, military cemeteries, megalithic tombs, incineration of the remains of the enemy).

Until the second half of the 19th century, the asanation of the battlefield was not organized because they were killed in a common grave without identification. However, this was also a progression to the old and the middle ages, when the dead were left on the surface of the earth and there were sources of various infections. By adopting the Geneva and Hague Conventions, warring parties commit themselves to finding, identifying, and burial dead and their names are recorded and sent to their units. The first problems arose during the First War of the World, when civilians were often mobilized for burying, while the special units of the army were engaged in the burial of a large number of dead civilians and soldiers in the Second World War, with a tendency to asanation to increasingly place in the civil sector, given the finding that finding, identifying and burying the dead makes it difficult to manoeuvre and slows down the operation of the units. Modern weapons cause a large number of dead people, giving a new dimension to sanitation, which military units increasingly become the problem of society.<sup>6</sup>

In modern society, the asanation of the terrain is regulated by legal norms and represents neither a "legal act", nor a "hygienic-sanitary measure", but also moral (ethical) treatment and generally accepted practice of modern states, international organizations and institutions in peace (in extraordinary situations ), and in the war, too.

In other words, the term asanation is derived from the Latin language, from the word *sanus* which means healthy and, strictly speaking, it is a conceived work on raising the health of individuals by taking measures in order to suppress the agents as a result of natural factors (floods, fires, etc.) for example, conducting military operations. Precisely because of the fact that during the armed conflict the sanitation has a different character than in the peacetime: "*the asanation in the war and elementary disasters includes the finding, identification and burial of the dead, the removal of animal corpses of biological and other wastes, disinfection, deration, repair of water facilities and sewerage ...*".<sup>7</sup>

Showing help to the wounded and burial of the dead are just the part of the asanation that is far more complex and comprehensive as a measure of civil

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<sup>6</sup> Jakovljević, B: *Civil Protection of the Republic of Serbia*, University of Belgrade- Faculty of Safety, 2011, p. 89.

<sup>7</sup>*Illustrated Military Encyclopedia*, First book, Publishing company ZENIT, Beograd, 1939, p.106.

protection.<sup>8</sup> Therefore, the notion of asanation should be considered as a general concept, which in the broadest sense implies the prevention of the spreading the disease, epidemics and other consequences of war destruction, natural disasters, technical and technological and ecological accidents and other dangers in peace and war. This involves the removal and burial of dead bodies of died people and dead animals, as well as the removal of waste and other substances harmful to human life and health. In the narrow sense, the concept of asanation should be viewed as sanitation of the battlefield where human losses are evident. Accordingly, the asanation of the battlefield means finding and collecting human and animal corpses and their burial, removing from the battlefield anything that can be dangerous or harmful to military health.

"Military Lexicon" also considers asanation as general and asanation in the war: asanation (lat.) undertaking sanitary, hygienic and sanitary-technical measures in the field in settlements and facilities in order to eliminate everything that enables the occurrence and spread of infectious diseases and any other damages to health. The asanation in war involves the identification, identification and burial of dead, removal of animal corpses and other waste, disinfection, deration, repair of water facilities and sewerage, and in the case of the use of NHB weapons and decontamination. Asanation is carried out by the unit for the disposal of the terrain and expert working organization.<sup>9</sup>

In the "Regulation on the Organization and Functioning of Civil Protection" under Article 21, Paragraph the second stipulates: communal, construction, transport, health, veterinary enterprises and organizations, professional and scientific institutions, and, if necessary, civil protection and military units, are also engaged in organizing and directly implementing the asanas.<sup>10</sup> The preparation and direct use of companies and organizations are managed and coordinated by the civil protection headquarters.<sup>11</sup> Within the specialized civil protection units, units for sanitation are formed.<sup>12</sup> Civil protection headquarters are in charge of civil protection (republic, district, city and municipal).<sup>13</sup> The "Defence Law" of 1992, in its constituent part as fifth part, deals with civil protection, Art. 31-54.<sup>14</sup> While carrying out civil protection tasks, besides the mentioned companies and organizations, the units of the Army can also appear as a help in these tasks.

Under the asanation of the battlefield, it is implied finding and collecting human and animal corpses and their burial (burial, burning), i.e. removal from the battlefield

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<sup>8</sup> Djarmati, S, Jakovljevic, V: *Civil protection in FR Yugoslavia, third edition*, Beograd, 1996, p. 281.

<sup>9</sup> *Military lexicon*, Military publishing institute, Beograd, 1981, p. 303.

<sup>10</sup> *Decree on the organization and functioning of civil protection*, Official Gazette of the Republic of Srpska No. 15. dated 29 September 1992 Art. 21.

<sup>11</sup> *Ibidem*, article. 22.

<sup>12</sup> *Ibidem*, article, 27.

<sup>13</sup> *Ibidem*, article 29.

<sup>14</sup> *Law on Defense*, Official Gazette of the Serb People in Bosnia and Herzegovina No. 7 from June 1, 1992.

everything that can be dangerous or harmful to the health of people and animals.<sup>15</sup> Thus, the asanation of the battlefield refers exclusively to the battlefield that is, the area affected by combat activities, and not to areas outside the territory where combat operations are carried out. They are executed after the conduct of combat actions among the warring parties and include: finding, collecting and indicating first aid by accidentally left wounded soldiers and their evacuation to health facilities; locating, collecting and providing assistance to left and wounded animals and, if necessary, evacuation to veterinary facilities; finding, collecting and burial (burning) of the dead (dead) and establishing the necessary records; and all types of waste dangerous for the health of soldiers and animals; and the capture of abandoned animals, the collection of military property and personal belongings of wounded (killed, died) military personnel.

The organization and execution of the asanation of the battlefield is the responsibility of the units of the operational part of the armed forces. Assistance in the zones of the activities of the armed forces is the responsibility of the head of that operational part of the armed forces, and outside of these, the responsibility of the socio-political communities.

The implementation of the measures for the relief of the battlefield is not solely a hygienic-technical issue of removing the sources of infection, but above all the issue of general moral and humanitarian rights of people and a sense of respect for the fallen and care of their families. Feeling that every soldier and military officers will be promptly taken care of in the event of wounding, and in case of death that his remains will be treated with a duty pet, and that his family will be timely informed and taken care of, it represents one of the elements of the moral strength of the soldiers and elders.

The provisions of the asanation of the battlefield relate exclusively to the area affected by the combat activities, or the combat fighting carried out by the combatant. All the activities on disposal outside these premises are not within the competence of the military officers and their military units. The collecting of dead bodies of dead persons outside the combat zone is under the jurisdiction of civil protection and its structures. Also, the collection and burial, or burial of bodies of the killed persons outside the battlefield, in an unauthorized manner, or contrary to the Geneva Conventions, does not fall under the provisions of the battlefield asanation. The sanitation of the battlefield as a moral - humanitarian issue refers to providing assistance to its own wounded fighters, as well as providing assistance to wounded enemy fighters, or to the humane treatment of those who died in combat.

### **ASANATION OF TERRAIN IN INTERNATIONAL LAW**

Armed conflicts - wars continue to exist and remain as a true companion for the development of mankind, despite their absolute destructiveness. Attempts to reduce the consequences of this social phenomenon go deep into history and today they are

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<sup>15</sup> *Instructions for the disposal of the asanation*, Federal Secretariat for National Defence, General Staff of the JNA, Belgrade, 1991, p. 3.

promoted to a large extent through one of the branches of international public law, that is, through international humanitarian law. In essence, this is a system of norms classified into numerous international law documents that limit the use of violence through: (1) the protection of persons who do not directly take part in hostilities, and (2) the limitation of violence to the extent necessary to achieve the goal of the conflict, and which – apart from the reasons for the conduct of an armed conflict - can only be a weakening of the military potential of the enemy.

However, it is important to emphasize the inherent limitations of international humanitarian law that primarily relate to the fact that the use of violence is not prohibited and that all persons affected by armed conflict cannot be protected. The breaking point of the ceasefire ceases to be valid after the end of the "*direct involvement in armed conflict*" activity, after which we can talk about prisoners of war, person's *hors de combat*, wounded and deceased persons.

In modern armed conflicts, international humanitarian law is generally accepted, indicating that armed conflicts are not a state of complete chaos and lawlessness where violence is uncontrolled. It is applied in international armed conflicts (between states) and internal armed conflicts (within a state between opposing armed forces, rebel, and guerrilla or secessionist forces).

By ratifying the codified sources of international humanitarian law (by introducing into the internal legal order), states, therefore, their armed forces and the competent state authorities are obliged to respect and observe the provisions of international humanitarian law.

The international humanitarian law requires: the search for missing persons, the obligation to ask the wounded and dead after the fight, as soon as the situation is permitted; the obligation of notification of dead and missing persons, the obligation to keep records of graves and burial; and the obligation to treat mortal remains: respecting the fact that the burial of the burial sites, the graves must be marked, that access to the graves must be allowed, and that there should be appropriate arrangements for the transfer of mortal remains.

These obligations under international law have not been imposed as exclusive, i.e. they reserved only for civil protection units or communal civil services, but they are rights and obligations that are generally applicable to all parties to the armed conflict that they are obliged to implement, respect and facilitate their implementation. What units will perform that (whether military sanitation, civilian protection, health institutions, forensic police units, communal police or the Red Cross) is a matter of organization, capability and commanding.<sup>16</sup>

The Collective Article 3 of the Geneva Conventions, as part of customary international law, reflects the humanitarian principles that are the base of all international humanitarian law, applied in non-international conflicts, but at the same time, it is so common to consider how international armed conflicts are also governed.<sup>17</sup>

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<sup>16</sup> Knezevic-Predic, V. et al: *Sources of humanitarian law*, Faculty of Political Sciences, University of Belgrade, 2007, p. 48.

<sup>17</sup> Baljak, M: *Protected zone - demolition of myth*, SPKD Prosvjeta, Zvornik, 2013, p. 35.

The obligation of the parties to the conflict after the completion of military operations is defined in the implementation of the provisions from all sides in the armed conflict in Bosnia and Herzegovina<sup>18</sup>, and this obligation, in relation to persons who lost their lives during the conduct of military operations, is most often subdued as the battlefield asanation.

There is a significant difference between the determination of the asanation and the obligations that the parties to the conflict must take in the procedure of asanation under the First Geneva Convention to improve the position of wounded and sick in the armed forces in the war of August 12, 1949. Finding the dead, collecting, identifying and burial are contained in the mentioned document of international humanitarian law, but Article 17 of this document additionally obliges: *"The parties in the conflict will ensure that before the burial or burning of the dead, which will be carried out individually, if allowed to do so, careful and, if possible, a medical examination of the bodies will be carry out in order to identify death, establish identity and the opportunity to report on that ..."*,<sup>19</sup> that *"... the bodies may be burnt only if irresistible reasons for hygiene or the reasons that arise from the faith of the deceased require that. In the case of incineration, a remark of all necessary details will be entered in the death certificate or in an officially confirmed list of deaths, with the reasons why the body was burned"*.<sup>20</sup>

In the context of direct armed conflict, the obligation to find the dead is regulated by the II Supplementary Protocol, which obligates the collection and evacuation of obligations. All parties in the conflict must take all possible measures to find and collect the dead people.

It appears that measures and activities are being undertaken in the process of land clearing during the armed conflict and imply that the victims of legal military operations have been killed, that is, they must not be protected persons such as civilians, war prisoners, *horse de combat* persons, women and children. Because of this fact, it has to be considered that the file formed by the military and civil authorities in Srebrenica in July 1995 for the breakthrough from the surrounding, was a legitimate military goal. This is not disputable, as it was confirmed by the Hague tribunal's military expert Richard Butler, that the mixed file was a legitimate military goal and that the fighting actions of the Serb forces against the file during the breakthrough were not a war crime.

## **ASANATION BATTLEFIELD IN THE PRACTICE AND JUDGMENT OF THE HAGUE TRIBUNAL**

Directive for the Background Security of the VRS from 1992, shows that The VRS units also took care of the rules of warfare, with the item 12 where of the directive states of the battlefield sanitation<sup>21</sup> is listed.

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<sup>18</sup> Agreement of application and implementation of international humanitarian law with in the contex of the conflict in Bosnia and Herzegovina, Geneva, May 22, 1992.

<sup>19</sup> *Sources of humanitarian law*, other supplemented and revised edition, Belgrade, 2007, p. 7.

<sup>20</sup> *Ibidem*

<sup>21</sup> GS VRS, *Background Security Directive*, strictly confidential no. 20/22-197 of 03.08.1992, DP 00876238

## THE SANITAT. OF... HUMAN AND HYGIENE SANITARY OBLIGATION...

Background department of the GS of the VRS with a strictly confidential act, number of 20/2-10, dated on 16.03.1993, on the basis of the decision of the Chief of the GS of the VRS, and the need for the cleaning of the battlefields in the Bratunac and Srebrenica districts, ordered that in a medical experts team from ZPMZ Sokolac, MMA and the Vlasenica Health Center be included in the unit for the sanitation of the battlefield formed by DK.<sup>22</sup> The DK command informed the 1<sup>st</sup>zvbr and 1st plpbr, but at the end of the act, it was ordered to include the brigade's medical authorities in accordance with the command of the DK Command confidential number 10/15-113 dated 6 December 1992,<sup>23</sup> which is another indicator that it had been always taken care of the field.

The General VRS headquarters, through an order dated on 17 July 1995, in order to unify the actions in item 5, ordered that the commander of the 1.zlpbr and other brigades, engaged in the search of the terrain provide, through competent authorities, members of civil protection, to perform the field asanation that is needed to be carried out in parallel to the search.<sup>24</sup>

The DK Command with the act number 23-104 of 19.07.1995, sent a request to the GS of the VRS for the asanation of the battlefield, which requires defining a hygienic-epidemiological team, through the 27th LoB for expert assistance in the field of battlefield and terrain, as well as the populated town of Srebrenica, in order to prevent the spread of infectious diseases and the development of widespread epidemics.<sup>25</sup>

In this regard, Commander DK refers to Colonel Ignjat Milanović to investigate the situation in Milići and Bratunac. After the reconnaissance Milanović sends a report to Commander DK.<sup>26</sup> In the mentioned report, it is suggested that the Commander of the 1st Bratunac brigade is appointed commander of all the forces involved in the search of the terrain and the asanation of the battlefields, east of the communication (and in the communication of Kasaba - Drinjača). In cross-examination, General Krstić agreed that he had accepted the offer for asanation of the battlefield.<sup>27</sup>

The fact that the asanation of the battlefield was planned was also proven by the following document of the Hague Tribunal. In the public edited version of the International Court of Justice verdict, Value I, Prosecutor vs. Vujadin Popović and

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<sup>22</sup> Sector for the background of the GS VRS, *Order for asanation*, strictly confidential no. 20/2-10 of 16.03.1993, DP 04261960

<sup>23</sup> Command DK, *The asanation of the battlefield*, confidential no. 23/15-60 of 05.06.1993, DP 04308145

<sup>24</sup> GS VRS, *A mission to combine actions*, strictly confidential no 03/4-1670 of 17.07.1995, DP 00917857

<sup>25</sup> Command DK, *Request for the sanitation of the battlefield - land*, confidential no. 23-104 of 19.07.1995, DP 04312686

<sup>26</sup> Colonel Ignjat Milanovic, *Proposal to Commander DK*, no. 03-253-103-3 of 15.07.1995, DP 00675395

<sup>27</sup> Krstic, T. 6695-6696

others<sup>28</sup> in paragraph 187. it is stated: *At the municipal level, the head of the Civil Protection Headquarters was the President of the Executive Board, and it consisted of the Chief of Staff of the Ministry of Defence, one member of the police and one member of the army, and several members appointed to take care of the implementation of special measures and activities such as first aid, fire protection and rescue, monitoring and "asanation" and cleaning the terrain.*<sup>29</sup>

Point 188 states: *In Bratunac, two units were in charge of asanation or cleaning of the terrain ... Besides that, there was a unit for asanation or cleaning of the ground that was occasionally engaged in cleaning of the environment. It was associated with the utility service company "Rad"....*<sup>30</sup>

In the Military expertise document for Srebrenica, a military expert, general prof. Dr Radovan Radinović states: *"The search of the terrain and the asanation of the battlefield as tactical actions followed the completion of Operation Krivaja-95. They were operated by DK units within their previously defined responsibility zones. This relates primarily to the Bratunac and Milići brigades. Only in the final part of these activities, part of the Zvornik Brigade will engage in its zone of responsibility. Partly be The units of the VRS GŠ will partly participate that subsequently arrived in the wider Srebrenica area as well as the parts of the MUP special brigade. And this is a complete legitimate military activity. It was supposed to shake, i.e. through scouting, observing, demining and removing all other fortification and mine-explosive obstacles to "clear the terrain" and to establish full combat control of the territory in the zones of responsibility of DK units..."*<sup>31</sup>

As a failure to work on sanitation, general Radinović said: *"The biggest failure of the units and commands that did the battlefield asanation is that there are no corresponding reports on this action. There are missing documents on the number of bodies found and buried, places of their burial, etc..."*<sup>32</sup>

The need for the battlefield asanation can be seen from the testimony of General Vinko Pandurević in The Hague. He explained in detail the asanation as a military term. When he was asked what kind of obligations Zvornik was dealing with, in the sense of land sanitation at that time, he wrote a report on the alleged command at that time, Pandurević said: *"Military commanders have a duty to clean the battlefield, i.e. field asanation on which combat operations are carried out. I meant that obligation.. The asanation of the battlefield includes several actions and several stages. One of the first actions or phases in the asanation field is to find and to take care of wounded and sending them to the medical stations; finding and pulling out*

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<sup>28</sup> *Public redacted version of the judgment of the International Court of Justice, Tom I, Prosecutor v. Vujadin Popovic et al, Case No. IT-05-88-T, 10 June 2010, p.187.*

<sup>29</sup> Witness PW-170, DP R02960. Confidential transcript accepted under Rule 92 ter, VT 7863-7864, 7895-7897 (April 20, 2004). In the military context, "asanation" or clearing of the terrain was linked to the removal and transport of wounded and dead soldiers and the burial of the dead.

<sup>30</sup> *Public redacted version of the judgment of the International Court of Justice Tom I, Prosecutor v. Vujadin Popovic et al., Case No. IT-05-88-T, 10 June 2010, p.188.*

<sup>31</sup> Radinovic, R: *Military Expertise for Srebrenica*, Belgrade, 2000, p. 62, DP DT98-33-T

<sup>32</sup> *Ibidem*, p. 63.

*the dead soldiers; Later, after the combat operations, complete field asanation and examination of the battlefield and removal of all substances dangerous for human lives and epidemiological situation in the concrete field are being followed.*"<sup>33</sup>

On request to look at page 6 of document 7D480 "Instructions of hygiene measures and sanitation on the battlefield" of 1991, they agreed on the positions where Pandurević explained that he meant to that definition and thus understood the asanation of the battlefield because during his education at the Military Academy, as part of the Background security, he also studied the problem of cleaning of the battlefield.

Pandurevic further explains the sanitation field: *Sanitation of the battlefield includes the gathering of the dead as well. At that time we had ones that died in the ambush at Crni Vrh. When I talked about the obligations of field assignment, I did not only mean the current obligation, but the activities that will have to be undertaken both, that and the following day, as it happened.*<sup>34</sup>

*During the fight, in the area of Crni Vrh and in Baljkovica, 15.07. and 16.07.1995, there were wounded and dead The Zvornik brigade members, as well as a large number of killed members of the 28th Division. The Zvornik Brigade found the wounded and took medical care of them, collected dead bodies and removed them from the battlefield. Tenth of dead members of the 28th Division were buried in Motovska kosa.*<sup>35</sup> *All these activities were the asanation of the battlefield, which were carried out by the units of the Zvornik Brigade, which is within their jurisdiction.*<sup>36</sup>

## CONCLUSION

The legal basis and primary reason for finding and burial of victims from the aspect of international law derives from the basic principles of international humanitarian law and human rights, family rights to find out about the fate of their missing relatives. This means that the legal basis does not represent the medical and hygienic reasons for the removal of mortal remains in the context of pathoanatomic waste and the potential source of infection on the battlefield, which is the essence of the sanitation of the terrain as it is perceived among us.

During the sanitation of the ground, especially in summer, during the extreme heat, when the bodies rapidly decay, corpses that were located in a radius of several kilometres were collected and buried in standard ones, we can say, military mass graves.

The asanation of the battlefield refers exclusively to the battlefield that is, to the area affected by combat operations but not to areas outside the combat operations territory. The asanation in the documents of the VRS units refers exclusively to the

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<sup>33</sup> Pandurevic, V: *Life is defended by the truth*, BO Zvornik, The Hague 2011-Belgrade 2015, p. 123.

<sup>34</sup> Ibidem, p. 409.

<sup>35</sup> During the examination of witness Zoran Jovanović, in the case of IT-5-88T, before the Hague Tribunal, the prosecutor showed the record from the eschat of the fallen victims from Motovska kosa.

<sup>36</sup> Pandurevic, V: *Life is defended by the truth*, BO Zvornik, The Hague 2011-Belgrade 2015, 554.

significance of the asanation of the battlefield, and to the burial of the body outside the battlefield. Therefore, the burial of executed prisoners cannot be considered as asanation of the battlefield, but rather by the asanation in the wider sense of the word.<sup>37</sup>

The collection and burial, or burial of bodies of the killed persons outside the battlefield, in an illegal manner, or contrary to the Geneva Conventions, does not fall under the asanation of the battlefield. The asanation of the battlefield as a moral-humanitarian issue relates to providing assistance to its own wounded warriors, as well as providing assistance to wounded enemy warriors, that is, humane treatment of those who were killed in combat.<sup>38</sup> After the war operations in the area of Srebrenica, in the VRS operation related to July the 11<sup>th</sup> in 1995 and several days of fighting with Muslim forces during the breakthrough from the surrounding area, according to Muslim sources, the death toll is more than 2,000 dead, which demanded the asanation of the terrain, considering the summer situation and the high temperature in the zone of operation.

Over the years numerous Bosniaks' and international circles unwarrantedly accuse the Serbian side of hiding crimes, claiming that actions of relocating dead and burial of killed prisoners in special graves were planned, although there were the most dead people during the battle breakthroughs of the Muslim forces from Srebrenica, which demanded rapid asanation of the battlefield and essentially it represents the human and medical obligation of the Republic of Srpska's Army.

Due to propaganda, the Serbian side has been charged for misusing of the battleground asanation done by the Bosnian Serb Army and claims that those actions were planned process of burial of killed prisoners and the concealment of the actual dead, during the breakthroughs of the Muslim forces from Srebrenica. Therefore, it can be understood a very complex situation, which is arising from the obligations of asanation as civil protection activities and economic and public enterprises, as well as the obligation to battlefield asanation that represents activities after the operation of the VRS in a particular zone.

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<sup>37</sup> Ibidem, p. 553.

<sup>38</sup> Ibidem

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## SIX SOURCES OF THE SREBRENICA LEGEND

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**Abstract:** The stereotypical myth of Srebrenica dominates in the international readers for decades, predominantly focused on the demonization of the Serbian people and the continuation of unfounded allegations of genocide. The text will describe the basics of the Srebrenica myth and their unfoundedness, i.e. describes the need of a Western policy presenting the Serbian people for being genocide and presenting them as people who do not belong to the civilized people.

**Keywords:** *myth of Srebrenica, genocide, international propaganda, The Hague tribunal, anti-Serb hysteria*

Fifteen years ago, there was such a deluge of propaganda that only very few attempted to go back upstream to examine the evidence of a mass execution at the story's source<sup>2</sup>.

If one looks back into the history of the legend of Srebrenica, one will find that a "Srebrenica Massacre" has at least six sources of origin.

### 1. IZETBEGOVIĆ PREPARED THE FALL OF SREBRENICA

Hakija Meholic, former president of the (Muslim) Social Democratic Party in Srebrenica, who served as police chief, was one of Srebrenica's delegates in September 1993 to his party's congress in Sarajevo. After the war, in an interview to the journal Dani, he recounted what Alia Itzetbegovic had told his delegation before the congress began: "You know, I [Izetbegovic] was offered by [US President Bill] Clinton in April 1993 (...) that [if] the Chetnik forces enter Srebrenica, carry out a slaughter of 5,000 Muslims,(...) there will be a [NATO-US] military intervention." <sup>3</sup>

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<sup>1</sup> George Pumphrey was born in Washington D.C. in 1946. While living in political exile in Paris he became a French citizen in 1986. He has been a longtime anti-racist and anti-war activist and independent researcher and author. Today he lives in Berlin, Germany.

<sup>2</sup> He has written various articles among them, "The Srebrenica Massacre", available at: [http://www.ocf.berkeley.edu/~bip/docs/kosovo\\_polje/srebrenica\\_hoax.html](http://www.ocf.berkeley.edu/~bip/docs/kosovo_polje/srebrenica_hoax.html) and has written later, together with his wife, the book „Ghettos und Gefängnisse: Rassismus und Menschenrechte in den USA“ Келн, Немачка.

<sup>3</sup> Meholic, Hakija; *5,000 Muslim Lives for Military Intervention; Interview by Hasan Hadzic in "Dani"*, June 22, 1998. (<http://www.ex-yupress.com/dani/dani2.html>) also mentioned in §115 of the Srebrenica Report of the UN Secretary General pursuant to General Assembly resolution 53/35 (1998)

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Though the Srebrenica delegates turned down the offer, this provides an indication of what was needed to sway Western public opinion into accepting a NATO intervention in the Bosnian Civil War on the Muslim/Croat side against the Serbs. The Clinton and Izetbegovic governments had already the idea of a "Srebrenica massacre," even before Serb forces had marched into Srebrenica, to lock Hakija Meholic, former president of the (Muslim) Social Democratic Party in Srebrenica, Bosnian Serbs into a strategic position where they could only accept terms dictated by the West.

### **2. MADELEINE ALBRIGHT PREVENTED THE CONDEMNATION OF CROATIAN MILITARY OPERATION *STORM* IN FRONT OF THE SECURITY COUNCIL**

August 10, 1995, in the midst of the Croat "Operation Storm" against the Krajina Serb population – the largest ethnic cleansing operation of the period carried out with US official and mercenary assistance – US Ambassador to the United Nations, Madeleine Albright, hijacked a closed session of the UN Security Council, which was about to open a discussion on Croatia's "Operation Storm." Albright showed aerial surveillance photos purporting to show that Bosnian Serb troops "committed wide-scale atrocities against Muslim civilians" in the aftermath of the July 12 takeover of Srebrenica. She was not more precise than to say "wide-scale atrocities against Muslim civilians." When the NY Times, the following day, reported on Albright's peep-show, the journal noted: "Ms. Albright's presentation today came as thousands of Serbian refugees fled their homes after a Croatian military offensive, carried out with tacit American approval, overran an area of Croatia previously held by rebel Serbs."<sup>4</sup>

While making her presentation to the Security Council, Albright was already preparing political and public opinion for the fact that there would be no evidence to back up her claims. She warned: "We will keep watching to see if the Bosnian Serbs try to erase the evidence of what they have done."<sup>5</sup> The question today is, where is all that evidence that Albright was keeping her eye on?

### **3. INTERNATIONAL PROPAGANDA ON CRIMES IN SREBRENICA**

August 18, 1995 – also during "Operation Storm" – the Christian Science Monitor published an exclusive "eyewitness" account by David Rohde, their young

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[http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a\\_549\\_1999.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_549_1999.pdf) (S. A/54/549)

<sup>4</sup> Crossette, Barbara; *U.S. Seeks to Prove Mass Killings*; NY Times, Aug 11, 1995. Contrary to the NY Times article, the Krajina was not an area "held by rebel Serbs" but a region where Serbs had been at home for several centuries, in fact longer than Europeans had settled North America.

<sup>5</sup> Weiner, Tim; *U.S. Says Serbs May Have Tried To Destroy Massacre Evidence*; NY Times, Oct. 30, 1995

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ambitious correspondent working out of Zagreb. He claimed to have been to Srebrenica – "without the permission of rebel Bosnian Serbs, look[ing] into charges by American officials that hundreds, perhaps thousands, of Muslims were killed by the Serbs after they overran two UN-protected 'safe areas.' (...) The visit by this reporter was the first by a western journalist to the sites of alleged atrocities near the former safe areas of Srebrenica and Zepa," alleges the journal. In other words, he claims to have gone to Bosnia to confirm what Madeleine Albright had alleged, when she hijacked the Security Council meeting on "Operation Storm."

Journalist and author Peter Brock had long since exposed the methods of work used by western war propagandists, in his excellently researched trail-blazing "Dateline Yugoslavia"<sup>6</sup> report on the degeneration of the news media to become a party to the Bosnian Civil War. In 1993, he wrote: "Reporters tended to foxhole in Sarajevo, Zagreb or Belgrade and depend on their networks of 'stringers' and outlying contacts. Most arriving correspondents spoke no Serbo-Croatian, and interpreters were often domestic journalists or 'stringers' with established allegiances as well as keen intuitions about what post communist censors in the 'new democracies' in Zagreb and Sarajevo preferred. Reporters began to rely on aggressive government spokespeople - the government Information Ministry in Zagreb soon acquired scores of English-fluent publicists, and the Bosnian government also mobilized scores of handlers for the Western media."<sup>7</sup>

In Rohde's "eyewitness" account there was nothing that indicates that the author had actually been in Srebrenica. The article is illustrated with archive photos. There were no photographs of the things he claimed to have seen. Had Rohde written the article in a hotel room or a bar in Zagreb?

After winning the (politicized) Pulitzer Prize for his "Srebrenica reporting", David Rohde inadvertently admitted in an interview with Newsweek magazine (April 23, 1996) that he had not taken a camera on, what he claims to have been, his first trip to Srebrenica. The ambitious journalist, seeking his big scoop, traveled all the way from Zagreb to Srebrenica to gather proof of mass executions, without a camera

Two months later, in October 1995, Rohde did go to Srebrenica and was obviously acting so suspiciously that he was arrested by Serb military personnel, who, according to Rohde, thought he may have been working for the CIA. The Bosnian Serb authorities seemed more than anxious to send him back west.

In his, above mentioned, Newsweek interview, he answers that his "biggest disappointment" about his October trip to Srebrenica was the fact that he was captured. "I was very frustrated because the Serbs ended up getting the film I had of

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<sup>6</sup> Brock, Peter, *Dateline Yugoslavia: The Partisan Press, Foreign Policy*, Number 93, Winter 1993 – 94 pgs. 152 – 172.

<sup>7</sup> Ibid

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these graves, which were the first on-the-ground pictures, pictures of the bones, pictures of the canes taken from old men.” He takes a camera to Srebrenica in October and, from what he reports in the interview, acted in a way that would get him arrested. This allowed him to claim that they took his film “evidence”.

In his Srebrenica “eyewitness” reports in August and in October 1995 Rohde writes of "evidence" of large scale executions, e.g. empty ammunition crates, piles of canes etc all meant to obviously create an image of systematic mass slaughter reminiscent of Auschwitz.

Given the fact that the ongoing exhumations were not producing evidence that could come anywhere close to the original claims of mass executions of between 7,000 and 8,000, Rohde too began to cover his tracks by using imprecise "ambushes," "massacres" and "series of ambushes". In his NY Times article (Jul. 25, 1998) he began referring to "ambushes and massacres" and 2 years later (NY Times July 9, 2000) he writes of "a series of ambushes and mass executions." He gives no indication of how many were supposedly killed in warfare – "ambushes" – which is no war crime. The term "massacre" is merely an emotionally charged term that says nothing about the circumstances.

Whereas David Rohde claimed to have found mass graves, other journalists, who set out on similar expeditions had different results. Mira Beham, a media analyst mentioned in her book, "Kriegstrommeln" (War Drums) that.

"During the months following the fall of Srebrenica, 24 international journalists, among them Mike Wallace of CBS, a BBC team and several CNN journalists attempted to follow the indications derived from the known US satellite photos and all on-the-spot information about known mass graves – to no avail. The results of their fruitless search were not made public."<sup>8</sup>

Although based in Zagreb during the largest ethnic cleansing operation of the Yugoslav civil wars, David Rohde never published an article on Croatia's "Operation Storm," while it was going on.

#### **4. GAMES ABOUT THE NUMBER OF KILLED PEOPLE IN THE SREBRENICA**

Srebrenica was handed over July 12, 1995. Two months later, September 13, the International Committee of the Red Cross issued a press statement which affirmed:

"The ICRC's head of operations for Western Europe, Angelo Gnaedinger, visited Pale and Belgrade from 2 to 7 September to obtain information from the Bosnian Serb authorities about the 3,000 persons from Srebrenica, whom witnesses say, were arrested by Bosnian Serb forces. The ICRC has asked for access as soon as possible

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<sup>8</sup> Beham, Mira, *Kriegstrommeln, Medien, Krieg und Politik*; Deutsche Taschenbuch Verlag, Munich (1996) pg. 228

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to all those arrested (so far it has been able to visit only about 200 detainees) and for details of any deaths. The ICRC has also approached the Bosnia-Herzegovina [Muslim] authorities seeking information on some 5,000 individuals who fled Srebrenica, some of whom reached [Muslim controlled] central Bosnia."<sup>9</sup>

On September 15, the NY Times filed an Associated Press (AP) bulletin with a very different counting:

"About 8,000 Muslims are missing from Srebrenica, the first of two United Nations-designated 'safe areas' overrun by Bosnian Serb troops in July, the Red Cross said today. (...) Among the missing, were 3,000, mostly men, who were seen being arrested by Serbs. After the collapse of Srebrenica, the Red Cross collected 10,000 names of missing people, said Jessica Barry, a spokeswoman. In addition to those arrested, about 5,000 'have simply disappeared,' she said."<sup>10</sup>

To avoid having to directly report Gnaedinger's information to the press, AP simply fanned out its field reporters to interview various ICRC employees, feeding them bits of the information their Western Europe Desk head had published. Their answers were then edited together – out of context – to produce a picture insinuating a large-scale "disappeared and assumed dead" scenario.

One of the NY Times' articles reporting on the scandal of the CIA having manipulated the media into spreading its black<sup>11</sup> and grey<sup>12</sup> propaganda, quotes "an agency official [who] said that the CIA had in the past used paid agents in the foreign bureaus of the Associated Press and United Press International to slip agency-prepared dispatches onto the news wire."<sup>13</sup> This AP bulletin appears to be just that. Having been published by the New York Times, this grey propaganda has been given a "credibility" status, just below that of the "voice of God, himself."

The bulletin published by the NY Times, on September 15, had not only distorted the statement of the Red Cross, it had also disregarded what it had printed in its own pages two months earlier. A few days after the takeover of Srebrenica, the NY Times (July 18, 1995) reported: "some 3,000 to 4,000 Bosnian Muslims, who were considered by UN officials to be missing after the fall of Srebrenica, have made their way through enemy lines to Bosnian government territory."<sup>14</sup> Similarly the Times of

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<sup>9</sup> Former Yugoslavia: **Srebrenica: help for families still awaiting news**; ICRC News 37

<sup>10</sup> AP; Conflict in the Balkans; 8,000 Muslims Missing; *New York Times*; Sep 15, 1995; p. 8.

<sup>11</sup> Black is totally fabricated propaganda

<sup>12</sup> Grey is mixed propaganda, partially true, or stunted facts to give a false impression, such as in the case above

<sup>13</sup> John M. Crewdson, "*CIA secretly built, manipulated a Global propaganda network*," International Herald Tribune (NYT), January 3, 1978

<sup>14</sup> Chris Hedges; Conflict in the Balkans: In Bosnia; Muslim Refugees Slip Across Serb Lines; *New York Times*; July 18, 1995, p. 7. The same day, the *Washington Post* reported the number closer to the upper estimate: "About 4,000 Bosnian army soldiers trudged for five days through Serb-held

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London also reported on August 2, 1995, that "thousands of the 'missing' Bosnian Muslim soldiers from Srebrenica, who have been at the centre of reports of possible mass executions by the Serbs, are believed to be safe to the northeast of Tuzla. (...) For the first time yesterday, however, the Red Cross in Geneva said it had heard from sources in Bosnia that up to 2,000 Bosnian Government troops were in an area north of Tuzla. They had made their way there from Srebrenica 'without their families being informed', a spokesman said, adding that it had not been possible to verify the reports because the Bosnian Government refused to allow the Red Cross into the area."<sup>15</sup>

The distortion of the Red Cross' statement that appeared in the NY Times' – combining the 5,000 of the one group and the 3,000 of the other – is still today, 15 years later, the official count of 8,000 "missing and therefore presumed dead," without the tangible evidence to prove it.

### 5. THE HAGUE TRIBUNAL CHARGES FOR THE GENOCIDE BEFORE THE EXPLORATION OF THE FACTS

Soon after Bosnian Serb forces took over Srebrenica, the Hague Tribunal brought new charges of "crimes against humanity" and "genocide" against the Bosnian Serb leadership, based on the false information spread in the UN Security Council and by the media. For the US government, the main objective was to block these Serb leaders from participating in the peace negotiations in preparation at that time and to pressure them to leave active politics in Bosnia Herzegovina.

Though the ground was soon to thaw in the spring allowing exhumations, the prosecution in The Hague was apparently not anxious to exhume the suspected graves, knowing these would not contain enough evidence for "genocide." They needed other trial-worthy evidence of mass executions to make their indictment of the Serb leadership plausible. They were happy to have the "eyewitness" testimony of Dragan Erdemovic, a Croat, who served in a Bosnian Serb military unit comprised almost exclusively of non-Serb mercenaries.

In early March 1996, Erdemovic, who had fled to Serbia, made contact to correspondents of the (US) ABC-TV station, claiming to have participated in mass executions in the vicinity of Srebrenica as a soldier in the Republika Srpska Army, and asked them to help him "escape to The Hague."<sup>16</sup> He explained that he had participated in the execution of 1,200 Muslim civilians. The journalists then

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territory to escape from Srebrenica and reach a safe haven in Medjedja" (Pomfret, John; Bosnian Soldiers Evade Serbs in Trudge to Safety; *Washington Post*, Jul 18, 1995)

<sup>15</sup> Evans, Michael and Kallenbach, Michael; Missing' enclave troops found; *The Times*; 02 August 1995 p. 9.

<sup>16</sup> Klarin, Mirko; *Defendant for the Prosecution: To the Prosecutors, Erdemovic is above all a valued witness*; The Institute of War and Peace Reporting 1996

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introduced him to the correspondent of the (French daily) Le Figaro, which is credited with breaking this story.

In early March 1996, Erdemovic was arrested in Serbia on charges of having participated in mass executions, but, by the end of the same month, was transferred to the Hague Tribunal. At the time, the media had reported that he had made a deal with the Tribunal prosecution. In exchange for his valuable testimony against the Serb leadership, he was offered the benefit of the "witness for the prosecution" regulation, to be freed from prosecution and have a guarantee of a new life abroad.<sup>17</sup> Of course, the tribunal denied these reports. Even though Erdemovic arrived in The Hague as a witness, the tribunal soon charged him with crimes against humanity, for his role in the executions he had described. He was convicted (November 29, 1996) sentenced to 10 years, which were later reduced to 5 and subsequently freed to live under a new identity in a North Western European country.

Since his conviction, the number 1,200 is officially recorded as the number of civilians executed at the Branjevo farm near Pilica (July 16, 1995). Erdemovic has repeated this number in one trial after another: July 5, 1996 during the public hearing in The Hague of Pres. Radovan Karadzic and Gen. Ratko Mladic – in absentia, again November 19 – 20, 1996 in his own trial, once more on May 22, 2000 in the trial against Gen. Radislav Krstic and again August 25, 2003 as a prosecution's witness in the trial against Pres. Slobodan Milosevic.

Erdemovic claimed that the 1,200 were killed within a period of 5 hours. He claimed they were taken from busses in groups of 10, walked 100 – 200 meters and executed by firing squad. But a simple calculation would have shown that, to have executed 1,200 people, as Erdemovic claims, it would have taken 20 hours if the entire procedure would have lasted but a record 10 minutes for each group. For Erdemovic's version to be true, it had to have taken but 2.5 minutes per group of ten. Neither the prosecutor nor the judge was interested in this calculation. What's more, according to Erdemovic's own testimony, the corpses were buried at the scene of the execution. At the Branjevo farm, there were 153 bodies exhumed. This would constitute a serious war crime, but it would not suffice for charging the Serb leadership with "genocide".

A long-standing observer at the tribunal, Germinal Civikov, provides insight into Erdemovic's real role. Erdemovic gave the tribunal the names of nine others, who, he implied, had participated in the executions or commanded the operation. Also based on his testimony, the prosecution built their case accusing the Serb leadership – not just in Bosnia but also in Serbia of having ordered the massacre of Srebrenica as part of a campaign of "genocide".

The Erdemovic trial was the result of a "plea-bargain," an official practice of

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<sup>17</sup> Cd sg Bosnien/UN/Jugoslawien; *Tribunal verlangt in Belgrad Auslieferung von Srebrenica-Zeugen*, dpa 12.03.1996 - 12:57

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blackmail used in more than 90 percent of court cases in the United States, with a growing application in European nations as well. The major part of the proceedings takes place before one enters the courtroom: in exchange for pleading guilty to a certain number of (lesser) charges, one is promised leniency. This saves the prosecution from having to prove that a crime had been committed and that the defendant was personally involved in committing it. But on the other hand, if the defendant, insisting on his/her innocence to all of the charges, asserts his/her right to a fair trial, if convicted he or she will receive the highest sentence possible, because of not having "saved the state the costs of a full trial."

As one author observed, the Erdemovic conviction was being "heralded as a great 'first' in establishment of global justice. [The Erdemovic] case is considered of great importance to the Tribunal since his confession of taking part in executing over a thousand Muslims after the Serb capture of Srebrenica is considered prime evidence in the Tribunal's 'main event', the future trial of Bosnian Serb leader Radovan Karadzic and General Ratko Mladic."<sup>18</sup>

But there is a catch: "(...) inasmuch as he confessed to his crimes, there was no formal trial and no presentation of material evidence to corroborate his story. In any case, since he had turned 'state's evidence', there would have been no rigorous cross-examination from either a contented prosecution or a complaisant defense regarding the discrepancy between the number of Muslims he testified having helped execute at a farm near Pilica -- 1,200 -- and the number of bodies actually found there by the Tribunal's forensic team: about 150 to 200."<sup>19</sup>

Of the nine other alleged accomplices in the massacre, not a single one has been indicted or even sought. Not having any indication that other indictments were to follow for the mass executions, the presiding judge, Claude Jorda, expressed his astonishment during the first session of Erdemovic's (plea-bargain) trial (November 19, 1996) that the prosecution was not going to call other witnesses to the stand, nor seek the extradition of the other alleged members of the execution commando, whose names they already had. Are there any indictments against anyone except Erdemovic? asked Claude Jorda. Marc Harmon, the prosecutor, responded solomonically that the court must "see it perspectively." In any case, they do intend to bring charges against more suspects in this case – but the indictments are not to be publicly announced.<sup>20</sup>

On the contrary, the alleged commander of the commando, Milorad Pelemis, lives apparently carefree in Belgrade and occasionally gives interviews to Serbian or

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<sup>18</sup> Johnstone, Diana; *Selective Justice in The Hague: The War Crimes Tribunal on Former Yugoslavia is a Mockery of Evidentiary Rule*; The Nation, 22.9.97

<sup>19</sup> Johnstone, Diana; *Ibid*

<sup>20</sup> Civikov, Germinal, *Kalashnikov auf Einzelfeuer: Der Fall Dražan Erdemovic*, "Freitag," 16.09.2005 <http://www.freitag.de/2005/37/05370801.php>

US journals. Another of the alleged accomplices, Marko Boskic, was discovered to be an immigrant near Boston, Massachusetts in the USA. He was arrested and indicted in early August 2004, for having given false information to obtain entry into the United States. By August 23, 2004, the tribunal had already informed the USA that they were not interested in achieving his extradition to The Hague. "We only have a limited mandate and limited resources," explained Chief Prosecutor Carla Del Ponte's advisor Anton Nikiforov. "Boskic will not be indicted; the concentration must be on the leaders."<sup>21</sup> A strange reasoning for a case that is considered the largest and most horrendous crime in Europe since World War II. Could it be that the tribunal was afraid of having to sort out contradicting testimonies, since Boskic, during his interrogation by the FBI, had contradicted Erdemovic in a key point: the number of people executed on the day in question?

"Apart from the admission about the massacre, the key point about Erdemović's testimony is that he alleges that his unit acted on orders from the Bosnian Serb leadership. Yet as Čivikov shows<sup>22</sup> with excruciating attention to detail, Erdemović's own statements about the command structure in his little platoon are self-contradictory and untrue."<sup>23</sup> But the prosecution and judges have sought to maintain Erdemovic's version as the sole official account of what took place at the Branjevo farm, to insinuate that this sort of operation was not isolated but widespread.

It was during cross-examination in the Milosevic trial that things became a bit clearer. "As Milosevic said during his own gripping cross-examination of Erdemović – gripping because, whenever he [Milosevic] started to get close to the truth, Judge Richard May intervened to prevent him from pursuing his line of questioning – there were reports in Serbia of a rogue French secret service unit operating on the territory of the former Yugoslavia and later involved in a plot to overthrow him, known as "Operation Spider". There had also been reports that these people had been present at Srebrenica. The West, it is implied, 'needed' a big atrocity at Srebrenica, and it was indeed immediately following the fall of that town - and thanks largely to pressure exerted by the French president, Jacques Chirac, who took the lead on the matter – that NATO intervened and brought an end to the Bosnian war."<sup>24</sup> (See source number one.)

## **6. GENOCIDE CHARGES IMPLIES SERBIAN GUILT**

The last origin of the legend of a mass execution is the conviction of Bosnian Serb General Radislav Krstic in August 2001, six years after Bosnian Serb troops

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<sup>21</sup> Ibid.

<sup>22</sup> See Civikov, *Geminal, "Srebrenica. Der Kronzeuge"* Promedia, Vienna, 2009.

<sup>23</sup> Laughland, John, *"The Crown Witness at The Hague"*, The Brussels Journal, <http://www.brusselsjournal.com/node/3894>

<sup>24</sup> Laughland op cit.

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marched into Srebrenica, and five years after the ICTY began digging up every molehill in the area to look for bodies. According to the NY Times (August 3, 2001) Gen. Krstic was convicted "of genocide (...) for his role in the massacre of more than 7,000 Muslims by Bosnian Serbs at the town of Srebrenica in July 1995. It was the first ruling of genocide in Europe handed down by an international tribunal." The NY Times failed to inform its readers that Gen. Krstic was not even present in Srebrenica at the time in question. But the article does give important information about the evidentiary basis of the Bosnian Serb general's conviction. The article indicates "Tribunal investigators have exhumed 2,028 bodies from mass graves in the region.

This means that at the time of the verdict, the tribunal had no evidence that the crime Gen. Krstic was convicted of – the summary execution of "more than 7,000 people" – had ever been committed. In a region where a civil war had raged for years, the media and the tribunal parted from the thesis that Serbs were doing all the shooting and Muslims all the dying. During the process of exhumation, the tribunal showed neither interest in the identity of the bodies, nor in the times and causes of death. The tribunal did not even have evidence that more than 2,028 people were dead – regardless of when or under what circumstances they had died. How then could they convict him of the deaths of "more than 7,000" people?

General Krstic was sentenced to 46 years in prison, 4.6 times the sentence of Adolf Hitler's successor, Admiral Karl Doenitz (10 yrs.) and 2.3 times the sentence of Albert Speer (20 yrs.), the Nazi's head architect.

In September 2002, the Documentation Centre of Bosnia's Srpska Republic published its "Report About Case Srebrenica (The First Part)." This report was the result of years of research and investigations. Its conclusions were differentiated in spite of the intense pressure on Bosnian Serbs from the US/West European colonial administration represented, at the time, by Jeremy "Paddy" Ashdown. Under pressure of the colonial administration, the report was withdrawn from circulation, because it did not confirm what the ICTY, the EU and the USA had been claiming. Some copies had already made it into circulation.

From the very beginning of the civil wars that broke up Yugoslavia, it became clear that these were all anti-Serb wars. At any given stage in the breakup of Yugoslavia, local Serbs were being targeted as Serbs and because they were Serbs, be they Krajina Serbs in Croatia, Bosnian Serbs in Bosnia-Herzegovina or Serbian Serbs in the province of Kosovo or throughout the rest of Serbia. For anti-Serbs "a Serb is a Serb is a Serb ..." regardless of what he does, how he thinks, how deeply he bows to the west or how tall and proud he stands as part of the human race. To anti-Serbs it makes little difference if it is Radovan or Marko Karadzic.

Srebrenica was important for involving Serbia in the Dayton negotiations, representing the Srpska Republic. With the accusation of mass executions in Srebrenica and an international arrest warrant for Bosnian leaders, Karadzic and

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Mladic, President Milosevic negotiated on their behalf. Remember "a Serb is a Serb is a Serb...".

History will judge whether this was a political mistake leading to the linkage of Bosnian Serb affairs – and fate – to Serbia. In any case, in public opinion it helped strengthen the strategic design of implicating all Serbs in whatever (wrong) any Serb does.

Over the past 15 years, the ICTY has been trying to pin a mass execution on Serb defendants with little or no success. Therefore they are putting the government of Serbia under pressure to admit to a war crime, it had nothing to do with. "A Serb is a Serb is a Serb...".

There are political forces, particularly in the German-speaking realm, who have sworn vengeance on "the Serbs" not only for having resisted Teutonic conquest throughout history, for being among the victorious in both the First and Second World Wars, but also because it was basically Serb initiatives and interests that united the Southern Slavs across religious lines to create a Yugo-Slavia.

West Germany could only shake off its stigmata as ex-Nazi, if it creates for public opinion a new group to be stigmatized as "worse than the Nazis". Over the past 15 years, some of these forces, particularly in media and politics, have sought to make Serbs "untouchables", not just Bosnian Serbs or Serbs of Serbia, but Serbs in general. A Serb "guilt" is supposed to replace "German guilt" left in public memory by the Second World War.

This can only be accomplished in trivializing German war crimes. Serbs are being accused of having executed up to 8,000 people. German politicians compared this to Auschwitz. In May (1999) a German court convicted the Gestapo helper Alfons Götzfrid to 10 years – suspended sentence – for "complicity in the murder" of 17,000 Jews, while, in the same month the German Supreme Court upheld the conviction and sentencing of Bosnian Serb, Nikola Jorgic to 13 years (his sentence was not suspended) for "genocide" carried out on 30 Bosnian Muslims. Why is there no outcry at this historical revisionism? Why is the Serbian government participating in it?

The anti-Serb propaganda used to create this image, though widespread in the USA, did not originate in the United States and served no strategic purpose for US interests. In this case US-Americans were duped as much as West Europeans. Most US-Americans have no idea who the Chetniks, Handschars, Ustashi or Skandebegs were.

The German "Blut und Boden" ethnic concept of nation and national entity runs counter to multi-ethnic republics. During the post-war period (1945 – 1990), West Germany appeared cosmopolitan, in foreign policy it was discrete. With the annexation of the German Democratic Republic, some in the German leadership saw a chance for Germany to regain the old status as a leading European power, and

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therefore also as a world power, dictating its own conditions and rules. German European policy includes "Germandom" policy, a consolidation of German-speaking regions throughout Europe, while fomenting ethnic dissention, even secessionist strivings, among the ethnic minorities of other nations.

At the 6<sup>th</sup> Fürstenfeldbrucker Symposium for the Leadership of the German Military and Business, held September 23 – 24, 1991, the former CDU Minister of Defense, Rupert Scholz (who is an expert in constitutional law and was the spokesperson for the legal policy section of the right-wing Christian Democratic Party) explained why Germany should promote the breakup of Yugoslavia by recognizing the Slovenian and Croat secessionist Yugoslav republics. He explains: "(...) the Yugoslav conflict undeniably is of fundamental pan-European significance. (...) We believe that we have overcome and dealt with the principle sequels (...) of the Second World War.[By this he is referring mainly to the annexation of the GDR, the German "unification" and regaining full sovereignty from the victorious WW II powers.] But in other areas we are today still confronted with overcoming the consequences of the First World War. Yugoslavia is, as a consequence of the First World War, a very artificial construction, having nothing to do with the right of self-determination. (...) In my opinion, Slovenia and Croatia must be immediately recognized internationally. (...) When this recognition has taken place, the Yugoslavian conflict will no longer be a domestic Yugoslav problem, where no international intervention can be permitted."<sup>25</sup>

The Hague Tribunal has built its entire reputation on the thesis that Serbs – it doesn't matter which Serbs – committed genocide in Bosnia. Srebrenica is their "proof". Now that the ICTY is about to expire, they would like to "go out with a bang." That possibility was handed them on a silver platter when Dr Radovan Karadzic and general Ratko Mladic was abducted to The Hague. Throughout the since Srebrenica, the ICTY has not assembled enough evidence to support either a charge of genocide – under the UN Convention for the Prevention and Punishment of the Crime of Genocide – nor one that summary executions of up to 8,000 people had occurred in Srebrenica, so they have put pressure on the Serbian government to make an official public mea culpa declaration.

### SUMMARY

The taking over of Srebrenica was part of the territorial exchange / exchange of the population in order to achieve a peace agreement before the 1996 American elections. This meant that the Bosnian Serb forces should occupy Srebrenica, Zepa and Gorazde, while the Bosnian Muslim forces should receive the territory of Sarajevo and the Bosnian Krajina with the entry of NATO forces in Bosnia and

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<sup>25</sup> *From the Protocol of the Bildungswerk der Bayerischen Wirtschaft "BBW-Dokumentationsreihe Nr. 20, 1991 pp 20 – 21.*

Herzegovina. It was a plan. In fact, the capture of Srebrenica was part of the territorial exchange / population exchange in order to achieve a peace agreement before the 1996 American elections. Bosnian Serb forces should occupy Srebrenica, Zepa and Gorazde, while Bosnian Muslim forces should receive the territory of Sarajevo and the Bosnian Krajina. It was a plan.<sup>26</sup>

The statements clearly point to the conclusion that in Srebrenica was a massive crime, but that, according to its definition, it could not be characterized as a genocide. For decades, it has been the propaganda about number of dead Muslims in Srebrenica and it has been visible and emphasized on the international scene, and the number has been dramatically increased within a number of international circles and confirmed by Hague Tribunal allegations.

This meant that the Serbian people and its leaders have to be charged with the worst crimes of genocide and, at the same time to justify the revenge of the Western world, in particular Germany, for the losses it suffered from Serbs in the last two world wars. At the same time, the realization of big losses a Muslim in Srebrenica, which was agreed by Alija Izetbegovic with Bill Clinton, was necessary to legitimate the active involvement of NATO in the war in Bosnia and Herzegovina.

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# CROWN WITNESS<sup>1</sup> – THE DOWNWARD OF THE HAGUE TRIBUNAL

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**Abstract:** The mass murder in Pilica near Srebrenica in July 1995 was based solely on the confession of Dražen Erdemović. The court decision on his case from 29 November 1996 was made under an accelerated procedure (guilty plea) resulting from an agreement between the defendant and the prosecutor. The defendant gives a “sincere confession” that serves as evidence against other persons, and on the basis of the confession, the prosecutor pleads with the court to impose the lowest sentence possible to Erdemović, who becomes the crown witness of the Tribunal. The “honest” confession of Erdemović enabled him not to appear at the cross-examination, and to be a witness in all other cases before the Tribunal. Given the enormous gravity of this crime, the fact that the court took Erdemović’s “confession” as sufficient evidence against other persons is absurd. Erdemović as an executor of mass murder becomes a crown witness, but not a defendant for a crime, which permits the procedural code of the Tribunal that obviously allows such a practice.

**Key words:** *The Hague tribunal, crown witness, witness abuse, procedural code of the Tribunal*

## INTRODUCTION

Yugoslav Army arrested two soldiers of the Republic of Srpska Army (VRS), Dražen Erdemović and Radoslav Kremenović in Novi Sad on March 2, 1996. They requested contact with representatives of the International Criminal Tribunal for the former Yugoslavia (ICTY) to testify about the crime in BiH in which Erdemović personally participated. Before the arrest, the two of them talked to journalists: Vanesa Vasić-Jeneković from AVS and Renaud Girard from the Paris magazine Figaro, who published a great article on Dražen Erdemović on March 13<sup>3</sup>. In that

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<sup>1</sup> The name of the original “*Srebrenica - Crown Witness*” in the edition of Albatros Plus from Belgrade, 2009, and in the German language “SREBRENICA. Der Kronzeuge” Promedia, Vienna, 2009.

<sup>2</sup> He is a German researcher and publicist of Bulgarian origin with a residence in The Hague, who was present at the trials in the Tribunal and analyzed the court proceedings.

<sup>3</sup> Drazen Erdemovic was born in 1971 in the village of Donja Dragunja near Tuzla. His mother was a Croat, and his father was a Serb, and he declared himself a Croat. He received a certification in locksmithing. In December 1990, he entered the army at “Marshal Tito” barracks in Belgrade and became a military police officer. He served the military service as a military policeman in Vukovar. He left the military service in the JNA in 1991. Then he worked as a policeman in Croatia. In April 1992, he returned to Tuzla where he was again invited to the JNA. However, he joined the BiH Army, where the majority were Muslims. At the end of 1992, he left the Army of BiH and went to the HVO - Croats. In spring 1993, Erdemović changed his uniform again and joined the Serb army - the VRS. He was received into a new military unit, the 10<sup>th</sup> diversion detachment, which was directly subordinate to the

text, Erdemović claims that he has arranged with the tribunal investigating judge not to raise an indictment against him and that he would be only a witness in The Hague, and not the defendant. After that, he moved with his family to one of the West European countries.

On March 6, Yugoslav authorities launched a court investigation against Erdemović and Kremenović. Erdemović admitted that, in July 1995, with seven soldiers from the 10<sup>th</sup> diversion squad of the Republic of Srpska Army, he shot around 1,200 Muslims in the village of Pilica. On March 7, Richard Goldstone asked the Yugoslav authorities to deliver both of them to the Tribunal. On March 30, Erdemović and Kremenović were transferred to The Hague by JAT plane. On May 22, Kremenović was released and returned to Belgrade.

### **ERDEMOVIC IN THE COURT PROCEEDINGS OF THE TRIBUNAL**

Under the title “We were professionals, not mercenaries”, an interview appeared in the Banja Luka Nezavisne Novine on November 21, 2005, characteristic in many ways. A man who wants to enter history as a professional, and not mercenary, Milorad Pelemeš, commander of the VRS unit, under the name of the 10<sup>th</sup> diversion detachment, who lived with his wife and son in Belgrade, gave an interview. Asked if his address could be known to the Hague tribunal’s investigative authorities, Pelemeš responded that it was certainly well-known. In the interview, Milorad Pelemeš, among other things, claimed that he had not been present at the shooting on July 16, 1995, that he did not know anything about it, that he was in the hospital, which could be investigated. Dražen Erdemović, however, confirmed that Pelemeš was not present during the massacre, but he said that, as the unit’s commander, he was the one who issued an order to shoot Muslim prisoners.

Marko Boškić, before the Boston judicial authorities, claimed that a day before the massacre in Srebrenica, his commander, Pelemeš, “held the revolver on the back of his head” and forced him to join the firing squad. This is only one in a series of contradictions and illogicalities contained in the confession of Dražen Erdemović. Before the delivery to The Hague, he obviously knew that the Tribunal’s prosecutorial authorities were providing protection to certain witnesses which provided for that the witness and his family could get a new identity and a new, socially secured lifestyle in another country as protected witnesses: namely, that nothing from their statements cannot be used against them, which was far more important to him than the “guilty conscience”.

There is a lot of uncertainty about what happened on July 16, 1995 at the Branjevo farm near Pilica. Who issued an order to shoot Muslim prisoners? How was the shooting unit recruited? How was this shooting done? What was the number of victims? Who are those who participated in this crime as perpetrators and what was the individual responsibility of each participant? How did the command, the so-called command chain, proceed? Based on such an investigation and hearing, the

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VRS General Staff, and the composition of the detachment was multiethnic. Erdemović’s line of that detachment had thirty soldiers, including several Muslims, several Croats, one Slovenian and two Serbs.

Tribunal could prosecute all participants. Instead, the Tribunal was satisfied only with the confession of Dražen Erdemović, whose credibility was, even beyond that, as we shall see, very suspicious. Moreover, this confession was raised in the court to the rank of the finally established truth. What is finding the truth in here and what the trial is about???

Milorad Pelemeš, the commander of the 10<sup>th</sup> VRS diversion detachment, was first made public by Bosnian Croat Dražen Erdemović in 1996, in front of representatives of several media and two judicial bodies, declaring a terrible confession that he, as a member of this detachment, committed a terrible crime on July 16, 1995 in the farm Branjevo, near the village of Pilica, participating in the shooting of 1,200 captured Bosnian Muslims from Srebrenica. In addition, he mentioned by first name and family name the other seven members of this unit, who participated in the shooting, as well as the name of their superior, Milorad Pelemeš, who allegedly ordered the shooting of these prisoners.

When asked how many of them he personally shot, Erdemović replied that he did not know exactly, but that it could be - between 70 and 100 persons. On the basis of his confession, according to which he was not only involved in the massive killing, but he also shot personally, the Hague Tribunal sentenced Erdemović to five years in prison on March 5, 1998, of which he had to serve only three and a half years of imprisonment. With this verdict, the story of 1,200 shot Muslim civilians became the most important evidence for a war crime declared by the Tribunal as genocide against Bosnian Muslims”.

Dražen Erdemović, as before, was the only witness who, as the perpetrator, provided evidence of the murder of 1,200 “Muslim civilians”, firstly as a defendant and later as a prosecution witness, in several trials conducted before the Tribunal. He made clear the names of associates and accomplices, and these are: Lieutenant Franc Kos, Marko Boškić, Zoran Goronja, Stanko Savanović, Brano Gojković, Aleksandar Cvetković and Vlastimir Golijan. On the direct question of Prosecutor Herman, in relation to the crimes, Erdemović presented the identity of accomplices. Prosecutor Herman said that: “Whenever the identity of the perpetrators was known to him, Mr. Erdemović told us. The officer responsible of the unit who ordered the murder in Srebrenica was Lieutenant Pelemeš who commanded the 10<sup>th</sup> diversion detachment. The names of members of this group who committed the crime on 16 July 1995 on the farm were also given to us by Mr. Erdemović, Prosecutor Herman said. And it is known that, in expert terms, the 10<sup>th</sup> diversion detachment was under the direct command of Colonel Petar Salapura.

### **INDICTMENT AGAINST ERDEMOVIĆ**

Therefore, the indictment against Dražen Erdemović is based only on his confession. Prosecution authorities are not. What is known to us to date about the shooting of 1,200 “civilians”, committed by eight members of the 10<sup>th</sup> DD VRS at the Branjevo farm, is known only on the basis of what Dražen Erdemović presented. Finally, on the basis of confession of his guilt, Erdemović was finally sentenced to

ten years in prison in November 1996. The judges, therefore, accepted his presentation of mass shooting as true. Different testimony, in fact, does not exist.

During the hearing of Dražen Erdemović in 1996, judges were still astounded that the prosecution did not want to take him to the indictment bench or at least hear any of the perpetrators of this group. Why was the prosecutor satisfied only with the statement of one single perpetrator, the presiding Judge Jorda wanted to know. Where are the others? It is not necessary to worry about this, it has been worked on it, the prosecutor assured the judges. (3, S.74f). This crucial issue of Judge Jorda has never been raised before the court again.

In April 2004, near Boston (USA), Bosnian Croat Marko Boskić was caught. Judicial authorities of Massachusetts found that Boškić had participated in the civil war in Bosnia as a member of the VRS notorious diversion unit, on which he had been silent when he completed a formal request form in Munich for migration to the United States in 1996.

In addition, in 1995, he participated in a mass murder near Srebrenica. Boškić is one of the accomplices whose name was mentioned by Erdemović when he talked about the mass shooting at the Branjevo farm. According to FBI investigating authorities, Boškić admitted his involvement in this massacre. However, when the journalists accredited to the Tribunal wanted to find out from the prosecution, is not it sufficient to request the transfer of Boškić to The Hague, the response was that the institution in The Hague was overburdened, that its capacities were small. It was pointed out that the court must confine itself to “big fish” among war criminals, as Anton Nikiforov, spokesman of the Hague Tribunal’s Prosecution, said on August 27, 2004.

An accomplice in the murder of 1,200 people is not, therefore, a big fish? Why the Hague tribunal’s prosecution led by Carla Del Ponte did not hear any of the accomplices mentioned by Dražen Erdemović, and not to say that they did not even file an indictment against them? The Bosnian Croat Dražen Erdemović appeared before the Hague Tribunal on August 25, 2003, as a prosecution witness in the trial against former Serbian and Yugoslav President Slobodan Milošević.

In the case of Erdemović, according to his own testimony, it is about the murder of 1,200 people! What does it mean for the judicial authorities to call themselves the “International Tribunal for War Crimes in the Former Yugoslavia” and still claim that war criminals are judged according to the international standard of criminal law? It is said there is no justice without truth. The Tribunal’s prosecution authorities provide protection to certain witnesses, which provides that the witness and his family can get a new identity and a new, secured lifestyle in some other country. Perhaps with some of the prosecution witnesses before the Tribunal, this protection program was more important than the guilty conscience itself. As it can be concluded from the text of Renaud Girard in the magazine “Figaro”, he even knew about the possibility that this protection program provided to “protected” witnesses: that the testimony could not be used against themselves. Namely, he, as a perpetrator of the crime, can charge others with his testimony, and not charge himself with such statements in the legal and criminal sense of the word. In other words, a “protected

witness” can be free from guilt and accountability, can get a new identity and, therefore, live freely in any part of the world. It is characteristic, however, how strong trust the authorities of the tribunal’s prosecution had in the witness Erdemović, who was transferred to The Hague at the highest possible speed and, even more, how the prosecution authorities, on the other hand, did not have the will or aspiration to bring up later not a single Erdemović’s accomplice before the Tribunal in The Hague.

*Far from indiscreet ears, he wanted to ease his conscience. Dražen tells a story about the massacre which followed after the conquest of Srebrenica on July 11, 1995. “Our leader, Brano Gojković, ordered us to shoot down ten Muslims lined up front of us, and we killed them by shooting from a distance of ten meters behind them. Brano Gojković’s friends who were with him at the stadium Nova Kasaba executed the order, all of them. I also fired at the target. I had a Kalashnikov and shot with it at the target. In a few seconds, they were all dead.”*

What cannot be read anywhere in any form is: Dražen Erdemović, apparently, with the authorities of the Tribunal’s prosecution, concluded an agreement according to which no indictment would be brought against him and that he undisturbed could live in a western country with his family, under another identity:

*“Dražen reached an agreement with the Tribunal investigator that, as a counter to the testimony, he could settle with his family in a western country. In this way, he ensured that he could appear in the Tribunal as a witness, not as a defendant, and avoid any sentence. In a summary of his report of 8 March 1996 in Le Figaro, under the title “Bosnia - Confession of a War Criminal”, journalist Renaud Girard points to this agreement and passes Erdemović’s statement: “This senior sergeant who summed up these facts, negotiated with the Tribunal in The Hague and in exchange for the promised immunity and the opportunity to settle with a family in a European country, is ready to say everything.”<sup>4</sup>*

And, there is no misunderstanding, as it is said in the text for the third time:

*“The special task executor received in negotiations is the recognition of a soldier who participated in the massacre of 1,200 Muslims after the fall of Srebrenica. In exchange for the promised immunity, he is ready to come to The Hague to testify.”<sup>5</sup>*

In other words, Dražen Erdemović was sure that he, as a witness of the prosecution, can give evidence that charges him as an accomplice, without having to fear the sentence or consequences. Who gave him such a promise, of course, we do not know, but he had to get it, because otherwise how could Renaud Girard reach such an assertion and conclusion. Exemption from sentence as a reward for pleading guilty to another – that is why Erdemović could especially dare to embark on a trip to The Hague, allegedly “to relieve his conscience”. The fact that he was brought before the judges as a defendant had to be bitterly disappointing for him. Did he perhaps want to say something about it when, as a defendant, the judge gave him the word for the first time on the 31 May 1996? Too bad he was immediately interrupted. When asked by Judge Jorda whether he was aware that he could defend himself

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<sup>4</sup> Civikov, *Srebrenica, Crown Witness*, Promedia, 2009, p. 31-32.

<sup>5</sup> *Ibid*, 37, 38, (1.C.22).

publicly before the court and whether he understood what it was about, the indicted Erdemović made a statement: “*Your Highness, allow me to explain, please. Before this indictment against me was raised...*”

Too bad he was immediately interrupted by Judge Jorda: “*Excuse me, Mr. Erdemović, like everyone in this Tribunal, I follow the rules at the moment which are our status rules, the rules of the International Tribunal. This is a way of dealing with all defendants.*”

The indictment reads: “*On 16 or around 16 July 1995, Dražen Erdemović and other members of his unit were informed that, in the course of the day, a group of men, Bosnian Muslim civilians from Srebrenica would arrive at the collective farm in Pilica, who had surrendered to Bosnian Serb soldiers or police authorities. Each bus was full of Bosnian-Muslim men aged 17 to 60. Bosnian Muslim men were taken off each arriving bus in groups of ten, accompanied by members of the Tenth Diversion Detachment, on the field in front of the building on the farm, and rowed with their backs facing Dražen Erdemović and members of his unit. On 16 July 1995, Dražen Erdemović shot and killed unarmed Bosnian Muslim men and participated with other members of his unit and soldiers of another brigade in the shooting and killing of unarmed male Bosnian Muslims at the farm in Pilica. In this random shooting, hundreds of male Bosnian Muslim civilians were killed.*”<sup>6</sup>

#### **AGREEMENT WITH THE TRIBUNAL FOR THE PROSECUTION OF SERBS AND VRS**

What restraint is there where a specific number of victims is expected? What are “other members and adherents”, when it comes to seven participants, whose names are listed. What insecurity in the date of the crime, not 16<sup>th</sup> but around 16<sup>th</sup> July? And yet they were informed that the buses were arriving. Who informed them? And what type of civilians were those who surrendered? Are soldiers only those who can “surrender”? What is particularly striking in the indictment is a very careful assessment of the number of victims. Erdemović always spoke about the number of 1,000 to 1,200 victims. Was this number too high for the prosecutor, so he opted for an indefinite number of *hundreds* of those killed?

So, it is not known. How would you know if no one wants to hear those who might know? If it is about hundreds, it is somewhere between 100 and 900? Nevertheless, this uncertainty would not bother the judges several months later so they put a number of 1,200 in the verdict - which is very characteristic and should be kept in mind - without any evidence other than the defendant’s claim.

The problem is the date of shooting at the Branjevo farm. In statements before The Hague, Erdemović claimed that the day of the shooting was on July 20, as claimed by Radoslav Kremenović. Later in The Hague, Erdemović said that he had given the wrong date to a journalist because he had no confidence in her. A convincing explanation!

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<sup>6</sup> Ibid.

The Tribunal's judges expected from Erdemović to confirm the story and confess the guilt on the basis of which the judges would speak up and make a fair verdict. The factual situation, however, was not examined in any way, nor was there any consideration or review of evidence. There was not even cross-examination. The judges assumed that the prosecution authorities had done "conscientiously" their part of the job, because they, like the judges, are obliged to investigate the truth conscientiously and accurately.

On the basis of such a factual situation, the prosecution authorities filed two counts of the indictment against Erdemović: "a crime against humanity" (this count also includes murder) and "violation of the laws and customs of war". Erdemović defined and pled guilty to "a crime against humanity", so the prosecutor withdrew the second count of the indictment. Then, the prosecutor Estberg briefly stated the facts, and for the first time he discovered that soldiers on the farm acted according to the "order" and that they were only given the "order" on the farm to shoot people who were driven by buses. Then something unexpected happened: is there anything else to add, Erdemović said:

*"Your Highness, I had to do it. If I opposed it, I would have been killed with other victims. When I opposed, they said to me: If you are sorry, stand in line with them and we will shoot you. I was not sorry for myself, but I felt sorry for my family, my wife and my son, who was only nine months old at that time, and I could not oppose because they would kill me. That's all I wanted to add."*<sup>7</sup> Suddenly, Erdemović pleaded not guilty! When the presiding judge Claude Jorda asked worryingly about it, he wondered if he knew what he was doing and if he was clear that what he said would have had different consequences for him, depending on whether he pled guilty or not guilty". After all, after currying, Erdemović again confirmed that he pled guilty to a crime against humanity.

All of a sudden, Erdemović pled not guilty! When the presiding judge Claude Jorda asked him anxiously whether he knew what he was doing and whether he was clear that what he said would have different consequences for him, depending on whether he pleaded "guilty" or "not guilty". After all, after meandering, Erdemović again confirmed that he pled guilty to a crime against humanity.

Later on, Erdemović would repeat this scene of his alleged refusal in several variants whenever, as the witness of the prosecution, stated his story and by quoting Brano Gojković as the person who forced him, under threat of death, to shoot other people. What the truth is, we certainly do not know, because the prosecution authorities of the Tribunal in The Hague were not interested in any Brano Gojković, even if somebody would offer him to the Tribunal to hear him as a witness. Even more interesting is that even judges were not interested in any other perpetrator of the massacre. Only later at the hearing on November 19, 1996, they courageously and cautiously asked the prosecutor: where are Erdemović's accomplices and why are not they indicted? To this question the judges did not receive a satisfactory explanation or explanation that would speak anything. So they accepted once forever

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<sup>7</sup> Ibid. pp 34-35.

the pronounced Erdemović's claim in the indictment, without any further examination, as the basis for passing many verdicts in the Tribunal and as a crown evidence of the event itself, which is characterized as "*the genocide against the Bosnian Muslims*". As the prosecution authorities produced evidence by the indictment at the same time. And it is too much even for the legal layman!

From the plethora of documents it is more than obvious that Erdemović was an unreliable witness who gave statements and interviews depending on where and to whom he gave them. The judges were not suspicious enough to check this by cross-examination or other witnesses. In a hearing in The Hague on April 24, 1996, led by investigators Rues and Nicholson, in the presence of Erdemović's lawyer Babić, Erdemović could not explain, bearing in mind the ranks of some comrades, who had been the commander, who had been superior or subordinate. From his statement, it turned out that everybody had commanded everybody and nobody had listened to anyone, and the "task" was done? Erdemović concluded: he and three other soldiers of the Bijeljina squad were under the command of Franc Kos and the rest were commanded by Brano Gojković.

Instead of the investigator Rues's clarification who had commanded this unit, he resorted to a quasi-pragmatic solution, accepting Erdemović's story that there had been only four soldiers under the command of Lieutenant Kos, while the remaining four from the Vlasenica squad were not. "The lieutenant colonel who was there spoke only with Brano Gojković, and when the lieutenant colonel left, Brano gave the soldiers instructions and orders".

The problem, however, was not cleared this way at all. It was impossible for a single soldier, without any rank, to order and command a squad, that is, that the unit had two commanders: one lieutenant and one soldier without a rank. In the order of ranks and chain of command as presented by Erdemović, obviously something was wrong, casting a shadow over his entire story, but it was necessary for the prosecution authorities to prosecute Radovan Karadžić and General Ratko Mladić. They needed a command chain with a clear sequence of ranks, so that the orders of the General Staff would extend to the lowest level.

### **ERDEMOVIC UNRELIABLE WITNESS WHO SERVES THE PROSECUTION**

The judges wanted to examine Erdemović extensively in order to reach a verdict that was appropriate to (evil)act. Of course, this was not about the factual condition of such as stated in the confession, but they wanted to ask Erdemović about his personality and his story, to find out what led him to the act he committed. It was also necessary to examine two defendant's witnesses who would give evidence of his personality, which could relieve him of some charge. However, it appeared to the judges that they needed to hear first the expert opinion of the psychologist and psychiatrist about the defendant, after he left a confusing impression on them. The hearing was postponed, and the opinion of experts was received, thus the defendant was declared incapable for hearing.

However, after a month, despite the ban of “experts” to give statements, Erdemović appeared as a crown witness in the case against Radovan Karadžić and General Ratko Mladić.

From all Erdemović’s statements it can be concluded that the main motive for moving from one to the other and finally to the third army was that he and his family survive. In other words, in this civil war, Erdemović was a mercenary. After all, the 10<sup>th</sup> diversion detachment was made up of mercenaries. That was also the case with Lieutenant Commander Pelemeš, whose superior was, according to the expert line, Colonel Salapura, head of the intelligence department at the VRS GS. The prosecutor was interested in nothing but to prove that Erdemović was under command of the VRS General Staff, whose boss was General Ratko Mladić. So, in this process against Erdemović, it was all about securing the basis for an international arrest warrant against Mladić and Karadžić, and Erdemović “gave evidence” that the mass murder at Branjevo farm “was ordered” by General Mladić himself. It was symptomatic that ordinary soldier Gojković guided execution, and Lieutenant Kos was present in the group. And nobody knew who the lieutenant colonel who ordered the group from the background was.

After a brief agreement with the nameless lieutenant colonel, Gojković returned back and informed the group that buses with Muslims from Srebrenica would arrive to be shot. Around 10 the first bus arrived. It contained men from 17 to 70 years old accompanied by two military police officers. Most of the men in the first bus had tied hands and were blindfolded, while in the following buses it was not the case. Gojković issued instructions on how to shoot. It was a meadow, depending on the testimony, 50 to 100 or 200 meters from the place where the bus was parked. The others in charge of the shooting were deployed waiting there. Each subsequent group of about ten Muslim prisoners was brought to this place, and arranged at a distance of 20 meters so that their backs were turned to the executors. Then Gojković issued orders for opening fire and so with other prisoners. When asked by the prosecutor how many buses arrived that day, Erdemović did not know exactly, but said there could be between 5 and 20 buses. The prosecutor asked: “*Mr. Erdemović, how did the bus drivers who brought the victims to the Brinjevo farm behave?*” Erdemovic replied: “*They were horrified. I think that these men did not even know that these prisoners were led to be shot at. They probably thought they were brought to exchange prisoners. And this was exactly what this man between 50 and 60 years old told me, with whom I talked, saying in particular that they were promised so.*”<sup>8</sup>

It is weird that the prosecutor did not show the least interest in such a testimony of bus drivers? What caused the driver to think so? Perhaps it was an exchange order indeed, and that, contrary to this order, these buses were stopped at the border and directed to the farm, so to shoot the captives. And that bus drivers were horrified. The fact that the behavior of the bus drivers did not cause even the slightest curiosity with none of the judges was really a pity. Thus, if the bus drivers were questioned, it would surely throw a different light on this entire affair.

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<sup>8</sup> Ibid, pp. 66-67.

Asked by the prosecutor how many prisoners at the farm were killed by his group and members of the brigade from Bratunac, Erdemović, repeating for the umpteenth time, said that “between 1,000 and 1,200.” All corpses were left in the meadow as they fell. According to Erdemović’s testimony, a nameless lieutenant colonel again emerged from there who said that there were 500 more Muslim prisoners from Srebrenica in Pilica’s cultural center, and that they must be brought in for the job to be done. Then Erdemović said loudly and clearly: “No”! Is not that unusual, even strange? Erdemović, who did not dare to stand up against soldier Gojković and refuse obedience, then opposed the orders of a lieutenant colonel. Erdemović did not want to kill anyone, he said, “He is not a shooting robot.”

Judge Riad finally asked Erdemović: You said that a man named Stanko shot at you in a café bar in Bijeljina after you left the farm in Pilica, why did he actually fire at you? Erdemović: *“My assumption is that one of these people (I mean Brano Gojković) told the commander about my conduct at the farm, and that he probably came to the conclusion that I could not bear it all, and that maybe, which I do not know, one day I could do exactly what I am doing here today, namely, to testify against them.”*<sup>9</sup>

On July 16, 1995, eight perpetrators killed 1,200 Muslim prisoners at the farm in Pilica village, according to Erdemović’s statement. The first bus with 50 to 60 people arrived between 10 am and 11 am. Groups of 10 prisoners were taken out from the bus, and they first had to take out everything they had in their pockets and throw their personal documents in a garage nearby. Then the prisoners were taken to be shot at a distance of 50 to 200 meters. At the command of Brano Gojković, the victims were individually shot at 20 meters. At the end, it was checked whether each victim was dead, and those who still gave signs of life were killed by a revolver. In all the testimonies, Erdemović explicitly confirmed that this procedure had been repeatedly conducted in every new group. Only one group that was taken off the bus was tried to be shot with the machine gun M-84. Brano Gojković and Aleksandar Cvetković came to the idea for the sake of speeding up to use the machine gun. However, most unfortunates were only wounded, therefore they had to solve everything with a revolver, which was a waste of time. Several perpetrators could not bear the groaning and screaming of the wounded, and for this reason there was a prolonged discussion and disagreement. Already after the second or third group, they dropped from the machine gun.

All this took time. However, perpetrators could drink plum brandy during all that time, smoke cigarettes, take rests, and about 15.00 hours, or later, finish the shooting of 1,200 prisoners.

If it is assumed that in this way every ten minutes a group of ten victims were shot, it would be a really short period of time, bearing in mind all the details of the presented procedure. In total, there were supposed to be 120 groups of ten prisoners. If the group after group was shot in a period of about 10 minutes, which would also be unbelievably fast pace, shooting of 1,200 people would take at least 20 hours. No

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<sup>9</sup> Ibid, pp.100-101.

judge would have failed to make such a simple calculation. The judges accepted that it was possible to kill 1,200 people in groups of ten in less than 5 hours. This would mean that it would be possible to shoot 120 groups in 300 minutes, that is, every two and a half minutes per group. Marko Boškić, who was arrested in the United States, said that he had participated in shooting at a farm in Pilica and that prisoners were shot in groups of four to five people, which means there were 240 groups whose members were shot in 300 minutes.

Colonel Petar Salapura, former Chief of the Intelligence at the VRS GS, was a witness in the case of Colonel Vidoje Blagojević and Lieutenant Colonel Dragan Jokić. Colonel Blagojević's lawyer, Mihail Karnavas, asked the witness, the Colonel Salapura, whether the prosecution authorities knew anything about him, whether they ever wanted to find out what he had to say about Srebrenica and the 10<sup>th</sup> diversion detachment, based on the function he performed. No, Salapura replied, pointing out that the authorities did not show any interest in him at all.

Salapura then told what he knew about the role of the 10<sup>th</sup> diversion detachment in the occupation of Srebrenica. All in all, nothing special. On July 13<sup>th</sup>, Salapura phoned the Vlasenica camp (10<sup>th</sup> diversion detachment). He wanted to talk to Pelemeš, but in vain. The soldier told him that the transporter, in which Pelemeš was, had an accident, that one soldier died and the commander was injured and was in the hospital. There were only guards in the camp, all soldiers were absent, they were given free ten days of rest. Prosecutor McCloskey could not believe it. When he got the word the next day in cross-examination, he wanted to catch the witness with the first question: Did Colonel Salapura claim that members of the 10<sup>th</sup> diversion detachment who participated in the mass murder at Branjevo farm, were on leave when they killed? Yes, the witness confirmed. How he knows it, asked McCloskey.

Colonel Salapura said: *"When I returned to my command post in Han Pijesak, I learned that parts of the units that participated in the fighting around Srebrenica were on leave and had permission to go on leave. Commander of the detachment Pelemeš was injured and was missing due to illness, and the rest of the unit was on leave. Only the guards remained in position."*

Prosecutor McCloskey: *"And when did you get this information?"* Salapura: *"On July 13 in the morning"*. On July 16, 1995, eight members of the 10<sup>th</sup> diversion detachment were already on leave for several days, as did other members of the detachment.<sup>10</sup>

After all, Colonel Salapura, in his capacity as a witness, confirmed what Milorad Pelemeš, commander of the detachment, said in 2005 in an interview with *Nezavisne Novine*: *"In the morning of July 12, we received an order that we are free until July 22 and that people go to leave, since we were engaged for 15-20 days. It is strange that the crown witness Erdemović does not mention leave in his statements. Will anyone suspect the credibility of this crown witness? Here it must be borne in mind that it was a pure mercenary unit and why should they act on the basis of someone's command, in their free time especially? Does anyone still want to find out and clarify*

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<sup>10</sup> Ibid, pp. 136.

it? If yes, then where are the other members of this mercenary crowd? Where are the bus drivers? Why does not anyone want to hear them once? Was money and gold from Srebrenica the motive of the massacre? What is the role of French intelligence officers and English SAS officers, etc.?

Prosecutor Mark Harmon presented evidence of the events at Branjevo farm, confirming the guilt confession of Dražen Erdemović for crimes. For this purpose, he examined as the witness the chief investigator, Jean-René Ruez, who, for his part, presented several photographs taken from the air as evidence. Based on Erdemović's information, these aerial photographs were accepted as "relevant" and made available to the Tribunal. So Ruez explained to the judges what he saw on these airborne photos. One photo was allegedly made the day after the massacre, that is, on July 17, 1995, and it was allegedly identifying corpses, perhaps a mass grave in preparation - excavation. On another photo from September 27, 1995, the "traces of works that were performed" could allegedly be detected. So, in the end of August and the beginning of September, the exhumation took place. Exhumation activities were still in progress when the photo was made. It is from the mass grave that, according to Ruez, 153 victims were exhumed. Material evidence for the Branjevo farm massacre, therefore, for 153 corpses, and based on several photographs made by the secret services from high altitude from the air, and they were supposed to present evidence that there were far more corpses.

Since BiH, as the military experts claimed, was under constant satellite observation at the time, the question arises: Why are there no records from the air of the works themselves on the mass grave, as well as on the excavation and relocation of corpses? Why are there no records of people and machines that had to be on the ground? Where are the records of the excavation of the corpses and their relocation? Perhaps a convincing answer could be given on these questions if there was someone to ask them.

To shoot 153 unarmed civilians represents and remains, of course, a very difficult war crime, and all those who participated in it had to be brought to the indictment bench. However, this number of 153 has two great "advantages" compared to the number of 1,200. Firstly, there is material evidence for it, and secondly, it is acceptable that 15 groups of ten prisoners can be shot in five hours, and in the meantime, to have a drink, to have a cigarette, to experiment with machine guns, to abuse, maltreat, and humiliate victims. But the case is that this figure turns out to be somewhat small to be supported by the charge of genocide against Bosnian Muslims, the genocide, as the media declared as undoubtedly the biggest crime committed on the European soil after the end of the Second World War.

### INSTEAD OF A CONCLUSION

The Hague Tribunal issued an indictment against Erdemović on 29 May, which in its content did not differ from that in Novi Sad, and on 29 November 1996, it sentenced him to 10 years in prison for war crimes and crimes against humanity. However, on 5 March 1998, the new trial chamber reduced the sentence to 5 years. In August 2000, Erdemović was released, although he admitted participation in the

murder of 1,200 people. This means that he served sentence for three and a half years for such a crime, and according to the program for protected witnesses, Erdemović was located in Northern Europe with his new surname and appears in the Hague Tribunal as a protected witness in the processes related to the so-called “genocide of Serb forces over the Muslims”.

By a court decision of the International Tribunal for the Former Yugoslavia on the case of Dražen Erdemović, his statement that on 16 July 1995 he participated in the killing of about 1,200 Muslims was accepted. Erdemović claimed that the mass murder was carried out after the orders of the VRS GS, since the 10<sup>th</sup> diversion detachment was directly subordinate to the General Staff. On this crime, Erdemović testified in a series of proceedings: on the process against himself (May 31, 19 and 20 November 1996), on the indictment against Karadžić and Mladić (July 5, 1996) against General Krstić (22 May 1996). May 2000), against Slobodan Milošević (May 3, 2003), against V. Popović and other VRS officers (4 May 2007) and at the trial against Radovan Karadžić (27 and 28 February 2012).

The judges themselves were surprised by the brutality of the statements about the committed crime so they sought the expert opinion of the psychologist and psychiatrist about the defendant, before accepting some of his testimonies, because he gave them a confusing impression. The trials were postponed, and the opinion of experts was received and the defendant was declared unfit for hearing. However, after a month, despite the ban of “expert persons”, Erdemović gave testimonies, as a crown witness in the case against Radovan Karadžić and General Ratko Mladić.

From the abundance of documents it is more than obvious that Dražen Erdemović is an unreliable witness who gave statements and interviews depending on where and to whom he gave them. Nor was it suspicious to the judges all until checking his statement by cross-examination with other witnesses. In a hearing in The Hague on April 24, 1996, led by investigators Ruez and Nicholson, in the presence of lawyer Babić, Erdemović could not explain the ranks of some of his comrades, define who the commander was, who superior-subordinate was. It turns out from his statement that every one of them commanded every one and did not listen to anyone, and the “task” was done? All of this shows the burlesque of the trial at the Hague tribunal to accuse military and political representatives of the Serb people for genocide against Bosniaks, which is contrary to objectivity and truth about actual events in Srebrenica.

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## SREBRENICA AS THE STUMBLING STONE IN THE GENOCIDE ADJUDICATION

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**Abstract:** NDH policy toward the Serbs was directed to convert one-third of Orthodox Christians into Catholicism, to expel from one third from the country and to kill remaining one third. Such a policy towards the Serbs, Jews and Roma supported by the Vatican, represented a genocide aimed at completely or partially destroying a national or religious group.

The Croat Ustasha forces committed the largest genocide in the Second World War by a proportional number of inhabitants. The Vatican smuggled the Croat Ustashes and Catholic priests, charged with war crimes, by certain channels to South America. The Western world and the Vatican gave full support to the return of pro-Ustasha forces to Croatia and to launching of a new genocide against Serbs in order to finally expel them from their homes without any condemnation of the international public.

The descendants of criminals conducted new evildoings in Podrinje from 1992 to 1995 to the Serb people who had suffered genocide in the Second World War, along with the silence of the international public. On the other side, there was the imposition of collective responsibility of Serbs for the genocide against the Muslims in Srebrenica, which was constantly manipulated. This crime provoked the disgust of the international public and justified an armed intervention against Serbs in Croatia and Bosnia and Herzegovina.

**Keywords:** *Srebrenica, genocide, Jasenovac, pro-Ustasha forces, radical Islam, Independent State of Croatia, European Union, NATO*

The documentary, produced with the help of US government funds “with the aim of telling the truth”, was mounted after the time of field visits and shooting. However, its distribution to the public was banned by the Clinton administration, saying that it was not a story “we want to say”. The documentary indeed told the truth and every American should have seen it. This video is impossible to watch without crying.

Thomas Jefferson once said: “If a nation wants to be ignorant and free, in a state of civilization, it wants what never has been and will never be.” We remain ignorant

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without accurate and objective information. Our media and politicians have betrayed us. Perhaps many Americans will read the truth in this transcript and consider their representatives accountable.

The situation in the Republic of Srpska and Kosovo is difficult. The photos taken for the movie are of poorer quality due to such conditions. The personal names and names of places that were in the attachments were difficult to hear and recognize, but he was telling the truth. The emphasis is bold and there is intentionally no photo of the American Richard Ross for the reason of possible repercussions on him in the United States.<sup>3</sup> He is truly a hero who deserves every attention in the struggle for the truth.<sup>4</sup>

### **THE RAPE OF REASON**

Richard Ross spoke in a media studio. "I'm a field producer of this documentary." Mr. George Kenei, the former head of the Yugoslav Department within the US State Department in Washington, under the Bush administration, resigned as a protest against relations towards the Serbs who had paid a high price in past wars in the Balkans. Ignorance connected with the arrogance of American and Western media that refused to put the Yugoslav conflict in a historical perspective. This is a mistake for the American public who has little or no information about who the Serbs are and why they fight so hard for freedom. Simply put, the Muslims, the Croats, the Vatican and its Roman Catholic priests slaughtered countless hundreds of thousands of Serbs in World War II.

In the documentary film, Dr. Biljana Plavšić, the Vice President of the Republic of Srpska, as well as many other Serb leaders, lost most of the families which were slaughtered by the Ustashas during the Second World War. Plavšić repeatedly tried to explain that "the Serb people suffered and had 1,200,000 victims during the Second World War. These people were completely innocent people and they were killed only because they were Orthodox Christians and Serbs."<sup>5</sup>

The procedure is exactly the same as in the Second World War. The only change and difference is that the Serbs today have protected themselves from the Ustasha hand. It cannot be trusted that they are victims again because memories of the tragic events of World War II are still fresh. They had to protect themselves in front of their house, to protect children and to fight. The world public could hear many times, especially in the American media, that the Serbs were aggressors in this war. This is definitely not true at all and such a viewpoint is unacceptable.

Richard Ross points out that on April 10, 1941, the Croats joyfully welcomed the German forces in the capital city of Zagreb, and the declaration of the Independent State of Croatia followed with the blessings of Adolf Hitler, Benito Mussolini, Pope Pius and the Vatican. The Croats treated the Nazis as liberators,

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<sup>3</sup> Richard Ross, Documentary - *Yugoslavia: Untold Story*, Copirihnt RRM Productions.

<sup>4</sup> Wanda Schindley, What represents the movie *Yugoslavia - Untold Story* of Richard Ross.

<sup>5</sup> Ibid.

who supported them wholeheartedly. On April 11, 1941, Radio Berlin broadcast the news: “The people in Zagreb in the Independent State of Croatia have received us as surely as no other soldier was ever welcomed in a foreign country. All the streets are filled with a large number of people which is indescribable enthusiasm. Cries from the hundreds of thousands of throats are ringing “Heil Hitler!” and “Sieg Heil!”

The Serbs refused to cooperate with the Nazis, for which they paid a terrible price. Arthur Hoffman, the German intelligence officer, wrote: “The Muslims are certainly on the side of the Croats.” That is, in fact, what happened on the ground. Franciscan monks and Roman Catholic priests worked in Croatia for a long time in order to sow seeds of religious and ethnic hatred against the Orthodox Serbs. The Ustashas are the Croatian equivalent of German SS forces, especially after the meeting of Ante Pavelić with Adolf Hitler in Berchtesgaden, on June 6, 1941, where the Ustashas were granted Hitler’s permission to slaughter the Serbs. Hitler told Pavelić: “If the Croats want to protect their independence, they must implement a policy of intolerance towards the Serbs and Jews for the next 50 years!”<sup>6</sup>

Accordingly, with the approval of Hitler and the blessing of Pope Pius and the Vatican, a criminal feast of priests, Ustashas, the recognized child of the Catholic Church, which had a demonic nightmare of the Serbs, began. Slaughter was indescribable and unknown to Americans for its bestiality. All this was negated by the Croats and their Ustasha war criminals who returned to the Republic of Croatia again.

From 1941 to 1945, the NDH genocide was systematically carried out in Croatia and Bosnia and Herzegovina and included persecutions and mass killings of other nations. Genocide (Greek genus, gender, people and kill), as an international crime, represents the deliberate total or partial destruction of national, ethnic, racial and religious groups. It belongs to the most severe type of crime against humanity. Unlike ethnic cleansing, where the goal is to “clear” the territory of a particular group of people, the objective of genocide is the physical extermination. Jasenovac was one of the most famous examples of genocide against Serbs in World War II.

The motives for carrying out the NDH genocide were the desire for robbery and enslavement, appeared as a consequence of national and religious hatred. There was condemnation of such crimes for the benefit of victims of genocide through international war law (e.g. the IV Hague Convention of 1907) that protected the civilian population from mass killings and abuse during the war. However, there were no international law regulations to prevent genocide and punish perpetrators. The conduct of fascist authorities in Europe and in the NDH was the planned destruction of the Serb, Jewish and Roma people.

The UN General Assembly’s resolution of December 1948, defined genocide as an international crime and called upon member states to enact appropriate legislation in their legislation and to organize international co-operation for its suppression. In it, genocide is condemned as a crime committed in order to completely or partially

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<sup>6</sup> Richard Ross, Documentary - *Yugoslavia: Untold Story*, Copirinht RRM Productions.

destroy a national, ethnic or religious group (killing members of a group, a serious violation of their physical or social integrity, deliberately subjecting them to living conditions which are calculated to complete or partial physical destruction, measures to prevent the birth of an inner group, forced separation of children from parents and group).<sup>7</sup>

In the new generation, the Ustashes have been introduced in Croatia since the 1990s as heroes who returned to pursue their policies, and Pope Paul tolerated this. He claimed that he was the man of peace even though he had given a papal blessing to the new Ustasha youth to carry out a policy of genocide against Serbs as their predecessors had done in the Second World War. And what about the Jews? Where is their voice in this difficult time and conflict? Have the Jews forgotten thirty thousand slaughtered only in the concentration camp Jasenovac? Jasenovac's horrors are not in historical books, although it was the third most extreme death camp in the whole World War II. Seven hundred thousand Serb men, women and children were brutally killed and Gestapo, after visiting Jasenovac camp, in the report to Heinrich Himmler, called the actions as "sadistic", as well as commanders of the death camp in Jasenovac? It is alleged that the priest of the Roman Catholic Church, Fr. Miroslav Filipović, was one of the leading Ustasha butchers from the Order of St. Francis.

Pope Pius and the Holy Congregation for the Eastern Church on July 17, 1941 approved the mass converting of Orthodox Serbs into Roman Catholicism.<sup>8</sup> This NDH-supported Vatican policy towards the Serbs, Jews and Roma undoubtedly affirmed that it was a classical genocide aimed at destroying a national or religious group in whole or in part (the killing of members of the group, deliberately subjecting them to living conditions that are calculated to complete or partial physical destruction, measures for preventing the birth of the inner group, forcibly separating children from the group).<sup>9</sup>

The Croatian Ustasha forces definitely committed the greatest World War II genocide against a proportional number of inhabitants. The Vatican smuggled Croats and Catholic priests who were accused of war criminals to the South America via certain channels. The Serbs who survived the horrors of World War II genocide no longer could accept that the Ustasha beast was not dead, because the bitch that bore it again was accepted in this generation of Croats.<sup>10</sup>

### **MANIPULATIONS WITH SUFFERING IN JASENOVAC**

In 1989, Franjo Tuđman wrote in his book "The Wilderness of Historical Reality": "The Jew continues to be a Jew in the Jasenovac camp. They kept their

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<sup>7</sup> *Convention on the Prevention and Punishment of Genocide: Adopted by Resolution 260 (III) A of the U.N. General Assembly on 9 December 1948. Entry into force: 12 January 1951.*

<sup>8</sup> On July 17, 1941, Pope Pius and the Holy Congregation for the Eastern Church approved the program of mass converting of Orthodox Serbs to Roman Catholicism.

<sup>9</sup> *Convention on the Prevention and Punishment of Genocide: Adopted by Resolution 260 (III) A of the U.N. General Assembly on 9 December 1948. Entry into force: 12 January 1951.*

<sup>10</sup> Franjo Tuđman and Stjepan Mesić were on their side since the beginning of the new Ustasha uprising in Croatia since 1990.

shortcomings, which have become more visible now, their selfishness, cunning, unreliability, miserliness, depression and secrecy. Some of the Jewish inmates were armed and even participated in the murders.<sup>11</sup> Moreover, the Jews kept the jobs in their hands, that is, the choice of the prisoners in the extermination camp and were partly engaged in their execution.”<sup>12</sup> This was undoubtedly the beginning of the radical revision of the history of Jasenovac.

The Croatian Democratic Union was elected to power in the Republic of Croatia on May 30, 1990. Franjo Tuđman became the President of Croatia, which proclaimed independence from Yugoslavia on December 20, 1990. The bloody Ustasas and the fascist state of Croatia were suddenly reborn. With the new constitution, the Serbs suddenly lost the status of citizens of the constituent people. The cleansing of Serbs from Croatia began immediately after the words of support for the splitting of Yugoslavia and the formation of an independent state arrived from Italy, Germany, Hungary, Austria and the Vatican. Soon the new slaughter and desecration of the “new democratic” Croatia in the Serb regions began. At the center of propaganda, Croatia used the Western media to convince the world that the Croats and their Muslim allies were helpless victims of the attack of bloody Serbs, which was accepted by the world public.

Michael Lees was a British officer who crashed with a plane in Yugoslavia during the Second World War. Just before he died, he went to Yugoslavia and saw the firsthand truth about the new Croatia, so he reacted immediately after his return. It was a lonely voice that cried in the desert, and Americans, as well as many others, did not want to hear or did not understand it.<sup>13</sup>

Michael Lees reported from a destroyed Serb home: “This is just one of the many houses that were destroyed in what seemed to be a deliberate Croatian policy to harass and oppress Serbs in areas where the mixed population was, throwing them out, probably to catch up their lands and possessions, such as politics in 1941 had been. Shall we see a recurrence of this? Neighboring properties were rich vineyards, said an old woman, and now they belonged to the Ustasas. They lived here as neighbors until a new search for Croatian independence and land seizure began, here where this proud Serb people lived for centuries...”

It is a tragedy. And I believe that the duty of the Western world is to prevent this and allow these people who lived there for 700 years or perhaps 1,000 years, to stay in their own land, not endangering anyone, as they always did and as they always wanted.”<sup>14</sup>

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<sup>11</sup> *Wikipedia* Tuđman: Franjo Tuđman's approach to the Holocaust during World War II was called “Croatian Revisionism”, while he was called “the Holocaust Denier” in the book “The Wilderness of Historical Reality” Tuđman denied and diminished the Ustasha crimes during World War II, especially denying and reducing the number of the killed Serbs, Jews and Roma in the Jasenovac camp to several tens of thousands, and diminishing the total number of Jews who were killed during the Holocaust.

<sup>12</sup> Franjo Tuđman, “*The Wilderness of Historical Reality*” (*Bespuća povijesne zbiljnosti*), Publishing Institute of Matica Hrvatske, Zagreb, 1989.

<sup>13</sup> Richard Ross, Documentary - *Yugoslavia: Untold Story*, Copirinht RRM Productions.

<sup>14</sup> *Ibid.*

The genocide is defined by the United Nations Convention on Genocide of 1951 and according to that document it means the planning act of the complete or partial destruction of one nation or religious group, etc.<sup>15</sup> Still, the question remains: who judges, is aggression directed against a nation, ethnic or religious group, or is it part of a “regular” war? Legislation of the European Union has found another way to define genocide. If the death toll in Jasenovac is considered genocide, then it is the duty of states and their representatives to prevent the denial of genocide, which was intensely done by former Croatian President Franjo Tuđman and the entire plethora of new historians who claimed that the number of victims in Jasenovac was minimal moving to dozens thousands, and who also claimed that it was a labor camp.

Unfortunately, the Croats once again showed the world that they were incapable of ruling other nations. No one disputes their right to live in their own country according to their own rules. Let the Croats have their own independent state. You should let them get out of Yugoslavia and take these nasty habits and hate those who are not theirs because the Serb communities want to live in peace in any new form of state that has it.

The testimony of the mass brutality of the Ustashas of the “new democratic” Croatia could be seen by the whole world. However, Western media blamed only Serbs for this war. George Orwell would understand that. A Serb is struggling to preserve and defend his home built by their ancestors for hundreds of years. Given such a relation in the world, there was no way to confront adequately the Western and American media, who became the most effective weapon of their enemies. They led a propaganda war.

Former Belgian Foreign Minister Mark Eyskens said: “I have discovered a very important law that prevailed in our society. A lie, if it is skillfully formulated, immediately becomes the truth. The world public opinion, but even more importantly, the US public opinion is being prepared so that European, Middle Eastern and American politicians would seem morally justified when they ask and send US soldiers to the Balkans to fight and die against our former ally, the Serbs.”

For example, the world press reported that the Serb army surrounded the Bosnian city of Goražde and killed Muslim and Croat defenders. Of course, the media received such information from Muslims and Croats. “I, along with my cameraman from Wales, was the first Western journalist to go to the part of Goražde held by the Serbs. Two British journalists, one from BBC Radio and one from London’s Telegraph, refused to join us. They knew the truth. On the spot, we found a handful of Serb civilian police surrounded and trying to hold the position. We should have gone into Goražde under fire to reach the Serbs. However, British journalists decided not to go to Goražde. They simply drove back to Belgrade and filed reports on a situation where they never actually opened their eyes.”

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<sup>15</sup> *Convention on the Prevention and Punishment of Genocide: Adopted by Resolution 260 (III) A of the U.N. General Assembly on 9 December 1948. Entry into force: 12 January 1951.*

In order to create a fundamentalist Islamic state in Bosnia and Herzegovina, the Muslim authorities did not oppose the killing of their own people as long as they could blame the Serbs for this. Hitler would be proud of them. After all, it was Hitler himself who set fire to the German Reichstag and blamed the Jews for it. Thus on May 27, 1992, the Muslims organized direct action mines in Vase Miskina and Maršala Tita Street in Sarajevo, in a famous bomb attack “Bread”. It would be used for the Serbs to be accused before the United Nations and to turn the viewpoint of the world opinion, accusing Serbs of being butchers and introducing sanctions to them. The television under the control of Muslims in Sarajevo was ready when an explosion took place, so the photos circulated around the world and the Serbs were blamed.

ABC News is still using this footage in its special reports when showing the innocent blood and responsibility of Serbs for crimes in BiH. This was proof that the United Nations needed the “Serb brutality” that night to introduce sanctions against Serbia. Experts for military explosives managed to prove that it was not a Serb mortar attack, as reported, but the Muslims did this with a time-limited remote lighter. When the Serb authorities sought an investigation to prove their innocence, the Muslim officials said that no investigation was necessary - everyone knew that the Serbs had done it. Another great lie that was accepted in the West.

#### **ANTI-SERB PROPAGANDA IN THE INTERNATIONAL MEDIA**

Television networks do not know or care about the accuracy of information. This is the beginning of the SSN’s report on the Serb crimes against Muslims. The head of the SSN News said that Bosnian Foreign Minister Haris Silajdžić pointed out that more than a thousand Muslims had died because they could not defend themselves from better-equipped Serb forces. He came to Washington to seek help from the United States, but he was unlikely to get it. Wolf Blitzer said on that: “Armed with new charges of Serb crimes, the Minister of Foreign Affairs of Bosnia and Herzegovina Silajdžić came to Washington with an alleged moral request for weapons.”

Journalist of the Associated Press David Crary wrote about the difficult situation in Sarajevo. In the above-mentioned article in the Miami Herald, it was stated; “On 6 April 1992, the Serb snipers fired at a peace rally in Sarajevo. So began the war that killed 100,000 people, created at least 1,000,000 refugees, and the terrible term “ethnic cleansing” was added to the language of inhumanity. All the guilt for the suffering was indisputably directed towards the Serbs.”

“I was the only western witness of the Muslim massacre of Serb civilians near Milići. All major news agencies were informed of the massacre of Serbs. Their response might be interpreted by the response of the head of the foreign policy office in the British network BBC. “We do not care about the Serbs.”<sup>16</sup>

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<sup>16</sup> Ibid.

Nobody in the media speaks of hundreds of Serbs who were hostages in the area of Sarajevo under Muslim control. Nobody speaks of many Serb hostages in concentration camps throughout Bosnia and Herzegovina. The media do not talk about the suffering of Serbs in Podrinje with the number range moving to thousands. Richard Ross reported from the burning Serb village. The fires is continuing to mount on all sides in Podrinje and Muslims are trying to destroy Serb homes in order to prevent the Serbs from returning. In the meantime, they have taken Serb victims and showed them as their victims to reporters.

According to the verified documentation, it was established that the Serbs had been expelled from 1,904 settlements, or 42.6% out of a total of 4,464 in which they had been registered in the 1991 census in Bosnia and Herzegovina. Some settlements are ethnically cleared today due to exiles from 1992-1995, especially from the territory of the Federation of BiH from where, after the civil war, over 550,000 Serbs were expelled or 40.0% of the total Serb population in BiH. Finally, according to the lists of December 31, 2009, the Serb human losses amount to 30,707 persons. When it comes to human losses, there are still no reliable data for the municipalities that are still under the control of the Croat or Muslim authorities.<sup>17</sup>

In late January and early February 1993, Muslims in the Podrinje municipalities occupied the territory of over 850 km<sup>2</sup> and started mass killings and burning of villages, as done by their fathers and grandfathers in the Second World War. That undisputed “successful military undertaking” of theirs caused almost complete suppression of many Serb settlements and the great suffering of residents of the Serb nationality in Podrinje.

According to one of several hundreds of documents of the Army of BiH, the following was recorded: “At the end of January and early February 1993, in the zone of responsibility of the 8<sup>th</sup> Srebrenica Operational Group, a free connected territory was established with the center in Srebrenica, which included 95% of the territory of Srebrenica municipality, 90% of the Bratunac municipality, 60% of the municipality of Vlasenica and 50% of the territory of the municipality of Zvornik. A direct physical - land connection with the Žepa region was also established.”<sup>18</sup>

In the new generation as well, the Muslims and Catholic Croats returned to slaughter and oppression of the Serbs in Podrinje, but they were armed this time. The Serbs formed their units to prevent them from being again in the slaughter lines initiated by Naser Orić in Podrinje, where, according to the Serb sources, during three war years, 3,250 Serbs were killed. Armed Serbs responded to the revamped papal apologists, Nazi Croats and Islamic fundamentalists who, after the counterstrikes of the Serb forces and the loss of positions in Podrinje, started crying

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<sup>17</sup> See: Milivoje Ivanišević, “*The Books of the Dead from Srebrenica and Birče 1992-1995*” (*Knjiga mrtvih Srebrenice i Birača, 1992-1995*) (pp. 95-169), listing the names, dates of birth and death of 3,287 Serb victims in that area for the given period of time.

<sup>18</sup> “Command of the 8<sup>th</sup> OG Srebrenica, 07.03.1994, The Defense of the Republic, Military Secret, strictly confidential, to the Department of Morals of the Second Corps, the Enclosure to the ABiH Chronicle Guide, is delivered. The reference your act str. conf. no. 04-1-364-2”.

all over the world seeking help “as innocent victims of the Serb aggression. Western media accepted this fake cry, which came from the Croat propaganda machine and was broadcast worldwide. Joseph Goebbels, the propaganda minister of Nazi Germany, would be proud of their work in propaganda against the Serb people.

The facts show that new crimes in Podrinje from 1992 to 1995 were committed against the Serb people, who had suffered the horrors of genocide in World War II, by the descendants of these same criminals, followed by general silence in the international public. The imposition of collective responsibility of the Serbs for genocide against the Muslims in Srebrenica was an attempt to remove anathema from Croats and Muslims and transfer responsibility to survivors and their families accusing them for genocide with the help of international potentates.

### **MANIPULATING THE GENOCIDE IN SREBRENICA**

A senior UN official in BiH, Phillip Corwin,<sup>19</sup> in the foreword to the book by Edward Herman, said: “On July 11, 1995, the city of Srebrenica fell into the hands of the Bosnian Serb army. At the time, I was the highest civilian official of the United Nations in BiH. In my book “Dubious Mandate” I commented on this tragedy. Apart from condemnation of crimes, I criticized the complete distortions in the reports of international press, not only about this event, but about the wars in ex-Yugoslavia (1992-1995) in general...

In the years since the fall of Srebrenica, the name of the city became synonymous with the alleged Serb genocide against Bosniaks. Books were written, reports were compiled, and radio and TV shows were filled with “evidence” of this crime against humanity. The UN Security Council quickly established the International Tribunal in The Hague to “prove” the guilt of the Serb representatives before the trial. There were killings of civilians in Srebrenica, as well as in other war zones, and not only in Bosnia and Herzegovina, and the perpetrators deserved to be accused and convicted... They believe that there may be no discussion about it. At the same time, the presented facts speak about the eight thousand killed which has been manipulated in the international community, which is unsustainable exaggeration. The exact figure is closer to eight hundred to thousands of victims...

In my case, my biggest mistake was that I dared to defend the United Nations at the time when the burden was supposed to be put on them. The United Nations leadership, which desperately tried to ingratiate America to prevent the complete breakdown of the world organization, could not afford itself the luxury to criticize the only world superpower.”

To confirm 8,000 allegedly killed and killed in the combat, there would have to be huge tombs and satellite images from the air showing executions, burial,

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<sup>19</sup> Phillip Corwin worked in the United Nations for 27 years. For seven years, he was spokesman for Secretary General Javier Pérez de Cuéllar. After participating in peacekeeping missions in Haiti, the Western Sahara and Afghanistan, he became the UN’s top political officer in Sarajevo, and at the time of the events in Srebrenica, he was the civilian coordinator of the mission and the highest political officer in the UN in Sarajevo.

exhumations and reburials.<sup>20</sup> But the search for the bodies confirmed that 2.750 bodies were found by 2003,<sup>21</sup> including bodies of those killed in earlier fights, bodies of Serbs, and bodies that date much earlier. The scarcity of these findings forced the Hague tribunal to reconsider claims of mass transfer of bodies, which is without evidence.<sup>22</sup> It was a period when NATO bombed Serb positions, and the Muslim and Croatian armies, with the help of the NATO Rapid Reaction Force, moved towards Banja Luka. The Bosnian Serb army was in complete defensive, scarce in equipment and resources, including fuel, and did not have the conditions for the exhumation, transport and reburial of thousands of bodies at that time.

The total number of refugees from Srebrenica who survived the massacre, registered by the World Health Organization at the beginning of August 1995 in Tuzla amounted to 35,632. Approximately 3,000 Muslim men reached Muslim lines, and 2,000 were killed in fighting. This gives a figure of 38,632 survivors plus 2,000 killed in combat, which fits into the number of those who lived in Srebrenica before the offensive of Serbs. The population before the evacuation in early July in Srebrenica was in the range of 37,000-40,000. Indeed, the Hague judge Patricia Wald gave a figure of 37,000 as a good estimate.<sup>23</sup>

There are witnesses of the killings in Srebrenica, that is, those who claim to be witnesses. But there are not many, and some had a personal political interest, or were unreliable. Only Dražen Erdemović, the witness and the direct participant, claimed that he had killed 1,200 Muslims with his group. He is an ethnic Croat from a group of paid killers who received 12 kg of gold for his service in Bosnia. His testimony was accepted despite the inconsistency, his problematic past and his mental problems, which were sufficient to free him from trial, but not to testify before the Tribunal without cross-examination. The evidence of this and other witnesses suffer from the misuse of the settlement process, according to which witnesses could receive milder sentences if they cooperate with the prosecution.<sup>24</sup>

It is worth mentioning that a large number of impartial observers in Srebrenica in July 1995 did not notice evidence of a massacre, including members of the Dutch forces present in the “security zone”. Hubert Wieland, chief UN investigator for human rights violations, failed to find witnesses of crimes in Tuzla even after five days of interviews among 20,000 survivors from Srebrenica in a refugee camp. “We

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<sup>20</sup> In June 2005, the Serb activist supporting NATO, Nataša Kandić, forwarded to the Prosecution at the Milošević trial before the ICTY a video cassette recording a shooting of six Muslim prisoners by Serb paramilitaries in 1995 (Tim Judah, Daniel Sunter, “How video that put Serbia in dock was brought to light”, *Observer*, June 5, 2005. <http://www.guardian.co.uk/world/2005/jun/05/balkans.warcimes>.)

<sup>21</sup> See: *Dean Paul Manning, testimony of the witness, Prosecutor v. Slobodan Milošević*, IT-02-54-T, 24 November 2003, paragraph 59.

<sup>22</sup> See: Jonathan Rupert, *Chapter 4, “Playing with Numbers”*.

<sup>23</sup> See, Patricia M. Wald, “*General Radislav Krstić: A war crimes case study*”, *Georgetown Journal of Legal Ethics*, Spring 2003, Vol. 16, No. 3, p. 445. See also: Rupert, Chapter 4, “*Playing with Numbers*”.

<sup>24</sup> See: George Samueli, Chapter 5, “*Ensuring Judgments: Abuse of the Witness Testimony at The Hague*”. Also see: Civikov, *Srebrenica: Crown Witness*.

did not find anyone who saw the crimes with his own eyes”, said Wieland for the Daily Telegraph.<sup>25</sup>

Carlos Martins Branco, deputy director of the UN observer in Bosnia, who interrogated the UN observers in charge of Srebrenica, wrote that estimates of 8,000 victims were “used for manipulation for propaganda purposes”, adding that “at least 2,000 Muslims died in combat with a better-trained Bosnian Serb Army... during over three years of fierce fighting.<sup>26</sup> The figure of 2,000 dead is equal to the number of individual bodies exhumed from Srebrenica tombs in an area designated by the Hague Tribunal by 2003 (between 1,919 and 2,028<sup>27</sup>).

The US officials and Hague tribunal officials confirmed the political importance of the Tribunal’s indictment of “genocide” against Bosnian Serb leader Radovan Karadžić and General Ratko Mladić on July 24, 1995.<sup>28</sup> The Tribunal chief prosecutor Antonio Cassese praised the indictment as “a good political outcome” and noted that “these gentlemen will not be able to participate in the peace negotiations”<sup>29</sup>, which is a political stance that failed to discredit the Hague tribunal in the eyes of the world. “I realized that the International War Crimes Tribunal is a powerful and valuable asset”, said Richard Holbrooke for BBC. “We have used it to keep the two greatest European war criminals, Karadžić and Mladić, out of the Dayton process and to justify everything that followed.”<sup>30</sup>

The Muslim representatives were trying to convince the NATO countries to intervene in their favor for years. There is strong evidence that they were prepared not only to lie but to sacrifice their own population and soldiers to provoke intervention. Some officials claim that President Alija Izetbegović told them that Clinton had suggested that the US military would intervene only if Serbs killed at least 5,000 people in Srebrenica.<sup>31</sup> The abandonment of the commanding staff from

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<sup>25</sup> Tim Butcher, “*Serb Atrocities in Srebrenica Are Unproved*”, Daily Telegraph, 24 July 1995.

<sup>26</sup> Carlos Martins Branco, “*Was Srebrenica a Hoax?*”, Centre for Research on Globalization, 24. jul 2005 (originally published by the author, March 4, 1998).

<sup>27</sup> For a discussion on the figures of 2.028, see: Judge Almiro Rodrigues et al., *Judgment, Prosecutor v. Radislav Krstić, IT-98-33-T*, ICTY, 2 August 2001, para. 73, The figure of 1.919-1.923 was presented by the Serb forensic analyst Ljubiša Simić, who examined the pathological reports submitted to the ICTY in 2002. See: Ljubisa Simić, “Analysis of Srebrenica Forensic Reports Prepared by ICTY Prosecution Experts”, and Simić, “Presentation and Interpretation of Forensic Data (Pattern of Injury Breakdown)”, in: *Deconstruction of a Virtual Genocide*, editor Karganović, p. 69-88, and p. 89-104.

<sup>28</sup> See: Richard J. Goldstone, *Prosecutor of the Tribunal v. Radovan Karadžić, Ratko Mladić*, IT-95-5-I, 24 July 1995, paras. 17-33, 25.

<sup>29</sup> Paul Holmes, “*Karadžić a pariah, says war crimes tribunal chief*”, Reuters, 26 July 1995. Also see Samuelli, Chapter 5, “Ensuring Judgements” in this book.

<sup>30</sup> Richard Holbrooke, “*United Nations or not?*”, *Interview for BBC Radio 4*, 09.09. 2003.

<sup>31</sup> See: Kofi Annan et al., *The Fall of Srebrenica (A/54/549)*, Report of the Secretary-General on the resolution of the General Assembly 53/35, 15 November 1999. According to the document: „Some of the surviving members of the Srebrenica delegation said that President Izetbegović also told them in 1993 that he learned that the NATO intervention was possible in Bosnia and Herzegovina, but that it

Srebrenica before 11 July 1995 and the subsequent withdrawal and breakthrough of Serb-controlled territory made Muslim forces vulnerable and caused great losses in fighting and vengeful killings, which produced the number of victims who, after exaggeration, reached the threshold set by Clinton.

Following the promise of General Ratko Mladić to surrender and to obey the Geneva Convention showed that the withdrawal from Srebrenica was not a military necessity, but a strategic one, with calculated losses in the people considered as the necessary victim in order to achieve a higher goal.<sup>32</sup>

### **SREBRENICA AS A PRETEXT FOR AGGRESSION OF CROATIA AND NATO AGAINST BOSNIA AND HERZEGOVINA**

The Croatian authorities were thrilled with the claims of the Srebrenica massacre because it drew attention from their devastating ethnic cleansing of the Serbs in the planned expulsion of thousands of Serbs from Croatia. In the Operation “Flash” in May 1995, the Croats did not provide a safe passage to the columns of Serb refugees with women and children. “Many Serbs were killed in heavy tank, artillery and airborne bombardment... while they tried to escape across the bridge on the Sava to Bosnia and Herzegovina”, reported Roger Cohen of the New York Times, “and it seems that the assessment of 450 Serb victims given by Gojko Šušak, the Croatian defense minister, is unrealistic.”<sup>33</sup>

Testifying before The Hague Tribunal, French General Philippe Morillon stated: “Naser Orić could not afford to hold prisoners. As far as I remember, he did not even try to find the reason for their killing.”<sup>34</sup> Orić’s forces are responsible for the death of 1,200 Serbs in the vicinity of Srebrenica until March 1993, according to a report submitted to the United Nations by the Yugoslav State Commission for the Investigation of War Crimes, in June 1993.<sup>35</sup> The Serbian researcher Milivoje Ivanišević estimated that, until the end of the war in 1995, the number of the Serb victims rose to 3,287.<sup>36</sup> Nevertheless, despite numerous evidence of Naser Orić’s direct involvement in these horrors, the US State Department, the UN and the major media outlets kept quiet about these crimes. The Orić report was submitted to the

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could only happen if the Serbs had broken through in Srebrenica and killed at least 5,000 inhabitants there...

<sup>32</sup> See Bogdanić, Chapter 2, “*Prelude to the Capture of Srebrenica*”, The Srebrenica Historical Project, Belgrade, 2013.

<sup>33</sup> Roger Cohen, “*Serbia Moves Tanks to Croatia Border*”, *New York Times*, 7 May 1995.

<sup>34</sup> *Transcript of the Milošević Trial*, 12 February 2004, p. 31.966.

<sup>35</sup> See the report submitted to the UN General Assembly and the Security Council: (A/48/177 - A/25835), Memorandum on the War Crimes and Crimes of Genocide in Eastern Bosnia (Bratunac, Skelani and Srebrenica municipalities) against the Serb people from April 1992 to April 1993, Yugoslav State Commission for War Crimes and Genocide, April 1993.

<sup>36</sup> See: Milivoje Ivanišević, “*Srebrenica July 1995: In Search for the Truth*”, *Belgrade, Hrišćanska misao, Second Edition*, 2010, p. 93. In this edition, Ivanišević documents the number from the “Book of the Dead of Srebrenica and Birće 1992-1995” (pp. 95-169), listing the names and dates of birth and death of 3,287 Serb victims in that area and for a given period of time.

UN War Crimes Expert Commission, chaired by Cherif Bassiouni who was appointed by Ambassador Madeleine Albright. In the final version of the Commission report, Orić was not mentioned.<sup>37</sup> Although Orić praised for massacring Serb civilians to the Western journalists,<sup>38</sup> the Hague tribunal spokeswoman Florence Hartmann argued that “the Hague tribunal did not find evidence that there had been civilian casualties in the Serb villages that represented the scene of his operations.”<sup>39</sup>

Charles Boyd, the former NATO deputy commander responsible for intelligence estimates, wrote in the Foreign Affairs that the Croat attack on the UN-protected areas inhabited by the Serbs in Western Bosnia “differs from the Serb actions in the vicinity of Srebrenica and Žepa, also under protection of the United Nations, only by the degree of the western twisting of the hands and the BBC footage that brought to light the latter. Ethnic cleansing is only condemned if conducted by the Serbs, but not against them.”<sup>40</sup> “The judges suggested that only the expulsion of Muslims from Srebrenica was genocide, and essentially equaled ethnic cleansing and genocide. The Hague Tribunal has never declared “ethnic cleansing” of 250,000 Serbs from the Krajina a “genocide”, although many women and children were killed in this case, although ethnic cleansing was applied in a much wider area and to a larger population of victims than in Srebrenica.

The treatment of the Srebrenica and Krajina issue in the Western media followed the same pattern and illustrated how the media could make some victims worthwhile, and other worthless, depending on the political goals.<sup>41</sup> In the Krajina case, the attention was minimal, detailed reports on the state of the victims were minimal, the language of reporting was neutral, and the context was completely understandable because the Croatian attack was a great “uprising” that “softens the enemy”, a “lightning offensive” and it was explained as “the response to Srebrenica”. The US ambassador to Croatia, Peter Galbraith, in the midst of Operation “Storm”, claimed that “the exodus of the Serbs is not ethnic cleansing”.<sup>42</sup> The newspaper did not allow contestation of this opinion. In fact, Croatian operations against the Serbs in the Krajina made Croatia ethnically the cleanest of all republics of the former Yugoslavia.

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<sup>37</sup> See: M. Cherif Bassiouni et al., *Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (S/1994/674)*, UN Security Council UN, 24 May 1994.

<sup>38</sup> See: Bill Schiller, “Muslims’ hero vows he’ll fight to the last man”, Toronto Star, 31 January 1994 and John Pomfret, “Weapons, Cash and Chaos Lend Clout to Srebrenica’s Tough Guy”, *Washington Post*, 16 February 1994.

<sup>39</sup> “No Evidence of Civilian Casualties in Operations by Bosnian Commander”, *Beta news agency*, 11 April 2003; BBC Monitoring International Reports, 11 April 2003.

<sup>40</sup> Charles G. Boyd, “Making Peace with the Guilty: The Truth about Bosnia”, *Foreign Affairs*, September/October, 1995. Summary and Conclusions.

<sup>41</sup> See comparative analysis of Srebrenica and Krajina cases in: Edward Herman, Peterson “*The Dismantling of Yugoslavia*,” pp. 19–26.

<sup>42</sup> “A UN Report: *Bosnian Serbs Massacred Srebrenica Muslims*”, *Washington Post*, 12 August 1995.

John Sray, US lieutenant colonel and military expert in the Balkans, who was in Bosnia and Herzegovina, wrote in October 1995 that “many journalists... have become pawns of the propaganda structures.” Sray continued: “These correspondents often limit the time spent in Bosnia for short stays and miss to understand the real nuances that are in the game in this war... As a result, there are worthless inscriptions that pander Bosnian standpoints and mislead the readers.”<sup>43</sup> “Obviously, this characterization does not describe the reporting of the conflict or the Srebrenica case, but describes the long-term approach of the media and explains why today’s public opinion is dominated by the distorted picture of what happened in Srebrenica and how to help the fate of Bosnia and Herzegovina, Kosovo and Serbia itself.

The Bosnian Serbs wrote a report on Srebrenica in June 2004 to the great pressure of then High Representative Paddy Ashdown, which was greeted in the Western media as a reasonable confirmation: “The Bosnian Serb leadership recognized the responsibility for the massacre of 7,000 Muslim men and boys in Srebrenica” - was a common chorus.<sup>44</sup> Interestingly, even this extorted and imposed report did not tell about 7,800 “missing persons” and raised the question of the integrity of the method of compiling several variable lists of “missing persons”. The Republic of Srpska government “bowed before the victims of Srebrenica”, expressing the hope that the various institutions of Bosnia and Herzegovina would do the same for other innocent victims killed during these wars.

The reduction in the number of victims of the Srebrenica massacre has nothing, or has little to do with evidence, and much more with political interests. The significant number of killings in Srebrenica in July 1995 after the evacuation of the “security zone” is evident. But this figure is no higher than the number of the Serb civilians killed around Srebrenica by Bosnian Muslims from the “security zone” in the previous three years (significantly above 1,000, at one estimate, and all 3,387); and is no greater than the number of Serbs killed in ethnic cleansing conducted by Croats in Western Slavonia and Krajina in May and August 1995 (2,500 or more).

According to the UN Convention, genocide is committed by anyone who intends to completely or partially destroy a national, racial, ethnic or religious group (“protected group”). Therefore, all these acts are punishable as genocide only if they are committed with the intent to destroy a protected group in whole or in part as such (“genocidal intent”). If genocidal intent is not established, all of these acts are punishable, but not as genocide, but as another criminal offense (a crime against humanity, war crimes, etc.).

The ICTY Prosecution charged 19 people for crimes in Srebrenica. The ICTY sentenced 16 defendants to prison terms ranging from five years to life

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<sup>43</sup> LTC John E. Sray, “Selling the Bosnian Myth to America: Buyer Beware”, *Foreign Military Studies Office Publications*, Department of the Army, Fort Leavenworth, October 1995.

<sup>44</sup> Nicholas Wood, “Bosnian Serbs Admit Responsibility for the Massacre of 7,000”, *New York Times*, 12 June 2004.

imprisonment. The case of a defendant VRS member was transferred to the Court of Bosnia and Herzegovina, which sentenced him to a prison sentence. Out of fourteen sentenced for crimes in Srebrenica, three were found guilty of genocide by participating in the so-called Joint Criminal Enterprise (JCE) for killings,<sup>45</sup> and two were sentenced of aiding and abetting genocide.<sup>46</sup> The other indictees were also found guilty of crimes against humanity and/or war crimes committed in Srebrenica, as the ICTY did not establish a genocidal intention in their actions.<sup>47</sup>

## CONCLUSION

The fact is that the Muslim forces, led by Naser Orić, commander of the Muslim 28<sup>th</sup> Division in Srebrenica, during the four years of the war, killed and massacred 3,267 resident Serbs in an extremely monstrous manner, cutting heads to many of them. Behind their criminal ventures, except for the dead Serbs, burned and devastated Serb villages remained. Thus, entire families and many Serb villages were shattered, which was deeply engraved in the awareness of the families of the victims from whom the revenge boiled.

Following the Dutch NIOD Report, London's Guardian wrote: "There is no evidence that Dutch soldiers watched mass executions." The London Times published the article "Milošević acquitted of the massacre" in which it was said: "There is no evidence that the orders of the massacre arrived from Serbia by political leaders from Belgrade and investigators did not find a direct link between the crimes and Radovan Karadžić and Ratko Mladić. Answering the question during Slobodan Milošević's testimony before The Hague tribunal on the conduct of General Ratko Mladić in Srebrenica, Philippe Morillon replied: "Mladić walked into the ambush in Srebrenica, actually into a trap. He expected to encounter resistance, but it did not occur. He did not expect the massacre to happen, and he underestimated the amount of hatred collected. I do not believe he issued a massacre order, but I do not know that. That's my personal opinion."<sup>48</sup>

According to the hearing of 460 Dutch soldiers and their commander Colonel Thomas Karremans from the UNPROFOR base in Potočari, 239 able-bodied men were enrolled and 60 of them who did not want to give information about themselves. The statements of Dutch soldiers did not mention crimes against Muslims by the VRS. However, according to the order of the NATO Command, Dutch Foreign Minister Hans van Mierlo requested a rectification of the report submitted to the Government on October 30, 1995, which was in contradiction with the statements of Dutch soldiers and officers on the situation and events in Srebrenica.

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<sup>45</sup> Vujadin Popović, Ljubiša Beara and Zdravko Tolimir.

<sup>46</sup> Radoslav Krstić and Drago Nikolić.

<sup>47</sup> Dražen Erdemović, Momir Nikolić, Vidoje Blagojević, Dragan Obrenović, Ljubomir Borovčanin, Radivoj Miletić, Milan Gvero, Vinko Pandurević.

<sup>48</sup> The Hague Tribunal, *Prosecutor v. Milošević* c.32029.

Jonathan Rupert, BBC correspondent, wrote: "The Dutch peace contingent and intelligence officers from the SAS (Special Forces of the British Armed Forces) witnessed the bitter battles between the Muslims themselves in Srebrenica before the Serbs entered." In the report of the Special Envoy of the UN Secretary-General Tadeusz Mazowiecki, in August 1995, it was said: "A significant number of Muslims have been killed by crossing the minefields set up by their people." UN High Commissioner for Human Rights Henry Villard, with a team of experts from the Center for Human Rights and civil issues of the UN peacekeeping forces from 22-26.07.1995, visited Tuzla and, after interviewing evacuated refugees from Srebrenica, in a report submitted to the UN Secretary General, he said: "We did not find any witness who saw the crime with his own eyes..."

Kofi Annan, UN Secretary-General, submitted on November 15, 1999 the "Srebrenica Fall Report 1995", based on the General Assembly order of December 1998. The report dealt with 33 graves, and between 80 and 180 bodies were in each of them, and approximately 2,000 exhumed, of which about a third was identified. In the book "Dubious Mandate", Phillip Corwin, the UN's highest representative in BiH in 1995, wrote that the authors of the first UN report on Srebrenica in the fall of 1999, entitled "The Fall of Srebrenica", have never interviewed me, nor did they put my published book in the bibliography... although I was a senior UN official in BiH during the capture of Srebrenica... I was not the only one who was neglected by the authors of political history..."

It may be concluded that genocide did not take place in Srebrenica, and manipulative methods brought the event to the level of mass crime in order to provoke the indignation of the international public and to justify armed intervention against the Serbs. The Muslim and Croat leadership in BiH in accordance with the Washington Agreement and the Agreement on Sending an Emergency Military and Other Assistance to BiH from the Croatia in defense from the Serb attacks from Split on July 22, 1995, started with their final offensive against the Serbs. The fabricated case of Srebrenica most directly served to deploy the NATO air force in a fifteen-day long devastating bombing of the Republic of Srpska and to provide support to the Muslim and Croat forces, preparing them earlier for the definitive ending of the war against the Serbs.

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## INDICTMENTS OF THE SERBS FOR GENOCIDE ARE CONTRARY TO THE ACTUAL EVENTS OF SREBRENICA

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Magazine "The Soviet Russia", Moscow, Russia

**Abstract:** The text is a product of analytical observation of events in Srebrenica, which speaks in a very argumentative and compelling way about the causes and consequences of the tragic event and the great suffering of Serbs and Bosniaks. The negative role of the international factor is undisputable, which did not accept the execution of the agreed demilitarization and providing security for all the citizens of Podrinje, but on the contrary enabled the Muslim forces to constantly attack the Serb villages by killing Serbs, looting and destroying their property from the protected zone Srebrenica.

As an author, I have visited Podrinje many times and interviewed numerous families of Serb and Bosniak victims and got the impression that the planned activities of extreme Muslim forces were aimed at occupying much of Bosnia and Herzegovina with the support of foreign circles, above all the US and NATO, in order to secure absolute domination of the respective international circles in this region. There is increasing evidence that self-terrorism was carried out against countrymen, directed by the Sarajevo leadership, with the mentorship of foreign propaganda centers. On the basis of all this, one clearly draws the views that genocide did not occur in Srebrenica, although there were evident mass casualties for which the perpetrators must be held accountable.

**Keywords:** *protected zone, mass crimes, genocide, disintegration of Yugoslavia, nationalism*

### INTRODUCTION

Next year will mark the quarter of a century since the Dayton Agreement which ended the terrible war of 1992-1995 in Bosnia and Herzegovina. The civil war took nearly one hundred thousand lives, rendered refugees and displaced persons, millions of citizens of different nationalities and religions who had previously lived in one country.

The Civil War in Bosnia and Herzegovina was the most massive and the bloodiest armed conflict at the time of the destruction of Yugoslavia. It was exactly destruction, and not self-imposed breakdown, as some interpreted it. It is precisely

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in Bosnia and Herzegovina that modern schemes of liquidation of the unpleasant states (primarily for the “world hegemon” - USA) was practiced and the so-called demonization of entire nations who dared to stand up for the protection of their national interests. Intentionally stirring up internal contradictions in a certain territory; declaring one of the parties to the conflict and its political leadership an indisputable culprit; until then unprecedented sanctions and pressures on the Serb side all until the military intervention were the main stages of the implementation of this mechanism.

Under this scheme, the United States and its allies, already after the Yugoslav wars, chaoticized and then practically destroyed Iraq and Libya, and the war in Syria began lasting for nine years, using the same methods today for Venezuela.

Massive provocations against civilians are a necessary component for the implementation of the scheme. Realistic or counterfeit cases of the deaths and casualties of innocent people are used as cover for interference in the internal affairs of other states and for armed aggression. Under the human excuse of saving people and sometimes entire nations from genocide, wars begin that lead to countless casualties.

The largest provocation of that kind during the civil war in Bosnia and Herzegovina was the July 1995 events in Srebrenica.

### **PROVOCATION TACTICS**

The shelling of people who stood in line for bread at Vase Miskina Street in Sarajevo on May 27, 1992, both cases on Markale (February 5, 1994 and August 28, 1995), the events in Srebrenica in July 1995 were to be a lesson in the commitment of the so-called international community. There is no doubt now that behind each of these tragedies, which the Serbs were immediately and unconditionally accused for, was a well-thought-out tactic of provocations of the foreign factor.

The shelling of people in line for bread was a propaganda excuse for imposing comprehensive sanctions by the adopted UN Security Council Resolution 757 against FR Yugoslavia on 30 May 1992. However, at the time of the shelling, the JNA had already withdrawn from Sarajevo, and the “case of Vase Miskina Street”, as an obvious provocation of Muslims, was even excluded from the indictment points of General Ratko Mladić by the ICTY.

The events at the Markale-1 Sarajevo Market served as the occasion for the first ever NATO-led armed aviation operation in February and then in the spring of 1994. In doing so, the NATO Statute was violated by engaging the Alliance beyond borders. The operation was directed against Serbs. The last point in describing this provocation during the trial of Ratko Mladić in the ICTY was made in December 2015 by a protected witness under the pseudonym GRM-116. From 1992 to 1994, he was a member of the special unit “Biseri” and in the personal security of President Alija Izetbegović and often attended closed sessions of the Bosnian leadership. In his presence, among others, General Sefer Halilović and Bosnia’s Chief Mufti Mustafa Cerić convinced Izetbegović that it was necessary to plan mass Muslim

casualties in order to accuse the Serbs of this and obtain an adequate military assistance from Western countries. The witness told the Tribunal that Generals Halilović and Hajrulahović had directly planned the shooting at Markale.<sup>2</sup>

By committing crimes against his own people and achieving certain goals (NATO intervention) without punishment, Alija Izetbegović's regime repeated and recurrently multiplied such provocations. In September 1995, following the capture of Srebrenica by the Republic of Srpska Army and another explosion at Markale in Sarajevo, a massive NATO air force operation called "Deliberate Force" ensued. In doing so, NATO essentially acted with aviation in supporting the Muslim-Croat forces. After the bombing of Serb-populated areas (which had successfully defended themselves for years before), units of the Army of BiH and neighboring Croatian army entered and carried out mass slaughters.<sup>3</sup> Like four years later, during the bombing of Yugoslavia, NATO used uranium depleted charges, which was prohibited under international conventions. Thus, not only in Serbia and Montenegro but also in Bosnia and Herzegovina, large areas are polluted and the level of oncological diseases exceeds all borders. Locals of all religions and nationalities get sick and die.

Obviously, foreign procurers of provocations do not want their role in Yugoslav events and their guilt to become public. Otherwise, it would be necessary for the leaders of that era to be brought to court for crimes against peace and humanity, and, just as importantly, it discredits today's foreign aggressive policies by the US, NATO, and a number of EU countries.

Even fewer are interested in establishing the truth of the mass killings of their own people from among the Bosnian leadership during the 1990s, as well as their political followers. They present themselves as the protectors and saviors of Muslim-Bosniaks!

Even "Bosniak Street", to be exact, most Bosniaks are not ready for the truth about the events of the 1990s. They are perfectly suited to the role of absolute "victims of genocide by the Serbs" because this gives them a special position in international circles.

However, in conditions of such blatant injustice, when Serb victims and crimes against them are not acknowledged or even noticed by international factors, this does little to contribute to the reconciliation and stability of Bosnia and Herzegovina. Western and Bosniak politicians do not abandon their positions to continually declare the Republic of Srpska a "genocidal creation" and to torpedo the Dayton Accords, which today is the only fragile guarantee of peace.<sup>4</sup>

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<sup>2</sup> Mass crimes by Muslim and Croat forces 1992-1995 in BiH; Institute for the Investigation of Serb Sufferings in the Twentieth Century <http://www.serb-victims.org/content/view/838/317/>

<sup>3</sup> Babović: *Markale 25 years ago directed by Izetbegović and Cerić*: RTRS, February 5, 2019. <https://www.rtrs.tv/vijesti/vijest.php?id=325505>.

<sup>4</sup> *Unique Position – Initiative of the SDA is Strike on Constitution and Dayton*: RTRS, January 24, 2019.

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It is clear that such a situation may not suit the Serbs. In the unitary Shariah Bosnia that Alija Izetbegovic always dreamed of (now with the help of the “international community” his son Bakir Izetbegović and the SDA are trying to build it), there is no place for either Serbs or Croats.

“The natural function of the Islamic ancestor is to unite all Muslims and Muslim communities around the world. In the current context, this desire means the struggle to create a large Islamic federation from Morocco to Indonesia, from tropical Africa to Central Asia...”, wrote Alija Izetbegović long before the Bosnian conflict.<sup>5</sup>

Undermining the Dayton Agreement threatens peace in Bosnia and Herzegovina. And there is no guarantee that Bosniaks-Muslims, who, due to the provocative policy of their own government, had the greatest losses during the war of the 1990s, are again trying to be hostages of their own leaders and their Western and Eastern sponsors. So, logically, the Bosniak people, no less than the Serbs, should be interested in establishing the truth about Srebrenica and other bloody settlements that killed hundreds and thousands of their countrymen.

Among other things, for those who live far from the Balkans, who have never heard of Srebrenica, or reiterate anti-Serb myths heralded by the world media, prohibition on practicing the truth about these events through the alleged adoption of the law on prohibition of genocide denial is important. If similar provocations are not cut off, they will, it should be noted, become a common instrument for achieving the goals. This is clearly demonstrated by the military action in Donbas (among other things, the situation surrounding the downed Malaysian Boeing), as well as the use of chemical weapons against civilians by Islamists according to the West’s plans to shift responsibility to President Assad and destroy the sovereign state of Syria. Both the perjury of the ICTY and the attempts at the UN Security Council to adopt a resolution on the “genocide against Muslims in Srebrenica” are a kind of indulgence to such acts, turning into pain and sacrifices in various parts of the world that are already a matter of today.

Europe also has something to think on - the same Europe that so consistently destroyed Yugoslavia, and now continuing its propaganda war against the Serbs. And if it is allowed to kill, to destroy churches, to organize ethnic cleansing in Bosnia and Herzegovina or in Kosovo (in Syria or Iraq), why might not it be done in Paris, Nice, Brussels, Munich, London, Manchester?

### FORBIDDEN VICTIMS OF SREBRENICA

On July 11 last year, the Russian liberal newspaper “Komersant” published on its website photographs of the events in Srebrenica in July 1995 with the following comment: “The mass payoff prepared by the Republic of Srpska soldiers over the

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<https://www.rtrs.tv/vijesti/vijest.php?id=324138&fbclid=IwAR2XUsS5ZfSn2vOyydmZC1s9ZQ1DQeZib8jG6DnucfoCO9rtbxkM4UTIAXw>

<sup>5</sup> *Massacre in Srebrenica*; „Komersant“, July 11, 2018.

[https://www.kommersant.ru/gallery/3351626?fbclid=IwAR0r62Hx16Vy3rY8MSZoC-1ugbca5JKujNAs6\\_v84hKAjoXxEoHi4SI2nWk#id=1454911](https://www.kommersant.ru/gallery/3351626?fbclid=IwAR0r62Hx16Vy3rY8MSZoC-1ugbca5JKujNAs6_v84hKAjoXxEoHi4SI2nWk#id=1454911)

Muslim population of the town of Srebrenica is remembered in Bosnia and Herzegovina by victims of the massacre in Srebrenica on July 11. This episode of the war in Bosnia was qualified by the International Hague Tribunal as “genocide”. History of the Srebrenica massacre - in the photo gallery “Б”<sup>6, 7</sup>

One photo stood out with striking concreteness. An old woman with a black headscarf and a skull in her hands. Well known shot. It was made on July 11, 1993, during the exhumation of the remains of killed Serbs in the Srebrenica village of Fakovići a year earlier by Naser Orić’s soldiers. The Serb woman Dobrina Prodanović recognized her son Živan’s skull by characteristic teeth.

Out of ignorance or cynical calculation, this photo illustrated the atrocities of Serbs against Muslims - real or fictitious - that were committed only two years after photographer Miloš Cvetković made an upsetting shot and three years after 24-year-old Živan with hundreds of other Serbs from Fakovići, Ratkovići, Blečevo, Gnione, the Serb hamlets of Sase, Brečane and other in the municipalities of Srebrenica and Bratunac, were brutally killed by Muslims,<sup>8</sup> and the tragedies of Belovac, Kravica, Skelani were forthcoming...

On my Facebook page, I posted a resigned text with a brief history of this photo and an invitation to spread the story of it as widely as possible. That post was viewed by several thousand people in one day. In the end, the “Komersant” simply removed the photo from its site and, somewhere in a comment, apologized for the mistake through a reply from one of the edition associates. More precisely, justice, to be honest, did not win - on the contrary, the “wrong” trace of the Serb tragedy in Srebrenica was erased. Let the readers of “Komersant” remain ignorant. It would be different if there was at least an attempt of objectivity! Having already published testimonies that long before July 1995 and the tragedies of the Srebrenica Muslims, the Srebrenica Muslims themselves made a tragedy to their neighbors, colleagues, classmates - Serbs, they could make a fair and adequate commentary on the photo taken. And let the readers see and draw their own conclusions.

That, of course, did not happen. This explains the fundamental association of such petty facts that completely demolish the officially accepted views of Washington, Sarajevo, Brussels and The Hague on the “genocide against Muslims in Srebrenica” committed by Serbs. This explains why in 2015, Churkin vetoed the British resolution on that “genocide” in the UN Security Council, even unrelated to what really happened in July 1995 in and around Srebrenica.

This is why any conception of events in Srebrenica during the war of the 1990s requires to start from the beginning, namely from April-May 1992, when the city

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<sup>6</sup> Massacre in Srebrenica; “Komersant“, 11.07.2018

[https://www.kommersant.ru/gallery/3351626?fbclid=IwAR0r62Hx16Vy3rY8MSZ0C-lugbca5JKujNAs6\\_v84hKAjoXxEoHi4SI2nWk#id=1454911](https://www.kommersant.ru/gallery/3351626?fbclid=IwAR0r62Hx16Vy3rY8MSZ0C-lugbca5JKujNAs6_v84hKAjoXxEoHi4SI2nWk#id=1454911)

<sup>7</sup> Ekaterina Polguieva: *This cannot be left so!*; FB page, 12.07.2018

<https://www.facebook.com/epolgueva/posts/1021574498016809>

<sup>8</sup> **Miša Lazić**: Mother Dobrina from Fakovići; CARSA, 16.09.2018

<http://www.carsa.rs/мајка-добрина-из-факовића/>

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became a hub for armed Muslim terrorists who mercilessly killed Serbs. So the attack on Berlin in May 1945 committed by Soviet soldiers with inevitable civilian casualties could be declared a “genocide” and a “crime against humanity”. It should be recalled that on June 22, 1941 the Nazi Germany invaded the USSR territory and waged a ruthless war to extermination for four years, thousands of cities were destroyed by fascists and villages were burnt, Leningrad was under blockade, millions of Soviet civilians were killed by occupiers and who was responsible for the millions of victims committed on Russian soil away from Germany.

As for Podrinje, it should be noted that the lists long ago submitted by the Republic of Srpska authorities to the ICTY contain more than 3,200 names of Serb victims with the exact names, surnames, years of birth and places of death.<sup>9</sup> These were men, women, children, old people - mostly residents of Serb villages in the municipalities of Srebrenica and Bratunac, killed by Naser Orić’s terrorists. Since June 1992, he commanded the Srebrenica Territorial Defense units, since 1994 the 8<sup>th</sup> Task Force of the RBiH Army, which was later renamed to the 28<sup>th</sup> Division with headquarters in Srebrenica.

In the 1992-1993 period only, dozens of Serb villages were looted and destroyed by Orić’s “soldiers”. Almost every day brought new victims. But some, especially on the days of a series of great Orthodox holidays, were indeed bloody.<sup>10 11</sup>

Bloody Đurđevdan happened on May 6, 1992, the Serb part of the village of Blečevo was destroyed and the killings and persecution of Serbs from Srebrenica itself began.

Bloody Vidovdan on June 28, 1992, followed by the first attacks on Loznička Rijeka and Zagone, and two days later on Brežane.

On the terrible Petrovdan, on July 12, 1992, several villages were attacked at once, including Zagoni, Sase, Zalazje.

Likewise, January 7, 1993, on Orthodox Christmas, the “soldiers” of Naser Orić destroyed the Serb village of Kravica.

Destruction of the Serb villages of Podrinje was carried out by Naser Orić’s detachments, which continued in the following years. The most terrifying are the eyewitness accounts. Many such stories were collected by Serbian journalist and publicist Ljiljana Bulatović.<sup>12</sup> Here is one of them. Thus, December 14, 1992 was one of the terrible days of the Serb Podrinje in Bosnia when the village of Belovac

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<sup>9</sup> Alexander Dorin, Zoran Jovanović: *How It Really Happened; Suppressed facts about massacres committed against Serbs between 1992 and 1995*; Ahriman, 2010

<sup>10</sup> Mass crimes by Muslim and Croat forces 1992-1995. in BiH; Institute for the Investigation of the Serb Sufferings in the Twentieth Century <http://www.serb-victims.org/content/view/full/838/317/>

<sup>11</sup> Alexander Dorin, Zoran Jovanović: *How It Really Happened; Suppressed facts about massacres committed against Serbs between 1992 and 1995*; Ahriman, 2010

<sup>12</sup> Ljiljana Bulatović: *True Srebrenica; Interpress 1847, 2007.*

*Serb Martyrs from Srebrenica, Interpress 1847, 2007; Cries and Caution, Interpress 1847, 2008; Srebrenica: Lie and Deception to the Serb People; Rivel Ko, 2016.*

was destroyed and 109 of its inhabitants were killed. The operation was commanded by Naser Orić himself.

Early in the morning, while everyone was still asleep, people were awakened by the horrific shooting. Brano Vučetić was 9 years old at the time. He lived with his father Radovan and 17-year-old brother Milenko. In September, Muslims had killed Brano's mother. The boy's father, realizing that they had attacked the village, ordered him to flee to a neighboring house because there were only 24-year-old Mira Filipović, her old mother-in-law and two young children: three years old and seven months old. He believed that women and children would not be touched. As it turned out, he was partly right. Brano survived while his father and older brother were killed.

For Brano and Mira, almost two months of tormenting began. They were found wounded by shrapnel and "captured". The prisoners were taken to Srebrenica, where they stayed until February in domestic slavery with relatives of those who captured them. Brano says he slept on the floor, they forced him to cut and carry firewood, clear snow, do other physical work, they did not provide him with any medical assistance (grenade shrapnel healed and he removed them under his skin). He was interrogated several times and beaten by Orić's assistant Zulfo Tursunović. Brano was threatened that they would "make him a Muslim" and on February 8, Brano, Mira and her children with about 20 others were exchanged for captured Muslims.

Brano Vučetić spoke to the ICTY representatives twice: when he submitted the request and in 2006, when he was invited and told that he would be called as a witness against Orić. The call did not follow.

On January 16, 1993, the same bloody events took place in Skelani. Among 69 killed residents of the village were two brothers: 5-year-old Aco and 11-year-old Raša Dimitrijević.

13-year-old Cvetko Ristić lost his entire family in Skelani: his father Novak, mother Ivanka, 18-year-old sister Mitra and 15-year-old brother Mićo were killed.

However, according to the ICTY version, all this is not considered genocide. No one was punished for the deliberate destruction of thousands of Serbs in Central Podrinje and no one was punished in The Hague! Naser Orić, who commanded those "military operations", was first sentenced to two years in prison, then released.

In 2017, another trial ended with the acquittal of Naser Orić, now in Bosnia and Herzegovina itself, not for the thousands of victims, but for the three Serb prisoners he killed with his own hands. Witnesses for that had been also found. True, when the matter came to court, most of them "rushed" to drop their testimony. "He is at large. But he was free for all those 25 years", with difficulty tearing away the tears and anger of the President of the Organization of Families of Killed, Captured and Missing Soldiers and Civilians in the Bratunac municipality, Radojka Filipović. She enumerated the destroyed Serb villages and Serb families, her Belovac and her brutally murdered relatives.<sup>13</sup>

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<sup>13</sup> Harsh reactions after Orić's acquittal for the Srebrenica crimes: RTRS news, 9.10.2017.

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Mr. Alan Tiger, you who demanded (and provided) life imprisonment for General Ratko Mladić in order not to “offend the victims” - what about these victims?

What about the memory of 11-year-old Slobodan Stojanović, who returned to his native village in June 1992, occupied by Muslims, to drive the dog they had left on chain in a hurry to escape? For months, Slobodan’s mother stopped individual convoys of international peacekeepers going to Srebrenica, seeking to return her son. She did not want to believe the testimony of the horrific death of her child, who had been tortured to death as a “Serb spy”. A year later, his mutilated body was found in a mass grave. The name of the killer, Albanian Veseli Elfeta, was well known from the start. But she lived peacefully in Switzerland and was only recently arrested and extradited to Bosnia and Herzegovina. That is almost a miracle by itself. Yet, as in the Orić trial, Muslim witnesses forgot the statements made earlier. The BiH tribunal learned a lesson from the ICTY: a Serb is guilty only because he is a Serb.

We believe that, in order to establish the truth about Srebrenica, it is important that the tragedy of Serbs from the municipalities of Srebrenica and Bratunac in the period 1992-1995 should be told broadly and as detailed as possible. There is much published information on that (unlike, for example, the tragedy of Sarajevo Serbs in the 1990s), but little is known outside the borders of the Republic of Srpska and certain groups dealing with the issue. Among other things, in Serbia, where the author repeatedly had the opportunity to deal with the fact that ordinary citizens did not have an adequate idea of events. It is not surprising that the top leadership of Serbia visits memorial activities in memory of the fallen Muslims in Potočari, but almost all of them ignore the memorial ceremonies commemorating the Serb victims in Bratunac, Srebrenica or Zalazje.

In early 1993, Serb victims who had survived the attack on their villages testified about what had happened.<sup>14, 15, 16</sup> It turned out that many witnesses recognized some of the attackers-Muslims. This is not surprising: phrases are often heard that, with some of them, the victims attended schools, others worked together, some of them were their neighbors.

Some of the testimonies of about fifteen names were selected and verified, but there were none among those killed in Srebrenica in July 1995 (a list of these names, which is constantly changing, was published on the site of the memorial center in Potočari). It was a surprise that more than half of the July 1995 lists of “innocent victims” were missing. Here are just a few of the names of those who killed and

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[https://www.youtube.com/watch?time\\_continue=2&v=NJ1MfX1FZU](https://www.youtube.com/watch?time_continue=2&v=NJ1MfX1FZU)

<sup>14</sup> *Mass crimes by Muslim and Croat forces 1992-1995* in BiH; Institute for the Investigation of the Serb Sufferings in the Twentieth Century <http://www.serb-victims.org/content/view/838/317/>,

<sup>15</sup> Alexander Dorin, Zoran Jovanović: *How It Really Happened; Suppressed facts about massacres committed against Serbs between 1992 and 1995*; Ahriman, 2010

<sup>16</sup> Ljiljana Bulatović: *True Srebrenica; Interpress 1847, 2007.*

*Serb Martyrs from Srebrenica, Interpress 1847, 2007; Cries and Caution, Interpress 1847, 2008; Srebrenica: Lie and Deception to the Serb People; Rivel Ko, 2016*

plundered their Serb neighbors in 1992 and 1993 and became at once “unprotected civilians” in 1995: Hasan Dautbašić, Alija Ibrić, Hajrudin Begzalić, Muriz Sinanović, Resid Sinanović, Sead Sinanović, Sefer Zukanović, Nedžad Osmanović, Hamdija Alispahić. If there would be an analysis of more complete information at disposal, it would probably turn out that there were hundreds of such among Muslim victims in Srebrenica.

Even if some of them was killed in 1995, not with a weapon in his hands but killed by Serbs, one can speak of revenge, but not genocide at all!

### **FABRICATED GENOCIDE**

“If I could judge Orić in The Hague, I would charge him with crimes against Serbs for at least 20 years in prison. And for crimes against his people, I would give him at least 200 thousand years. He is the main culprit for making Srebrenica the biggest stain in human history”, Ibran Mustafić said in an interview with “Vesti Online” in February 2013.<sup>17</sup>

Ibran Mustafić is a Mechanical Engineer, one of the founders of the Party of Democratic Action (SDA) in Srebrenica, a longtime member of the organization for perpetuation of the Srebrenica events, author of the book “Planned Chaos” in which he made a series of accusations against the then SDA and US leadership for crime in Srebrenica.

According to him, “the genocide in Srebrenica was absolutely the plot of the international community led by the US and Alija Izetbegović, especially the agreement of Izetbegović with then US President Bill Clinton”.

Referring to then Srebrenica Police Chief Hakija Meholjić and others, Mustafić claimed that there were lists of Muslims who had broken from Srebrenica into Tuzla and had been destined for liquidation. The lists were compiled by the “Srebrenica mafia - it was also the military and political leadership of Srebrenica, which since 1993 was literally the master of life and death.

In an interview with magazine “Dani”<sup>18</sup>, Hakija Meholjić, in fact, charged with the murder of Muslims in the town, Alija Izetbegović (President of the BiH Presidency during the war) and Bill Clinton. Here is what he said about the visit of the Srebrenica delegation to Sarajevo in September 1993. The delegation included Meholjić himself. Izetbegović then said: “You know, Clinton suggested to me in April 1993 that the Chetnik forces enter Srebrenica, kill five thousand Muslims, and that there would be a military intervention then. Our delegation consisted of nine people, one of them died, but everyone else can confirm it. ”

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<sup>17</sup> Orić killed 1,000 Bosniaks; *Vesti-online*, 19.02.2013.

<https://vesti-online.com/Vesti/Ex-YU/293434/Oric-je-ubio-1000-Bosnjaka>

<sup>18</sup> *5,000 Muslim heads for military intervention*; Srpska.ru, 05/14/2009, translation into Russian of an interview with Hakija Meholjić, the journal “Dani” 22.06.1998.

<http://srpska.ru/article.php?nid=11495>.

## INDICTMENTS OF THE SERBS FOR GENOCIDE ... EVENTS OF SREBR.

In May 2010, at the trial of Radovan Karadžić in The Hague, testimony was given by David Harland, who was responsible for civil affairs at the UNPROFOR (UN Security Forces) command in BiH from 1993 to 1995. He appeared as a defense witness.<sup>19</sup> However, answering Karadžić's questions, he admitted that Alija Izetbegović and his authorities did not allow civilians to evacuate from Sarajevo and Srebrenica. In fact, Izetbegović was willing to sacrifice the civilian population to create the necessary propaganda effect and force the West and NATO to engage on the side of Bosnian Muslims. "People around Muslim leaders were convinced that NATO would not interfere unless the situation was too difficult, and that the presence of civilians on the battlefield would shock NATO and force it to intervene", Harland said.

According to Harland, after the war Alija Izetbegović confirmed to him that weapons and ammunition had been sent by Muslim authorities in Srebrenica. Asked why the UNPROFOR had not disarmed Muslim forces in Srebrenica, which it had accepted as an obligation, the witness replied that the UN Security Council had not envisaged demilitarization in its resolution, but only the withdrawal of the RS Army troops from positions around the city. "You defended them, and who defended us? You could have threatened them by force", Karadžić said, recalling that terrorists from Srebrenica were attacking the surrounding Serb villages, killing their residents and returning to the city under the protection of peacekeepers. "When General Michael Rose considered the possibility of attacking the Bosnian government forces, he realized that it was politically unacceptable", the witness explained.

The fact that Srebrenica, in fact, was not demilitarized, but on the contrary, was a stronghold for the attack on Serbs, and the victims of the Srebrenica assault in July 1995 were mostly not unarmed civilians (the evacuation of women and children was personally organized by General Ratko Mladić), unambiguously eliminates the topic of "genocide against Muslims in Srebrenica".

But these events are not simply one of the tragic episodes of the war in Bosnia and Herzegovina. The manipulation of the number of victims of the July 1995 events and the circumstances of their deaths confirm the fact that the "genocide against Muslims in Srebrenica" is a long-lasting manipulation.

Thus, it turned out that several hundred "killed in Srebrenica" voted in the elections one year after his death. On several occasions, "Srebrenica victims" appeared alive and well in the capacity of refugees in other cities of Bosnia and abroad.

Dr. Ljubiša Simić cited indicative facts about the autopsy of Muslim victims by the ICTY.<sup>20</sup> Together with a group of experts from Serbia, he had access to

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<sup>19</sup> How Bill Clinton ordered the "genocide" against Muslims in Srebrenica as a pretext for NATO intervention: the Mladić trial; Regnum 12.07.2012. <https://regnum.ru/news/1550724.html>

<sup>20</sup> NGO Srebrenica Historical Project, Netherlands, *Proceedings of the Symposium held in Moscow 2009, Belgrade, 2010.*

appropriate documentation, more precisely, to all cases of the exhumed from 1995 to 2002. There were 3568 such “cases” in that moment. Simić emphasizes that the “case” is not always a corpse, sometimes there were fragments consisting of only a few bones.

Serb experts identified the cause of death as “shooting” in those cases where bullet wounds were found in the upper body or the bodies were bound with hands, blindfolded, blindfolded, with carcasses. But even with such an extensive interpretation, a maximum of 1,097 people could be shot. In 477 cases, death occurred from shrapnel and no bullet wounds were found, so there could be no talk of shooting. In 411 cases, it was impossible to determine the cause of death due to poor body preservation or because no signs of violent death were found and in 1,583 cases two or three bones were given for analysis, which did not provide an opportunity to determine the cause of death. But, by the conclusion of the ICTY, it turns out that all these people were shot.

The organization “Srebrenica Historical Project” issued testimonies of survivors of the breakthrough of the 28<sup>th</sup> Division of the BiH Army from Srebrenica. The testimonies mention more than fifteen places where Muslims fought with the RS army. According to these testimonies, the Muslims suffered enormous losses in the fighting, they were not shot.<sup>21,22</sup>

One of the key figures in the court confirmation of the shooting in Srebrenica is a certain Dražen Erdemović who testified against almost all senior officers of the Republic of Srpska Army and against Slobodan Milošević. Journalist Germinal Civikov in the book “Srebrenica - Crown Witness” completely unmasks this provocation.<sup>23,24</sup>

According to Erdemović, on July 16, 1995, in the village of Pilica, he and his comrades shot about 1,200 Srebrenica Muslims. The ICTY sentenced Erdemović to 10 years in prison for such a massacre, then shortened his sentence to 5 years. In 2000, after serving three and a half years, he was released. Is not it absurd, three and a half years for killing 1,200 people – is not the sentence too mild?

Erdemović was born in 1971 to a Croat mother and a Serb father. He considered himself a Bosnian Croat. In 1991, he served in the police of the Republic of Croatia, then joined the Army of Bosnia and Herzegovina (Muslim). A few months later he left the service and joined the Bosnian Croat detachments. He went from there and became a combatant of the 10<sup>th</sup> sabotage detachment of the RS Army, which was directly subordinated to the VRS General Staff. The last circumstance that gives the

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<sup>21</sup> NGO Srebrenica Historical Project, Netherlands, *Proceedings of the Symposium held in Moscow 2009, Belgrade, 2010.*

<sup>22</sup> Mladen Stevanovich: Interview with publicist and researcher Alexander Dorin on Srebrenica (Russian translation); Srpska.ru, 09/23/2010. <http://srpska.ru/article.php?nid=15214>

<sup>23</sup> NGO Srebrenica Historical Project, Netherlands, *Proceedings of the Symposium held in Moscow 2009, Belgrade, 2010.*

<sup>24</sup> Germinal Civikov, *Srebrenica – Crown Witness*, Albatros plus, Beograd 2009.

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## INDICTMENTS OF THE SERBS FOR GENOCIDE ... EVENTS OF SREBR.

ICTY grounds to charge the RS leadership for the shooting of Muslims in Srebrenica, since the firing order, according to Erdemović, had come from the VRS General Staff. More specifically, the key witness in the Serb charge of genocide is the typical adventurer and mercenary.

Erdemović described the details of the shooting at least fifteen times. According to him, the captured Muslims were brought to Pilica by buses. They always took groups of 10 people out of the buses, led them several dozen meters to the scene of the shooting, forced them to take out and throw in the indicated place personal documents practically to rob them, then killed them with single shots and finished the survivors. During the execution, the killers were resting, smoking, drinking brandy, and maltreating the prisoners. They spent five hours for all these shootings. More specifically, 2.5 minutes each to shoot, which is theoretically not possible.

Erdemović testified that the liquidation took place under the direct command of soldier Brano Gojković, although there were two men in the detachment older than him by rank: Erdemović himself - a junior sergeant, and a lieutenant, the unit commander Franc Kos.

Erdemović's testimonies are the only ones, despite he stated the names of his accomplices many times. In addition to the already mentioned Gojković and Kos, there were Marko Boškić, Zoran Goronja, Stano Savanović, Aleksandar Cvetković and Vlastimir Golijan. The firing order was allegedly issued by the troop commander Milorad Pelemiš.

And what about these people: have they been convicted or at least questioned? Nothing like that! On August 26, 2004, Carla Del Ponte's Advisor Anton Nikiforov replied that the Tribunal had limited resources and could not deal with "small fish".

The only conclusion is that if other participants in the Pilica crime were interrogated, justice would emerge as to who was the organizer of the crime and, in fact, issued an order for the shooting. No doubt the crime happened. On the farm in Pilica, 154 bodies of people were found, all of which were just shot. Of course, 154 is not 1,200. But also someone should be held accountable for their death, if it comes to the judiciary.

German journalist and publicist Jürgen Elsässer, from a careful analysis of the reports of the Netherlands Military Documentation Institute on the Srebrenica events, drew the conclusion that Erdemović and his accomplices had been members of a group prepared by a secret service from France. *"When the report was published in 2002, a real scandal erupted and the Dutch government resigned, as it allegedly stated that the Dutch battalion in Srebrenica had failed to do its duty and that it was therefore guilty of the fall of Srebrenica and the dead. However, if a government is supposed to resign after the publication of this paper, then it is the US government. The paper details three stages in which the CIA and US private military firms played a major role, transferring weapons by helicopters to the "protected and demilitarized zone" of Srebrenica during flight ban in Bosnia and Herzegovina,"* he stated in an interview with the newspaper "Fokus" (RS).

## CONCLUSION

The capture of Srebrenica on July 11, 1995 by the Republic of Srpska Army and subsequent events were not an extraordinary event, they were not a genocide of Muslims committed by Serbs, but one of the episodes of the Bosnian-Herzegovinian civil war and the Serb-Muslim conflict that had begun in the spring of 1995 in central Podrinje. The events in question were determined by the logic and character of this conflict and the interference of a foreign factor. In the context of these events, the action of the Republic of Srpska Army bore an obvious response character and was conditioned by the necessity to protect the Serb population of the region.

There is no single fact to confirm that General Ratko Mladić or other high commanders issued orders to destroy the Muslims in Srebrenica, while there is a great deal of contradictory evidence on the actions of Muslim commanders. The real war crimes committed at that time against Muslims were disorganized excesses (for example, revenge for deaths). They are punishable but cannot be interpreted as genocide.

However, one can surely speak of the massive planned provocation “Srebrenica” (see for example the movie *Srebrenica - A Town Betrayed*). The procurers and beneficiaries of this provocation were external imperialist factors that set themselves the goal of destroying Yugoslavia and weakening the Serb people as a state-building people, traditionally viewed by the West as “hostile” due to its orientation and friendship with Russia.

That is why it is so important to find out the truth: both for the memory of those killed, tortured to death with the hands of Orić’s slaughterers, and to justify the defamed Serb commanders, leaders, the Serb history, the Serb people, and for the future of the Republic of Srpska.

It is also important for all people in Bosnia and far beyond its borders - for those who truly want peace, who do not want the whole peoples and countries, destinies and lives of many innocent people to become the coin for the pursuit of “global hegemons”.

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## SREBRENICA – THE QUESTION OF EVIDENCE

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**Abstract:** More than two decades after the fighting around Srebrenica it is clear that claims by news organization and the International Criminal Tribunal for Yugoslavia (ICTY) that some “7,000 to 8,000” men and boys of combat age were killed by Bosnian Serb forces in July of 1995 is undermined by substantial evidence disproving both the official narrative of events and the inflated number of casualties.

Even if one uses the Tribunal’s highest estimate of the pre-capture population of Srebrenica (42,000), subtracting the number of officially confirmed survivors (39,603) would indicate between 2,000 and 2,400 Muslims were killed, whether in battle, walking through minefields or by execution. Senior US military officials in the best position to know understood from the outset that the casualties for Srebrenica were inflated.

Instead of functioning to promote truth and reconciliation, the blatant politics and institutional biases of the ICTY have heightened and prolonged the tensions between Serbs, Muslims, Croats and Albanians in what Balkan scholar Robert Hayden calls “war by other means.” Those seeking the truth about events at Srebrenica need to examine the wealth of evidence that shows the highly politicized nature of the ICTY.

**Key words:** *Srebrenica, crimes, International Criminal Court, lack of substantiation of evidence, bias of the Court, anti-Serb policy*

It is worth noting that the July 1995 indictment of Bosnian Serb President Radovan Karadzic and General Ratko Mladic by the International War Crimes Tribunal for Yugoslavia (ICTY) was issued before an official investigation had been mounted and long before the facts had been established. So too was the repeated use of the 7,000-8,000 casualty figures by the US State Dept. at a time when Muslim refugees from Srebrenica were still arriving at UN refugee center at the Tuzla airport.

The overtly political nature of the ICTY’s actions was made clear when the first indictments against Radovan Karadzic and Serb Army General Ratko Mladic were announced on July 27, 1995- only two weeks after the July 11 capture of Srebrenica - Antonio Cassese, the US appointed President of the ICTY, applauded the action as a “a great political result”<sup>3</sup> adding: “The indictment means that these gentlemen will not be able to take part in peace negotiations.” US envoy Richard Holbrooke was

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<sup>3</sup> ANP *English News Bulletin*, July 27, 1995

similarly candid about the political usefulness of the Tribunal thereafter, when he told the BBC “the War Crimes Tribunal was a huge valuable tool. We used it to keep the two most wanted war criminals in Europe out of the Dayton process and we used it to justify everything that followed.”<sup>4</sup>

In her memoir<sup>5</sup>, former chief ICTY chief prosecutor Carla Del Ponte acknowledges that the US State Department, which pushed relentlessly for the indictments of Serbian leaders, showed little interest or cooperation in pursuing serious war crimes by Croat and Muslim forces against Serbian civilians in Croatia, Bosnia and Kosovo. Del Ponte was abruptly removed from her other position as the chief prosecutor in the International War Crime Tribunal of Rwanda when she informed the US State Dept. of her intention to investigate crimes by the US-backed Rwandan Patriotic Front. She was apparently chastened by the experience. The public was never told about ICTY investigations of responsibility for war crimes authorized by Croatian President Franjo Tudjman and Bosnian President Alija Izetbegovic until after their deaths, by which time the cases had been sealed.

In this context, it is not surprising that even such a fierce critic of the Bosnian Serbs as former BBC journalist Martin Bell has declared that the ICTY, as well as Mr. Karadzic, will be on trial. “The war crimes tribunal is a prosecutor's court,” he observed, “more interested in securing convictions than in delivering justice.”<sup>6</sup>

The official ICTY version of events at Srebrenica - Serbs entering a UN “safe zone” and slaughtering innocent Muslims while a UN battalion failed to protect them - did indeed serve the US political agenda, which was to prepare public opinion for Operation Deliberate Force, a long planned US bombing campaign against Serb targets two weeks after the capture of the enclave. This would be followed nine days later by the massive US backed Croatian Army attack known as Operation Storm which cleansed 200,000 ethnic Serbs living in the UN Protected Zones in the Krajina region of Croatia.

### **COUNTRY BROKEN APART 1992-93 AND PERIOD OF VIOLENCE**

For those who were willing to look, however, it did not take long to see through the Manichean picture of innocent Muslims and evil Serbs promoted by the US policy makers and self-described “journalists of attachment” such as Martin Bell. The BBC documentary “Lies and Allies” detailed how the US helped facilitate arms shipments in large C-130 cargo planes to Muslim forces at Tuzla airport. These shipments were then flown by helicopter to Zepa and Srebrenica according to former Muslim army Commander General Halilovic and turned the supposed “safe zones,”

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<sup>4</sup> Richard Holbrooke, “*United Nations or Not?*” BBC Radio 4, September 9, 2003, [http://www.bbc.co.uk/radio4/news/un/transcripts/richard\\_holbrooke.shtml](http://www.bbc.co.uk/radio4/news/un/transcripts/richard_holbrooke.shtml)

<sup>5</sup> Madame Prosecutor: *Confrontations With Humanity's Worst Criminals and the Culture of Impunity* by Carla Del Ponte with Chuck Sudetic, Random House

<sup>6</sup> Martin Bell, “Karadzic Isn't the Only One on Trial,” *Guardian*, October 26, 2009

such as Srebrenica and Gorazde, into staging areas for Muslim attacks against nearby Serbian villages designed to provoke a Serbian reaction which would bring NATO air strikes. In testimony before The Hague in 2001, General Sefer Halilovic, former Commander of the Muslim Army, acknowledged that the Bosnian Government High Command issued “a large number of orders for sabotage operations from the safe areas” against Serbian villages.<sup>7</sup>

Shortly after the outbreak of war in Bosnia, the Serbian population of Srebrenica began to be driven out by Muslim warlord Naser Oric, who thereafter led the 28<sup>th</sup> division in scorched earth raids against numerous Serbian villages, killing civilians, their livestock, and gaining a reputation for extreme brutality. Oric clearly understood that with uncritical US support for the Izetbegovic government, he could act with impunity. He even videotaped some of his butchery, including severed Serbian heads, showing these videotapes to John Pomphrey of the *Washington Post* and Bill Schiller of the *Toronto Star*. Schiller writes that Oric was “as bloodthirsty a warrior as ever crossed a battlefield”<sup>8</sup> and then recounts a visit to the warlord’s home in January 1994:

On a cold and snowy night, I sat in his room, watching a shocking video version of what might have been called Naser Oric’s Greatest Hits. There were burning houses, dead bodies, severed heads and people fleeing. Oric grinned throughout, admiring his handiwork. “We ambushed them,” he said. The next sequence of dead bodies had been done in by explosives: “We launched those guys to the moon,” he boasted. When footage of a bullet marked ghost town appeared without any visible bodies, Oric hastened to announce. “We killed 114 Serbs there.” Later, there were celebrations, with singers with wobbly voices chanting his praises.<sup>9</sup>

UN Commander General Phillipe Morillon who served in 1992-93 during these massacres told ICTY prosecutor “Naser Oric engaged in attacks during Orthodox holidays and destroyed villages, massacring all the inhabitants. This created a degree of hatred that was quite extraordinary in the region.”<sup>10</sup> A report by Belgrade-based researcher Milivoje Ivanisevic, who has been documenting human rights abuses against Bosnian Serb civilians since 1992, notes that “of the 93 Serbian settlements in Srebrenica and Bratunac Counties, 82 of them were destroyed.”<sup>11</sup> In 2005, the Center of the Investigation of Crimes against Serbian People released a list of 3,262 Serbs from the region who were killed by Oric’s unit. Of these, 880 were members of military or police organizations. The remaining 2,382 were civilians and their names were published in *Vecernje Novosti*, a Belgrade daily newspaper in 2005.

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<sup>9</sup> Ibid.

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<sup>11</sup> Milivoje Ivanisevic. “*The Srebrenica ID Card*” was first published in two installments on March 12 and 20, 2007 in Glas Javnosti.

Ivanisevic points that not a single name was challenged in the year and half before the release of the full report in 2007.

Oric was no rogue commander acting on his own. As, Morillon testified: “Naser Oric's reign implied a thorough knowledge of the area held by his forces. It appeared to me that he was respecting political instructions coming from the [Bosnian] Presidency.”<sup>12</sup> Despite his 28<sup>th</sup> Division's responsibility for well-documented massacres of Serbian villagers,<sup>13</sup> many of them elderly residents who could not flee, the government of Izetbegovic awarded him the Golden Lily, Bosnia's highest military decoration. When Serbs formed the Drina Corp in 1993 to stop the attacks, Morillon helped negotiate an agreement that was supposed to demilitarize Srebrenica, but the UN never gave the Dutch battalion overseeing the enclave the authority to carry out the terms of the agreement. Oric's 28<sup>th</sup> Division not only remained in place in violation of the agreement, but received modern payloads of illegal weaponry from Iran and other Middle Eastern countries facilitated by the US Defense Intelligence agency.<sup>14</sup>

### **REPORT OF THE GOVERNMENT IN THE SPIRIT OF AGREEMENT WITH THE OFFICIAL STORY**

The comprehensive 2002 Dutch government report on Srebrenica, whose authors had access to all relevant intelligence documents - American, Serbian, Bosnian Muslim, German, Dutch - produced a wealth of information, but none linking Karadzic and Mladic to atrocities following the capture of Srebrenica.

The Dutch government report notes that Karadzic had authorized a small unit of the Bosnian Serb Army to shrink the Srebrenica pocket by occupying the south end of the safe zone to prevent ongoing attacks from Muslim forces against nearby Serbian villages like Visnica which had been assaulted the week before. Former Muslim Commander General Sefer Halilovic confirms that about 200 Serbian soldiers backed by five tanks entered the pocket on July 6, 1995.<sup>15</sup> The Serb unit was surprised to find no resistance whatsoever from the well-armed 28<sup>th</sup> Division (which, according to the testimony of another Muslim, General Enver Hadzihanovic,) had billeted 5,500-6000 soldiers in the town.

The Muslim forces had a 25 to 1 advantage in manpower. But by July 9, the 28<sup>th</sup> Division and most civilian Srebrenica men of combat age had been ordered to leave

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<sup>12</sup> Morillon testimony from ICTY transcript Milosevic trial February 12, 2004

<sup>13</sup> *Memorandum on War Crimes and Crimes and Genocide in Eastern Bosnia* (Communes of Bratunac, Skelani and Srebrenica) Committed against the Serbian Population from April 1992 to April 1993 (A/48/177 - S/25835), May 24, 1993 submitted by Federal Republic Yugoslavia's *Chargé d'affaires* of at the United Nations

<sup>14</sup> James Risen and Doyle McManus, “Clinton Secretly Joked Iran's Arms Shipments to Bosnia,” *Los Angeles Times*, April 5, 1996, Cees Wiebes, *Intelligence and the War in Bosnia, 1992 – 1995* (London: Lit Verlag, 2003), Chapter 4, Section 2, “Arms supplies to the ABiH: the Croatian Pipeline,” pp. 158-177

<sup>15</sup> Halilovic, *Prosecutor v. Radislav Krstic*, April 5, 2001, p. 9487, <http://www.un.ogr/icty/transe33/010405it.htm>

the town. British military analyst Tim Ripley wrote that surprised Dutch UN troops “saw Bosnian troops escaping from Srebrenica move past their observation points carrying brand new anti-tank weapons, still in their plastic wrappings. This and other similar reports made many UN officers and international journalists suspicious.”<sup>16</sup> The Muslim men regrouped the following day in the nearby village of Susnjari. Meanwhile the women, children and mostly elderly men left for the village of Potocari.

According to the Dutch Government report, the fact that that the larger Muslim 28<sup>th</sup> Division had abandoned its secure position in Srebrenica, encouraged the Serbs to capture the town, which they decided to do on the evening of July 9. The Dutch report notes that in a written order from General Tolimir: *„Karadzic had determined that the safety of UNPROFOR soldiers and of the population should be ensured. Orders to this effect were to be provided to all participating units. The safety of the population should also be guaranteed in the event that they should attempt to cross to the territory of the Republika Srpska. The orders made no mention of a forced relocation of the population. The VRS [Bosnia Serb Army] general Mladic units were to be ordered not to destroy any civilian property unless they met with resistance. Buildings were not to be set on fire. A final instruction, also of significance, was that the population and prisoners of war should be treated in accordance with the Geneva Convention.”*<sup>17</sup>

On July 11, this small unit of Bosnian Serbs entered the nearly empty town of Srebrenica. The UN Dutch Battalion had called in a NATO air strike earlier that day against Serb targets, but to little avail, because the Muslim defenders had left the town. Official reports note that little physical damage was done to the town and the only UN soldier killed at Srebrenica was shot by a retreating member of the Muslim 28<sup>th</sup> Division.

Under the gaze of international observers, Bosnian Serb forces provided buses at Potocari for at least 25,000 women and children from Srebrenica who wished to go to Muslim-held Tuzla. A small group of mostly elderly men - less than a thousand according to UN sources - were imprisoned briefly after being queried about possible involvement in war crimes by the 28<sup>th</sup> Division. Some 796 Muslim men were also allowed to make their way to Zepa, which was itself later also captured by the Serbs.<sup>18</sup>

The overwhelming majority of the Muslim male population of Srebrenica refused offers to surrender. They had moved to Susnjari on July 9 and 10, trusting the Serbs to provide safe passage for the civilian population they left behind. These Muslim soldiers and most military age males chose to fight their way across Serb

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<sup>16</sup> Ripley, *Operation Deliberate Force*, p. 145.

<sup>17</sup> Dutch Government Report “*Fall of Srebrenica*” Part III, Chapter 6 (2002) <http://srebrenica.brightside.nl/srebrenica/>

<sup>18</sup> Amnesty International July 1996 report on Srebrenica, “To Bury My Brother’s Bones”

held territory to get to Tuzla. Many died fighting in a series of confrontations and numerous minefields on the road to Tuzla, according to both Muslim and Serb testimony.

### FROM THE BLOOD CRAFTS TO THE CROWN WITNESS

Drazen Erdemovic, one of six Croatians along with a Muslim and a Slovene in an eight man mercenary unit which had become loosely attached to the Bosnian Serb Army, was turned over to the War Crimes Tribunal in 1996 when he was arrested in Serbia after being injured in a drunken shootout with his former comrades

War Crimes Tribunal psychiatrists questioned Erdemovic's mental fitness and the ICTY decided his testimony could not be used in his own prosecution. Yet, this same highly dubious testimony was used in the controversial Rule 61 proceeding of the War Crimes Tribunal - a sort of "trial by press" procedure which allowed prosecutors to bring up all manner of undocumented allegations against Karadzic and Mladic without any rebuttal from defense lawyers, in order to exert public pressure for the arrest of the Serb leaders. Though he had admitted to taking part in serious crimes, Erdemovic received the short sentence of five years (3 ½ already served), because, according to an official of the Tribunal, he "assisted in the public clamor to arrest Radovan Karadzic and general Mladic." The ICTY has failed to this day to pursue other members of Erdemovic's murderous unit who might have contradicted Erdemovic's testimony or shed light on events.

German author of Bulgarian descent named Germinal Civikov has investigated Erdemovic and recently filled in crucial information gaps with his German language book "Srebrenica: Der Kronzeuge (Star Witness)" (Wien: Promedia, 2009) a meticulously documented and persuasive account of the activities of this mercenary unit. A key finding is that Erdemovic's unit was actually on leave following the capture of Srebrenica when Erdemovic claimed that they had carried out executions. Civikov concludes that Erdemovic's account of the executions, including the number of victims, is physically impossible. Erdemovic claimed that that his small unit killed 1200 men in five hours by lining up ten men at a time and having them shot.<sup>19</sup> But, to do so, his small unit of eight soldiers would have had only 2.5 minutes to line up ten men and execute them. If it took only 10 minutes to assemble and execute 10 prisoners, it would have taken 20 hours to kill 1200 men in the manner that Erdemovic claimed. Not surprisingly, ICTY prosecutors referred in court proceedings to "hundreds" killed by Erdemovic and his seven bloody cohorts at Branjevo Farms near Pilica. Even that description overstates the number of those executed by this unit, because the remains of 153 persons were found by investigators at the killing site.<sup>20</sup> Civikov also noted that Erdemovic had told a

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<sup>19</sup> Germinal Civikov, *Srebrenica: The Star Witness*, p 40 of English translation from German by John Laughland, available from the Dutch based Srebrenica Historical Project

<sup>20</sup> Statement of ICTY available from the Dutch based Srebrenica Historical Project

reporter for *War Report* that he was also involved in killings at Nova Kasaba, but later changed his story when it turned that he claimed to be elsewhere on the same day in another account.

### **PSYCHICAL INSTABILITY ERDEMOVIC PERMIT TO SAY**

Erdemovic says he participated in the capture of Srebrenica on July 11 and he acknowledges that his unit was told by their superior Milorad Pelemis, Commander of the Serb Army 10<sup>th</sup> Sabotage Detachment, not to harm civilians. Before the Tribunal, he testified:

Yes, there was an order that we should not harm civilians, that soldiers should not harm civilians. So, as I could see it at that time, soldiers were not shooting at civilians who had surrendered.<sup>21</sup>

Erdemovic also testified that Pelemis was not present during the atrocities five days later, but claims he saw Pelemis at the nearby Vlasenica base a number of times prior to the killings at Branjevo Farms. That, however, would have been physically impossible, because Pelemis was seriously injured on July 12 in an Armored Personnel Carrier accident which killed his passenger Dragan Koljivrat.

As a young lawyer defending a murder suspect, Abraham Lincoln once called the prosecutor's case "thinner than the soup made by boiling the shadow of a pigeon that starved to death." A similar description could be made of Erdemovic's constantly changing testimony. There is little chance it would survive in a normal court proceeding. To the consternation of ICTY prosecutors, but unnoticed by reporters, a prosecution witness in another later case named Dragan Todorovic eviscerates Erdemovic's testimony. Todorovic testified that Franc Kos, the lieutenant of Slovenian origin was the commander of Erdemovic's unit. Indeed, the ICTY judges had in their possession a receipt showing that Kos had signed for the equipment the unit would use, because he alone had the authority to do so.

Todorovic also confirms that Pelemis was not at Vlasenica as Erdemovic claimed in the days before the killings. Todorovic had rushed to the scene of Pelemis's accident on July 12 and helped bring the body of the dead soldier to his parent's home in Trebinje. Upon his return, Todorovic tried to drop off presents from the soldier's parents to Pelemis at the base in Vlasenica, but was told Pelemis was not there. Todorovic testifies: "I asked a soldier at the gate where Mr. Pelemis was, and he told me that he [Pelemis] was either in Bijeljina or at the hospital in Belgrade" and other members of unit were on leave.<sup>22</sup>

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<sup>20</sup> Statement of ICTY investigator Jean Rene Ruez, at November 19, 1996 hearing, provisional English translation, page 15

<sup>21</sup> Germinal Civikov, *Srebrenica: The Star Witness*, p 9 of English translation from German by John Laughland, available from the Dutch based Srebrenica Historical Project

<sup>22</sup> *Ibid.* p 67

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The question of who Erdemovic and his cohorts were really working for on July 16 while his unit was on leave, is central to the case. Erdemovic acknowledged to the court that his group had been paid the equivalent of 1 million Euros in gold, but couldn't or wouldn't tell the Tribunal who paid them. ICTY prosecutors showed no further interest in the critical issue of the money, which is the main motive of mercenaries, presumably because it would distract from the effort to link these bloodstained soldiers of fortune to the Serb High Command.

Rather, it was the testimony of one soldier of fortune named Drazen Erdemovic that enabled the ICTY to convict General Radislav Krstic of genocide and bring indictments against Karadzic, General Mladic, Serbian President Milosevic as well as General Vujadin Popovic and seven other top Bosnian Serb military leaders.

In "Srebrenica: Star Witness," Civikov argues that by failing to indict Erdemovic's seven partners in crime - or even question them, the ICTY showed a stunning lack of interest in a full account of what the tribunal has called 'the worst atrocity in Europe since World War II'. If lowly private Brano Gojkovic gave the order to execute, why has he not been arrested and questioned? When one of Erdemovic's fellow executioners, another Croat named Marko Boskic, was arrested in Boston in 2004 for failing to disclose to US immigration authorities his service in a unit attached the Serb Army, the Tribunal decided not to extradite him, even though Boskic reportedly admitted to the FBI that he had taken part in the executions at Branjevo Farms. When reporters asked why Boskic was not being extradited, Anton Nikiforov, the spokesman for the Office of the Prosecutor, replied that the prosecutor had to concentrate on going after the "the big fish."<sup>23</sup>

If there were any orders to Erdemovic's unit from the leaders of the Serb Army to carry out executions, Milorad Pelemis, Commander of the 10<sup>th</sup> Sabotage Division would have been the link to higher ups such as the Serb High Command at Han Pijesak. But over 12 years the ICTY showed no interest in questioning Pelemis, while Erdemovic's testimony enabled the ICTY to convict one top Serb after another. Why take a chance that other, more credible witnesses would undermine Erdemovic's testimony? Any nagging concerns about discovering the actual truth regarding the bloody events at Branjevo Farms – a prerequisite for a justice -- were swept aside by prosecutors in the all consuming effort to convict "big fish" like Karadzic and Mladic.

### **INCOMPATIBILITY OF EVENT EVALUATION CONFIRMED**

Contrary to the official story, the combined tally of officially confirmed survivors from Srebrenica clearly rules out the possibility that 7,000 or 8,000 men were killed in battle, minefields or executions. The ICTY indictment of Serb General Radislav Krstic placed the number of residents of Srebrenica between 38,000 and 42,000 before the town was captured. We know that the UN registered 35,632

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<sup>23</sup> Ibid p.73

surviving refugees at the Tuzla airport, as acknowledged by the World Health Organization (WHO) and the Bosnian government, according to the 1996 Amnesty International report on Srebrenica.<sup>24</sup> We also know from testimony by Bosnian Army Commander Hadzihasanovic, that 3,175 soldiers<sup>25</sup> of the 28<sup>th</sup> division survived the fighting with the Serbs on the way to Sapna Finger near Tuzla where Muslim soldiers regrouped and were redeployed to other theaters of conflict. Along with the 796 Muslims soldiers that fled to Zepa, who were acknowledged in the same Amnesty Report, there were at least 39,603 officially confirmed survivors from Srebrenica.

Even if one uses the Tribunal's highest estimate of the pre-capture population of Srebrenica (42,000), subtracting the number of officially confirmed survivors (39,603) would indicate between 2,000 and 2,400 Muslims were killed, whether in battle, walking through minefields or by execution.

Senior US military officials in the best position to know understood from the outset that the casualties for Srebrenica were inflated. In a 1995 article in *Foreign Affairs*, former Deputy Commander of NATO, Charles Boyd, in charge of intelligence, wrote that "except for the amount of handwringing and CNN footage," the scope of the violence around Srebrenica in 1995 "differed little" from the US supported Croatian attack on the Serbian population of the UN Protected Zone in nearby Western Slavonia two months earlier.<sup>26</sup>

The inflated number of Srebrenica casualties used by the US State Dept., however, was crucial in building public support for US/NATO military intervention against Serb targets in late July 1995. William Perry<sup>27</sup>, who served as US Secretary of Defense during the Bosnian conflict, would observe to the *New York Times* years later "you don't go to war with people unless you demonize them first."

Instead of gathering evidence first, and deciding what crimes had been committed, ICTY investigations were compromised by the need to justify indictments that had been made for the political reasons so candidly offered by Richard Holbrooke and ICTY President Antonio Cassese. Five years after the largest exhumation of wartime casualties in history, the remains of 2000 bodies were recovered in a region where fierce fighting had raged for three years and these findings were offered as evidence in the trial of General Radislav Krstic who was in Zepa when the Muslim column with the 28<sup>th</sup> division clashed with Bosnian Serb units from the Drina Corps.

Various official casualty lists using the 7,000 to 8,000 figure, including one compiled by the International Committee of the Red Cross, relied on information

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<sup>24</sup> *Amnesty International July 1996 Report on Srebrenica*, "To Bury My Brother's Bones"

<sup>25</sup> Hadzihasanovic, *Prosecutor vs. Krstic*, April 6, p. 9532

<sup>26</sup> Charles G. Boyd, "Making Peace with the Guilty," *Foreign Affairs*, Vol. 74, No. 50, Sep./Oct, 1995, pp. 22-23.

<sup>27</sup> William Perry, who was quoted in the *New York Times* February 27, 2008 was referring specifically to North Korea, though demonization of potential military adversaries is routinely used to gain public support for military intervention, as it was in the Bosnian Serbs.

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provided on questionnaires filled out by purported surviving relatives. They have been found to be seriously flawed, because they include names of individuals still alive, persons who died prior to the capture of Srebrenica, and many others from different locations in Bosnia, as well as 3000 persons who voted a year later in the 1996 Bosnian election supervised by the OECD.<sup>28</sup>

### THE GOVERNMENT SACRIFICED OWN PEOPLE

US officials focused on the responsibility of the Serbs for events in Srebrenica, but several key Muslim officials bitterly claimed that Srebrenica was “sacrificed” by the Bosnian government to set the stage for NATO intervention.

One of them is Ibran Mustafic, former Mayor of Sarajevo who was the head of the Muslim ruling party SDA organization in Srebrenica during the war. He was among the relative small number of Srebrenica men who joined the women and children at Potocari. He was interrogated by the Serbs, taken prisoner and then released.

Mustafic, who has since written a book about events in Srebrenica (“Planned Chaos”), told the Muslim publication *Slobodna Bosna* in a 1996 interview: “The scenario for the betrayal of Srebrenica was consciously prepared. Unfortunately, the Bosnian presidency and the Army command were involved in this business; if you want the names, figure it out yourself. I understood the situation in Srebrenica and you can trust me on this, had I not been prevented by a group of criminals, many more inhabitants of Srebrenica would be alive today. Had I received an order to attack the Serb army from the demilitarized zone, I would have rejected to carry out that order without thinking and would have asked the person who had issued that order to bring his family to Srebrenica so that I can give him a gun and let him stage attacks from the demilitarized zone. I knew that such shameful, calculated moves were leading my people to a catastrophe.”<sup>29</sup>

Mustafic had survived two assassination attempts by what he calls the “group of criminals,” led by Naser Oric. But Srebrenica’s police chief, Hakija Meholic, a hardliner who served under Naser Oric, also believes that Srebrenica was deliberately sacrificed by the Izetbegovic government and the high command of the Bosnian Army to enable NATO forces to intervene.

In an interview with the Muslim publication *Dani*, Meholic recalls that at the Bosniak conference in Sarajevo in September 1993, Izetbegovic claimed to have discussed various scenarios for Srebrenica with President Clinton. According to Meholic, an ally of Naser Oric: We were received there by President Izetbegovic, and immediately after the welcome he asked us: “What do you think about the swap

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<sup>28</sup> Jonathan Rooper, *Chapter 4 “The Numbers Game”* <http://www.srebrenica-report.com/numbers.htm>

<sup>29</sup> *Slobodna Bosna* (Sarajevo), July 14, 1996, website, <http://www.srpska-mreza.com/Bosnia/Srebrenica/lamb.html>

of Srebrenica for Vogosca [a Sarajevo suburb]?" There was a silence for a while and then I said: "Mr. President, if this is a done thing, then you should not have invited us here, because we have to return and face the people and personally accept the burden of that decision." Then he said: "You know, I was offered by Clinton in April 1993 that the Chetnik [a derisive term for Serbs] forces enter Srebrenica, carry out a slaughter of 5,000 Muslims, and then there will be a military intervention."<sup>30</sup>

Meholjic, who was stunned by this disclosure from Izetbegovic, subsequently repeated this account to the producers of a Dutch documentary that was shown as evidence in the War Crimes Tribunal.<sup>31</sup> According to the film, President Izetbegovic was questioned by UN investigators and denied making the disclosures. While there is no evidence, nor any way to confirm that President Clinton actually made such a proposal to Izetbegovic, however hypothetical, there were at least eight surviving witnesses to confirm what Izetbegovic told the Srebrenica delegation.

In negotiations between the Muslim and Serb leaders, Senior Clinton administration figures, including Madeleine Albright and Alexander Vershbow, had consistently maintained that Srebrenica and other isolated Muslim enclaves such as Gorazde should be exchanged for Serb-held territory such as Vogosca near Sarajevo. Both sides expected Srebrenica to become part of Serb territory in a settlement and for that reason the Serbs had shown little interest in stretching their limited manpower to capture the enclave when their Western front was under pressure from major military attacks by Croat Muslim forces in Western Bosnia.

The Bosnian government set events in motion that led to the capture of Srebrenica when they withdrew Oric and 17 other top commanders of the 28<sup>th</sup> division to attend a Bosniak conference in Zenica, just before ordering the now leaderless unit in Srebrenica to engage in attacks against nearby Serb villages that were sure to provoke a response from the Serb Army. UN officials involved in events share the belief of local Muslim leaders such as Mustafic and Meholjic that the Sarajevo government deliberately sacrificed Srebrenica to bring NATO military intervention against the Serbs. Carlos Martins Branco, Deputy Chief Operations Officer in the UN Peace Forces in Bosnia writes: "The besieged [Muslim 28<sup>th</sup> Division] forces could have easily defended the enclave." Since it was going to be traded away "it was preferable to let this happen in the most beneficial manner possible."<sup>32</sup>

Michael Evans of the *London Times* said that the fact that Bosnian Army commanders and a large division "abandoned the town before the Serbs breached

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<sup>30</sup> Hakija Meholic, Interview, in Hasan Hadzic, "5,000 Muslim Lives for Military Intervention," *Dani*

<sup>31</sup> Hakija Meholic, *Prosecutor v. Radislav Krstic*, April 5, 2001, p. 9480. Meholic's words, as recorded by the Dutch filmmaker, were translated to the Chamber while the videotape played.

<sup>32</sup> Carlos Martins Branco, "*Was Srebrenica a Hoax? Eye-Witness Account of a Former United Nations Military Observer in Bosnia*," 1998

the perimeter, [was] a sign that a decision made to sacrifice Srebrenica for the sake of a political strategy.”<sup>33</sup>

Before his death in 2003, Izetbegovic freely acknowledged that he had made false accusations in the course of the war in an effort to encourage NATO to bomb the Serbs. During a 1992 visit from French President France Mitterand, Izetbegovic accused the Bosnian Serbs of running “extermination camps,” a charge that created headlines worldwide and led to congressional hearings in the US. But, Bernard Kushner, currently France’s Foreign Minister accompanied by Richard Holbrooke, visited Izetbegovic on his death bed, where the President disowned his sensational charges against the Serbs.

“Yes,” he told Kushner, “I thought that my revelations could precipitate [NATO] bombings. Yes, I tried, but the assertion was false. There were no extermination camps whatever the horror of those places”<sup>34</sup>. At the very time that Izetbegovic was making his charges in 1992 about “death camps”, the International Committee of the Red Cross, which had visited prison camps run by the three factions in the Bosnian civil war, stated officially: “Serb, Croats and Muslim all run detention camps and must share equal blame”.

Izetbegovic’s government made similar headlines in December 1992 when its Foreign Minister Haris Silajdzic told the NBC “Today” Show that “forty to fifty thousand women were raped and are being raped now, even as we speak” by Bosnian Serbs. Two years later, after extensive investigations, a report by UN Special Rapporteur Tadeusz Mazowiecki<sup>35</sup> put the number of confirmed rapes at 337 *for all sides*, a finding which received little attention from news organizations that trumpeted the original Bosnian government charges.

Nor was Izetbegovic hesitant about using the word “genocide” without basis when it suited his purposes. Barely a week into the war, on April 6, 1992, Izetbegovic was already being quoted in news accounts using the word “genocide”<sup>36</sup> to characterize a brief battle between Serbs and Muslims in the Eastern Bosnian town of Bijeljina. This pattern continued whenever the Bosnian leader called publicly for NATO military intervention.

On July 9, 1995, two days before the Serbian soldiers entered the empty town of Srebrenica, Izetbegovic was already on the phone with world leaders including US President Bill Clinton decrying “terrorism and genocide against the civilians of Srebrenica.”<sup>37</sup> At this time, the small Serb unit which had entered the enclave from

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<sup>33</sup> Michael Evans, *London Times*, August 1, 1995

<sup>34</sup> Bernard Kushner in his *Les Guerriers de la Paix*, Paris, Grasset, 2004, pp. 373-374

<sup>35</sup> Tadeusz Mazowiecki, Annex II 1993 *Report of Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia*

<sup>36</sup> *BBC Summary of World Broadcasts*, April 6, 1992

<sup>37</sup> *Ibid*, July 9, 1995

the south had yet to encounter any serious resistance from Muslim forces, which were already moving north from Srebrenica to redepot in Susnjari.

To justify the indictments of Karadzic and Mladic, it has been a singular goal of the ICTY to support and prop up the original estimate of 7,000-8,000 despite the lack of hard evidence and some breathtaking inconsistencies in official documents and indictments. There is unmistakable evidence that the Bosnian government and the ICTY conflated casualties from across Bosnia with those from Srebrenica to arrive at the inflated official figure. For example, an internal memo written by the ICTY demographer Ewa Tabeau in 2008<sup>38</sup> states that of the total of 7,661 Muslim men allegedly missing from Srebrenica, 5,371 were soldiers of the Bosnian Army and that 3,481 of these were identified from excavated remains as of the date of her memo. But Tabeau's statistics come from the same official Bosnian Army sources, including the government sponsored "International Commission on Missing Persons" (ICMP), that have repeatedly invoked the inflated number of Srebrenica deaths.

However, the top commanders of the Bosnian Generals Halilovic and Hadzihasanovic - had already testified under oath in 2001 that the total number of Bosnian Army members in Srebrenica was around 5,500, and that 3,175 Muslim soldiers of the 28<sup>th</sup> Division had survived the bloody flight across Serb territory.

Alija Izetbegovic, in an unguarded moment on Sarajevo television a month after the capture of Srebrenica, acknowledged that "3,400 soldiers"<sup>39</sup> managed to reach "free," i.e. Muslim-held territory near Tuzla, a slightly higher, rounded-off figure than his generals would use in their testimony. On another occasion he told Sarajevo radio that surviving troops were dispatched to join fighters around Bihac in Northwest Bosnia.

Given that at least 3,000 soldiers survived out of a unit of 5,500, how could 5,371 soldiers have been deemed missing by the ICTY? If the "missing" were in fact Bosnian soldiers, obviously, they could not have been from Srebrenica.

A contemporary, authoritative UN source provides further confirmation that there were many survivors from the Muslim military column and that most of those killed along the way were the victims of mines and battles with Bosnian Serb soldiers. A 17 July 1995 report to the UNPROFOR office in Tuzla, Edward Joseph, refers to the arrival of "Srebrenica men" in the Tuzla area and comments that "5 to 6 thousand crossed into BiH 2 Corps controlled-territory in the southern Sana area last night (16 July)... Up to three thousand were killed on the way, mostly by mines and Serb Army engagements. Unknown others were captured. Some committed suicide. Unknown others went to Zepa."<sup>40</sup>

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<sup>38</sup> Ewa Tabeau, ICTY demographer in July 24, 2008 memo to Peter McCloskey, Senior Trial Attorney

<sup>39</sup> *BBC Summary of World Broadcasts August 16, 1995 Izetbegovic says "Some 3,400 soldiers from the 28th Division which was stationed in Srebrenica managed to come out."*

<sup>40</sup> UN official Edward Joseph report to Tuzla UNPROFOR office, July 17, 1995

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By August 4, a very large number of civilian men from Srebrenica registered as displaced persons with the UN at the Tuzla airport. The 1996 Amnesty International report states that “at least 13,000 men successfully made their way through the forest.”<sup>41</sup>

In his November 1, 2002 report to the ICTY, Richard Butler, the American military expert for the prosecution stated that “depending on the source, 10,000 to 15,000 persons formed a mixed [military and civilian] column...”<sup>42</sup> which sought escape following the Srebrenica-Tuzla route. Given that 13,000 Srebrenica men survived, this again rules out the inflated number of 8,000 killed. Butler’s reference to the mixed military and civilian nature of the column confirms that it was a legitimate military target.

Of the 2,000 plus Srebrenica men who died as part of the mixed column of soldiers and civilians, how many were killed in military encounters with the Serbs, from deadly mines or from executions? The ICTY’s chief investigator Jean-Rene Ruez has stated: “A significant number [of Moslems] were killed in combat... Many were killed while trying to make it through minefields... As for those who perished in the woods, we are compelled to figure that they were killed in battle.”<sup>43</sup> Ruez notes that the Bosnian Serbs also had significant losses in battle, particularly the Zvornik brigade, which had its largest casualties of the entire war during four days of engagements with Bosnian Muslim troops in the column breaking out of the Srebrenica enclave. Richard Butler testified that he had not made a location by location analysis of Bosnian Army losses in battles with Serbs, but the figure of “1,000-2,000 sounds reasonable.” In an interview with Sarajevo based *Dani* Magazine, Muslim commander Nesib Buric stressed that his soldiers had fought hard and sustained many casualties: “In my battalion, out of 320, 280 died... No one can deny that in the Srebrenica municipality there are 2,000 buried fighters”.<sup>44</sup>

The well-documented accounts of military engagements the length of the trip from Srebrenica to Sapna by 37 surviving Muslim soldiers interviewed by the ICTY suggests the number of executions among these 2,000 casualties would have to be in the hundreds. Some 442 ligatures and blindfolds were found at several locations including Branjevo Farms where Erdemovic claimed to have carried out executions. It is also possible, though unproven to date, that some local Bosnian Serb soldiers may have disobeyed standing orders and taken revenge by executing soldiers of the 28<sup>th</sup> Division who had slaughtered their families during Naser Oric’s reign of terror in 1992-93.

The most comprehensive effort to analyze and categorize the method of death of those exhumed was performed by forensic physician Ljubisa Simic of the Dutch-

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<sup>41</sup>Amnesty International July 1996 Report on Srebrenica, “To Bury My Brother’s Bones”

<sup>42</sup>Richard Butler, par. 3.21 of his ICTY Report dated November 1, 2002, ERN number 03072366

<sup>43</sup>Monitor, April 19, 2001; ERN number 06038344

<sup>44</sup>Nesib Buric, statement to Sarajevo daily *Dani*, January 18, 1999

based Srebrenica Historical Project, who produced graphs and tables of category of injuries sustained in the 13 primary burial sites excavated in 1996-2002 from 3600 reports accounting for the remains of some 2,000 bodies. While some researchers have raised questions whether blindfolds or ligatures may have been planted, Simic believes that these were victims of executions. At least 600 bodies showed evidence of injuries<sup>45</sup> from projectiles, mostly in feet which are consistent with deaths from mines. Significantly, Simic notes that the same grave sites that were excavated in 1996-97 also contained bodies that showed advanced decomposition inconsistent with burials of two years or less following the capture of Srebrenica. These remains had to have been buried during the scorched earth attacks on Serbian villages in 1992-93 by Naser Oric's 28<sup>th</sup> Division. (Oric was finally indicted in 1998 and convicted only on trivial charges despite massive evidence of his murderous activities including his own videotapes. He was later found innocent by ICTY judges after serving only two years, and released to a hero's welcome.)

### CONCLUSION - NUMBERS GAME

What are we to make of the claim by the International Commission on Missing Persons (ICMP) claim that there are now DNA matches for the remains of 6200 persons from Srebrenica? First, we need to understand that despite its name, the ICMP is not an independent group but rather a successor organization of the Muslim dominated group which maintains control over the investigative and forensic work. The ICMP is allied with the same Bosnian government figures such as Haris Silajdzic, then President of Bosnia, who, as Foreign Minister in 1992, grabbed headlines with charges of mass rape.. It was Silajdzic, also, who told a press conference in 1994 that "70,000 people" had been killed in fighting around Bihac, though the UN monitors informed BBC reporter John Simpson that fewer than a thousand persons had been killed in the Bihac fighting that had been initiated by the Bosnian Government side.<sup>46</sup>

As for DNA matches, there is no reliable basis for the ICMP number. We already know the ICMP used an inflated number (5,300) for missing soldiers from Srebrenica, because the 28<sup>th</sup> Division had only 5,500 members and according to both the High Command Alija Izetbegovic that more than 3,000 survived. News accounts of the ICMP identification process have raised questions about their methodology (particularly contamination) and skepticism about claimed breakthroughs in DNA technology.

Eight years after the end of the war, the ICMP began to greatly widen the search for bodies beyond the Srebrenica area to distant regions of Bosnia. They did it the basis of a theory that the Bosnian Serbs had undertaken a vast cover-up exercise to hide massacres, reburying bodies in secondary and tertiary graves. No compelling

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<sup>45</sup> Lubisa Simic "*Forensic Analysis of Srebrenica Post Mortem Reports*" published by Dutch based Srebrenica Historical Project

<sup>46</sup> John Simpson, "*Rose's War*," Panorama, BBC1, January 23, 1995

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evidence to support this theory was ever made public - indeed, no mention of it had been made at all until several years after the wars ended. No suggestion that graves had been violated was made when Physicians for Human Rights carried out their investigations in the summer of 1996.

This drastic rewriting of the official chronology gained traction among ICTY officials, despite its implausibility. It would have been difficult, if not impossible for the Serbs to carry out such a major operation without it being noticed at the time (autumn 1995, when Bosnia was under satellite and drone surveillance, crawling with UN, OSCE, CIA, MI6 personnel). And if the Serbs were desperate to cover up crimes and went to the trouble of excavating, moving and re-burying some 500 tons of human remains, why did they not remove the blindfolds and ligatures?

Most importantly, despite their claims, the ICMP did not share the DNA evidence with the ICTY, much less the Karadzic and Mladic defense. These results have never been subject to peer review. Yet, the Tribunal cited these claims in court proceedings as justification for the inflated number of casualties used in the indictment of Karadzic and Mladic. While there is substantial evidence that Erdemovic repeatedly committed perjury in his testimony which sought to connect his small group of mercenaries on leave, with the Serb High Command, it became clear that Karadzic and Mladic would be found guilty of charges, including genocide, in the ICTY indictments. The same judges who allowed Erdemovic's incredible testimony to convict General Krstic to a forty five year sentence were not going to consider facts that would undermine their previous convictions.

Taking no chances, the ICTY transferred one of its most able senior prosecutors, Alan Tieger, from prosecuting the Croatian generals who carried out "Operation Storm," to join prosecutors of the Srebrenica case against Radovan Karadzic. That move said a great deal about political priorities of the tribunal, because "Operation Storm" was a much larger attack that cleansed 200,000 ethnic Serbs in two large UN Protected Areas. Senior Canadian UN Commanders have testified that the Croatian Army, which was trained and supported by a private US military contractor MPRI, directly targeted civilians.

The Tribunal and its most important sponsor, the US government, are heavily invested in the outcome of the trial. The inflated numbers at Srebrenica, like the false stories of WMDs in Iraq, enabled the US and NATO to expand its military operations for the first time outside the original NATO mandate. In the early 90's, there was palpable concern among US policy makers that, with the collapse of the Soviet Union, NATO no longer had a mission as a defensive alliance. Senator Richard Lugar (R-In) used the slogan "Out of area, or out of business"<sup>47</sup> to trumpet his belief that a suitable cause for NATO intervention needed to found soon to validate a new mission for the military alliance. Srebrenica provided a pretext for a new role - out

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<sup>47</sup> Richard G. Lugar, "NATO: Out of Area or Out of Business: A Call for U.S. Leadership to Revive and Redefine the Alliance," remarks delivered to the Open Forum of the U.S. Department of State, August 2, 1993.

of area intervention, helping the US retain a dominant role in Europe and project its military power eastward.

There is no reason to dispute Richard Holbrooke's description of the War Crimes Tribunal as "valuable tool" of big power politics. However, no close observer of the tribunal is likely to call it "independent" or "impartial." Instead of functioning to promote truth and reconciliation, the blatant politics and institutional biases of the ICTY have heightened and prolonged the tensions between Serbs, Muslims, Croats and Albanians in what Balkan scholar Robert Hayden calls "war by other means." Those seeking the truth about events at Srebrenica need to examine the wealth of evidence that shows the highly politicized nature of the ICTY.

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## AN ANALYSIS OF SREBRENICA FORENSIC REPORTS AS PREPARED BY ICTY PROSECUTION EXPERTS

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**Abstract:** A thorough analysis of forensic evidence used in Srebrenica-related trials at ICTY in the Hague is an important tool not only for sorting out what actually happened in Srebrenica in July of 1995, but also for understanding the procedures followed by that Tribunal. These insights are all the more significant since over the last decade much new evidence has emerged which sheds new light on the events in Srebrenica and the Tribunal's judicial standards.

This paper focuses on the methodology of forensic teams which, working on behalf of ICTY Prosecution, between 1996 and 2001 exhumed mass graves believed to be related to Srebrenica and recorded their findings in the form of autopsy reports. Significant methodological errors in the autopsy reports are pointed out, calling into question the integrity of that evidence as received by various ICTY chambers.

As a result of significant problems with the forensic evidence, which is the only material proof of what happened in Srebrenica, the generally accepted narrative needs to be reexamined.

**Key words:** *Hague tribunal, war crimes, forensic evidence, Srebrenica, judgment*

It may be said at the outset that the critique that follows strongly encourages the formation of a new perspective not only about Srebrenica but, to the extent that this major component of the accepted narrative of the Bosnian war 1992 – 1995 is found to be unsustainable, about that conflict as a whole

For our purposes it is unnecessary, and would even be uncalled for, to dwell on the political, legal, or moral background of the events which took place in Srebrenica in July of 1995. Instead, we shall focus on the methodology of the international teams of forensic experts who were asked by the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to conduct exhumations of Srebrenica-related mass graves and record their findings in the form of individual autopsy reports between 1996 and 2001. For this task to be performed credibly, all relevant and available data must be taken into account. Significant issues must be clearly identified, and they should be discussed as thoroughly as possible.

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<sup>1</sup> Doctor Ljubisa Simic is a Neurosurgeon and a Forensic Expert, who has been investigating forensic findings of The Hague Tribunal Prosecution for several years and he published his findings in several studies aimed at demystifying the work of this judicial institution, which has shown complete bias and non-objectivity in fulfilling the tasks of the world centers of power.

**OUTSIDE EXPERTS AND THEIR *MODUS OPERANDI***

It should be pointed out at the start that the general thrust of this critique is not to endorse either of the extreme views on the subject, one claiming that 8,000 prisoners of war were lined up and shot, and the other asserting that no major violations of the laws and customs of war occurred. To that extent, the partisans of both views will probably remain dissatisfied with what we have to say because the conclusions suggested by our analysis of Srebrenica forensic data do not lend support to either camp.

Thorough analysis of the forensic evidence used in the various Srebrenica trials could make an important contribution to clarifying what happened in Srebrenica in July of 1995. It provides also a useful glimpse into the way the ICTY operates. Clearly, over the last twenty and some years, virtually from the time of the initial exhumations, this evidence has been controversial. Equally controversial is the Tribunal's professionalism in this area. The way in which this forensic data was collected, processed, offered into evidence, and finally incorporated into ICTY judgments,<sup>2</sup> thus coming to form the basis for far-reaching conclusions, sheds additional light on this international tribunal's *modus operandi*.

It could plausibly be argued that considerably more progress might have been made in establishing the facts, at least on the forensic level, if outside interventions had been more constructive, or at least more moderate in their strenuous demands to fit forensic realities into preconceived frameworks.

The analysis that follows will shed light on one aspect of that foreign intervention which was designed to "pick up the pieces" in the aftermath of the Bosnian war. The importance of these materials may be judged by the fact that the Hague Tribunal relied on them to define the events in Srebrenica as genocide, which is perhaps the most serious legal characterization in the arsenal of jurisprudence. Individuals accused of involvement in these events have received prison sentences totaling many decades. Yet until now no one has bothered to subject the forensic methods and the autopsy reports themselves, as prepared by the Prosecution's own experts, to serious review, notwithstanding their far-reaching impact.<sup>3</sup>

One may assume that trust in their competence and objectivity was so implicit, that the thought never occurred to anyone to seriously question their work.

That impression is reinforced by the fact that Tribunal experts were granted complete autonomy in their work while their local colleagues from Bosnia or the former Yugoslavia were not allowed access to any of the about 20 mass graves that were identified and exhumed in the general area of Srebrenica. Given the bitter mutual hostility of local contenders, viewed in the abstract entrusting the delicate task of sorting out the forensic evidence to presumably detached foreigners may have

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<sup>2</sup> Karganovic, Simic, *Srebrenica: Deconstruction of a Virtual Genocide*, NGO Fund "Historical Project Srebrenica", Netherlands, Belgrade, 2010, p. 61-80

<sup>3</sup> Karganovic, Simic, *Srebrenica: Deconstruction of a Virtual Genocide*, NGO Fund "Historical Project Srebrenica", Netherlands, Belgrade, 2010, p. 61-80

appeared as a wise move under the circumstances. But the corollary to that is that since no one but ICTY Prosecution experts were involved in the exhumations, they and the institution on whose behalf they were performing their task must now bear complete professional responsibility for the quality of the results. At the same time, taking into account the countries from which many of these experts were drawn, as well as countries from which they were pointedly excluded, skeptics may be excused for thinking that this particular detail may explain many of the shortcomings in these autopsy reports, which will be pointed out in due course.

In order that the main issues may be properly highlighted and understood, the data will be analysed from several different angles. In addition to the data itself, we will deal also with the important question of how they were presented to and interpreted by the Tribunal and were thus used as the foundation for several convictions. This approach will generate more useful information and it will enable us to explain this complex material by using numerous examples.

The subject of the analysis that follows is the results and conclusions reached by several teams of prosecution forensic experts engaged by the Office of the Prosecutor of the Hague Tribunal. They conducted exhumations between 1996 and 2001. These exhumations were performed in the Podrinje (Drina Valley) region of Bosnia and Herzegovina in mass graves believed to contain the remains of Srebrenica victims.

Autopsy reports prepared by these expert teams refer to victims in over 20 mass graves in 13 localities: Glogova, Kozluk, Konjević Polje, Hodžići Road, Nova Kasaba, Pilica, Ravnice, Zeleni Jadar, Lazete, the Dam, and Čančari Road.

### **IS THAT WHAT THEY MEAN BY *LEGE ARTIS*?**

Before going further, it would be useful to consider the way Hague Tribunal experts view the forensic evidence where Srebrenica is concerned. Asked by the defence during the *Popović et al.* trial whether in his view it would serve a useful purpose to try to establish how many Srebrenica Muslims were killed in combat, ICTY prosecution military expert Richard Butler answered as follows:

It would be relevant if the forensic evidence of mass graves were showing evidence that would reflect that the bodies in those graves reflected combat casualties. The forensic evidence, as I understand it, coming out of those mass graves reflects the opposite, that they are not combat casualties.<sup>4</sup>

Nevertheless, further along during the cross examination, Butler felt compelled to admit that based on his military experience it would be reasonable to assume that “between 1,000 and 2,000” Muslims could have died as a result of combat activity.<sup>5</sup>

Though he was eventually compelled to backtrack to a certain extent, it is Butler’s initial response that encapsulates the dogmatic position which has implicitly marked from the start the way this forensic evidence was treated by the prosecution,

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<sup>4</sup> Popovic et al, Transcript p. 20250

<sup>5</sup> Popovic et al. Transcript p. 20251, lines 6-8

successive Tribunal chambers, and the experts engaged to prepare it. Obviously, that rigid position does not have empirical support in the forensic evidence itself.

The issue of professionalism. No expert, regardless of skill or reputation, can state with absolute certainty whether an injury was the result of execution or combat merely on the basis of a bullet or other injury to some portion of the body, especially if the body is in an advanced state of decomposition or has been reduced to a skeleton. Unqualified assertions are always a sure sign that the expert is overstepping the legitimate bounds of his or her mandate.

The chamber in the *Krstić* case reasoned in a way that was quite similar to Butler's. Their conclusions on forensic matters, as stated in the judgment, are largely adapted to the prosecution's claims without much apparent attempt at critical analysis. In many instances, the prosecution's views were incorporated into the judgment with little or no modification.

The following aspects of the *Krstić* judgment where it intersects with the prosecution's forensic evidence should be red-flagged because they are seriously questionable. They have, nevertheless, infected the reasoning and the principal conclusions of the judgment as a whole.

1. It is tacitly accepted that each forensic report represents a body. That is not correct because a significant number of reports involve only a few bones from which no firm conclusions can be drawn. That is particularly true of hand or foot bones, some of which do not even exhibit any evidence of injury. [Annex 5.4]

2. The total number of cases (or purported bodies) with blindfolds and/or ligatures is, by our count, 442. In the *Krstić* judgment, two figures are cited. One refers only to blindfolds (448), and the other only to ligatures (423).<sup>6</sup> It is thus implied in the judgment that these are two separate groups of prisoners. When these figures are combined, the resulting total is 871, which is somewhat more than the actual number of victims found in a state which suggests execution. Some had only blindfolds, others had only ligatures, but many had both. Thus, there was overlap between the two groups. However, this is not mentioned anywhere in the judgment nor is there the slightest hint of the fact that in a significant number of cases the same individuals had a blindfold and a ligature. The objective of the prosecution, naturally, was to augment the number of potentially executed persons and thus to impress the judges. They were apparently successful. The result is reflected in the lengthy sentence that was in the end meted out to General Krstić.

3. The judgment also fails to discuss numerous autopsy reports which refer to bodies where only shell or mortar fragments were found. The presence of such munitions militates strongly against the self-confident thesis of prosecution expert Butler that practically without exception victims exhumed from mass graves was executed. (Annex 5.2)

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<sup>6</sup> *Krstić* trial judgment, par. 75: «Investigators discovered at least 448 blindfolds on or with the bodies uncovered during the exhumations at ten different sites. At least 423 ligatures were discovered during exhumations at 13 different sites...»

4. Deliberately or by design, the issue of “high velocity bullet injuries” referred to in many autopsy reports, and the important implications that has with regard to the manner of death, is casually mentioned in the autopsies but its significance is left completely unexplored. However, the presence of such injuries is directly pertinent to whether or not an execution occurred in a particular case. The gravity and the extent of bone damage in these situations clearly suggests the impact not of conventional bullets but of shells associated with the Praga cannon,<sup>7</sup> a widely used artillery piece. Its use in the Srebrenica theater and particularly as an anti-personnel weapon is amply documented in the survivors’ statements. (Annex 5.1)

5. The *Krstić* judgment ignores the significance of autopsy reports which refer to complete bodies with soft tissue to greater or lesser extent present but without any visible injuries inflicted by firearms or any other weapons. This category of human remains suggests that some individuals in the enclave may have died of natural causes or in some other way that rules out execution. (Annex 5.13)

6. It is also stated in the *Krstić* judgment that at the time the judgment was announced “the minimum number of bodies in the graves exhumed” by forensic specialists “was 2,028”.<sup>8</sup> But that clearly misstates the actual situation as of August of 2001, when the *Krstić* judgment was published. Our material, which includes not only the data available to the *Krstić* chamber but also two additional mass graves exhumed after the *Krstić* trial judgment, shows that there was a maximum total of about 1,920 bodies, or individuals, in all the exhumed mass graves taken together. Some exhibited a pattern of injury consistent with execution, but many did not.

7. In the *Krstić* judgment, the chamber delivers the conclusion that 18 then-unopened mass graves contain a “minimum of 2,571” unexhumed additional bodies.<sup>9</sup> We may set aside the obvious question: What entitles the chamber to venture such precise figures about the content of as yet unopened gravesites? More to the point, however, almost two decades have passed since then and there still is no trace of the 2,571 bodies of executed prisoners estimated by Tribunal experts,<sup>10</sup> who are also quoted in the judgment as claiming that the total number of victims “detected” in the mass graves is 4,805.<sup>11</sup> After more than a decade, and in spite of assiduous digging, there is no sign of those additional 4,805 bodies which, in order to support the chamber’s conclusion, must not only be discovered but also forensically demonstrated by proper autopsy reports to be victims of Srebrenica-related executions, and not of some other cause of death. The failure, after such a long time,

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<sup>7</sup> Praga: M53/59. The Praga is a double-barrelled self-propelled anti-aircraft gun. Although it was designed to counter low-flying aircraft and helicopters, during the war in Bosnia and Herzegovina it was used mainly as an anti-personnel weapon and against lightly fortified facilities.

<sup>8</sup> Krstić trial judgment, par. 80.

<sup>9</sup> Krstić trial judgment, par. 80

<sup>10</sup> Krstić trial judgment, footnote 166

<sup>11</sup> Ibid.

to bring to light what the chamber was told had been “detected” in numerically quite precise terms suggests that this estimate was pure guesswork and that it was professionally unfounded.

Other ICTY chambers in Srebrenica cases were hardly less awkward in their reasoning. Examples include some of the conclusions drawn by the chamber in the *Blagojević* judgment. Disregarding numerous defects which in this respect it has in common with the *Krstić* judgment, some of which were mentioned above, there are also some new ones.

1. The chamber represents that in the Pilica (Branjevo farm) mass grave 132 bodies were exhumed, of which 82 had ligatures.<sup>12</sup> That information is incorrect. In fact, 115 bodies were exhumed, of which 70 had ligatures.

2. It is claimed that the Glogova 1 and Glogova 2 mass graves contain 317 bodies. Our analysis of the data shows that to be incorrect. There is, in fact, a total of 275 bodies not just in the Glogova 1 and 2 mass graves but in all the mass graves exhumed at that location taken together, i.e. Glogova 1, Glogova 2, Glogova 3, Glogova 4, Glogova 5, and Glogova 6. Using simple mathematics, all six of those mass graves contain a total of 275 bodies while in the *Blagojević* judgment it is claimed that in just two of them there were 317 bodies.<sup>13</sup>

3. In some of the paragraphs of the judgment, it is stated that in the Hodžići Road mass grave there were estimated to be 219 bodies. In fact, 156 were exhumed there.<sup>14</sup>

The Tribunal dealt with these issues not only by relying on the findings of forensic experts in the field, but also by considering the evidence of witnesses who took part in these events in July of 1995. To be exact, it heard for all practical purposes the testimony of just a single witness, Dražen Erdemović, who appeared as the prosecution’s star witness in several Srebrenica trials. The place where our analysis of the forensic evidence intersects with Erdemović’s evidence is Pilica, located about 40 kilometers from Srebrenica. According to Erdemović, that was one of the locations where executions of prisoners took place in July of 1995. In his book, *The Star Witness*<sup>15</sup>, Germinal Čivikov discredits the claims of Dražen Erdemović that together with seven other members of his unit he could have executed between 1,000 and 1,200 prisoners in less than 5 hours.

Civikov points out that, when account is taken of Erdemović’s claim that the prisoners were bound and that the busses in which they were being driven were parked 100 to 200 meters from the execution site (in one of Erdemović’s statements the distance was 100 meters, in another 200), and that the prisoners were being shot in groups of 10, given such a tempo, using simple mathematics the executioners

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<sup>12</sup> Blagojevic and Jokic trial judgment, paragraphs 312 and 352

<sup>13</sup> Blagojevic and Jokic trial judgment, paragraphs 312 and 352

<sup>14</sup> Ibid.

<sup>15</sup> Germinal Civikov: *The Star Witness* (Belgrade, 2010), p. 65 and 66

would have had no more than 2,5 minutes per group to commit the crime.<sup>16</sup> Given the general setting of the crime, and in combination with Erdemović's claim that within a five-hour period the executioners found enough time to take breaks, to have drinks, to abuse the prisoners, to force them to empty their pockets and set aside their personal documents, and then to take them to the execution site and finally to check to make sure that everyone was dead, it is clear that this story has some serious flaws. One might well doubt the claim that all the enumerated activities could have been accomplished in 2,5 minutes per executed group. However, such doubts did not arise in the mind of any of the judges, at least not with sufficient intensity to cause them to be incredulous. Oddly, it never occurred to any of the chambers which heard Erdemović's evidence to invite the other perpetrators of the Pilica killings to testify, nor did it motivate the prosecution to charge those accomplices with anything, although Erdemović had identified them all by name and arguably the prosecution was duty-bound to react given the magnitude of the crime that Erdemović claims to have occurred.<sup>17</sup> The possibility that Erdemović was exaggerating, or perhaps even not speaking the truth, is plainly suggested by the exhumation of the Pilica mass grave. That is the reason that Erdemović's evidence is being particular consideration here. The number of bodies exhumed at Pilica was 115, and of that number 70 had headscarves and/or ligatures. That is 15 times less than the figure cited by Erdemović. Yet even such significant discrepancies were not enough for ICTY chambers to begin to question the credibility of the "star witness" or to order the other alleged perpetrators of the crime in Pilica to come to the bar of justice so that at least their accounts could be heard and compared to Erdemović's.

It remains a mystery how the court could accept these contradictions without bothering to verify the facts. Even this cursory survey strongly suggests that one of

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<sup>16</sup> For an instructive comparison, see par. 763 of the Blagojevic and Jokic trial judgment. There, the chamber describes what it evidently regards as a credible account of the execution of prisoners at the Grbavci School, near Orahovac. According to par. 567 (f) of the judgment, about 1,000 persons were executed there, which is less than the 1,200 that Erdemović claims were shot at Pilica and which the chamber, based on his allegations, accepted as a credible fact with regard to that location. The strange thing is the following. In par. 763 in Blagojević it is accepted that the execution of a group of about 1,000 in Orahovac began on 14 July in the afternoon, continued all evening long, and then through the following night, until 5 a.m. the next morning, 15 July. There arises a logical question: If Erdemović is to be believed, how was it possible to execute 1,200 men in only five hours, while elsewhere it took three times longer to execute about 1,000?

<sup>17</sup> At the Popovic et al. trial (2007), judge Agius asked Erdemović to name the members of the Tenth sabotage detachment who took part in the execution of prisoners at Pilica alongside him. Erdemović (who is himself a Croat) named the following persons and their ethnicity: Marko Boškić (Croat), Franz Kos (Slovene), Vlastimir Golijan (Serb), Brano Gojković (Serb), Stanko Savanović (Serb), Aleksandar Cvetković (Serb), and Zoran Goronja (Serb). It is perhaps significant that although as a result of Erdemović's evidence over the last ten years these individuals were known to the authorities as potential suspects in the commission of a serious war crime, no investigation them was initiated and there was no attempt to take them into custody until Germinal Čivikov's *The Star Witness* was published in Serbian translation in 2009.

the proposed versions has to be incorrect. Either Erdemović is speaking the truth when he claims that with the help of seven associates he executed 1,200 men, or judgments supposedly based on the findings of forensic experts are erroneous because at Pilica the remains of only 115 individuals were exhumed. Even such drastic inconsistencies in the evidence could not persuade ICTY judges to order a further investigation or to call the co-perpetrators to court in order to clarify an important issue. Both poles of the contradiction are tacitly accepted without any attempt to resolve them. This has served as the basis for draconian sentences in several Tribunal cases.

In the *Krstić* case, the chamber makes an attempt to ameliorate the contradiction by asserting that the Pilica remains were partially reburied in the Čančari Road 12 mass grave. However, that explanation is not overly persuasive. The Čančari Road 12 mass grave according to our analysis contains 90 bodies, giving a total of 205 when combined with Pilica. Even that is six times less than the figure claimed by Erdemović.

For the sake of accuracy, it should be stated clearly that in the *Krstić* judgment the chamber accepts as a possibility that a certain number of persons may have been killed during combat. It nevertheless settles for the view that the overwhelming majority were executed.<sup>18</sup>

### **HOW ICTY INTERPRETS FORENSIC DATA.**

Should there be any doubt that forensic reports can be more complex than appears at first glance, there is a specific detail that recurs in a number of them that seems to have been overlooked by almost everyone. Focusing on that detail will help us to gain a better understanding of the actual complexity of Srebrenica events.

While reviewing data from some of the mass graves, it was noticed that autopsy reports kept cropping up where the cause of death was attributed to *high velocity bullet injury*. Autopsy reports from several mass graves contain references to this phenomenon and the number of such reports is not negligible. Body injuries are described as *burst-out*, and they are said to have resulted from the impact of high velocity projectiles which cause extensive and, in most instances, lethal damage. The first question that arose was: Why didn't the chamber ever discuss or refer to these reports? Why did it not attempt to draw a conclusion about the type of weapon that could have caused such destructive body damage and its compatibility with the theory of execution? Are ordinary firearm bullets capable of causing this type of tissue destruction?

This question is important because it directs the inquiry to the next level: What kind of weapon, capable of causing such extensive damage, was most probably used causing the death of these particular individuals?

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<sup>18</sup> Krstić trial judgment, par. 77.

The specific nature of injuries inflicted by high velocity bullets may be described as follows. When projectiles, which move at speeds greater than 900 m/s<sup>19</sup> impact the body, they cause a false cavity around the entering projectile that is of considerably greater diameter than the projectile itself, causing correspondingly greater tissue damage. On the other hand, high velocity projectiles also transmit to the tissue an enormous amount of kinetic energy which serves as the cause of additional damage and, if they impact bone structures, a phenomenon known as *burst-out injury* will result. The characteristic of such injuries is that bone tissue will disintegrate into many tiny fragments.

The example shown in Annex 3.1 suggests that the probability that such injuries might result from conventional automatic or semi-automatic weapons is low and that there is a high likelihood that burst-out bone injuries, as they are described there, might have been inflicted by projectiles launched from the Praga artillery piece. It is known to have been used in the theater and its velocity is much greater and therefore sufficient to cause the observed damage.

An example of this phenomenon would be a burst-out injury to the cranium or some other part of the body which causes it to splinter into dozens of small fragments. Injuries of this type would cause cranial defects whose diameter usually would exceed 10 cm across. Where the point of impact was the chest area the result would be shoulder blade fracture into dozens of tiny fragments and (as in one particular case) the fragmentation of six neighbouring ribs. So the question must be put as follows: What kind of weapon most likely inflicted such serious and extensive injuries? The anti-aircraft gun M53/59, better known as the Praga, would be an obvious candidate. All the elements fit. First, the initial speed of the projectile when fired from this weapon is 1,000 m/s. Second, the size of the Praga projectile is such that an enormous and sufficient amount of energy is transmitted to the body upon impact, which means that the injuries would be correspondingly more extensive.

And third, according to numerous witness statements of survivors, the execution weapons that were actually used<sup>20</sup> were of the type which had incomparably lower velocity.

As an example, the velocity of a bullet discharged from the famous AK-47, also known as the Kalashnikov, is 700 m/s;<sup>21</sup> the velocity of an M-92 automatic bullet is 645 m/c;<sup>22</sup> for the automatic M-70 the velocity is 720 m/c;<sup>23</sup> for the semi-automatic

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<sup>19</sup> For a technical account of this issue, see: [http://www.kenrahn.com/jfk/scientific\\_topics/wound\\_ballistics/How\\_a\\_high-speed.html](http://www.kenrahn.com/jfk/scientific_topics/wound_ballistics/How_a_high-speed.html)

<sup>20</sup> For instance, Srebrenica witness Salihović Bećir [EDS: 00464530] claims that he survived execution and that the firing squad used automatic and semi-automatic weapons.

<sup>21</sup> <http://www.wikipedia.org/sr-el/A-47>

<sup>22</sup> <http://www.zastava-arms.rs>

<sup>23</sup> Ibid.

M72B1, bullet velocity is 745 m/c.<sup>24</sup> The familiar Scorpion's projectile travels at a speed of only 320 m/c.<sup>25</sup>

There are not many studies focusing on the impact of the Praga on civilian targets. The Praga was designed initially as an anti-aircraft weapon. However, during the Bosnian conflict it was widely used also against civilian targets. That was amply confirmed by the statements of members of the 28<sup>th</sup> Division of the BH Army in the column that was retreating under fire in mid-July of 1995 from Srebrenica to Tuzla. They confirm that the enormous number of casualties that the column sustained was in part the result of the use of the Praga by Serbian forces all along the column's route.<sup>26</sup>

To clarify some of the essential points, first, it is correct that regular firearm bullets, which are commonly used in executions, are ballistically classified as high velocity bullets, but their speed is insufficient to cause grave damage that was observed. Second, the extensiveness of the injuries indicates that the energy transmitted to the body during impact was enormous and that it must have exceeded greatly the amount of energy that projectiles originating from automatic or semi-automatic weapons could be expected to transmit.

These fundamental conclusions have been extensively confirmed by surviving members of the 28th Division. In numerous independently given statements they admitted that during the breakout toward Tuzla their side did suffer enormous casualties, and that one of the reasons was precisely that they were exposed to fire from Pragas which were deployed and used by the Serbian side in the theatre of operations. In assessing observed damage to human tissue in combination with those statements, it is important to remember that the velocity of 1,000 m/c<sup>27</sup> is more than sufficient to produce just such an effect. When propelling a 30 mm projectile, that velocity conveys to the point of impact kinetic energy of extremely destructive and lethal force.<sup>28</sup>

If we rule out the possibility that prisoners were being executed using artillery, the only plausible conclusion congruent with the reports of numerous surviving members of the 28<sup>th</sup> Division column is that *burst out injuries* as described by Prosecution forensic specialists could have resulted only from exposure to combat operations.

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<sup>24</sup> Ibid.

<sup>25</sup> [http://www.wikipedia.org/wiki/Scorpion\\_gun](http://www.wikipedia.org/wiki/Scorpion_gun)

<sup>26</sup> See statement of Alic Mevlid [00371771] who says that the 28<sup>th</sup> Division column was being shelled by "artillery" and "anti-aircraft guns". The use of weapons of this type is also mentioned by Mehanovic Hašmir [00371774], who also mentions mortar fire, and Halilovic Suljo [01008121]. All these witnesses are 28<sup>th</sup> Division soldiers who successfully withdrew from Srebrenica to Tuzla, where they gave their statements.

<sup>27</sup> [http://yumodelclub.tripod.com/vehicals/m5359\\_twin\\_30mm\\_self.htm](http://yumodelclub.tripod.com/vehicals/m5359_twin_30mm_self.htm)

<sup>28</sup> Ibid.

It appears incredible that the judges did not make an effort to inquire how such destructive damage, which in the evidence submitted to them was clearly labelled “burst-out injuries,” came about. Might the acknowledgement of such odd injuries, when juxtaposed to the judges’ view that most deaths were caused by executions, have caused an unnecessary complication? At any rate, it did not seem to strike them as awkward, nor did it stimulate their intellectual curiosity.

Had they bothered to examine the forensic evidence before them more thoroughly, the judges would have noticed that burst-out type injuries are not referred to in all, but only in some, of the autopsy reports. That should have been a signal to them to ask why those reports are different from others. If such injuries were a characteristic feature of automatic and semi-automatic weapons commonly used in executions, why were they not present and referred to in all or the great majority of the autopsy reports if – as asserted – most of the victims were executed? Although the approximately 150 reports in the burst out injury category clearly stand out in terms of both their salient features and resulting injuries, that was apparently not enough to raise some obvious new issues in the judges’ minds.

The raising of these new issues might have clarified the manner of death of some of the soldiers and reclassified them as combat casualties. By failing to make pattern-of-injury distinctions in the prosecution forensic reports, which clearly also have distinct manner-of-death implications, the court in effect misrepresented the forensic data to the public by propagating the illusion that the forensic evidence generally corroborated the execution scenario, although it manifestly does not.

There is also another category of reports which demonstrates that soldiers who were killed in combat were illegitimately conflated with Srebrenica execution victims. In this category, the prosecution’s own forensic experts sometimes unambiguously state that the lethal injury was inflicted by shrapnel (Annex 5.2), i.e. a grenade or mortar fragment, or fragment of some projectile other than a bullet. Such autopsy reports also are in harmony with statements given by soldiers who took part in military operations on the Muslim side to the effect that many among them were killed by artillery shelling during the withdrawal of the 28<sup>th</sup> Division.

Always skilful at formulating rhetorical deniability strategies to give cover to its blanket generalisations, the Hague Tribunal admits in the *Krstić* judgment that it “cannot rule out the possibility that a percentage of the bodies in the gravesites examined could have been of men killed in combat”.<sup>29</sup> That one sentence encapsulates their comments on the complex subject of combat deaths. While this statement is in principle correct, it would have been equally correct to say that based on the same evidence the chamber “cannot rule out the possibility that some of the men were executed”, since both of those statements are true. In neither the *Krstić* nor any of the subsequent Srebrenica cases did Tribunal chambers pay the slightest attention to this sizeable category of forensic reports. If they had done so, it might

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<sup>29</sup> Krstić trial judgment, par. 77.

have seriously undermined their sweeping conclusions about execution as the cause of death of the overwhelming majority of Srebrenica casualties. Such dissonant reports were essentially ignored and there is no indication that any thought was given to conducting a more detailed analysis of such data and their implications.

### **BED OF PROCRUSTES—A GOOD PLACE TO DUMP THE FACTS**

It is difficult to ward off the impression that the Hague Tribunal is attempting to marginalize some very relevant facts which, if the Tribunal were operating with some preconceived conclusions, would be rather uncomfortable and threaten to change the perception of Srebrenica. In the judicial culture of the Hague Tribunal it has become commonplace to marginalize or ignore facts which are difficult to refute but which are equally difficult to fit into the court's scheme of things. The usual response is to ignore them and not conduct any further inquiry into the matter. At ICTY there is no sustained practice of calling in experts and witnesses whose evidence might encourage scepticism of the received judicial wisdom. The Tribunal's preferred technique is to allow nonconforming material to be lost in the avalanche of other data and thus remain unnoticed and to that extent stripped of its significance. In stark contrast, when the intention is to create an apparent evidentiary basis to corroborate conclusions that were probably selected in advance, the Tribunal rarely misses the opportunity to accept the evidence of various witnesses, no matter how dubious their credentials, such as the already mentioned Erdemović.

In addition to the evidence of ICTY prosecution forensic experts, our contention that significant losses suffered by the Muslim side, as reflected in the autopsy reports, are more readily explainable by the impact of artillery – which by definition rules out execution – is supported also by the testimony of numerous Muslim survivors.<sup>30</sup>

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<sup>30</sup> Hasanović Sead 03021142-43 Shelling in the vicinity of Kamenica; Jusufović Azim #93, 00464628 Shelling in the vicinity of Kamenica; Muhić Azem #97, 00464635 Shelling in the vicinity of Kamenica.; Sinanović Sabrija #106, 00464646 Shelling in the vicinity of Baljkovica; Bašić Adem #67, 00464604 Shelling in the vicinity of Kamenica; Jašarević Fehim 00464628 12 July – Serbian forces opened fire on the column from all sides and the witness estimates that there were up to 5000 casualties; Jusufović Azmir 00464629 12 July – column attacked in the vicinity of Kamenica, about 300 dead and 100 wounded; Mahmutović Haris 00464630. Along the column's path of retreat it was ambushed at a location the witness is unable to identify and about 100 civilians were killed and many were wounded.

Mehmedovic Adil 00464631 12. July – the column was shelled from the surrounding hills on the Kamenica-Pobudje Road and there was a great number of dead and wounded. On the way to Snagovo, came across many dead. In Perunik, saw over 200 dead; Hasanović Admir 00464621 11. July – Chetniks shelled column, resulting in 20 dead and 40 wounded; Hasanović Hasan 00464621 11. July – the column was shelled; Hasanović Vejiz 00464622 11. July – ambush in the woods near Kravica, many dead and wounded; Hodžić Džanan 00464624 11. July – the column stepped into a mine field in Jagličić, resulting in the death of five and wounding of 10 civilians; Hodžić Nezir 00464624 11. July – column subjected to constant shelling and the witness saw many dead in Srebrenica, Konjević Polje, Cerska, and Kamenica; Hodžić Zuhra 00464625 11. July – column ambushed at Buljim, about 200 dead. 13. July – ambush at Velika Glava, many dead; also at Lipanj and Baljkovica, minimum 50 dead; Beganović Ragib 00464609 11. July – an intense artillery attack lasting 45 minutes resulting in

What follows is a list of their statements indicating that a certain number of men were killed in combat by fire from artillery and other weapons, definitely excluding execution, during the 28<sup>th</sup> Division withdrawal from Srebrenica to Tuzla in July of 1995. The ICTY database reference number for each of those statements is given. That is important because it shows that this evidence is archived in the Tribunal's own records and that it was available at all times to both the Prosecution and the Chamber. More specific details about the withdrawal of the 28<sup>th</sup> Division and individual statements which corroborate these conclusions are located in a volume co-authored by the present writer.<sup>31</sup>

When viewed in combination with statements given by members of the 28<sup>th</sup> Division and Srebrenica civilians who comprised the retreating column, data in the forensic reports which refer to shrapnel as the cause of death become particularly significant and helpful to explain the manner of death of a considerable number of Srebrenica Muslim casualties.

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numerous casualties; 26. July – while walking through the valley (in the direction of the Konjević Polje-Kaldrmica Road) where the column was initially ambushed, saw about 2500 decomposing corpses; Ćosić Muharem 00464612 11. July – ambush in Jadar, 500-600 dead. 14. July – about 150 men killed in an ambush at Baljkovica; Gutić Sabahudin 00464618 11. July – column shelled near Bukovik hill by Chetniks using 82 mm and 120 mm cannon resulting in many casualties; Orić Fadil 00464653 12. July – column shelled near Buljim; Muhić Azem 00464635 12. July – column shelled constantly all the way to Kamenica; Muratović Sakib 00464637 11. July – Chetniks were shelling the column and men were being killed in front of him; Mustafić Idriz 00464638 11. July – Chetniks shelled the column near Buljim and witness saw men being killed. 12. July – Chetniks continued the shelling and witness saw dead and wounded men; Ridžić Ramo 00464640 11. July – the column was attacked from the direction of Kravice, Zabrdje, and the surrounding hills on the Buljim-Nova Kasaba Road resulting in about 700 dead between Kamenica and Kasaba; Salihović Sefedin 00464642 11 or 12 July – while crossing the road near Konjević Polje the column was shelled and at least 500-600 men were killed. In the shelling near the village of Jaglići, about 12 to 15 men were killed.

Sandžić Bajro 00464643 12. July – gunfire, followed by artillery shelling of the column, near Pobudje. The same evening near Kasaba there was an artillery attack resulting in many dead and wounded. After the shelling, many of the dead and wounded were abandoned on the plateau in the vicinity of Kasaba; Sinanović Sabrija 00464647 Chetnik shelling near Baljkovica resulting in about 100 dead and 100 wounded; Smajlović Ahmed 00464647 11. July – column attacked near Konjević Polje resulting in many casualties; Suljić Mevludin 00464649 12. July – ambush near Konjević Polje, estimates that about 400 to 500 men were killed; Udovičić Edin 00464649 The column was shelled and subjected to gunfire continuously during its retreat: „The Chetniks were shelling us without interruption.”

Similar statements by other witnesses also suggest that the column suffered enormous losses during its retreat: Osmanović Ramo 00512683, Ramić Sado 01008163, Zukanović Bego 00371759, Ademović Ševal 01008095, Alić Mevlid 00371771, Avdić Enver 00371746, Hakić Nermin 01185308, Halilović Osman 00818527, Halilović Suljo 01008121, Hasanović Sead 03021141, Husić Ramiz 00813498, Kadrić Midhat 00371768, Mehanović Hašmir 00371774, Memišević Nurif 00396028, Muminović Behudin 00464352, Muminović Sejdalija 00371757, Muratović Kadrija 01185372, Mustafić Husejn 00401647, Osmanović Nazif 01008158, Orić Mevludin 00464519, Avdić Nedžad 00464521, Ahmetović Nedžad 03053077.

<sup>31</sup> See chapter VII, “Analysis of Muslim combat losses due to minefields and combat activity,” in S. Karganović, Lj. Simić, et al., *Deconstruction of a virtual genocide: An intelligent person's guide to Srebrenica* (2011)

This evidence seems clear enough. It does not refute that some prisoners were executed, but it does suggest strongly that a significant number of those who died were highly likely not in that category. It demonstrates the existence of another group, combat casualties, encompassing a significant segment of Muslim casualties in July of 1995. Inexplicably, the Hague Tribunal continues to be reluctant to recognize the factual and legal distinction between those two groups. Why?

In addition to autopsy reports which reflect widespread combat activity and which are fundamentally incompatible with the univocal standard picture claiming that execution was the only, or at least the predominant, manner of death, there are also other reports which are difficult to fit into the standard narrative. For instance, a number of reports refer to bodies with various quantities of soft tissue (Annex 5.13) where autopsy did not disclose any signs of injury, but which may be assumed to belong to a certain number of individuals in the enclave who at some point must have died of natural causes. It may safely be assumed that the Hague Tribunal did not mention or in any explicit way take such reports into account. Doing so would have been an acknowledgment of the fact that all persons who died were not necessarily executed.

There are bodies that were exhumed from primary graves in 1996 which merit special attention. They consist of bones only, without any soft tissue (Annex 5.3). These cases are significant for the following reason:

It is an accepted scientific fact that for soft tissue to disintegrate, the passage of between four and eight years is required.<sup>32</sup> If the individuals in question were executed in mid-1995, the disintegration of their soft tissue already by the following year is not an outcome that would normally be expected. That suggests that a number of individuals whose remains were found and autopsied in some of the Srebrenica-related mass graves, and assumed to be Srebrenica victims, may have died considerably before the critical period in July of 1995. Therefore, it would be improper to automatically categorise them as Srebrenica victims. This is another subtlety that the Hague Tribunal has apparently missed in formulating its factual findings and legal conclusions.

If the matters discussed so far indicate mere sloppiness, the one that follows is of such far-reaching significance that mere sloppiness would scarcely be an explanation. It goes to the very heart of the matter: how many prisoners were executed? As mentioned already, one autopsy report does not equal one body, although things are tacitly arranged to create that impression. Very often, autopsy reports refer to only a few bones. In over 90% of such instances ICTY Prosecution forensic experts were obliged to admit that valid cause of death conclusions could not be drawn.<sup>33</sup> An example in this category is presented in Annex 5.4.

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<sup>32</sup> Dr Dusan Dunjic et al.: *Forensic medicine* (Belgrade, 2008), p. 53.

<sup>33</sup> See section "Data summary" in Annex IV, "Presentation and interpretation of Srebrenica forensic data," in S. Karganovic, Lj. Simic, et al., *Deconstruction of a virtual genocide: An intelligent person's guide to Srebrenica* (2011)

The implicit, but misleading, equivalence between a “case” and a body is vitally important because it is one of the principal mechanisms by which the hugely exaggerated impression of the number of individuals whose remains were allegedly exhumed by the forensic teams of the Hague Tribunal is generated. In fact, notwithstanding assiduous efforts to augment the figure, almost 25 years after the event it still has not passed 2,000 and due not only to execution but also to other causes.<sup>34</sup>

The immense zeal to increase number of potential execution victims is evident in the *Krstić* judgment,<sup>35</sup> where the chamber treats as valid evidence the prognosis that in additional 18 as of then unexhumed mass graves, over 2,000 more bodies were going to be found.

It strikes one as a very odd procedure to base factual and ultimately legal conclusions about the number of victims in a criminal case not on the actual situation established at the time judgment is rendered, but on what is explicitly termed an “estimate”. It is, nevertheless, precisely this sort of evidentiary speculation which characterized the Chamber’s approach in *Krstić* and also exercised a notable influence on the draconian punishment that the defendant received. But let us allow for the possibility that almost twenty years ago the *Krstić* chamber may have honestly thought that there was a solid basis for such speculation. What are we to make now of the fact that in the intervening period the Tribunal has made no effort to exhume the mass graves in question and to thus to settle any residual doubts about what they may contain? In fact, in the *Krstić* judgment we are not even informed about the precise location of those alleged mass graves.

### **SOME OBVIOUS ERRORS IN FORENSIC REPORTS**

A number of individual reports merit particular attention because they are emblematic of the peculiar way ICTY functions and also because they corroborate of our suspicion that fundamental conclusions were reached independently of any serious consideration of the facts prior to that.

There are reports which refer to Pilica exhumations in 1996 which are perhaps the most telling practical illustration of the Tribunal’s professional culture. Some of them should be looked at.

For the gravity of these errors to be properly appreciated, some preliminary remarks are in order. First, these remains were exhumed from a primary mass grave in Pilica in 1996. Second, the skeletons exhibit the presence of soft tissue to various degrees. Third, no bodily injuries were found that could be linked to a bullet, dull

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<sup>34</sup> The 2,000 figure does not reflect the number of executed or combat casualties, but the number of the dead. For a breakdown according to cause of death, see Chapter VI, “Presentation and Interpretation of Forensic Data (Pattern of Injury Breakdown),” *Deconstruction of a virtual genocide: An intelligent person’s guide to Srebrenica*, *ibid.*

<sup>35</sup> *Krstić* trial judgment, par. 80.

objects, or any other cause. Fourth, neither bullet nor any other metal fragments were found on or near the body.

Fifth, there were no blindfolds or ligatures associated with these remains.

Sixth, from all the above it clearly follows that the cause of death is impossible to determine, and that is precisely what the forensic scientists found in their autopsy report. However, when they went on to state the manner of death, they nevertheless wrote the conclusion that it was homicide. (Annexes 5.5, 5.6, 5.7 and 5.8)

In other words, unable to find signs of injury, without any palpable evidence pointing to homicide, and without being able to determine the cause of death, they nevertheless drew the conclusion that death was the result of a culpable act, murder, and they put that conclusion in their report.

ICTY forensic specialists are perhaps the sole professionals in their field who do not require material evidence to make a determination of the manner (and sometimes even the cause) of death.

The obvious question is if the Tribunal knew *a priori* the number of victims, as well as the manner of their death, and presumably a number of other parameters, as many of these reports suggest that it did, why did it spend any money on seemingly redundant field research?

As if to draw attention to these absurdities, it appears that a few months later someone took the trouble to review and correct these autopsy reports. In the “manner of death” rubric they wrote in the only response that could possibly be correct under the circumstances, i.e. that it was “unknown”. (Annexes 5.7 and 5.8)

After such a professionally awkward situation, one might have expected a proper court to critically scrutinize the prosecution’s team of “experts” and perhaps even to discard their findings.

But instead the ICTY went on to construct its own verdicts in great part precisely on data of such dubious integrity. One may reasonably suspect that in some trials this forensic data may also have influenced the severity of the sentence.

If we hypothesize that the unspoken but actual task of ICTY forensic and perhaps other experts is not to follow the evidence wherever it leads but to shape it in order to create a public illusion that court judgments are factually supported, many pieces of the puzzle come into place. That explains why space for objectivity and professionalism at the ICTY is so drastically reduced. It also explains another key element that characterized these particular proceedings: the complete exclusion of independent experts during the exhumation process.

The underlying question is this: after a review of Srebrenica-related autopsy reports, how much can ICTY still be trusted? That seems to be the court that embraced flimsy evidence to draw uncritical conclusions of the highest order and of the utmost legal significance. By virtue of such conclusions a public impression was formed that in Srebrenica a genocidal mass slaughter took place. That finding was

given an official judicial imprimatur, and the accused persons were sentenced to draconian punishments. And all that was done apparently without ever having seriously examined the principal purported evidentiary underpinning for the judgment in question, banishment of common sense. There are other examples in the Srebrenica autopsy reports that demonstrate the Tribunal's lack of rigor in assessing Prosecution evidence presented to it.

## CONCLUSION

In the mass of professionally flawed autopsy reports, some stand out because they literally defy common sense. In one such report, Prosecution forensic experts found a handkerchief in the victim's pocket and they characterised it as a possible ligature. Assuming that were true, it would obviously be helpful to the Prosecution's case because it would suggest that the person was executed. (Annex 5.9)

This is a stunning conclusion, and for the following reasons. First, we are dealing with a handkerchief, not rope or wire or any other material suitable for use as a ligature. Second, the handkerchief was found in the person's pocket. Third, ligatures are usually long pieces of wire or other material which could be wound and tied around the wrist.

It is of particular interest that the handkerchief was found in the person's pocket. That suggests that if it was indeed used as a ligature the soldiers who performed the execution must have first used it to tie the victim's wrists and then, after the execution, removed it and placed it in the pocket of the executed person. Such a procedure after execution is difficult to imagine and even more difficult to fathom. But this is not the end to manifestly unsound forensic conclusions.

In another example (Annex 5.10) a knee injury is treated as a possible cause of death. The rationale is quite ingenious: according to the makers of this autopsy report, unless such injuries are treated medically, they can lead to hemorrhage and result in death.

In the example shown in Annex 5.11, someone crossed out the originally determined cause of death, said to be a calf injury. The reviewing authority then wrote in their own assessment, as was already seen in numerous other Pilica reports, to the effect that the cause of death could not be determined. The corrector, of course, finally got it right because without more, a calf injury is scarcely expected to be fatal. But this almost slapstick comedy with very serious implications is just another interesting illustration of the general level of professionalism among ICTY forensic specialists.

In Annex 5.12 ICTY forensic scientists were faced with the skeletonised remains of a leg without any apparent bone damage. But the absence of bone trauma did not discourage ICTY forensic experts from drawing the following hypothetical scenario: a nearby bullet was said to have been the cause of death by damaging that

individual's soft tissue which, unfortunately, is unavailable for examination because it has disintegrated and is no longer attached to the bone.

It is a settled principle of forensic work that specialists in this branch do not have a mandate to engage in fanciful hypotheses and conclusions and that they must confine themselves strictly to the observable facts. Conclusions, especially if they are of a legal nature, are the exclusive province of the court. A forensic specialist who because of an excess of zeal or for other reasons strays over into the legal domain does great damage to his profession and to the integrity of the legal process. A court which condones such conduct acts as his tacit enabler in inflicting such damage.

Perhaps more than merely tacit. Where a handkerchief in the pocket is treated as a ligature, when the cause of death is determined without a single apparent injury, when imaginary conclusions are drawn about non-existent soft tissue which had disintegrated, or hemorrhaging knees, calves, and feet are speculated to have been the cause of death although in medicine these are not considered to be vital organs, it is difficult to avoid the impression that ICTY forensic experts were operating with a mandate which was tacitly broader than merely reporting observable facts. Could it also have encompassed, on the implicit level at least, the prosaic task of providing professional cover for institutional conclusions that somehow had been arrived at in advance?

Besides the issue of the legal characterization of the crime, the other central issue of Srebrenica, which is the subject of intense debate, is the number of victims. The answer which, oddly, seems to have been anticipated even before the events in July of 1995<sup>36</sup> is based on the expectation that there should be several thousand executed Muslims. A proper court would perform its task based not on expectations, but solely on the available evidence. Since in this particular case, the forensic evidence is the sole *corpus delicti*, it would be normal to expect that the court would reference its factual findings to the number of bodies that were actually exhumed from mass graves. If the finding of 7,000 to 8,000 execution victims were sustainable, we should expect to find, upon the conclusion of their work, that ICTY forensic experts had turned up evidence of at least 7,000 to 8,000 executed persons in those mass graves.

The facts, however, belie that expectation. What they have managed to produce are 3,658 autopsy reports which are presented to the court and to the public on the

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<sup>36</sup> Hakija Meholic, chief of police in the Srebrenica enclave during the war, was a member of the delegation from Srebrenica which was received by Alija Izetbegovic in 1993 during a conference in Sarajevo. He has revealed that Izetbegovic informed the delegation that the then US President Clinton had told him that the political precondition for an American intervention was the slaughter of at least 5000 Srebrenica Muslims. [Reported by Srna, 24 April 2010]. For essentially the same version of Meholic's account, which has remained consistent over the years, see Dani (Sarajevo), 22 June 1998. This information is also cited in the Report of the Secretary-General Pursuant to General Assembly Resolution 53/35, November 1, 1999, paragraph 115. It is noted in the Secretary-General's Report that Izetbegovic subsequently denied the accuracy of the statement which Meholic attributed to him.

implicit premise that one report equals one body. But even that premise is false. An enormous number of these reports consist of only one or a few bones, often of a hand or foot, which may or may not exhibit any injuries, and in about 90 % of such fragmentary autopsy reports even ICTY Prosecution experts concede that the cause of death is undeterminable. In order to arrive at a fairly accurate count of how many bodies there really were in those mass graves, it was necessary to count femur bones.<sup>37</sup>

According to that analysis, the number of bodies is 1,923 for individuals who perished of a variety of causes, the principal ones being combat activity and execution. That is almost half as many as there are Tribunal autopsy reports (3,658), and it is over four times less than the figure (8,000) that has been sacralised over the last 15 years.

Finally, in selecting its forensic experts, the Office of the Prosecutor of the Hague Tribunal made some very odd choices. A significant number were from the United States and Turkey, and many of the corrected reports that we have mentioned had been prepared originally by Turkish forensic specialists. That is a matter of some significance when issues of possible bias and conflict of interest are considered, and it is taken into account that Serbian and independent forensic specialists were not allowed access to the sites or any role in the proceedings that took place there.

Why, for example, were countries like the Russian Federation, Finland, Sweden, France, to mention a few, arguably more advanced in medicine than Turkey or some of the other countries that were represented on the Srebrenica international forensic teams, excluded from taking part in these exhumations and in the important task of preparing accurate and reliable autopsy reports?

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## THE SREBRENICA MASSACRE: EVIDENCE, CONTEXT, POLITICS<sup>1</sup>

**Professor Edward S. Herman PhD<sup>2</sup>**

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**Abstract:** Srebrenica can best be understood in the context of the US and NATO war against Serbia after the destruction of Yugoslavia. After the collapse of the Soviet bloc, the Socialist Federal Republic of Yugoslavia became useless as an ally of the West, and a civil war was begun in the spring of 1991 through military and propaganda campaigns.

In a highly charged political atmosphere, the Srebrenica massacre took place in July 1995, which was soon declared the “genocide” and “the worst massacre in Europe since World War II”, and the number of victims was quickly fixed to 8,000 “men and boys”. The Red Cross had no evidence that the alleged 3,000 prisoners were killed, although it was confirmed that 5,000 of the “missing persons” broke through the Bosnian Serb lines.

Many who are reported being massacred died in fierce battles with Serb forces while retreating from Srebrenica. The figure of 8,000 has never been revised and has remained untouched up to the present, which is an absurd and untruth worthy of a comprehensive review and establishing that the actual number of victims ranged from 2,000-3,000 mainly men who were members of Muslim forces in Srebrenica.

**Keywords:** *The break-up of Yugoslavia, the civil war in BiH, the massacre in Srebrenica, the breakthrough of Muslim forces from the surrounding area, the non-argued charges of genocide (unsubstantiated allegations of genocide), anti-Serb propaganda.*

### INTRODUCTION

The war that followed the collapse of the Soviet Union followed due to the fact that the Socialist Federal Republic of Yugoslavia became useless as an ally of the West. Domestic forces that sought to preserve the unique federal structure of Yugoslavia (Serb forces) were marked as enemies, while those who were striving to break up: Slovenians, Croats, Bosnian Muslims and Kosovo Albanians received the support of the Western powers and thus became “fighters for freedom”.

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<sup>1</sup> The name of the study „*The Srebrenica Massacre: Evidence, Context, Politics*“, (Creative Commons Attribution, USA, 2011), Professor Edward S. Herman. This paper is structured by presenting the preface and conclusion of Professor Herman's study with the publisher's consent.

<sup>2</sup> **Edward S. Herman** was a professor emeritus at the University of Pennsylvania, he wrote about economics, political economy and the media. His books that are known: *The Real Terror Network*, South End Press, 1982. With Noam Chomsky, he published *The Political Economy of Human Rights* in two volumes, South End Press, 1979, and *Manufacturing Consent*, Pantheon, 2002. Co-author with Philip Hammond's book *Degraded Capability: The Media and Kosovo Crisis*, Pluto Press, 2000, and co-author with David Peterson's study *The Politics of Genocide*, Monthly Review Press, 2010. Professor Herman died in 2017.

## THE SREBRENICA MASSACRE: EVIDENCE, CONTEXT, POLITICS

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The civil war that followed, and its beginning dates back to the spring of 1991, also included military and propaganda campaigns of various forces. The Republic of Serbia, as the main advocate for the preservation of a single federal state, was portrayed in the worst light because Western media, humanitarian NGOs and intellectuals uncritically accepted the official positions of the secluded republics of Slovenia, Croatia and BiH, as well as the large Western powers that supported them.

Phillip Corwin<sup>3</sup>, UN's longtime official in BiH, in the preface of Edward Herman's book, says: "On the 11 July 1995, the city of Srebrenica fell into the hands of the Bosnian Serb army. At the time, I was the highest civilian official of the United Nations in BiH. In my book "Suspicious Mandate" I commented on this tragedy. In addition to condemning the crimes, I criticized the complete distortions in the reports of international press, not only about this event, but about the wars in the former Yugoslavia (1992-1995) in general..."

In the years since the fall of Srebrenica, only the name of the city became synonymous with the allegations of the Serb genocide against Bosniaks. Books were written, reports were made, and radio and TV waves were filled with "evidence" of this crime against humanity. The UN Security Council quickly gathered the international tribunal in The Hague to "prove" this condemnation of the Serb representatives before the trial.

There was undoubtedly the killing of civilians in Srebrenica, as well as in other war zones, and not only in Bosnia and Herzegovina. Those who committed these murders deserve to be accused and convicted. And it was a gruesome crime, regardless of whether three, thirty or three hundred innocent civilians were killed. There can be no discussion about this. At the same time, the facts presented speak about the eight thousand killed, most commonly manipulated in the international community which is unsustainable exaggeration. The exact figure is closer to eight hundred to a thousand.

In my case, my biggest mistake was that I dared to defend the United Nations at the time when the burden was supposed to be put on them. The United Nations leadership, which desperately attempted to ingratiate itself with America, in order to prevent the complete breakdown of the world organization, could not afford itself luxury to criticize the only world superpower.

In 2011, in the edition of the Creative Commons Attribution in the US, a book was published entitled *The Srebrenica Massacre: Evidence, Context, Politics*, authored by Phillip Corwin (Foreword), Edward S. Herman, George Bogdanich, Tim Fenton, Jonathan Rooper, George Szamuely, Michael Mandel and Philip Hammond. In ten chapters, on 300 pages, various aspects of the events that took place in Srebrenica, which deserve special attention, are analyzed", Phillip Corwin concludes in the preface of this book.

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<sup>3</sup> Phillip Corwin worked in the United Nations for 27 years. For seven years, he was spokesman of Secretary General Javier Perez de Cuevar. After participating in peacekeeping missions in Haiti, the Western Sahara and Afghanistan, he became the UN's chief political officer in Sarajevo, and at the time of the events in Srebrenica, he was the civilian coordinator of the mission and the highest political officer in the UN in Sarajevo.

## **EDWARD HERMAN'S CONCLUSIONS ON SREBRENICA**

Both the scale of the killings and the context surrounding the July 1995 killings in Srebrenica were misinterpreted in the official reports of government and non-governmental organizations, as well as in the mainstream media. High-ranking military and civilian officials of the UN, NATO intelligence officers and independent analysts dispute the official characterization given by the Hague Tribunal on the fall of Srebrenica and the evacuation of the population of this "security zone" as a unique terror of the Bosnian conflict and the genocide case. The claim that as many as 8,000 Muslim men and boys were executed during a week, that the Srebrenica massacre was "the worst horror" in the wars in the former Yugoslavia, and that this was "the most terrible massacre that occurred on the ground of Europe after the Second World War" has no basis in present evidence and is essentially a political construction.<sup>4</sup>

The figure of 8,000 was first published by the Red Cross on the basis of rough estimates of 3,000 Muslims captured by the Bosnian Serbs and 5,000 who were declared "missing". It is well established that thousands of "missing persons"<sup>5</sup> managed to gain security in cities such as Tuzla or across the border in Serbia or were killed in fighting on the way to the Bosnian Muslim territory. Nevertheless, in an unusual transformation caused by the ardent desire to display the Bosnian Serbs as evil perpetrators of horrific crimes, and Bosnian Muslims as their innocent victims, where the categories of survivors who took refuge and who were killed in the fighting were neglected, and turned into "missing", which were then put equal to the category of those who were killed. The Red Cross contributed to this confusing merger of various victims by claiming that 5,000 "simply disappeared, despite the confession that "several thousand" survivors got hold of the territory domiciled by the Bosnian Muslims.<sup>6</sup>

With 8,000 allegedly killed and many killed in combat, there should be huge tombs, as well as satellite or aerial images, showing executions, burial, exhumations and re-burial.<sup>7</sup> But the search for the bodies gave results far below the expected, with

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<sup>4</sup> See, for example: „*Facts About Srebrenica*“, a synopsis about the views of the ICTY on relevant events; N.A. and N.D., International Criminal Tribunal for the Former Yugoslavia. Conclusions and quotations are listed in chapters 1-7 of the book. See also: Diana Johnstone, *Fools' Crusade: Yugoslavia, NATO and Western Delusions* (New York: Monthly Review Press, 2002); Michael Mandel, *How America Gets Away With Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity* (Ann Arbor, MI: Pluto Press, 2004); John 250 Laughland, *Travesty: The Trial of Slobodan Milosević and the Corruption of International Justice* (Ann Arbor, MI: Pluto Press, 2007); Edward S. Herman, David Peterson, „The Dismantling of Yugoslavia“, *Monthly Review*, Vol. 59, No. 5, October 2007, p. 19-26.; Stephen Karganovic, *Ed., Deconstruction of a Virtual Genocide: An Intelligent Person's Guide to Srebrenica* (Belgrade: Historical Project Srebrenica, 2011).

<sup>5</sup> See: Edward S. Herman, „Foreword“.

<sup>6</sup> See: David Rohde, "Evidence Indicates Bosnia Massacre", *Christian Science Monitor*, 18 August 1995.

<sup>7</sup> In June 2005, a Serbian activist supporting NATO, Nataša Kandić, forwarded to the Prosecution at the Milošević trial before the ICTY a video cassette recording a shooting of six Muslim prisoners by Serbian paramilitaries in 1995. For Kandić, for the Prosecution, as well as for the Western political and

only about 2,750 bodies found by 2003<sup>8</sup>, including bodies killed in fighting, bodies of Serbs, and bodies that date from the period before July 1995. The scarcity of these findings forced the Hague Tribunal to resort to claims of mass transfer of bodies, which was unlikely and without any evidence.<sup>9</sup> It was a period when NATO bombed Serb positions, and the Muslim and Croatian armies were moving towards Banja Luka. The Bosnian Serb Army was in defensive, scarce in equipment and resources, including fuel. The organization of an operation of such proportions that would allow for the exhumation, transport and re-burial of thousands of bodies exceeded the possibilities of the Bosnian Serb Army at that time.

US Ambassador to the UN Madeleine Albright, in a campaign of denunciation of Serbs, showed, at the closed session of the Security Council on 10 August 1995, several photographs, one showing people gathered at the stadium, allegedly Bosnian Muslims near Srebrenica, and another, allegedly shot short after the first, displayed a nearby field with a “swamped ground”.<sup>10</sup> Only a few of these photographs were later published, but even if they were all genuine, they do not prove what they were considered to be proving from that moment on - mass executions and funerals. Moreover, although the Hague Tribunal spoke of “organized and calculated effort” to conceal killings and executions by burying victims’ bodies in isolated places, scattered in a wide area<sup>11</sup>, although David Roudy claimed “the enormous effort that the Serbs put to hide the bodies by transferring them from one place to another”<sup>12</sup>- no one showed any satellite or aerial image showing the executions, burial, excavations and re-burial, or trucks that carried the bodies to other places. In August 1995, Madeleine Albright warned the Serbs: “We will observe you”,<sup>13</sup> the satellites circled at least eight times a day at that time, and geostationary aircrafts floated and recorded

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media establishment, this video was a „final, indisputable proof of Serbia's participation in Srebrenica massacres in which over 7,500 Muslim men and boys were killed.“ (Tim Judah, Daniel Sunter, „How the video that put Serbia in the dock was brought to light“, *Observer*, June 5, 2005. <http://www.guardian.co.uk/world/2005/jun/05/balkans.warcrimes>>.)

<sup>8</sup> See: Dean Paul Manning, testimony of the witness, Prosecutor v. Slobodan Milošević, IT-02-54-T, 24 November 2003, paragraph 59.

<sup>9</sup> See: *Jonathan Ruper, Chapter 4, „Playing with numbers“.*

<sup>10</sup> See: Anthony Goodman, „U.S. alleges 2,700 massacred after Srebrenica fell“, Reuters, August 10, 1995; Rupert Cornwell, Emma Daly, „2,700 Civilians 'Butchered by Serb Gunmen““, *Independent*, August 11, 1995; Barbara Crossette, „U.S. Seeks to Prove Mass Killings“, *New York Times*, August 11, 1995; Josh Friedman, „Bosnia Photos Shock U.N.“, *San Francisco Chronicle*, August 8, 1995; Stephen Handelman, „Serbs buried 2,000 in mass graves“, *Toronto Star*, August 11, 1995; Catherine Touns, „Bosnian survivor tells U.N. of mass executions by Serbs“, *Washington Times*, August 11, 1995; and Pilita Clark, „U.S. Fury At 'Systematic Slaughte““, *The Sydney Morning Herald*, August 12, 1995.

<sup>11</sup> For example: Carla Del Ponte, Amended Indictment, Prosecutor of the Tribunal v. Radislav Krstić, IT-98-33, ICTY, 27 October 1999, paragraph 25. similar charges are also repeated in other cases against the defendants for Srebrenica.

<sup>12</sup> David Rohde, „The Battle of Srebrenica Is Now Over the Truth“, the *New York Times*, July 9, 2000.

<sup>13</sup> See, Carla Del Ponte, Prosecutor of the Tribunal v. Radislav Krstić, IT-98-33, ICTY, 27 October 1999, paragraph 25. Similar charges are repeated in other cases against the defendants for Srebrenica. Steven Lee Myers, „Making Sure War Crimes Are Not Forgotten“, *The New York Times*, September 22, 1997.

the tiniest details over Bosnia. Mainstream media did not give any importance to the fact that the US government did not disclose any visual evidence.

A large number of bodies were collected in Tuzla, some 7,500 and more. But these were bodies collected from all over Bosnia, many in poor condition, or only parts of the body. They were collected in a manner that does not fit with professional forensic standards. Their origins were unclear, the connection with the events in Srebrenica in July 1995 was unproven and often unlikely, and the manner of death was usually uncertain.<sup>14</sup> Interestingly, although Serbs were constantly blamed for trying to hide the bodies, there was never an idea that Bosnian Muslims, in the long run in charge of the search for bodies, could move them or otherwise manipulate evidence, despite the “dossier” of their frauds.<sup>15</sup> An attempt was made for DNA analysis to prove the connection with Srebrenica, but it brings many problems with it, not only because of the preservation of the material and the research process, and will not solve the problem of distinguishing death in executions from death in combat. There are lists of missing persons that contain major mistakes, with duplicated names, persons who died before July 1995, who fled to avoid mobilization in the Bosnian Muslim army, which are included in the 1997 ballot papers, and persons who were killed in combat, who got hold of the safe territory or were captured and then started a new life elsewhere.<sup>16</sup>

The number of 8,000 is incompatible with the basic arithmetic of the Srebrenica numbers before and after July 1995. The total number of refugees from Srebrenica, that is, those who survived the massacre, registered by the World Health Organization and the Bosnian government in early August 1995, is 35,632. Approximately 3,000 Muslim men got hold of Muslim lines (and their families were not informed of this), and 2,000 were killed in fighting. This gives a total of 38,632 survivors plus 2,000 killed in combat, and if there were 8,000 victims of executions, the population in the security zone of Srebrenica before the evacuation on July 11, 1995 should have been 48,600. But the population before the evacuation in early July was in the range of 37,000-40,000. Indeed, the Hague judge Patricia Wald gave a figure of 37,000 as her estimate.<sup>17</sup> The figures simply do not match and can not be accepted as such.

There are witnesses of the killings in Srebrenica or those who claim to be witnesses. But there are not many, and some had a personal political interest or were unreliable for other reasons. The evidence suggests that the Bosnian Serbs killed hundreds of Muslims, but not 8,000, and nothing close to that number. Only Dražen

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<sup>14</sup> See, Rupert, Chapter 4, „Playing with numbers“.

<sup>15</sup> Devastating display of the role of media as warmongers and provocateurs in the Bosnian conflict and their service to the NATO forces, see: Peter Brock, *Meaning of Dirty Reporting, Journalism and Tragedy in Yugoslavia* (Los Angeles: GMBooks, 2005). See in: Peter Brock, *Me251 dia Cleansing: Dirty Reporting, Journalism and Tragedy in Yugoslavia* (Los Angeles: GMBooks, 2005).

<sup>16</sup> See, Rupert, Chapter 4, „Playing with numbers“.

<sup>17</sup> See, Patricia M. Wald, “General Radislav Krstić: A war crimes case study”, *Georgetown Journal of Legal Ethics*, spring 2003, Vol. 16, No. 3, p. 445. *Also see: Ruper, Chapter 4, “Playing with numbers”*.

Erdemović, the witness and the direct participant, claimed that there were 1,000. He is an ethnic Croat from a group of paid killers who received 12 kg of gold for his service in Bosnia (according to Erdemović's statement) and who ended up in Congo in the service of the French intelligence service. His testimony was accepted despite the inconsistency, the lack of confirmation of his claims, his problematic past and connections, his mental problems, which were sufficient to free him from trial but not testify before the Tribunal, without cross-examination within two weeks of release. The evidence of this and other witnesses suffer from the misuse of the settlement process, according to which witnesses could have received milder sentences if they cooperated sufficiently with the prosecution.<sup>18</sup>

It is worth mentioning that a large number of impartial observers in and around Srebrenica in July 1995 did not notice any evidence of a massacre, including members of the Dutch forces present in the "security zone". Hubert Wieland, chief UN investigator for human rights violations, failed to find witnesses of the crime even after five days of interviews conducted with 20,000 survivors from Srebrenica in a refugee camp at the Tuzla airport. "We did not find anyone who saw the crimes with their own eyes", Wieland told the London Daily Telegraph.<sup>19</sup> Carlos Martins Branco, Deputy Director of the UN observer in Bosnia, who interviewed UN observers in charge of Srebrenica, said that estimates of 8,000 victims were "used for manipulation for the purpose of propaganda", and added that "at least 2,000 Muslims were killed in fighting with a better-trained Bosnian Serb Army, which also had a better command" over three years of fierce fighting.<sup>20</sup> The figure of 2,000 dead is equal to, roughly speaking, the number of individual bodies exhumed from Srebrenica tombs in the area designated by the Hague Tribunal by 2002 (between 1,919 and 2,028, depending on the source)<sup>21</sup>. But many died before the fall of Srebrenica, and in many other cases the cause of death could not be determined, or it was definitely not about executions.

Of the many anomalies associated with the official version of the Srebrenica massacre, the one that most reveals is related to the stability of the number of Muslim

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<sup>18</sup> See: George Samuel, Chapter 5, "Securing Verdict: Abuse of Witness Testimonies in The Hague". Also see: Civikov, Srebrenica: Crown Witness.

<sup>19</sup> Tim Butcher, "Serb Atrocities In Srebrenica Are Unproved", *The Daily Telegraph*, July 24, 1995.

<sup>20</sup> Carlos Martins Branco, "*Was Srebrenica a Hoax?*", Centre for Research on Globalization, July 24, 2005 (original issue of the author, March 4, 1998).

<sup>21</sup> For a discussion on the figures of 2,028, see: Judge Almiro Rodrigues et al., Judgment, Prosecutor v. Radislav Krstić, IT-98-33-T, ICTY, 2 August 2001, paragraph 73. The figure of 1,919-1,923 was presented by Serbian forensic analyst Ljubiša Simić, who examined the pathological reports submitted to the ICTY in 2002 (a year after the Judgment Krstić) and concluded Simić, who examined the pathological reports submitted to the ICTY in 2002 (a year after the Judgment Krstić) and concluded, as is written in this chapter by Jonatan Ruper that "the real number of sets of remains presented in these reports is a total of less than 2,000, and probably between 1,919-1,923". See: Ljubiša Simić, "Analysis of Srebrenica Forensic Reports Prepared by ICTY Prosecution Experts", and Simić, "Presentation and Interpretation of Forensic Data (Pattern of Injury Breakdown)", in: *Deconstruction of a Virtual Genocide*, editor Karganović, p. 69-88, and p. 89-104.

victims - 8,000 in the period July-September 1995, and 8,000 ever since, despite the extremely problematic basis for the first estimates, evidence that many or the largest number of “missing persons” managed to get hold of the territory of the Bosnian Muslims or Serbia, or were killed in the fighting, and despite the impossibility to present appropriate physical evidence despite huge efforts. In other cases, such as the first estimate of the number of victims in September 11, or even the total number of victims in Bosnia or the number of victims in Kosovo, the original estimates were later significantly reduced as physical evidence and counting of bodies made the initial assessment unsustainable.<sup>22</sup> But in the case of Srebrenica, due to the key political role that the United States, Bosnian Muslims and Croats had for the United States, the almost religious enthusiasm followed the figure of 8,000, and the Srebrenica myth remained resistant to all the contradictions, however firm they were. From the beginning to the present, the number of Muslim men and boys allegedly massacred by the Bosnian Serbs has served as some sort of higher truth. Suspicion in it would show the lack of true faith or, worse yet, was portrayed as “apologetics” for Serbs, for Milosević, and for “genocide”.

The events in Srebrenica and the claims of a massive massacre were of use to the Clinton administration, the leadership of the Bosnian Muslims and the Croatian authorities. In 1995, Clinton was under great political pressure, both media and republican presidential candidate Bob Dole, to take stronger action for the benefit of Bosnian Muslims and his administration was eager to find justification for its aggressive policy. Clinton’s officials came down to the spot in Srebrenica to confirm and publish charges of massacre, just as it was later done by William Walker in Račak in January 1999.<sup>23</sup> By increasing the number of victims after the occupation of Srebrenica, US officials simultaneously drew attention from even more massive Croatian attacks on UN security zones in Western Slavonia in May (Operation “Flash”) and in the Krajina area in August 1995 (operation “Storm”), which America supported. Having sabotaged an agreement under the auspices of the UN and the European Union that could prevent the outbreak of the war in 1992 (The Lisbon Treaty of March 1992), as well as two agreements (the Vens-Owen and the Owen-Stoltenberg plan) under which the war could have been terminated in 1993, representatives of the State Department’s hard line focused on imposing a military solution, thus extending the war until 1995.

Facilitating the transfer of weapons to Bosnian Muslim forces and closing their eyes before the entry of foreign Mujahideen fighters, the United States turned the United Nations “Security Zone for Civilians” into the area for the preparation of armed attacks against Bosnian Serbs, and later, traps for NATO intervention. Cees Wiebes, who, through extensive analyzes, contributed to the Dutch government’s 2002 report on Srebrenica, noted that the US military intelligence agency helped in

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<sup>22</sup> See: Edward S. Herman, Chapter 1, “Introduction”.

<sup>23</sup> On the role of William Walker in fostering Western interest for the alleged massacre of 45 ethnic Albanians in the village of Račak in Kosovo in January 1999, see: Johnstone, Fools' Crusade, “Račak: casus belli for NATO, p. 238-244. Also see Edward S. Herman, David Peterson, *The Politics of Genocide*, (New York: *Monthly Review Press*, 2010), “Mythical Bloodbaths: Račak, p. 95-101.

transport of illegal weapons from Muslim countries to the airport in Tuzla using black transport planes “Hercules C-130” and organized disruptions in monitoring “AWACS” that was supposed to prevent these illegal arms transfers.<sup>24</sup> Together with the weapons came Mujahideen fighters from Iranian Shiite training camps and Al Qaeda, including two of the nineteen hijackers who participated in the September 11 attacks. An official US report on the events of 11 September states that, Nawaf Alhazmi and Khalid Almihdar, as well as the brain of Operation Khalid Sheikh Muhammed, fought in Bosnia and that Osama bin Laden had offices in Sarajevo as well as in Zagreb.<sup>25</sup> The Embassy of Bosnia and Herzegovina in Vienna, according to the Muslim magazine Dani, issued a passport to Bin Laden himself in 1993. Bin Laden was spotted twice in the office of Bosnian President Alija Izetbegović.<sup>26</sup>

Both US officials and Hague Tribunal officials set up by the United States affirmed the political importance of raising the tribunal’s indictments. Thus, after the indictment on “genocide” against Radovan Karadžić and General Ratko Mladić on 24 July 1995,<sup>27</sup> the chief judge of the Hague Tribunal Antonio Cassese praised the indictment as “a good political result” and noted that “these gentlemen will not have the opportunity to participate in peace negotiations”<sup>28</sup> - a strictly political attitude, which, in spite of that, failed to discredit the Hague Tribunal in the eyes of the world. “I realized that the International War Crimes Tribunal is a powerful and valuable asset”, said to BBC the chief negotiator Richard Holbrooke. “We have used it to keep the two largest European war criminals, Karadžić and Mladić, out of the Dayton process and to justify everything that has followed.”<sup>29</sup>

The leaders of the Bosnian Muslims were trying to convince NATO forces for years to intervene stronger in their favor. There is strong evidence that they were ready not only to lie, but also to sacrifice their own population and soldiers to provoke intervention. Bosnian Muslim officials claim that their war president Alija Izetbegović told them that Clinton had informed him that direct US military intervention was possible only if Serbs killed at least 5,000 people in Srebrenica.<sup>30</sup>

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<sup>24</sup> See: Cees Wiebes, *Intelligence and the War in Bosnia, 1992 - 1995* (London: Lit Verlag, 2003), in particular Chapter 4, “Secret Arms Supplies and Other Covert Actions”, p. 157-218.

<sup>25</sup> Thomas H. Kean, Lee Hamilton, *The 9/11 Commission Report* (New York: W.W. Norton & Co., 2004), p. 147, p. 488, and p. 58.

<sup>26</sup> George Bogdanich, Chapter 2, „*Introduction to the Conquest of Srebrenica*“, in the book. As pointed out by Bogdanich: „British journalist Eve-Ann Prentice said that, while she was waiting for a scheduled meeting with Alija Izetbegović in November 1994, she saw that one „man who looked like Arab “was entered to meet Izetbegović before her. The journalist who was at that moment with her, Renate Flottau of German Der Spiegel, later recognized that man as Osama bin Laden“ (note 13).

<sup>27</sup> See: Richard J. Goldstone, *Prosecutor of the Tribunal against Radovan Karadžić, Ratko Mladić, IT-95-5-I*, 24 July 1995, paras. 17-33, 252.

<sup>28</sup> Paul Holmes, „*Karadžić a pariah, says war crimes tribunal chief*“, Reuters, July 26, 1995. Also see Samuel, Chapter 5, „Ensuring verdicts“, in this book.

<sup>29</sup> Richard Holbrooke, “United Nations or Not?“, *Interview for BBC Radio 4*, September 9, 2003.

<sup>30</sup> See: Kofi Annan et al., *The Fall of Srebrenica (A/54/549)*, Report of the Secretary General concerning the Resolution of the General Assembly 53/35, 15 November 1999. According to the document: „Some of the surviving members of the Srebrenica delegation stated that President Izetbegović also told them in 1993 that he learned that NATO intervention was possible in Bosnia and

The abandoning of Srebrenica before July 11, 1995, with the attackers and retreat which made the Muslim forces vulnerable and caused great losses in fighting and retaliatory executions - produced the number of victims which, after enlargement, not only reached, but surpassed the threshold set by Clinton. There is other evidence that the retreat from Srebrenica was not a military necessity, but a strategic move, with calculated losses in the people considered as necessary in order to achieve a higher goal.<sup>31</sup>

On 9 July 1995, two days before the Bosnian Serbs occupied an almost empty city of Srebrenica and before the start of serious fighting, President Izetbegović had already called President Clinton and other world leaders urging them to take action against “terrorism” and “genocide” of the Bosnian Serb forces. It was part of the usual pattern by which charges of mass rapes, death camps and staged crimes were used to manipulate public opinion in favor of military intervention. Military sources state that Muslim military forces in Srebrenica, which numbered 5,500 soldiers, did not even try to defend the city of 200 soldiers and five tanks that were made by Serb forces. Tim Ripley, analyst of military magazine *Haynes*, notes that Muslim forces left Srebrenica and went to the surrounding hills before Serbs occupied an almost empty city. He writes that Dutch soldiers “saw Bosnian troops fleeing from Srebrenica passing by their observation posts carrying completely new anti-tank weapons, unpacked. This and other similar reports have raised doubts with many UN officers and foreign journalists.” British Lieutenant Xim Baxter, Assistant Commander of the UN, Rupert Smith, told Tim Ripley: “They (the Bosnian Muslim Government) knew what was happening in Srebrenica. I’m sure they decided it was worth the sacrifice.”<sup>32</sup>

Muslim leaders from Srebrenica claim that the Bosnian Presidency and the General Staff intentionally “sacrificed” the city to provoke NATO intervention. In their testimony before the Hague Tribunal, Muslim Army generals Sefer Halilović and Enver Hadžihasanović confirmed that the army’s General Staff abruptly withdrew 18 top officers of the 28<sup>th</sup> Division from Srebrenica. This was done even though the higher command ordered the acts of sabotage against the Bosnian Serbs. One of them was a military senseless attack on the strategically insignificant nearby Serb village of Višnjica. The final attack was on units of the Bosnian Serb Army on the road south of Srebrenica, only a few days before the Serbs occupied almost undefended city.<sup>33</sup> Bernard Kouchner, former head of the “Doctors Without Borders” and French Foreign Minister in Sarkozy’s government, said that war president of Bosnia and Herzegovina, Alija Izetbegović, on his deathbed confessed Kouchner and Richard Holbrooke that he exaggerated in charges of Serb crimes in order to provoke

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Herzegovina, but that it could only happen if the Serbs would breakthrough in Srebrenica and kill at least 5,000 inhabitants there. President Izetbegović does not admit that he has made such a statement“ (paragraph 115).

<sup>31</sup> See Bogdanich, Chapter 2, „*Introduction to the Conquest of Srebrenica*“, in the book.

<sup>32</sup> Tim Ripley, *Operation Deliberate Force: The UN and NATO Campaign in Bosnia 1995* (Lancaster: Center for Defense and International Security Studies, 1999), p. 192, p. 145.

<sup>33</sup> See: George Bogdanich, *Srebrenica Massacre: Evidence, Context, Politics, Chapter 7*, “UN Report on Srebrenica - A Distorted Picture of the Event”.

NATO's intervention against the Serbs. Izetbegović mentioned detention camps held by all three sides in the Bosnian civil war, but for which his government claimed in 1992 that those were "extermination camps". This accusation was widely publicized by journalists such as Roy Gutman from *Newsday* (who won the Pulitzer Prize) and trustee of TV ABC Peter Jennings. "It caused very emotional reactions around the world", Kouchner recalls Izetbegović's words. Izetbegović admitted before him and Holbrooke that there really was "no extermination camp, no matter how terrible these places were" and added that "he thought this discovery would accelerate the bombing (of the Bosnian Serbs)."<sup>34</sup>

The Croatian authorities were thrilled with the claims of the Srebrenica massacre because it drew attention from their devastating ethnic cleansing of Serbs in Western Slavonia (which the Western media almost completely disregarded) and because it provided coverage for the already planned expulsion of hundreds of thousands of Serbs from the Krajina in Croatia. In the Operation "Flash" conducted in May 1995, the Croats did not provide a safe passage to the vast column of Serb refugees in which there were many women and children. "Many Serbs were killed in heavy tank, artillery and air bombardment... while they tried to escape across the bridge on the Sava river to Bosnia", Roger Cohen of the *New York Times* reported, and "it seems that the assessment of 450 Serb victims by Gojko Šušak, Croatian defense minister is unrealistic."<sup>35</sup>

The massive Croatian ethnic cleansing of Serbs from Krajina, which took place within a month, was carried out with US permission and logistical support. It is possible that the number of Serb civilian casualties was higher than the number of Muslim civilians killed in the Srebrenica area in July. The largest number of Muslim victims were soldiers, not civilians, as Serbs sent women and children from Srebrenica by buses to safety. But in Krajina, as well as in Western Slavonia, the Croats did not do this, so many women, children and the elderly were killed in Krajina. The cruelty of the Croats was impressive: "UN troops watched horrified as Croatian soldiers dragged bodies of dead Serbs along the road outside the UN camp, and then shot at them from the AK-47. Afterwards, the bodies scattered by the missilestrampled by tanks."<sup>36</sup> But this went almost unnoticed in the crack of propaganda and outrage about Srebrenica with the help of mainstream media, which had already been embedded in the Balkan wars on one side.

The Hague Tribunal and the United Nations had to play an important role in consolidating the story of the Srebrenica massacre. Since its inception, the Hague Tribunal has served as an extended arm of NATO forces. They founded and funded it and played the role of its police and source of information. They were expecting and receiving appropriate services from this organization. The Hague Tribunal intensely focused on Srebrenica and provided a nominally independent confirmation of the claims of the massacre, along with "legal" charges for the planned "genocide",

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<sup>34</sup> Bernard Kouchner, *Les Guerriers De LA Paix* (Paris, 2004), p. 373–374. (Translated by Diana Johnstone, personal communication, 9 March 2011).

<sup>35</sup> Roger Cohen, "Serbia Moves Tanks to Croatia Border", the *New York Times*, 7 May 1995.

<sup>36</sup> Ripley, *Operation Deliberate Force*, p. 192.

which could later be invoked. Although the number of victims in Operations “Flash” and “Storm” is measured by thousands, the Hague Tribunal did not, in contrast to its relation to Srebrenica, but in accordance with the role of the NATO instrument, ever file an indictment for genocide in the event of these carefully planned ethnic cleansings and massacres.

The UN organization was less than the ICTY integrated into NATO requirements, but it also responded to requests, and when it comes to Srebrenica, everything went as the United States and its allies wanted. Under pressure from the United States, the UN applied double standards for bringing the alleged crimes of the Serb forces in relation to the comparative crimes of the Croat and Muslim forces. In the period from May 1992 to April 1993, barely passed a week without a massacre or an attack of a type of burnt land that the Muslim leader Naser Orić conducted in towns and villages, such as Sikirići, Konjević Polje, Glogova, Zalužje, Fakovići, Kaludra, Loznica, Brežani, Krnica, Zagoni, Orlići, Biljaca, Crni Vrh, Milići, Kamenica, Bjelovac, Kravica, Skelani and Zabokvica.

“Naser Orić was a military commander who, with the help of terror, ruled this area and its people”. General Philippe Morillon testified before the Hague Tribunal. “He could not afford himself to hold prisoners. As far as I remember, he did not even try to find a reason.<sup>37</sup> “Orić’s forces are responsible for the death of 1,200 Serbs in the vicinity of Srebrenica until March 1993, according to a report submitted to the United Nations by the Yugoslav State War Crimes Investigation Commission in June 1993.<sup>38</sup> Serbian researcher Milivoje Ivanišević estimates that by the end of the war, at the end of 1995, the number of Serb victims rose to 3.287.<sup>39</sup> Nevertheless, despite numerous evidence of Naser Orić’s direct involvement in these horrors, the US State Department, the UN and the major media outlets were silent about these crimes. The Security Council resolutions, which would have condemned the crimes of the Croat and Muslim forces, were frustrated by Madeleine Albright’s vicious veto. The Orić report was handed over to the the UN War Crimes Expert Commission, and its Chairman Cherif Bassiouni was appointed by Ambassador Albright. But in the final version of the Commission report, Orić was not even mentioned.<sup>40</sup> When the Hague Tribunal finally managed to file an indictment against Orić on 28 March 2003, very likely to create an illusion of legal balance, it contained only less important items related to several deaths, ill-treatment of prisoners, destruction of property and,

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<sup>37</sup> Milošević Trial Transcript, 12 February 2004, p. 31.966.

<sup>38</sup> See the report submitted to the UN General Assembly and the Security Council: (A/48/177 - A/25835), Memorandum on the War Crimes and Crimes of Genocide in Eastern Bosnia (Bratunac, Skelani and Srebrenica municipalities) against the Serb people from April 1992 to April 1993, Yugoslav State Commission for War Crimes and Genocide, April 1993, p. 19, <http://unbisnet.un.org:8080/ipac20/ipac.jsp?session=KE997922Jb7026.88080&profile=bib&uri=full=3100001!320302!1&ri=3&aset=subtab124&menu=search&source=!horizon#focus>.

<sup>39</sup> See: Milivoje Ivanišević, *Srebrenica, July 1995: In Search of Truth*, Belgrade, Christian Thought, Second Edition, 2010, p. 93. In this edition, Ivanišević documents the number from the „Book of the Dead of Srebrenica and Birač 1992-1995“ (pp. 95-169), listing the names and dates of birth and death of 3,287 Serb victims in that area and for a given period of time.

<sup>40</sup> See: M. Cherif Bassiouni et al., *Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (S/1994/674)*, UN Security Council, 24 May 1994.

above all, the inability to keep the soldiers who were under his command under the control.<sup>41</sup> Although Orić boasted of massacring Serb civilians to the Western journalists<sup>42</sup>, the Hague Tribunal spokeswoman Florence Hartmann argued that “The Hague Tribunal did not find evidence that there were civilian casualties in Serb villages that represented the scene of its operations.”<sup>43</sup>

Charles Boyd, the former deputy commander of NATO responsible for intelligence estimates, wrote in *Foreign Affairs* magazine that “the Croat attack on areas under the protection of UN inhabited by Serbs in Western Bosnia “is different from the Serb actions in the vicinity of Srebrenica and Žepa, also a UN-protected zone, only in terms of the degree of western arm twisting and CNN footage bringing the latter to light. Ethnic cleansing is condemned only if it is done by the Serbs, but not against them.”<sup>44</sup>

Another anomaly that points to the untouchable and politicized character of the Srebrenica massacre - a pre-prepared description of killing as a “genocide” case. The Tribunal played an important role in this, with hard-to-reach credulity, unlimited psychologizing, problematic legal reasoning and readiness to accept the court testimony of tribunal’s witnesses who committed perjury in the settlement process (the most famous are Dražen Erdemović and Momir Nikolić<sup>45</sup>). The Hague Tribunal has manipulated the notion of genocide, reserved for the most horrible crime, the planned extermination of a particular group, in order to justify the indictments raised before any serious investigation related to the conquest of Srebrenica was conducted.

As far as gullibility is concerned, one of the judges of the Tribunal accepted as a fact the witness’s statement that the Serb soldiers had forced an old Muslim to eat his grandson’s liver.<sup>46</sup> The judges reiterated as the established fact that 7,000 to 8,000 Muslim men were the victims of the execution, while acknowledging that the evidence only “suggests” that “most” of those 7,000-8,000 were not killed in combat, a figure that is significantly less than 7,000- 8,000. The Tribunal dealt with the dubious problem of genocidal intention of Serbs who sent Muslim women and

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<sup>41</sup> See: Carla Del Ponte, *Prosecutor of the Tribunal against Naser Orić* (IT-03-68-I), 28 March 2003, paras. 22-38.

<sup>42</sup> See: Bill Schiller, „Muslims’ hero vows he’ll fight to the last man“, the *Toronto Star*, 31 January 1994 and John Pomfret, “Weapons, Cash and Chaos Lend Clout to Srebrenica’s Tough Guy“, the *Washington Post*, 16 February 1994.

<sup>43</sup> „No Evidence of Civilian Casualties in Operations By Bosnian Commander“, *Beta News Agency*, 11 April 2003; BBC Monitoring International Reports, 11 April 2003.

<sup>44</sup> Charles G. Boyd, „Making Peace with the Guilty; The Truth About Bosnia“, *Foreign Affairs*, September/October 1995. Summary and Conclusions.

<sup>45</sup> On Drazen Erdemovic and Momir Nikolic, see: Samuel, Chapter 5, „Ensuring Verdicts“, in this book. Especially on Erdemović, see: Civikov, *Srebrenica: Crown Witness*.

<sup>46</sup> See: „Radovan Karadzic and Ratko Mladic Accused of Genocide Following the Takeover of Srebrenica“, press release CC/PIO/026-E, ICTY, 16 November 1995. In a statement before the court, the judge Fouad Riad said that „the evidence presented by the Prosecutor describes the scenes of unimaginable savagery: thousands of men were shot and buried in mass graves, hundreds of people buried alive, men and women were hacked and slaughtered, children killed in front of their mothers, and a grandfather was forced to eat the liver of his grandson. These are really scenes from hell written on the darkest pages of human history.“ Also see: Barry Schweid, „Top Bosnian Serbs Indicted for ‘Scenes from Hell’ in Srebrenica“, *Associated Press*, 16 November 1995.

children in buses to safety, arguing that they did it for marketing purposes. But, as Michael Mandel points out, if someone does not commit a criminal act and despite the desire to do so, it simply means that “the crime has not been committed”.<sup>47</sup> The Tribunal never asked why Serbs did not surround the city before the capture in order to prevent thousands of men from escaping, or why Muslim soldiers left their wives, children and many wounded comrades at the mercy of Serbs. The Tribunal did not face the fact that 10,000 mostly Muslim residents of Zvornik sought the escape from the civil war on the run to Serbia, as claimed by prosecution witness Borisav Jović.<sup>48</sup> Among other weaknesses in the arguments of the ICTY judges is also that genocide stands for if you killed many men of one group to reduce its population in the future, thus eliminating it from an area. Of course, you may have killed to prevent them from killing you and your people, as part of an armed conflict that is ongoing. But the court knows better the Serb psychology - it can not be the only reason, there must be a darker goal. The Tribunal’s reasoning offers the possibility that, with a bit of judicial psychologizing inclined towards the prosecution, every case of the killing of enemy soldiers can be declared genocide.

There is a problem of group definition. Did the Serbs try to eliminate all Muslims from Bosnia or all Muslims globally? Or only in Srebrenica? The judges suggested that the very expulsion of Muslims from Srebrenica was genocide, and essentially they equaled ethnic cleansing and genocide. The Hague Tribunal, remarkably, never declared the ethnic cleansing of 250,000 Serbs from Krajina a “genocide”, although many women and children were killed, and ethnic cleansing was applied to a much wider area and a much greater number of victims than in Srebrenica. In August 10, 1995, Madeleine Albright stated to the Security Council that “13,000 men, women and children were expelled from their homes in Srebrenica”. But she never considered unfavorable the expulsion of 250,000 Serbs from their homes in Croatia, and the inactivity of the Hague Tribunal followed her. Here the bias is obvious, and judicial politicization is extreme.

Media treatment of the Srebrenica and Krajina cases followed the same pattern and illustrates well how the media can make some victims worthwhile, and others worthless, depending on the political goals.<sup>49</sup> As the Serbs were the target of Western governments in these conflicts, and the US government particularly actively supported programs of mass ethnic cleansing of Serbs from Krajina by Croat and Bosnian Muslim forces, the Western media devoted huge attention to Srebrenica, with bitterness, evil intent, call for action and without contextualization. And in the Krajina case, the attention was minimal and transitory, outrage non-existent, detailed reports on the state of the victims minimal, the language of reporting neutral, and the context that was offered made events fully understandable. Contrast is dramatic. The Bosnian Serb attack on Srebrenica was “creepy”, “murderous”, “savagery”, “cold-blooded killing”, “genocide”, “aggression”, and, of course, “ethnic cleansing.” For

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<sup>47</sup> See Michael Mandel, *Srebrenica Massacre: Evidence, Context, Politics*, Chapter 6, „The ICTY calls it 'genocide'“.

<sup>48</sup> See: Milošević Trial Transcript, IT-02-54, 18 November 2003, p. 29.113-29.114.

<sup>49</sup> See comparative analysis of Srebrenica and Krajina cases in: Herman, Peterson, „*The Dismantling of Yugoslavia*“, p. 19-26.

Krajina, the media did not use such a sharp language - even the term “ethnic cleansing” was considered excessive. The Croat attack was rather a great “uprising” that “softens the enemy”, “lightning offensive” and is explained as “the response to Srebrenica” and the result of the fact that Serb leaders “went too far”. The Washington Post even quoted Peter Galbraith, the US ambassador to Croatia, who in the midst of Operation “Storm” claimed that “the exodus of Serbs is not ethnic cleansing”.<sup>50</sup> The magazine did not allow disputing this opinion. In fact, Croatian operations against Serbs in Krajina made Croatia the ethnically cleanest of all republics of the former Yugoslavia, although NATO’s occupation of Kosovo since 1999 further provided the Albanians with ethnic cleansing that could have competed the one in Croatia.

Many journalists who kept track of Srebrenica and the war in Bosnia consistently accepted the statements of the Bosnian and US governments as facts, rather than conducting independent checks. John Sray, a lieutenant colonel of the US Army and an expert for military issues in the Balkans, who was on the scene in Bosnia, wrote in October 1995 that “many journalists, who undoubtedly work in tough and dangerous conditions... allow themselves to become pawns of propaganda structures.” Sray continues: “These correspondents often limit the time spent in Bosnia for short stays and fail to understand the real nuances that are in the game in this war ... This segment of the media feels that the security of their employment depends on whether they will get thirty seconds of good video footage, accompanied by statements of Muslim officials or their population. As a result, there are obviously worthless inscriptions pandering with Bosnian positions and misleading readers.”<sup>51</sup> Obviously, this characterization does not describe the reporting of the conflict or the Srebrenica case, but it describes well the long-term approach of the media and explains why today, more than fifteen years later, the public opinion is dominated by the distorted picture of what happened in Srebrenica and how it helped to make decisions that influenced the fate of Bosnia, Kosovo and Serbia itself.

Bosnian Serbs issued their first Srebrenica report in September 2002, but the report was rejected by then High Representative Paddy Ashdown due to inadequate conclusions. Over the next two years he fired a number of politicians and analysts of the Republic of Srpska, threatening to even overthrow its government, and extorted writing of the second, and even the third report prepared by people whose version of the event was progressively approaching officially approved conclusions. The third report, published in June 2004, was welcomed in the Western media as a reasonable confirmation of the official line: “The Bosnian Serb leadership recognized the responsibility for the massacre of 7,000 Muslim men and boys in Srebrenica” - was a common refrain.<sup>52</sup> Interestingly, even this extorted and imposed report does not come close to admitting 8,000 executions. Instead, it is about 7,800 “missing

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<sup>50</sup> “A UN Report: Bosnian Serbs Massacred Srebrenica Muslims”, *the Washing. Post*, 12 08/1995.

<sup>51</sup> LTC John E. Sray, “*Selling the Bosnian Myth to America: Buyer Beware*”, Foreign Military Studies Office Publications, Department of the Army, Fort Leavenworth, October 1995.

<sup>52</sup> Nicholas Wood, “Bosnian Serbs Admit Responsibility for the Massacre of 7,000”, *the New York Times*, 12 June 2004.

persons” and raises the question of the integrity of the method of compiling multiple variable lists of “missing persons”. And while suggesting that the Republic of Srpska Government “bow to the victims of Srebrenica”, at the same time expresses the hope that the various institutions of Bosnia and Herzegovina will do the same for other innocent victims killed during these wars.<sup>53</sup> The media did not mention these qualifications and the probability that the authorities would carry out the investigation and all for an apology to thousands of non-Muslim victims is extremely small.

Another feature of the Srebrenica case is the insistence on bringing all (Serb) criminals to justice, pleading guilty allegedly for satisfying justice and the process of reconciliation. This rule was not applied in the case of Indonesia and East Timor (1975-1999) where American and British allies committed mass killings. Of course, it will not apply even in cases where America and Great Britain committed aggression and killed a large number of civilians, as in Iraq. Regarding the application of this rule in the wars in the Balkans, the problem is that justice can not be one-sided, because then it ceases to be justice and discovers its true face as a revenge or cover for other political goals. Ethnic cleansing throughout the former Yugoslavia was not practiced by only one party. In fact, the number of refugees and internally displaced persons was and remains the largest among the Serbs.<sup>54</sup> Moreover, the Serbs claim and document many thousands killed by the Bosnian Muslims, the imported mujahedins and Croats. They had a group for the examination and identification of bodies in 63 mass graves.<sup>55</sup> This went almost unnoticed by the Western media and the Hague Tribunal. As observed by a noted forensic expert Zoran Stanković in 1996, “Prosecutor Richard Goldstone was not interested in the fact that his team had previously identified 1,000 bodies of Serbs in the area of Srebrenica”.<sup>56</sup> Instead, there is a steady refrain on the Serb lamentation, while Bosnian Muslim appeals are taken for the appeals of real victims and have never been regarded as lamentation.

Instead of contributing to reconciliation, the constant focus on the Srebrenica victims and the killer Serbs contributes to the intensification of hatred and nationalist divisions, just as war and violence in Kosovo intensified hatred and showed that the goal proclaimed by Clinton in April 1999 as a struggle for “principles of multiethnic, tolerant and inclusive democracy” was a scam.<sup>57</sup> In Kosovo, this unilateral propaganda and the NATO administration have unleashed serious and constant violence directed against Serbs (but also against Roma, Turks and Albanian

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<sup>53</sup> See: Milan Bogdanic et al., *Final Report of the Commission to Investigate the Srebrenica Events between 10 and 19 July 1995* (Banja Luka, Republic of Srpska), June 2004.

<sup>54</sup> See: Herman, Peterson, “*The Dismantling of Yugoslavia*”, Table 1, “Refugees and internally displaced persons in the former Yugoslavia, as of January 1, 2005”, p. 31.

<sup>55</sup> See: “*Serb official says mass grave discovered in northwestern Bosnia*”, ONASA News Agency, 21 February 2006; BBC Worldwide Summary, 21 February 2006.

<sup>56</sup> “Yugoslav forensic expert says no proof about Srebrenica mass grave”, *Tanjung News Agency*, 12 July 1996; BBC Summary of World Broadcasts, 15 July 1996.

<sup>57</sup> Bill Clinton, “*Remarks by the President to the American Society of Newspaper Editors*”, Federal Documents Clearing House, 15 April 1999.

dissidents), further enhanced by the readiness of the NATO authorities to look away while on their allies, alleged victims, carry out revenge and achieve a long-term goal of ethnic cleansing. In Bosnia, the proposal by the British Foreign Office to use the 10<sup>th</sup> anniversary of the Srebrenica massacre for the “state initiative” of the public reconciliation of various groups was allegedly accepted as an opportunity to quickly end with this and proclaim the Serbs a genocidal people.

As David Chandler points out, “the focus of the international community on war has given support to the most reactionary and the most backward political forces in Bosnia... Those who are socially most excluded from Bosnian life were able to dictate political goals and oppose reconciliation because their social weight is artificially enlarged by international domination in the politics of this small country. Without political, social and economic dependence on external actors which is legitimized by the idea of Bosniak victims, it is unlikely that the war would survive as the central point of life in Bosnia.”<sup>58</sup> Both in Bosnia and Serbia, the Serbs were under constant attack, humiliated, and their leaders and military personnel punished, while those charged with crimes among Muslims, Croats and NATO forces were not subject to extensive investigations and punishments, and were even portrayed as those sharing justice. It is clear that the real goals of those who insist on retaliation are not justice and reconciliation. Their goal is, in addition to mere revenge, to strengthen the position of Bosnian Muslims, to crush and, if possible, eliminate the Republic of Srpska as an independent entity in Bosnia, to keep Serbia in a state of complete disorganization, weak and dependent on the West, to create the basis for a formal separation of Kosovo from Serbia and to continue presenting the US and NATO attack, and the breakup of Yugoslavia in favorable light. The last target requires that attention is drawn from the role of Clinton and the Bosnian Muslims in giving Al Qaeda its foothold in the Balkans, from Izetbegović’s close alliance with Osama bin Laden, from his Islamic Declaration (1970), which declared hostility to a multi-ethnic state, with the import of 4,000 mujahedins to fight in the “holy war” in Bosnia with the active support of the Clinton administration, and the relationship between the KLA and Al Qaeda.<sup>59</sup>

### FINAL REMARKS

Understanding the events about Srebrenica can also help determine whether Serbs will continue to be exposed to the intensive attack for the guilt accusation for the tragic conflict that took place when the great powers - the European Union, the United States and the UN - encouraged the disintegration of Yugoslavia by diplomatic recognition of armed separatist republics and did not do anything constructively to prevent the national-political struggle for the territories that followed. In fact, they encouraged violence because they failed to solve the problem of minority enclaves as they left the Bosnian Muslims and the KLA to believe

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<sup>58</sup> David Chandler, “Srebrenica: Prolonging the wounds of war”, Spiked Online, 20 July 2005.

<sup>59</sup> See: John R. Schindler, *Unholy Terror: Bosnia, Al-Kaida, and the Rise of Global Jihad* (Minneapolis, MN: Zenith Press, 2007).

(rightfully) that provocations and conflicts could provoke the involvement of America and NATO in the fight on their side, and also because they portrayed these conflicts as a conflict between good and evil. This continuous demonization and persecution of one side as the only responsible for a series of civil wars, which involved several warring parties, increased hatred and violence across a large part of the former Yugoslavia and certainly did not secure a path of reconciliation. This was also the basis for a dangerous and wrongly benevolent attitude towards NATO's "humanitarian intervention" in the Balkans, which was neither humanitarian nor legal, leaving leftovers in a state of dependence and chaos, and providing a moral basis for future illegal and non-humanitarian interventions. As we emphasized, the exaggerated and political construction of the Srebrenica massacre plays a significant role in creating these unfortunate results.

Previously disclosed suggests that the number of victims of the Srebrenica massacre and later reduction may not have any or have little to do with evidence, but much more with political interests. There must have been a significant number of executions in Srebrenica in July 1995 after the evacuation of the Srebrenica "security zone". But we also believe that this number is no greater than the number of Serb civilians killed in the cities around Srebrenica by Bosnian Muslims who operated from the "security zone" in the previous three years (well above 1,000, at one estimate, and all 3,387); and is no greater than the number of Serbs killed in ethnic cleansing conducted by Croats in Western Slavonia and Krajina in May and August 1995 (2,500 or more). We believe that the inflation of the numbers and publicity given to the Srebrenica massacre as well as the avoidance of the context and the neglect of the killings of other parties in the Bosnian conflict are based on political interests. These political interests significantly influenced Western officials' interest, the International Criminal Tribunal for the Former Yugoslavia organized by the West, the United Nations dominated by the West, and the Western media.

Questions should be posed here and relevant evidence presented with institutionalized claims related to the Srebrenica massacre, and put into question the broader story in which this massacre has a major role. This is an important task because the massacre in Srebrenica has become a key event and symbol of the Serb evil, the justice of Western intervention in the Balkans, including wars and trials for crimes. The Srebrenica massacre shows that "humanitarian interventions" and the circumvention of allegedly outdated rules for the prohibition of military interventions against sovereign nations are sometimes necessary and good. Since the events of July 1995, in any significant presentation which advocates for the "humanitarian" war and associated ideas of "responsibility for protection" and "right to intervention", as well as the failure of the international community to prevent the "Srebrenica massacre" or the Bosnian "genocide", it was used as a pro-interventionist argument. If, however, the ruling claims of the Srebrenica massacre are untrue or exaggerated, as in the case of the alleged threat posed by the Iraqi "weapons of mass destruction" 2002-2003, then one of the moral and intellectual foundations of Western interventionism in the post-Soviet era of rapid expansion of the US and NATO bloc is seriously threatened.

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## THE HAGUE TRIBUNAL - THE INTEREST OF THE UNITED STATES OF AMERICA

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**Abstract:** The Hague tribunal was close to the United States and NATO and inspired their views and interests in the former SFRY. Its indictments and verdicts followed the percentage of guilt in the civil war in Bosnia and Herzegovina as determined by the American CIA (70% Serbs, 20% Croats, 10% Bosniaks). This also referred to the amount of punishment and the gravity of the indictment. Although founded by the UN Security Council, as its auxiliary body, it did not process the crime of NATO aggression against FRY nor the criminal offenses committed during the bombing. The civil war in Bosnia and Herzegovina entailed after the US and Bosniak leadership withdraw from signing the document of the Portuguese Minister of Justice Jose Cutileiro on an independent cantonally regulated Bosnia and Herzegovina, and the Serbs were therefore destined to serve as the main guilty side.

According to a series of standards, the Hague Tribunal has departed from the practice of international criminal courts (its own Statute, which it repeatedly subjected to changes during the trials; the Serbs were charged for 150 years old events; in addition to subjective, it also introduced objective (command) responsibility; it introduced the Institute of Joint Criminal Enterprise which was not used before. Although the USA insisted on establishing the Hague Tribunal and provided it with the greatest support, the USA itself was strikingly reserved towards the permanent international tribunals and it did not ratify the Rome Statute of the Permanent International Criminal Tribunal in the Hague. The USA did not accept the verdict of the Permanent International Court of Justice in The Hague by the law suit file by Nicaragua because it was favorable for Nicaragua, and not for the United States.

The United States goes a step further and its military personnel are excluded from the jurisdiction of the courts of other states, even their allies and its courts are declared exclusively competent for their prosecution of war crimes committed in foreign territories. Due to a series of shortcomings and inadequacies, especially because of the sharply stricter attitude towards the Serb side in the civil war, the Hague tribunal did not contribute to the reconciliation of the parties. The model of the South African Republic would more contribute to the reconciliation, which presumed trials with rigorous punishment to trials without a criminal conviction. But the Hague Tribunal's mandate was to punish and disperse only one side, and not really to reconcile the conflicted sides. The history of the international criminal justice system will not be friendly to it, as politics was.

**Key words:** *United Nations, FR Yugoslavia, United States, Hague tribunal*

It is an undeniable fact that America and the Western countries have not only designed new borders in the Balkans, but also erased the existing ones, says the former Yugoslavia's diplomacy chief.

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The Socialist Federal Republic of Yugoslavia disappeared from the political map of the world within two and a half months. They destroyed the borders of a country that was among the founders of the United Nations, the League of Nations and the CSCE (European Security and Cooperation Conference). Then that same NATO, in violation of UN international law and charter, made aggression against the FR Yugoslavia, which was a crime against peace. That was not enough, but they occupied and prepared the territory for its transformation into the so-called independent state, and they are now in the Brussels process to make sure that Serbia accepts the new reality they have created.

As to what had preceded it, to whom it had submitted regular reports, who financed it most, who supervised it, by which legal system it operated, to whom it had the most concern and whose geopolitical needs it met – the *ad hoc* Hague Tribunal for War Crimes Trials in the former SFRY territories immediately identified and legitimized itself.

Not only this *ad hoc* criminal tribunal, but also any other interim international body, which was created at the time of the absolute domination of the United States in the global frameworks, and for that reason it could not cease to exist or cease to act without taking into account the politics and interests of this super powerful country.

### **THE HAGUE TRIBUNAL OPPOSES THE INTERNATIONAL LAW PRACTICE**

The very way in which it is established – which is contrary to the rules of international law and practice of states - challenges its independence and impartiality in the judicial proceedings it dealt with. Instead of being constituted by the will of the states that give it a mandate through the special international treaty, such as the Permanent International Criminal Tribunal in The Hague was later formed through the Treaty of Rome, it was formed on the basis of a special resolution of the 1993 Security Council, as its auxiliary body for a more effective maintenance of the international peace and security.<sup>2</sup> The secretary-general of the UN at the time, a world-renowned international law expert Boutros Boutros-Ghali, said to the permanent members of the Security Council that the international criminal courts should be established under the rules of international public law, i.e. an international treaty, and not the administrative decisions made by the executive bodies. However, under a strong US pressure, and with the excuse that there is no time for such subtlety, Ghali had to withdraw as an expert on international law. The Hague Tribunal was, thus, created, which owed its independence to the United States – a dominant member of the Security Council and it remained until the end of its work in the shadow of the USA political needs and goals.

These needs and goals were linked to the development and control of the Yugoslav crisis, especially for the outbreak and warfare of the civil war in Bosnia

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<sup>2</sup> The Charter of the United Nations Charter was signed at the UN Conference on International Organizations in San Francisco on 26 June, 1945 by 50 original member states. It came into force on 24 October, 1945, after it was ratified by five founding states - the Republic of China, France, the Soviet Union, the United Kingdom and the United States of America, and the majority of other signatories.

and Herzegovina. This war was the wish of the US and Bosnian Muslims leaders who wanted to enable the mining of the peace plan by Portuguese Minister of Justice Jose Cutileiro for the cantonally organized independent Bosnia and Herzegovina, planned in order to achieve several goals at once (proving that the European Community is not capable of regulating its own yard; depletion, isolation and demonization of Serbia for failing to subordinate to the so-called new world order; repairing bad image of the USA in the Middle East and in the wider Islamic world).

The authorship over the idea of establishing an *ad hoc* ICTY for the former Yugoslavia belongs to several countries, mostly France, but all of them were superseded by the United States, which, one year prior to the adoption of the resolution of the Security Council on the founding of the said Tribunal, at the London Conference on Bosnia and Herzegovina, strongly pledged to punish the persons responsible for the war crimes committed in armed conflicts on the territory of the former Yugoslavia.

The head of the US delegation, former head of State Secretary for Foreign Affairs, who was well known in Serbia from the past years, Lawrence Eagleburger harshly condemned the Bosnian Serbs and FRY as the only guilty side for the outbreak and duration of the armed conflicts in Bosnia and Herzegovina, and in the inquisition manner read the list of the best known names in the Serbian language side with Slobodan Milosevic in the lead, calling them war criminals who must be tried at a special international criminal court.<sup>3</sup>

In the distribution of political maps, the US saw only two sides in the Yugoslav crisis: one side was the Serb side, who was guilty and responsible for all the hardship and wars in the territory of the former Yugoslavia, and the other side was the Croatian and Muslim side – who were the innocent victims of the Serbian aggression. This axiomatic black and white image was made for the knowledge and guidance of all other states. These states could disagree with this, but not to a great extent, and they all were scared from the anger of the creator and master of the new world order, so they had to either accept this or silently abstain from reacting and acting on this in any manner. The attitude of the United States and its Western allies – which was the attitude of seeing the Serb side as the main guilty side for the outbreak of the armed conflicts in Bosnia and Herzegovina - had to be acknowledged by all and joined by all in the unanimous accusation of the Serbs as people and their condemning and demonization.

It is understandable that the *ad hoc* position of the Hague Tribunal on the character of the armed conflicts in Bosnia and Herzegovina and the degree of guilt of the damaged parties almost entirely coincided with the position of the United States. As an auxiliary body of the UN Security Council, it had the duty to follow its views which, given the absolute dominance of the United States at that time both in the world and at the Security Council, was just another name for the policy and goals of this world super power.

Had the *ad hoc* Tribunal wanted to demonstrate its judicial independence, it had an ideal opportunity for that during the military aggression of NATO led by the

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<sup>3</sup> Vladislav Jovanovic, *Rat koji se mogao izbeći*, Nolit, Belgrade, 2008.

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United States against the FR Yugoslavia. Since its purpose was to investigate and punish all cases of war crimes committed on the territory of former Yugoslavia, it was natural that it should have act first on the act of the aggression conducted without the necessary approval of the Security Council, hence contrary to the Charter of the UN, and then to investigate and process all cases of violations of international war law by the aggressor countries. Not only did it not act as a specific auxiliary body of the Security Council – and that is to solidify with its prime creator and mandate provider, and condemn the act of aggression as the most serious violation of the international law as a crime against peace, but it also refused to act in the mandate of the Security Council: that is to process equally and impartially all the crimes committed by NATO and to identify the responsibility of the highest political and military personalities on the basis of command responsibility.

Instead of following her main body - the Security Council - in its attitude towards the usurper NATO, the chief prosecutor of the *ad hoc* Hague tribunal, a Canadian – Louise Arbour - stated that she found that there was no grounded suspicion that NATO intervening with its military intervention committed any war crimes. Thus, this tribunal solidified with the act of NATO and acted independently of the Security Council, which, as has already been said, has not given NATO the approval for its military action on the FR Yugoslavia. In essence, the Tribunal acted in accordance with the attitudes and requirements of the United States, its factual main body, while the Security Council was in the second plan, so that this Tribunal's “naughtiness” could pass politically unnoticed and without consequence.

The *ad hoc* Hague Tribunal "enriched" the vase law of the international criminal justice system with a whole sequence of other "novelties". Its own Statute, which it itself adopted, was amended along the way, at its own will, creating the legal uncertainty for the accused and their professional defense. The guilt of the accused at the Serbian side have also been linked to political events which occurred 150 years ago, for which there was no legal foundation. By introducing a joint criminal enterprise as the new legal institute from the English legal system, the so-called "objective responsibility" is placed on the same level as the subjective responsibility, which differs from the case law of all the previous international criminal courts.

### **THE BIAS OF THE HAGUE TRIBUNAL AS INSTRUCTED BY THE UNITED STATES OF AMERICA AND THEIR FOLLOWERS**

If the Tribunal Presidents and Chief Prosecutors were not from the United States or NATO countries, they were from the former colonies of Great Britain or France. Neither judges nor prosecutors were recruited from the states with independent views on conflicting events in the former Yugoslavia, such as Russia, China, India, Brazil, Cuba or Zimbabwe. It has been proved in specific examples that the Tribunal representatives were in a working contact with the US Embassy in the Hague and that they were supporting it during the Tribunal's problems and operational issue.

The extent to which the Tribunal was impartial in its work and how it really contributed to the victory of justice and the reconciliation of the war-time counterparts in military conflicts are best reported in figures. Eighty percent of all accused, charged and convicted persons were Serbs from Bosnia and Herzegovina

and Serbia. Among the accused and convicted persons were all the leading political and military personnel from Republika Srpska and Serbia; individuals from Bosnian Muslims or the so called Bosniaks, and only a small number from Croatia and former Herzeg-Bosnia. Three quarters of all sentences pertain to Serbs, while the other 25% to all others, and as a rule with shorter duration. The hardest qualifications for war crimes committed, such as genocide and ethnic cleansing, were reserved for Serbs, while the war crimes perpetrators from the other two conflicting parties were spared from it, if not in the first instance, then in the second instance verdicts.

It is obvious that the Tribunal was guided by the United States assessments and interests when it was uncritically ready to accept the American guilty plea in the civil war in Bosnia and Herzegovina, according to which "it was found" that the Serbs were guilty 70%, Croats 20% and Muslims 10%. There is no clear evidence that this design of guilt by the official CIA represents the essence of the US policy towards the civil war in Bosnia and Herzegovina and that it was governed by both American allies and other dependent countries, as well as the Tribunal itself, which has been created for such a task.

Serbia and the Serbs in an earlier common country (as a permanently unreliable support for the interests of the West in the Balkans) should be marked with a sign of the biggest culprit for all the disasters in the region and thus prevent them from making any major impact on it. The Hague Tribunal has understood this well, and this task in its judgments has been carried out without delay. In essence, it is a well rooted attitude of the United Kingdom and Germany that the Serbs are "little Russians" in the Balkans and, as such, they are permanently unreliable as regards the interests of the West. The United States has accepted it uncritically as an axiom upon which it been building its views on Serbia and the Serbs in the neighborhood for a long time. The goal was that Serbia must be permanently suppressed and weakened by internal problems, so that it can never acquire the piedmont attraction until it integrates into the Euro-Atlantic organizations where it would have a lower-ranked role.

The United States are convincing the world that their policy is engaging in war crimes punishment and the *ad hoc* Hague Tribunal was established to prevent violations of international war law in other military conflicts. This position could not be criticized if the idea of justice and not political goals was leading the Hague Tribunal. However, as noted above, only one side – Serbian side - was accused and draconically punished for war crimes in Bosnia and Herzegovina, while the other two sides were overlooked – one of them, the Muslim side was seen as a victim rather than as an active participant in the armed conflicts with the other two sides. Since the Hague tribunal is a subsidiary body of the Security Council with a specific role, and being that the United States have the absolute domination in it, it is obvious that in its work the Tribunal has always adjusted its gunpoint according to the US attitudes and goals, while the idea of justice was in the second plan.

The US affirmation that they are strongly committed to war crimes punishment does not come as a confirmation either in their relation to other permanent international courts. The Permanent International Criminal Court resulting from the conclusion of the Treaty of Rome at the end of the 1990s did not get the support from the United

States. Among the countries that have not ratified it, in addition to Russia and China, there is also the United States. The reason is severed and principled: the US does not accept and does not allow the possibility for their military personnel participating in the armed conflicts around the planet, as well as responsible politicians, be prosecuted and tried at any national or international criminal court. They insist that US criminal courts are solely responsible for prosecuting US citizens suspected of having committed war crimes. They go a step further at that, and, not sustaining from using various forms of pressure, they conclude bilateral agreements with so many other countries on the exemption of the US military personnel from the jurisdiction of their domicile courts when they are permanently resident or in transit in those countries.

John Bolton, the White House adviser on National Security House, went on furthest in exempting the US citizens from the jurisdiction of the Permanent International Criminal Tribunal, and he recently threatened that the US would take measures against the Permanent International Criminal Tribunal if it tried to prosecute the US citizens for the criminal acts committed in Afghanistan. He stressed that "the United States will use every necessary means to protect its citizens and the citizens of its allies from the unchecked accusations of this illegitimate court". In this shiny show of itself as an exceptional country that has a privileged mission in the arrangement of the world, the United States does not challenge the right and jurisdiction only to other states, and even its allies, to process American citizens for war crimes committed, but it goes on further and does not accept the verdicts from the international courts whose jurisdiction it recognizes. Thus, the US refused to accept the verdict of the Permanent International Court of Justice in the Hague on the grounds of a lawsuit filed by Nicaragua against the United States, because the USA has been declared guilty by the verdict.

The need to protect the US citizens from the possibility of being prosecuted by international criminal courts was discreetly present in the trial of the President of the FRY and Serbia. All the heaviest accusations were raised against him on the basis of the famous command responsibility, more so that this would represent the crown of the demonization of Serbia and its people, rather than it all was legitimate and reasonable in the first place. But with the help of the *force majeure*, it was carefully avoided to have this trial completed, and a practical solution was found that President Slobodan Milosevic dies from "natural causes death", that is, that the court proceeding be terminated without the verdict being passed. Since the United States is by far the largest military intervening agent in other countries and that its presidents, as supreme commanders, are potential candidates for which the Permanent International Criminal Tribunal in the Hague might be interested, it is natural and logical that the USA would not be comfortable with the precedent of sentencing the president and supreme commander of a state, in this particular case, the president of Serbia. A sudden death of the President Slobodan Milosevic has freed the US, as well as their closest allies, of such a risk and precedent.

The lies are only short-lived, as the saying goes. And in the lies of the new world order on Serbia and the Serbs being a genocidal people are even shorter-lived. Many of these lies were coated in judicial form during the trial of Slobodan Milošević and

they were aggressively published before the world public by the Prosecutor of the Court and its trained witnesses. The United States and their friends in the Hague Tribunal have been assured that the death of Slobodan Milosevic will forever prevent these false accusations from ever being verified. But the Permanent International Tribunal in The Hague, acting on a lawsuit against Bosnia and Herzegovina on its responsibility for genocide in the civil war in Bosnia and Herzegovina, ruled differently from the *ad hoc* Hague Tribunal's verdict: that neither Yugoslavia, nor Serbia had command over the Bosnian Serb army nor that Serbia is responsible for the genocide in Srebrenica. According to some competent interpreters, it is with this that the President Slobodan Milošević was posthumously freed from charges of the Hague Tribunal.

For the purpose of securing itself against the risk of judicial indictment for its numerous military interventions throughout the world, the United States promptly secured that the Statute of the Hague Tribunal<sup>4</sup> does not contain the crime of military aggression, even though it is the heaviest war crime from which all other war crimes are derived. The reasons for processing the NATO and US leaders were obvious and undeniable:

1) NATO has not been granted the approval by the UN Security Council for the armed action on the FR of Yugoslavia, in accordance with the key provisions of the OUN Charter,

2) NATO violated its own Statute defining it as the sole defensive military alliance and crossed its area of responsibility,

3) The FR of Yugoslavia did not endanger or attack any NATO member in military terms so that NATO could call on Article 5 of its Statute. The FR of Yugoslavia did not endanger or threaten any other neighboring country,

4) The representatives of the major NATO countries, especially the United States, abused and sabotaged the peace talks in Rambouillet in early 1999 to execute an excuse for the aggression against the FRY.

It was legally and politically inconceivable and unacceptable that the Hague Tribunal proclaims no responsibility for the criminal prosecution of the leading personalities of the NATO and its key member states for the unauthorized aggression against the FR of Yugoslavia. However, the US interests were primary, and their impact on the UN Security Council was decisive. On the other hand, NATO publicly admitted that its members were the main financiers of the Hague Tribunal, so it was not to be expected that their protégé and their minion would seriously investigate numerous crimes cynically renamed into collateral damage, committed on civilian and military individuals, as well as numerous civilian facilities, including the demolition of the TV stations in Belgrade and Novi Sad.

The establishment of the Hague Tribunal and the beginning of its work have been blatantly justified by the will of the international community to punish the persons responsible for the war crimes which would contribute to the reconciliation of the conflicted parties and their peaceful life in peace.

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<sup>4</sup> Resolution no. 1668 of the Security Council, by which on its 5407<sup>th</sup> session, on April 10, 2006, the revised Statute of the International Criminal Tribunal for the former Yugoslavia was absurdly adopted.

Unfortunately, the Hague Tribunal did not justify such acquittals: from the beginning of its work to its end, it was openly brazen and vindictive towards the Serb side. Nothing else could be expected from the Hague Tribunal, because it was founded on the US anti-Serb political platform. But even if the Hague Tribunal was at performing in line with its judicial function, and if it did not apply double standards and if it rendered each war crimes perpetrator guilty fairly and in proportion to their crime, there would still be a question of whether the goal of reconciliation of all sides in the armed conflicts would be achieved.

There was also an alternative way for a faster and more comfortable approach to achieving this goal: the way South Africa took. Instead of trials and punishments, this country opted for the confession of the defendants before the trial panel. The public confession of war crimes committed by the persons who committed them both exacerbated them and provided satisfaction to the victims' families, while preparing the country for a more prosperous continuation of common life.

### **INSTEAD OF A CONCLUSION**

The punishment for war crimes without punishment was not even observed by those who created the Hague Tribunal. It was more important to the United States and their allies to reprimand the Serbs and to permanently present them as adversaries with genocidal urge. Geopolitical and other interests of the United States required this. It turned out that the reconciliation of the three sides in the cruel civil war was in the second plan, although it was mentioned as the main goal, for propaganda reasons. If this reconciliation after the fratricidal civil war in Bosnia and Herzegovina was really the prime goal, then the experience of the South African Republic would have been considered, a country where the long-lasting armed conflicts also had a racial basis to it. Thanks to the ingenuity of this experience, the antagonisms that led to the armed conflicts were neutralized. Reconciliation was quickly achieved, and the Republic of South Africa stabilized and it continued to grow prosperously in racial equality.

However, the Hague Tribunal's mandate was to punish and condemn, and not really to engage in reconciliation. One party in the civil war in Bosnia and Herzegovina - the Serb party - was determined in advance as the most important culprit by far. The US interests were put before the fairness. The role of the Hague Tribunal was to confirm the CIA report on guilty pleadings in the civil war by its verdicts. That is why it is impossible to talk about the actual independence of the Hague Tribunal from the US influence. The history of international criminal justice systems will not be as friendly to it as politics was.

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## VATICAN GUIDED THE GENOCIDE CHARGES AGAINST SERBS AND WAS THE SPONSOR OF NON- USTASHA CROATIA<sup>1</sup>

Jared Israel<sup>2</sup>

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**Abstract:** The text very precisely indicates the beginning of the accusation of Serbs for genocide against the Muslim and Croat people that began with the escalation of the Yugoslav crisis and conflicts in Croatia in 1991 that forgot about the genocide committed against the Serb people in the Second World War by Ustashes and NDH/Independent State of Croatia, hereinafter NDH/. Important role in the labeling the Serbs for genocide was played by the Catholic Church and Vatican which focused its activities on struggle with Orthodoxy in the Balkans. In the immediate charge after the events in Srebrenica, the decisive role in launching propaganda for genocide and the request for bombing of the Republic of Srpska had a close friend and compatriot of the Pope Wojtyla appointed Special Envoy of Secretary General Tadeusz Mazowiecki.

**Key words:** *genocide, Special Envoy of the UN Secretary General, Srebrenica, Pope Wojtyla, Serb people*

In 2013, the German government's international broadcaster, *Deutsche Welle*, ran an editorial disparaging former Serbian President Tomislav Nikolic's Srebrenica apology because: "*While saying 'I kneel and ask for forgiveness for Serbia,' he was sitting comfortably in his armchair. Sincere remorse certainly looks different. German Chancellor Willy Brandt's spontaneous move to kneel in front of a monument for Nazi-era victims in Warsaw, Poland, two decades after World War II, was a convincing and touching gesture. This silent, humble gesture was genuine and made history.*"<sup>3</sup>

So not only has the media's Srebrenica onslaught made it possible for the German government to unashamedly compare what Germany unquestionably did in World War II (namely, with its allies, killed perhaps 50 million men, women and children, including over a million Serbians, and destroyed much of Europe) with what Serbian forces **are accused** of doing in Srebrenica (namely, killing 8,000 men,

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<sup>1</sup> Samantha Chrishione is an editor of the prepared publication of Jared Israel for printing in the United States of America.

<sup>2</sup> ¶ Jared Israel is an American writer and a former member of the RS Commission for the Truth on Jasenovac: Vatican and Germany with the last war in the Balkans continued the war of 1941 and the publications on genocide of the Independent State of Croatia over the Serbs as well as about a subtle role of the Vatican in the Yugoslavian crisis and indictments of the Serbs for the genocide in Srebrenica.

<sup>3</sup> "Not a sincere Serbian gesture," by Verica Spasovska, head of *DW's* Central and Southeast Europe department, *Deutsche Welle*, April 26, 2013. <https://www.dw.com/en/opinion-not-a-sincere-serbian-gesture/a-16774464>

mostly POWs), but Germany, (whose secret service was 100% formed out of General Reinhard Gehlen's Nazi operatives) is far better than Serbia and Republika Srpska because its repentance is "genuine," "silent," "touching," and "sincere".

Or consider this remarkable 2006 quote from the leading German weekly, *Der Spiegel*: "But people in the Balkans haven't forgotten, and the extent to which the massacre still affects them became very clear to German Defense Minister Franz Josef Jung during a brief stopover in Bosnia the week before last. Near Sarajevo, Jung spoke with a man about the World Cup. Germany and Italy are fantastic teams, said the young Bosnian, but he had his problems with the Netherlands. And why so? Jung asked: 'Have you had a bad experience **with Dutch people?**' "The man hesitated and then uttered only one word: 'Srebrenica.' "[My emphasis – J.I.]<sup>4</sup>

So the defense minister of Germany, which was guilty of staggering World War II atrocities, not least of all in Holland, all justified by racist ideology, meaning attacks on entire peoples, can uncritically be quoted approvingly repeating an attack on the Dutch *as a people*, and nobody bats an eye, thanks to Srebrenica.

### ROLE OF TADEUSZ MAZOWIECKI FOR CHARGES AGAINST THE SERBS FOR GENOCIDE IN SREBRENICA

And that is just the tip of the iceberg of Srebrenica's worldwide effect, rooted in an avalanche of media coverage for nearly 24 years, truly an extraordinary media trial, which has had one critical flaw, namely that, in all those years, while the media deluged the world public with all manner of alleged witnesses accusing the Serbians of all crimes, virtually no media ever presented arguments for the defense.

For a change, let us try to look at Srebrenica critically.

For anyone interested in justice, when there is a criminal accusation, the first question is, what is the *corpus delicti*, that is, 'the body of the crime,' meaning evidence that a crime has actually taken place?

How was the world informed that there was a Srebrenica massacre, "the worst genocide in Europe since World War II," as we have been told many times? Is the accusation rooted in solid evidence resulting from investigation?

In answering, let us be assisted by David Rohde, the *Christian Science Monitor* reporter who won the 1996 Pulitzer Prize for International Reporting for what the Pulitzer people called, "his persistent on-site reporting of the massacre of thousands of Bosnian Muslims in Srebrenica."<sup>5</sup>

Notice that in April 1996 (when no court, even the flagrantly biased Hague Tribunal, had yet ruled on the massacre accusation, and when Bosnian Serbian officials flatly denied there had been a massacre), instead of talking about 'the

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<sup>4</sup> " 'A Toast to The Dead.' Srebrenica Widows Sue UN, Dutch Government," by Udo Ludwig and Ansgar Mertin, translated from German by Toby Axelrod, *Der Spiegel*, July 4, 2006. <http://www.spiegel.de/international/spiegel/a-toast-to-the-dead-srebrenica-widows-sue-un-dutch-government-a-425024.html>

<sup>5</sup> See, Pulitzer Prize page on David Rohde, <https://www.pulitzer.org/winners/david-rohde>

*alleged* massacre,' the judges of the world's top journalism prize referred to "**the** massacre," period, thereby making it perfectly clear how journalists were to write about Srebrenica: guilty as charged.

According to Rohde, the massacre accusation was given life, worldwide, on July 24, 1995, when, at a press conference in Tuzla, Bosnia: "*the UN special rapporteur for human rights, former Polish Prime Minister Tadeusz Mazowiecki, completed a week of investigations into the fall of Srebrenica. Mazowiecki said 7,000 of Srebrenica's 40,000 residents seemed to have 'disappeared.'*"<sup>6</sup>

July 24 was a Monday. According to news reports, Mazowiecki flew into Tuzla, where Srebrenica refugees were encamped, either Friday, July 21 or Saturday, July 22<sup>7</sup>, meaning that, when the UN's Bosnia *rapporteur* spoke, given time to recover from the trip (Mazowiecki was 68) and to organize his press conference, said *rapporteur* might have spent a day or two investigating, but certainly not a week as Rohde claimed.

Here is the *Algemeen Nederlands Persbureau (ANP)* on the press conference: [Excerpt from *ANP* dispatch starts here] After the conquest of the Muslim enclave Srebrenica in Bosnia, the Bosnian Serbs have violated human rights on a large scale and committed atrocities against the Muslims. That is what the UN Human Rights Envoy, Tadeusz Mazowiecki, said on Monday at a press conference in Tuzla.

Mazowiecki had arrived in Tuzla on Friday. There are almost 30,000 refugees from Srebrenica [in Tuzla – J.I.]. **He said he based his statements on countless testimonies from the past week. "Although these statements have yet to be carefully examined, I have already established that the Serbs in Srebrenica acted in a barbarous manner** against the population," according to the UN envoy.

[...] Mazowiecki is of the opinion that Srebrenica means a turning point in the war in Bosnia: "**Now the world community must intervene hard** to prevent a repetition of events in the Zepa enclave [then besieged by the Bosnian Serbian Army – J.I.]" [My emphasis – J.I.]<sup>8</sup>

Three days later, July 27, Mazowiecki held a second press conference, protesting Western governments' failure to intervene to prevent the Serbian capture of the town of Zepa: [Excerpt from *AP* starts here] Protesting international failure to halt atrocities in Bosnia, Tadeusz Mazowiecki resigned today as the United Nations' chief human rights investigator for the former Yugoslavia.

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<sup>6</sup> David Rohde, *Endgame: the betrayal and fall of Srebrenica, Europe's worst massacre since World War II*, (1<sup>st</sup> ed., 1997) Boulder, Colorado, Westview Press, 1998, p. 328.

<sup>7</sup> According to the *Algemeen Nederlands Persbureau (ANP)* report, Mazowiecki arrived Friday, July 21, 1995. According to the *Polska Agencja Prasowa (PAP)* report, he arrived Saturday, July 22: "Ex-Joegoslavie; VN-waarnemer rapporteert Servische wredeheden," by Van Dijk, *Algemeen Nederlands Persbureau (ANP)*, July 24, 1995, 16:36 Central European Time, Section: Buitenland, Length: 333 Words, Dateline: Tuzla (AFP/RTR), Language: Dutch / Nederlands.

<sup>8</sup> Ex-Joegoslavie; VN-waarnemer rapporteert Servische wredeheden," by Van Dijk, *Algemeen Nederlands Persbureau (ANP)*, July 24, 1995, 16:36 Central European Time, Section: Buitenland, Length: 333 Words, Dateline: Tuzla (AFP/RTR), Language: Dutch / Nederlands. Source: LexisNexis.

Mazowiecki said he decided to quit after Western officials meeting in London last week “*accepted the fall of Srebrenica and resigned itself to the fate of Zepa,*” both U.N.-designated “safe areas.”

He said his efforts to publicize reports of atrocities were undermined by other reports downplaying human rights violations following the Bosnian Serbs' capture of Srebrenica. He did not say who gave the accounts, but ***Dutch peacekeepers who were in Srebrenica this week said they had not seen the widespread atrocities reported by some refugees.***<sup>9</sup>

***His investigations uncovered evidence of “barbarous” acts and terror on an enormous scale, he said, even though few refugees would talk to him*** because “they felt abandoned, betrayed.” [My emphasis – JJ]<sup>10</sup>

Several points about Mazowiecki’s two press conferences:

1) By accusing the Serbians of “barbarous acts and terror on an enormous scale” (July 27), Mazowiecki was manifestly preparing public opinion to believe the Serbians were guilty of genocide.

2) Mazowiecki said that the witness stories “have yet to be carefully examined” (July 24). That being the case, how could he have “established that the Serbs in Srebrenica acted in a barbarous manner” (July 24)?

3) Mazowiecki reported that “few” refugees would speak to him (July 27). From whom, then, did he hear “countless testimonies” (July 24)?

4) Mazowiecki “said his efforts to publicize reports of atrocities were undermined by other reports downplaying human rights violations” in Srebrenica (July 27). In fact, according to the *Associated Press*, the other reports outright ***denied*** the atrocity accusations. That being the case, and since the atrocity stories had not been “carefully examined” (July 24), why the rush to publicize them?

If Mazowiecki’s ‘not carefully examined’ atrocity stories had a big impact – and according to Rohde, they were the origin of the Srebrenica accusation – wouldn’t that traumatize the Serbians ***as a people?***

What if said accusations then proved fictional? Didn’t human rights *rapporteur* Mazowiecki know that under the 1948 UN Genocide Convention, causing “mental harm to members of” a “national, ethnical, racial or religious group” could constitute genocide?<sup>11</sup>

5) Given that “these statements have yet to be carefully examined” (July 24), why did Mazowiecki insist that, “the world community must intervene hard against the Serbians” ***immediately*** (July 24)? What if the charges proved false? Did Mazowiecki want the Serbians to get bombed for fictional crimes? Wouldn’t that

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<sup>9</sup> ASSOCIATED press, 27.07.1995.

<sup>10</sup> *Associated Press Worldstream*, July 27, 1995, Thursday 09:35 Eastern Time, Byline: Elizabeth Olson, Section: International News, Length: 378 Words, Dateline: Geneva. Source: LexisNexis.

<sup>11</sup> “Convention on the Prevention and Punishment of the Crime of Genocide,” 9 December 1948, Article 2, in United Nations, *Treaty Series*, vol. 78, p. 277. <https://ihl-databases.icrc.org/ihl/INTRO/357?OpenDocument>

constitute inciting “barbarous’ acts and terror on an enormous scale”? Couldn’t he and the bombers be charged with genocide?

6) According to the *Associated Press*, one reason Mazowiecki gave for resigning July 27 was that: “his efforts to publicize reports of atrocities were undermined by other reports downplaying human rights violations [...]. He did not say who gave the accounts, but Dutch peacekeepers who were in Srebrenica this week said they had not seen the widespread atrocities reported by some refugees.”<sup>12</sup>

But the Dutch peacekeepers were troops of the UN, his own organization. They had been on the scene in Srebrenica and Potocari (where thousands of refugees gathered before being bussed to Tuzla). They insisted they had seen none of Mazowiecki’s “enormous” atrocities.

The UN troops were ordinary Dutchmen, not personally involved in the Bosnia conflict, certainly not partisan to the Serbian side. (Indeed, some UN troops were held hostage by Serbian forces.)

By contrast, the refugees were most definitely personally involved. Many were soldiers in the Muslim army; some undoubtedly worked for Muslim intelligence.

### **MAZOWIECKI POLITICAL COLABORATOR OF THE POPE JOHN PAUL II**

Mazowiecki said he had spoken to “few” refugees. Couldn’t interested parties have coached those “few” to invent atrocity stories? If Mazowiecki were an actual investigator, wouldn’t he have wanted to sit down with the Dutch UN troops, who were unique eye witnesses, and discuss the atrocity claims?

Instead, he denounced the UN peacekeepers out of hand. What good reason could an investigator have had for such behavior? The answer is, no good reason.

Mazowiecki was not an investigator. He was a propagandist. He had a game-plan: to accuse the Serbians of crimes so heinous they called for “hard” intervention. But why resign? Didn’t his position as UN human rights *rappporteur* for Bosnia give Mazowiecki the perfect bully pulpit?

Once he resigned what would Western leaders care what he said? Wouldn’t he then be just some former Prime Minister of Poland with an eccentric grudge against the Serbians?

The answer is, Mazowiecki was not just a former Prime Minister of Poland, and there was nothing eccentric about his grudge against the Serbians. He was a close political associate of Karol Wojtyła, Pope John Paul II, arguably the most powerful man in Europe.

The political marriage of Wojtyła and Mazowiecki went back a long way. As noted in a *Washington Post* article, entitled “Mazowiecki: A Longtime Catholic Activist”: “As the founder and chief editor of an independent Catholic monthly

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<sup>12</sup> *Associated Press Worldstream*, July 27, 1995, Thursday 09:35 Eastern Time, Byline: Elizabeth Olson, Section: International News, Length: 378 Words, Dateline: Geneva. Source: LexisNexis.

called *Wież, or Link*, he [that is, Mazowiecki – J.I.] established close ties with Archbishop Karol Wojtyła of Krakow, who became Pope John Paul II in 1978.”<sup>13</sup>

In 1980, when Mazowiecki became the main political adviser to the anticommunist Polish trade union, Solidarity, he acted in closest contact with the pope, functioning as the pope’s agent. Thus *The New York Times* reported in 1990, on the pope’s 70<sup>th</sup> birthday, that: “*The Polish Prime Minister, Tadeusz Mazowiecki, who received secret letters from the Pope while jailed with other Solidarity leaders under martial law, sent a message saying, ‘Poland, Holy Father, owes you much.’*” [My emphasis – J.I.]<sup>14</sup>

When Mazowiecki became Poland's first post-Communist prime minister, his maiden trip abroad was to Italy, where: “*Poland’s first non-Communist prime minister in four decades broke precedent Friday by embracing his old friend, Pope John Paul II, and giving thanks for the help the Roman Catholic Church played in bringing him to power. The emotional meeting at the Vatican was the highlight of a triumphant and financially rewarding three-day visit to Italy by Tadeusz Mazowiecki, a Roman Catholic intellectual who was elected prime minister of Poland on Aug. 24.*

‘This is a historic meeting,’ the Pope told Mazowiecki after the two exchanged hugs and kisses on the cheeks. ‘Let us hope there is no turning back.’ ”<sup>15</sup>

So when, in August 1995, the UN Commission on Human Rights made Mazowiecki its *rappporteur* for Bosnia, they were in fact putting the Vatican in charge of telling the world who was at fault for the fighting there. An important choice, because the Vatican had a dog in that fight.

During World War II, the Croatian Catholic hierarchy (meaning, since the Catholic hierarchy everywhere operates under Vatican discipline, the Vatican) mobilized support for and helped lead the Croatian Ustashe<sup>16</sup>, the clerical Fascists whom the conquering German Nazis installed in power in the so-called Independent State of Croatia, encompassing most of today’s Croatia and Bosnia.

The Croatian Ustashe were Catholic clerical fascists, unique among Hitler’s allies in having as their focus destroying the Serbians as a people.

The root of their hatred: the Serbian people’s stubborn resistance to Vatican domination. The Ustasha line (kill one third of the Serbians, convert one third to Catholicism, drive one third from Croatia and Bosnia) was promoted by the Catholic hierarchy –an impossibility absent the approval of the Vatican – so that, according

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<sup>13</sup> “Mazowiecki: A Longtime Catholic Activist, Editor,” *The Washington Post*, August 19, 1989. <https://www.sun-sentinel.com/news/fl-xpm-1989-08-19-8902260720-story.html>

<sup>14</sup> “Chronicle,” by Susan Heller Anderson, *The New York Times*, May 19, 1990. <https://www.nytimes.com/1990/05/19/style/chronicle-926090.html>

<sup>15</sup> “Poland’s Leader Thanks Pontiff. Pope Credited for Solidarity Support in ‘Difficult Years’,” by Joseph A. Reaves, *Chicago Tribune*, October 21, 1989. <https://www.chicagotribune.com/news/ct-xpm-1989-10-21-8901240155-story.html>

<sup>16</sup> Embassy of the Federal Peoples Republic of Yugoslavia, “The Case of Archbishop Stepinac,” Washington, 1947. <http://emperors-clothes.com/croatia/stepinac1.htm>

to Yad Vashem's *Encyclopedia of the Holocaust*: "Many Catholic priests, mainly of the lower rank, took an active part in the [Ustasha – J.I.] murder operations."<sup>17</sup>

Of course, since the Catholic clergy is a pyramid-shaped hierarchy, with many priests but few bishops, if a normal cross section of the church engages in any activity, including the hands-on murder of Serbians, those involved would necessarily be "mainly of the lower rank." That Catholic clergy of the **higher** rank "took an active part in the [Ustasha – J.I.] murder operations" demonstrates the intensity of the Vatican's involvement in the Ustashe agenda!

The Ustashe mass murdered well over a million people, overwhelmingly Serbians but also most Roma and Jews and many political opponents.

The World War II Ustashe were of course defeated, but in 1991, the Vatican backed the drive by pro-Ustashe Croatian secessionists led by Franjo Tudjman, known for Holocaust denial and violent hostility to Serbians and Jews<sup>18</sup>, to secede from and attack Yugoslavia.

When Croatia and Slovenia seceded, the Vatican campaigned for international support: "Today Foreign Minister Stoyan Ganev received Bishop Mario Rizzi, papal nuncio of the Holy See, who delivered to him **a memorandum from the Holy See to all states** which have signed the Helsinki Final Act. The document contains **an appeal to recognise the independence of Croatia and Slovenia** before 24th December."

[My emphasis – J.I.]<sup>19</sup>

Catholic politicians, such as the American Pat Buchanan, framed the ensuing war between the Croatian secessionist army on one side, and the Yugoslav Army and Serbian self-defense forces on the other, as the "rape of Croatia," asking: "*Where are the Germans? Are they so paralyzed over Hitler's crimes they cannot order up a couple of divisions to chase Milosevic's army back to Belgrade? Would it not be a triumph for the West and freedom if a Germany army were seen driving to the rescue and liberation of a beleaguered Balkan people, as French and Italian warships broke the Dubrovnik blockade?*"<sup>20</sup>

The worldwide Catholic hierarchy, that is, the Vatican, accused the Serbians of genocide. Thus, in an Oct. 13, 1991 sermon in New York's St. Patrick's Cathedral,

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<sup>17</sup> Menachem Shelah, "Croatia," in *Encyclopedia of the Holocaust*, Yad Vashem, Jerusalem, English edition: New York/London, Macmillan, 1990, pp 323-329, p. 328. <http://emperors-clothes.com/croatia/encr.htm#many>

<sup>18</sup> "Anger Greets Croatian's Invitation to Holocaust Museum Dedication," by Diana Jean Schemo, *The New York Times*, April 22, 1993. <https://www.nytimes.com/1993/04/22/us/anger-greets-croatian-s-invitation-to-holocaust-museum-dedication.html>

<sup>19</sup> "IN BRIEF; Vatican note to Bulgarian Minister requests recognition of Croatia/Slovenia," [Translation by:] *BBC Summary of World Broadcasts*, December 18, 1991, Wednesday; SOURCE: Bulgarian Radio, Sofia, 1900 gmt 13 Dec 91; SECTION: Part 2 Eastern Europe; A. INTERNATIONAL AFFAIRS; 1. GENERAL AND WESTERN AFFAIRS; EE/1258/A1/ 1; LENGTH: 116 words. Source: LexisNexis.

<sup>20</sup> "Western Leaders Fiddle while Croatia Burns," by Patrick Buchanan, Chicago Tribune Services, 12 November 1992, *The Salt Lake Tribune*. This article was published in major newspapers throughout the U.S.

## VATICAN GUIDET THE GENOCIDE CHARGES AGAINST SERBS...

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Cardinal John O'Connor prayed for "our own government and the peoples of the United States" to respond to Croatian bishops "pleading with the West for help," because "true genocide is underway."<sup>21</sup>

The Serbians said the genocide charge was upside down, that Tudjman's secessionists had launched a campaign of discrimination and lethal terror against Serbians and antifascist ethnic Croatians, starting by rewriting the Croatian constitution to reduce Serbians from a constituent people, meaning they were equal under the law to Croatians, to a national minority, meaning they were not; firing them from government jobs; dynamiting 10,000 homes of Serbians and anti-fascist Croatians, "in some cases," according to a spokesman for Helsinki Watch of Croatia, "with the families inside. Whole families were killed. Many were wounded"; and more.<sup>22</sup>

In judging whom to believe, consider that, whereas there has never been a government attack on Croatians living in Serbia, the Croatian neo-Ustasha state murderously drove hundreds of thousands of Serbians – about 600,000 –from Croatia proper and from the lands of the Krajina, claimed by Croatia. This vast and often lethal depopulation lends tragic credibility to Serbian charges of genocide.<sup>23</sup>

In the summer and fall of 1991, when the fighting was limited to Croatia, the Vatican's anti-Serbian genocide accusation was ineffective because too many people worldwide remembered the Croatian Ustashe death camps of World War II. As the *New York Post* recalled, in the article reporting Cardinal O'Connor's genocide accusation: "*It was the Croatian fascist Utashi [sic] who exterminated as many as one million Serbs, Gypsies and Jews in Yugoslav death camps during World War II.*"<sup>24</sup>

So in 1991, it was hard to sell the idea that the Croatians, who had overwhelmingly supported the Ustashe clerical fascists, had become innocent victims, while the Serbians, the main victims of Croatian Ustashe clerical fascism, had turned into fascist brutes. The solution? In late March 1992, the newly created, Vatican-sponsored secessionist state of Croatia relocated the site of hostilities from Croatia to Bosnia, in the first instance by sending Croatian National Guard troops and tanks into Bosnia, invading the Bosnian town of Bosanski Brod, provoking a battle in which "the earth was burning and [the] sky was red."<sup>25</sup>

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<sup>21</sup> "O'Connor pleads for U.S. to aid Croatia and Slovenia," by Mary Papenfuss, *New York Post*, October 14, 1991.

<sup>22</sup> "Croatia Forced Thousands from Homes, Rights Group Says," by David Binder, *The New York Times*, December 8, 1993. <https://www.nytimes.com/1993/12/08/world/croatia-forced-thousands-from-homes-rights-group-says.html>

<sup>23</sup> "U.N. Investigates Killing of Civilians in Croatia; Serb Refugees Were Fleeing Army Attack," by John Pomfret, *The Washington Post*, May 8, 1995. [https://www.washingtonpost.com/archive/politics/1995/05/08/un-investigates-killing-of-civilians-in-croatia/fd68eb72-e076-4bae-b94b-037cb1213834/?utm\\_term=.53fd87409168](https://www.washingtonpost.com/archive/politics/1995/05/08/un-investigates-killing-of-civilians-in-croatia/fd68eb72-e076-4bae-b94b-037cb1213834/?utm_term=.53fd87409168)

<sup>24</sup> "O'Connor pleads for U.S. to aid Croatia and Slovenia," by Mary Papenfuss, *New York Post*, October 14, 1991.

<sup>25</sup> "JNA [*Jugoslavenska Narodna Armija* or Yugoslav People's Army – J.I.] Says Battalion of Croatian National Guard Routed Near Bosanski Brod," [Translation by:] *BBC Summary of World*

The purpose: to terrorize Serbian civilians and foster inter-ethnic violence, whereupon the Serbians could be accused of anti-Muslim racism.

The international media consistently misrepresented the fighting in Bosnia as an ethnic conflict between all Muslims (in reality, the Muslim population was sharply divided), and supposedly racist Serbians. This line was given official sanction by reports from UN Bosnia *rappporteur* Tadeusz Mazowiecki.

Sharply contradicting the much-repeated charge that the Serbians saw the Muslims as their main enemy, General Ratko Mladic said that the Bosnian conflict had been artificially created by Croatia; that if the invading Croatian forces pulled out, the fighting would quickly cease.<sup>26</sup>

### **MAZOWIECKI OPERATING FOR VATICAN AND AMERICAN HAWKS**

Mazowiecki used his August 1992 appointment as UN *rappporteur* to promote a fiercely anti-Serbian agenda, regularly meeting in Zagreb with the Vatican-sponsored Croatian government, and then, absent actual investigation in Bosnia, attacking the Serbians in the media, exhibiting the same disregard for truth manifested in his two July 1995 Tuzla press conferences: a propagandist wielding the power of the Vatican, who always ‘discovered’ that the Serbians were guilty, although the evidence was never (as he himself put it in) “carefully examined.”

By fiercely denouncing the Serbians and then abruptly resigning in protest in the last week of July 1995, Mazowiecki was broadcasting two messages: he was telling ordinary people that the crimes of the Serbians in Srebrenica were so horrendous that the failure to punish them made it impossible for him to continue in his UN post; and he was warning Western government leaders that they were making much too little of Srebrenica, that if they did not sharply increase denunciations of and military action against the Serbians, the Vatican would mobilize the media against them.

It is important to understand that these governments were divided on how to deal with Bosnia.

For example, U.S. Ambassador to Croatia Peter Galbraith and other powerful U.S. officials – but *not* U.S. Secretary of State Warren Christopher – wanted NATO to bomb Serbian positions around the so-called safe area of Zepa, which the Bosnian Serbian army (VRS) was on the verge of capturing on the day of Mazowiecki’s July 24 press conference.

Repeating Mazowiecki’s argument that “Now the world community must intervene hard to prevent a repetition of events in the Zepa enclave,” Galbraith sent a cable to Secretary of State Christopher the day after Mazowiecki’s July 24 press

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*Broadcasts*, March 30, 1992, Monday, SOURCE: Tanjug in SerboCroat (i) 1305 and (ii) 1523 gmt 28 Mar 92; (i) Excerpt from report datelined Zenica, 28th March; SECTION: Part 2 Eastern Europe; C. SPECIAL SUPPLEMENT; YUGOSLAVIA; EE/1342/C1/ 1; LENGTH: 610 words. Source: LexisNexis.

<sup>26</sup> August 1992 RTS Interview with General Ratko Mladic. Serbo-Croatian transcript is at <http://tenc.net/bosnia/Mladic-rts-serbo-croatian.htm>

conference with the clear title, “Possible Mass Execution of Srebrenica Males Is Reason to Save Zepa.”<sup>27</sup>

According to David Rohde, “Galbraith's cable resulted in no change in the U.S. policy” of not taking military action over Zepa: “*but [Secretary of State – J.I.] Christopher did order Assistant Secretary of State John Shattuck to travel to Tuzla and interview Srebrenica survivors.*”<sup>28</sup>

That is, to interview *supposed* survivors, because it was a *supposed* massacre. Shattuck’s expressed views were in line with Galbraith and Mazowiecki. Rohde claims that, when Christopher sent Shattuck to Tuzla, “the Serbs suffered a blow they would feel weeks later”<sup>29</sup> because his interviews had a big effect on U.S. policy.

Shattuck modestly agrees with Rohde's assessment of his importance, arguing that prior to his trip, Secretary of State Warren Christopher “had been very ambivalent about Bosnia.” For example, the State Department resisted accusing the Serbians of genocide: “*There was a great deal of skepticism about my use of the term genocide. State Department legal advisors constantly pushed back against my use of the term because it would imply an obligation on the signatories of the Genocide Convention to take appropriate action in response. That was the whole point of using the term, obviously.*”<sup>30</sup>

Notice that here Shattuck does not say that he demanded extreme action against the Serbians because they were guilty of genocide, but rather that he accused the Serbians of genocide because that would necessitate extreme action!

Shattuck says the resistance to using the term ‘genocide’ faded on August 4<sup>th</sup>, after he told a meeting of top State Department people what he had learned in Bosnia: “*When I came back from these interviews in Tuzla and submitted a detailed report to the Secretary of State on August 4, you could have heard a pin drop in the room. Virtually everyone came up to me afterwards, not to congratulate me but simply to say thank you for finally producing what should have been evident long before, but was being pushed back [i.e., that the Serbians were supposedly guilty of genocide – J.I.].*”<sup>31</sup>

I don't accept Shattuck's claim that, by telling officials about his interviews with supposed execution survivors, he changed their minds, convincing them that the Serbians were guilty of genocide, and that this explains the change in US policy.

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<sup>27</sup> Galbraith to SecState, “Possible Mass Execution of Srebrenica Males is reason to save Žepa,” AmEmbassy Zagreb, Zagreb 02788, July 25, 1995. <https://www.documentcloud.org/documents/2425207-19950725-possible-mass-execution-of-srebrenica.html#document/p1/a241209>

<sup>28</sup> David Rohde, *Endgame: the betrayal and fall of Srebrenica, Europe's worst massacre since World War II*, (1<sup>st</sup> ed., 1997) Boulder, Colorado, Westview Press, 1998, p. 328.

<sup>29</sup> David Rohde, , p. 331.

<sup>30</sup> “International Decision Making in the Age of Genocide: Srebrenica 1993-1995,” conference, June 28–July 1, 2015, The Hague, Edited Transcript, Session 4: Endgame – Lessons from Srebrenica, p. 4-36. <https://www.ushmm.org/m/pdfs/20151119-Srebrenica-Transcript-Session4.pdf>

<sup>31</sup> Ibid.

Indeed, this could not explain any policy change because, while in his August 4th report (now available online) Shattuck claims that he heard accounts of atrocities, he also admits that the charges were not “substantiated”!<sup>32</sup>

A report of *unsubstantiated* charges would hardly cause officials to change their minds about accusing the Serbians of genocide in Srebrenica.

Rather, I believe that in the struggle over how to respond to the Serbian recapture of Srebrenica, the extreme anti-Serbian faction (Assistant Secretary of State John Shattuck, US Ambassador to the UN Madeleine Albright, Ambassador to Croatia Peter Galbraith and others) won based on a threatening display of power, including:

- \* The Hague Tribunal's indictment of Republika Srpska President Radovan Karadzic and General Ratko Mladic on charges of genocide the day after Mazowiecki's July 24 press conference.

- \* UN *rappporteur* Mazowiecki's resignation, which threatened a media campaign that could position Secretary of State Christopher and like-minded officials as enablers of genocide, just as was subsequently done to Dutch UN troops and Dutch high officials.

- \* The harsh anti-Serbian stance of the German establishment, as demonstrated by *Der Spiegel*, which as early as July 31, 1995, published a piece ferociously promoting the Srebrenica mass execution line.<sup>33</sup>

- \* Shattuck's own actions, which gave Secretary of State Christopher a taste of what he would face unless he bowed to Mazowiecki.

Regarding those actions, as I noted, Shattuck says that, before he went to Tuzla, the State Department vetoed his accusing the Serbians of genocide. But on August 1st, three days *before* his report to the State Department, Shattuck held a press conference in Zagreb, Croatia, where, the *Associated Press* reported, he said: “ *I have heard credible eyewitness accounts from refugees of mass executions of men and boys by Bosnian Serb soldiers,* ’ Shattuck told reporters at Zagreb airport, before flying to Geneva to complete a report for President Clinton. **Shattuck said the accounts constitute ‘substantial new evidence of genocide and crimes against humanity in eastern Bosnia.’** ” [My emphasis – J.I.]<sup>34</sup>

By thus defying the State Department policy *not* to accuse the Serbians of genocide, Shattuck was signaling that, if Christopher did not submit to Mazowiecki's demands, Shattuck could continue to go to the public, using the media to incite public opinion against those who resisted ‘hard intervention,’ even resigning in noisy protest, as some advocates of bombing the Serbians and accusing them of genocide had done before.

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<sup>32</sup> “Information Memorandum; To: The Secretary [of State]; From: DRL – John Shattuck; Subject: Bosnia Trip Report,” August 4, 1995. <https://www.documentcloud.org/documents/2300463-19950804-memo-from-shattuck-re-bosnia-trip-report.html>

<sup>33</sup> “Es ist keiner mehr übrig“, by Walter Mayr, *Der Spiegel*, July 31, 1995. <http://www.spiegel.de/spiegel/print/d-9206271.html>

<sup>34</sup> “U.S. Official Cites Evidence of Genocide by Serbs with Yugoslavia,” *Associated Press Worldstream*, August 01, 1995; Tuesday 18:45 Eastern Time; SECTION: International news; LENGTH: 474 words; DATELINE: ZAGREB, Croatia.

\* The danger that other top officials in the anti-Serbian faction (for example Ambassador Galbraith, and, according to Galbraith, Assistant Secretary of State for European Affairs Richard Holbrook) were also ready to resign if the State Department did not drop its prohibition against accusing the Serbians of genocide and go on the offensive against them over Srebrenica.<sup>35</sup>

When Shattuck returned to the U.S., it was incumbent on Christopher to discipline him for holding the Zagreb press conference August 1. When, instead, Christopher allowed Shattuck to read his report August 4 to the assembled State Department personnel, like a returning, conquering hero, Christopher was surrendering to the Srebrenica genocide faction.

Returning to the leader of that faction, Tadeusz Mazowiecki's July 24 and July 27, 1995 press conferences foreshadowed the *modus operandi* of Srebrenica accusers in the endless Srebrenica media trial of the Serbian people and the kangaroo court trials of Serbian political leaders and military men at The Hague and elsewhere, ever since.

Mazowiecki expressed the essence of that *modus operandi* in his July 24 press conference, when, accusing the Serbians of monstrous atrocities based on witness statements, he added: "*Although these statements have yet to be carefully examined, I have already established that the Serbs in Srebrenica acted in a barbarous manner against the population.*"<sup>36</sup>

So Mazowiecki hears witness statements from one side (and "few" at that), and without careful examination of those statements, 'establishes' that they are telling the truth. From the standpoint of logic, this is like something out of Lewis Carroll's *Through the Looking Glass*.

From the standpoint of long-established and hard-won rules of justice, this is an outrage.

So then, we must ask ourselves, why did Mazowiecki say it? Why did he admit he had not carefully examined the accusations – but nevertheless *knew* they were true? But was it an admission? Was it a mistake?

The answer is no, it was not a mistake, ***it was the standard of evidence that Mazowiecki, representing the Vatican, wanted established, from the get-go, regarding the accusation against the Serbian people about Srebrenica.***

Since Croatia launched its war of secession in June 1991, and, if one looks carefully, even before 1991, the world media and interested leaders had been assaulting the public with anti-Serbian propaganda in which intensity and repetition substituted for proof or even coherence. It is unfortunate but true that, unless fought and fought hard, such propaganda *always* works.

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<sup>35</sup> "International Decision Making in the Age of Genocide: Srebrenica 1993-1995," conference, June 28-July 1, 2015, The Hague, Edited Transcript, Session 4: Endgame – Lessons from Srebrenica, p. 4-39. <https://www.ushmm.org/m/pdfs/20151119-Srebrenica-Transcript-Session4.pdf>

<sup>36</sup> Ex-Joegoslavie; VN-waarnemer rapporteert Servische wreedheden," by Van Dijk, *Algemeen Nederlands Persbureau (ANP)*, July 24, 1995, 16:36 Central European Time, Section: Buitenland, Length: 333 Words, Dateline: Tuzla (AFP/RTR), Language: Dutch / Nederlands.

Like a kind of perceptual arteriosclerosis, the layers of misinformation build up in people's minds, ever weakening their ability to question new misinformation.

By July 1995, the assumption of Serbian guilt had been instilled so thoroughly in millions of people's minds **that it was not necessary** for Mazowiecki to claim he had examined the witness statements carefully. More – he wanted to establish, from the very start that, regarding Srebrenica, **the fact that there is no proof that the Serbians have committed a crime in no way mitigates their guilt.**

### **MISLEAD OF THE AMERICAN UNDER SECRETARY JOHN SETKA WITH TRANSMISSION OF THE HERAM SULJIC TESTIMONY**

Following Mazowiecki's lead, when Shattuck addressed the assembled State Department personnel, he **volunteered** the information that, regarding what he had been told in Tuzla, "this evidence is now being investigated" (or, as Mazowiecki would put it, was "yet to be carefully examined") and therefore was not "substantiated."

Nevertheless, in the same presentation, Shattuck said his "main conclusion" was: "*that hundreds if not thousands of unarmed refugees were killed at the time the safe havens [Srebrenica and Zepa – J.I.] were overrun, many by mass executions.*"<sup>37</sup>

What he was telling his listeners, some of whom had opposed his accusing the Serbians of genocide, was that this was a new ball game. Now there was so much power behind him that they had to face reality. Not the reality of facts, but the reality of power. The rules of the game were medieval (only fitting, since they were in essence established by the Catholic hierarchy). Serbian guilt was an article of faith.<sup>38</sup>

The puzzle that remains about Mazowiecki's two press conferences is, why did he pick the end of July, 1995 to make this extreme move, resigning his UN post? Why was it so important **right then** to mobilize his supporters in the media and government, such as Shattuck and Galbraith, to demand that the Serbians be accused of genocide?

The answer is: Krajina. Mazowiecki resigned one week before the Croatian army invaded the Krajina region – Republika Srpska Krajina – driving over 250,000 Serbians (and about 50,000 refugees – Muslims! – who had taken refuge there) from the area, killing thousands.

The Krajina *blitzkrieg* truly deserves the appellation, "the worst genocide in Europe since world war II." As the sponsor of neo-Ustashe Croatia, the Vatican was of course aware that, on August 4, 1995, Croatia would launch its genocidal attack

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<sup>37</sup> "Ex-Joegoslavie; VN-waarnemer rapporteert Servische wredeheden," by Van Dijk, *Algemeen Nederlands Persbureau (ANP)*, July 24, 1995, 16:36 Central European Time, Section: Buitenland, Length: 333 Words, Dateline: Tuzla (AFP/RTR), Language: Dutch / Nederlands. Source: LexisNexis.

<sup>38</sup> "International Decision Making in the Age of Genocide: Srebrenica 1993-1995," conference, June 28 - July 1, 2015, The Hague, Edited Transcript, Session 4: Endgame – Lessons from Srebrenica, p. 4-34. <https://www.ushmm.org/m/pdfs/20151119-Srebrenica-Transcript-Session4.pdf>

on Krajina, and knew that the only way to prevent public outrage over the Croatian crimes that were soon to come was to claim that “the worst genocide” since the World War II had *already* been carried out by the Serbians in Srebrenica.<sup>39</sup>

This was exactly what happened. For perhaps a week, the Krajina nightmare dominated the news, but by the end of the second week in August, it was overshadowed by shrill denunciations of the supposed Srebrenica massacre.

According to Shattuck, the “principle witness” to the supposed Srebrenica massacre whom he interviewed in Tuzla was one Hurem Suljic. Therefore Suljic’s testimony is an important part of the foundation of the Srebrenica accusation, the supposed *corpus delicti* or ‘body of the crime,’ based on which the public believed that the Srebrenica massacre accusation was true.

Was the ‘body of the crime’ real?

Suljic's testimony definitely does involve crimes. The question is, what crimes? War crimes? Or slander to incite and justify war?

In order to answer that question, I have cross-examined Suljic’s testimony in another paper, entitled, “The Srebrenica testimony of Hurem Suljic: Simply unbelievable.”

On July 4, 1995, papal confidante and UN *rappporteur* for Bosnia Tadeusz Mazowiecki held a press conference in Tuzla, Bosnia, where, based on supposed witness statements, he accused Bosnian Serbian troops of terrible crimes following the capture of the town of Srebrenica. While saying that “these statements have yet to be carefully examined,” he nevertheless said “the world community *must* intervene hard to prevent a repetition of events in the Zepa enclave,” then under attack by the Bosnian Serbian Army. [My emphasis – J.I.]

Following Mazowiecki’s press conference, a “quite ambivalent” US Secretary of State Warren Christopher dispatched Undersecretary John Shattuck, who supported Mazowiecki's stance, to Tuzla to interview the supposed eye witnesses.

On his return August 4, Shattuck told the State Department that the stories he had heard from supposed Srebrenica witnesses were not "substantiated." Nevertheless, in that report, and in a press conference August 1st, he accused the Serbians of genocide.

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<sup>39</sup> For Shattuck’s August 4 report to the State Department, see “Information Memorandum; To: The Secretary [of State]; From: DRL – John Shattuck; Subject: Bosnia Trip Report,” August 4, 1995. Second page. <https://www.documentcloud.org/documents/2300463-19950804-memo-from-shattuck-re-bosnia-trip-report.html>

For Shattuck’s reference to Suljic as “a crippled man,” see cable, FM USMISSION GENEVA, TO SECSTATE WASHDC IMMEDIATE 5118, 8/2/00, SUBJECT; SHATTUCK MISSION TO BOSNIA, CONFIDENTIAL, August 2, 1995. <https://www.documentcloud.org/documents/2427065-19950802-shattuck-mission-to-bosnia.html#document/p3/a242070>

For Shattuck’s description of Suljic as his “principle witness,” see “International Decision Making in the Age of Genocide: Srebrenica 1993-1995,” *op. cit.*, p.4-34.

According to Shattuck, his main witness was one Hurem Suljic, a “crippled” Bosnian Muslim man who supposedly escaped a mass execution<sup>40</sup>. Suljic's much-repeated accusations are part of the very foundation of the 24 year long Srebrenica media trial of the Serbian people.

Many years have passed since Mazowiecki and Shattuck made their horrific accusations. Have those accusations been substantiated? I charge that they have not been and never will be substantiated, because they are based on false witness.

Case in point: Shattuck’s claims about Hurem Suljic. As I will show, being fictional, Suljic’s testimony shares a potential problem of all fiction: that precisely because the writer has complete control over his invented world, he can, if he is incompetent, introduce absurd situations and/or make one part of his story inconsistent with another. In movies they call this problem of internal consistency ‘continuity,’ and have people who study scripts to make sure that, for example, things do not happen in some late scene that are impossible, given what happened in some early scene.

Whoever made up the Suljic testimony, as relayed by Shattuck and others, was incompetent.

Shattuck has presented the Suljic testimony at some length twice, in his 2005 book, *Freedom on Fire*, and in his 2011 *Boston Globe* article, “Justice in the arrest of Mladic.”

In my cross examination, I will rely mainly on Shattuck’s *Globe* article which, appearing 16 years after the supposed massacre, gave Shattuck plenty of time to ‘substantiate’ his charges.

Here is the relevant excerpt from the *Globe*: [Excerpt from *The Boston Globe* starts here]

Sitting on a rickety chair in the back of a refugee center, I listened to the story of Hurem Suljic, a grizzled Bosnian Muslim farmer. On July 14, Bosnian Serb soldiers had separated him and other Srebrenica men from their families and forced them into several large warehouses. Suljic heard a soldier announce, “*Who knows Commander Mladic? You’ll meet him soon and get to know him well.*”

Mladic appeared and informed the men that they would be exchanged for Serb prisoners. They were taken by bus to a remote warehouse near the border, where they were beaten with iron bars and attacked by hand grenades so that the floor and walls were covered with blood.

Their Bosnian Serb attackers drove stolen UN vehicles and wore stolen UN helmets. The Srebrenica men were then blindfolded, herded onto pickup trucks, driven to a huge ditch, and ordered at gunpoint to disembark. “*My mind went blank as the shots came,*” Suljic rasped at me. “*I thought I was dead when I fell into that ditch with all the other bodies piled on top of me. But the shots had missed, and I lay*

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<sup>40</sup> “Justice in the arrest of Mladic,” by John Shattuck, *The Boston Globe*, May 28, 2011. [http://archive.boston.com/bostonglobe/editorial\\_opinion/oped/articles/2011/05/28/justice\\_in\\_the\\_arrest\\_of\\_mladic/](http://archive.boston.com/bostonglobe/editorial_opinion/oped/articles/2011/05/28/justice_in_the_arrest_of_mladic/)

*there for hours. I heard Mladic ordering his soldiers to finish off the wounded.*”  
[Excerpt from *Boston Globe* ends here]

There are a host of absurdities and discontinuities in this scenario.

### **1 The blindfold dilemma**

We are told that before being “herded onto pickup trucks,” the prisoners were blindfolded, for the obvious purpose of preventing them from seeing dead bodies on the ground when they arrived at the execution site and therefore realizing that they were about to be killed, and resisting.

Equally obviously, the prisoners would want to know why they were being blindfolded, that is, what the soldiers did not want them to see. Therefore they would lower the blindfolds if they could. The only way to prevent this would be to tie the prisoners’ hands behind their backs, and indeed, in describing Suljic’s supposed experiences, reporter Michael Dobbs wrote that before Suljic and other prisoners were ordered to get onto the trucks, “Their hands were tied behind their backs.”<sup>41</sup>

That would prevent the prisoners from removing the blindfolds but would create another problem. Shattuck-Suljic tell us that after being blindfolded, the men were “herded onto pickup trucks.” Pickup trucks have a raised rear loading area that one climbs up onto while holding the side of the truck with one hand. But how can one do that if one’s hands are tied behind one’s back?

So either Shattuck-Suljic would have to say that the men’s hands were not tied, in which case the blindfolding would be pointless, or that they were tied, in which case the soldiers would have to carry the prisoners onto and down from the trucks, which seems preposterous.

Conclusion: the claim that prisoners were blindfolded and then climbed up onto pickup trucks is fictional.

### **2. The gruesome attack: iron rods...**

Shattuck-Suljic tell us that before being blindfolded, the men were “beaten with iron bars.”

If strong, young soldiers beat prisoners with “iron rods,” they would do terrible damage. The victims would have broken arms, legs, backs and heads and internal injuries. Some might be unconscious or dead.

How could soldiers tie the hands of such people – perhaps with broken arms, perhaps not, but certainly in agony – behind their backs?

How could the prisoners, perhaps unable to walk, perhaps unable even to stand, climb up onto the backs of pickup trucks? How would the soldiers prevent badly wounded men from falling off the trucks when they started moving? How could badly wounded men climb down from the trucks, even if ordered to do so at gunpoint?

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<sup>41</sup> “ ‘Anybody Who Moved or Screamed Was Killed’; Thousands Massacred On Bosnia Trek in July,” BYLINE: Michael Dobbs; Christine Spolar, *The Washington Post* Staff Writers, October 26, 1995, Thursday, Final Edition, SECTION: A SECTION; Pg. A01. Source: LexisNexis

### **3...and hand grenades?**

And it gets worse, for, according to Shattuck-Suljic, the men were not only beaten with iron rods.

In Shattuck's book, *Freedom on Fire*, Shattuck-Suljic tell us that in addition to iron rods the men were beaten with axe handles, but in the *Globe* article they escalate, telling us instead that the prisoners were also "attacked by hand grenades" inside the warehouse "so that the floor and walls were covered with blood"! <sup>42</sup>

Shattuck-Suljic do not describe the supposed hand grenades (plural), but their claim about the floor and walls being "covered with blood" is consistent with the most common type, fragmentation grenades, which spray a room with deadly shrapnel.

In *Freedom on Fire*, Shattuck-Suljic say the prisoners were packed so tight they were "forced to sit virtually on top of each other."<sup>43</sup> The effect of throwing hand grenades into such a room would be catastrophic. Many men would be killed or so badly wounded by the concussion and shrapnel that they could not possibly stand let alone climb onto and down from pickup trucks. But according to Shattuck-Suljic, after the hand grenade attack: "*The Srebrenica men were then blindfolded, herded onto pickup trucks, driven to a huge ditch, and ordered at gunpoint to disembark.*"<sup>44</sup>

What we have here are two different pieces of fiction crudely spliced together: one in which the prisoners are attacked with iron rods and, in truly bizarre fashion, hand grenades, and an entirely different one, in which they can be herded, uninjured and unaware, onto and down from pickup trucks to field where they are executed without resistance.

### **4. And what about the warehouse**

What about the warehouse, indeed.

Given that the supposed goal was to get the prisoners bused to, killed and buried at the execution site, why first blow them up with hand grenades inside a warehouse?

After doing so, the soldiers would have to get the men – the unwounded but terrified, the wounded, the crippled, the unconscious and the dead – out of the warehouse and, somehow, onto the trucks; and to what end? If for some reason they had to throw hand grenades at the prisoners, wouldn't the obvious thing for the soldiers to do be to first get them out of the warehouse, so at least, afterwards, they wouldn't have to clean the place up?

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<sup>42</sup> John Shattuck, *Freedom on Fire: Human Rights Wars and America's Response*, Cambridge, Massachusetts, Harvard University Press, 2005, p.114. <https://books.google.it/books?id=t2p8irU2okC&lpq=PP1&dq=%22freedom%20on%20fire%22&pg=PA114#v=onepage&q&f=false>  
"Justice in the arrest of Mladic," by John Shattuck, *The Boston Globe*, May 28, 2011.

[http://archive.boston.com/bostonglobe/editorial\\_opinion/oped/articles/2011/05/28/justice\\_in\\_the\\_arrest\\_of\\_mladic/](http://archive.boston.com/bostonglobe/editorial_opinion/oped/articles/2011/05/28/justice_in_the_arrest_of_mladic/)

<sup>43</sup> *Freedom on Fire*, op. cit., p.114.

<sup>44</sup> " 'Anybody Who Moved or Screamed Was Killed'; Thousands Massacred On Bosnia Trek in July," BYLINE: Michael Dobbs; Christine Spolar, *The Washington Post* Staff Writers, October 26, 1995, Thursday, Final Edition, SECTION: A SECTION; Pg. A01. Source: LexisNexis

Because they would indeed have to clean it up, and possibly repair it, because, according to Shattuck-Suljic in *Freedom on Fire*, the warehouse was “in Bratunac, a Serb-held town north of Srebrenica,” meaning the Serbian soldiers would be throwing hand grenades into a Serbian community agricultural warehouse.

Now why on earth would they do that? Answer: because the Srebrenica massacre is a horror story, and Shattuck-Suljic decided that axe handles (used in Shattuck’s 2005 book) are less horrible than hand grenades (used in the 2011 *Globe* piece).

### 5. More on blindfolding

Returning for a moment to the matter of blindfolding, I noted earlier that the reason for it would be to prevent the prisoners from seeing dead bodies at the execution site and therefore realizing what fate awaited them, and possibly resisting.

But really, after they had been beaten with iron bars and attacked with hand grenades, could those prisoners who were not dead or unconscious possibly *not* be aware of what fate awaited them?

Which brings us to the matter of General Ratko Mladic.

### 6. The strange supposed “intentionality” of General Mladic

According to Shattuck-Suljic in the *Globe*, when Suljic was first taken prisoner, following the Serbian capture of Srebrenica, “Mladic appeared and informed the men that they would be exchanged for Serb prisoners.”<sup>45</sup>

In *Freedom on Fire*, Shattuck-Suljic present Mladic’s supposed words in greater detail: “‘Hello, neighbors,’ he [i.e., Mladic – J.I.] said, ‘180 of my people are in prison in Tuzla, and I want to exchange them for you, probably by tomorrow. **You won’t be harmed. The exchange will be done in a peaceful way, and you’ll soon be back with your families.**’”<sup>46</sup> [My emphasis – J.I.]

During the 2015 panel discussion on Srebrenica referred to earlier, Shattuck said: “There was one remarkable thing that I remember he [that is, Hurem Suljic – J.I.] said, which was Mladic’s behavior throughout this time. Mladic came and addressed the men as they were being rounded up. Each time he assured them that they would eventually be able to leave. [...] he **was trying to calm them**. To me that **indicated a high degree of intentionality** on his part.”<sup>47</sup> [My emphasis – J.I.]

Shattuck is using “intentionality” to mean ‘purpose and premeditation,’ the idea being that Mladic was trying to lull the men into a false sense of security, the better to transport them to the execution site and kill them without resistance.

Shattuck-Suljic’s claim here is manifestly preposterous. Why manifestly?

Couldn’t a commanding officer make false promises to prisoners to calm their fears, prior to execution? Yes, one could, but if one did it would be crazy for him to then order his troops to attack the prisoners with iron rods and axe handles (as

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<sup>45</sup> *ibid.*

<sup>46</sup> *Freedom on Fire, op. cit.*, p.114.

<sup>47</sup> “International Decision Making in the Age of Genocide: Srebrenica 1993-1995,” *op. cit.*, p. 4-35.

Shattuck-Suljic claim in *Freedom on Fire*) or iron rods and hand grenades (as they claim in the *Globe*.)

Once again, Shattuck-Suljic have spliced together contradictory narratives, one in which Mladic is a monster because he tries to trick the prisoners into going peacefully to their deaths, and another in which Mladic is a monster because he has his men attack the prisoners with iron rods and axe handles or hand grenades (take your pick).

While in the *Globe* piece, the attack on the prisoners is more absurd because it includes hand grenades, in *Freedom on Fire* the description of the fictional Mladic's "intentionality" is more absurd. Here's why.

In the *Globe*, the prisoners are arrested, taken to the warehouse and executed that night. But in *Freedom on Fire*, the prisoners stay overnight in the warehouse. During the night, the soldiers beat them with iron rods and axe handles. In the morning Mladic addresses them. That evening they are bussed to a high school gymnasium where they are blindfolded on arrival and only later on trucked to the execution site. So the book and the *Globe* article depict two quite different realities. And this is from former Assistant Secretary of State for Human Rights John Shattuck, the man whose much touted interview with Hurem Suljic laid the very foundation of the Srebrenica accusation! In *Freedom on Fire*, when Mladic arrives at the warehouse, the prisoners ask why he is torturing them. According to Shattuck-Suljic: "*Mladic replied that the Bosnian army in Tuzla had been unwilling to organize a prisoner exchange. 'But now we've persuaded them, and the buses are on the way to pick you up.'*"<sup>48</sup>

Keeping in mind that Mladic is presented as saying this to men who have spent the night being beaten with iron rods and axe handles, meaning that they must **all** be suffering **some** injury and many if not most must be in agony, the Mladic character's reply is surreal: 'We are beating you with iron rods and axe handles because we couldn't get the prisoner exchange organized, but now everything is back on track, so what's the problem' .. ? But if the imaginary Mladic's supposed statement is surreal, so is the prisoners' response. Shattuck-Suljic tell us that, following Mladic's remarks: "*After the prisoners had spent another day in the warehouse, new buses arrived at night. But again, they went north, further into the Serb-held areas, not west toward Tuzla where the supposed exchange was to take place.*"<sup>49</sup>

So the prisoners in this version of the story **still** expected the exchange to take place. It was only when the buses went the wrong way that the prisoners realized that Mladic's promise would not be carried out! How had they expected the prisoner exchange to take place? Were they going to be pushed across to the Muslim side in wheel chairs? Or on stretchers? Or in oxygen tents?

(Parenthetically, since the prisoners in *Freedom on Fire* were supposedly blindfolded, how would they have known the buses were going north, not west?) But absurd and self-contradictory as all this is, it is no more absurd than Shattuck-Suljic's story of how Suljic supposedly escaped from the supposed execution site.

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<sup>48</sup> *Freedom on Fire, op. cit.*, p.114.

<sup>49</sup> *ibid.*

## 7. Suljic's excellent escape

In *Freedom on Fire*, Shattuck-Suljic tell us that at the warehouse: "During the night soldiers pulled Suljic and other men outside in groups and beat them with iron bars and axe handles until some were unconscious and then threw them back onto the crowded dirt floor."<sup>50</sup>

So Shattuck-Suljic do not claim that Suljic somehow avoided the attacks on the prisoners; yet in neither the book nor the *Globe* article do Shattuck-Suljic report that Suljic suffered any actual *injuries* from these supposed assaults.

Thus in *Freedom on Fire*, we are told that, at the execution site, Suljic was "hustled" off the truck, indicating that he was able to climb down quite on his own, like all the other miraculously uninjured prisoners, who were fit enough to be "herded onto pickup trucks" and then could "disembark" when "ordered at gunpoint" to do so (which, you will recall, would in any case have been impossible, since, to prevent them from removing their blindfolds, their hands would have had to be tied behind their backs).

According to *Freedom on Fire*, at the execution site, when everyone around him was supposedly being executed: "my mind went blank as the shots came,' Suljic rasped at me. 'I thought I was dead when I fell into that ditch with all the other bodies piled on top of me. But the shots had missed, and I lay there for hours. I saw Mladic ordering his soldiers to finish off the wounded. I saw my best friend lying dead near me. I saw the end of the world.' Still afraid to be heard, he described to me in a halting whisper how he had waited until the soldiers left, then pulled himself out of the pile of bodies and crept with two other survivors through miles of dangerous forest to reach the Bosnian side of the confrontation line."<sup>51</sup>

Let us analyze this. "I fell into that ditch," says Suljic.

What sort of ditch? A "huge ditch" (*Boston Globe*).

How deep is "huge"? Shattuck-Suljic do not say, but Mevludin Oric, who in most accounts was one of the survivors who supposedly escaped the execution site with Suljic, testified at the Hague Tribunal trial of Lieutenant Colonel Vujadin Popović as follows: [Excerpt from Mevludin Oric's testimony starts here]

Question: Now, before you and Mr. Suljic were able to leave the meadow did you see anything on the meadow?

Mevludin Oric: We saw the pit, the grave that was dug out, and behind we could see the excavator and the loader. The excavator and the loader. They're these two machines. **And the grave was very deep. No one could get out. I think it was more than five metres deep.** [My emphasis – J.I.] [Excerpt from Mevludin Oric's testimony ends here]<sup>52</sup>

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<sup>50</sup> *ibid.*

<sup>51</sup> *Freedom on Fire, op. cit.*, p.115.

<sup>52</sup> International Criminal Tribunal for the Former Yugoslavia, Case of Popović et al. (IT-05-88) "Srebrenica," Transcripts, p. 921, Tuesday, 29 August 2006. <http://www.icty.org/x/cases/popovic/trans/en/060829IT.htm>

Five meters deep, nearly the height of a two story building.

And what happened then? Then “all the other bodies piled on top of me,” says Suljic. Meaning, how many bodies? According to “Freedom on Fire,” before being driven to the execution site: “*Suljic edged up his blindfold enough to see that he was being herded into a pickup truck with about twenty other men.*”<sup>53</sup>

Notice that in this version, Suljic’s hands are not tied. What then was the point of blindfolding him? In any case, with about 20 men to a truck, assuming his was not the last truck, there could be a wide range of possible numbers of bodies falling on top of Suljic: perhaps 20; perhaps 60; perhaps 100 or more. Let us be conservative and say just one truckload “piled on top of” Suljic. Twenty men. Did his fall into the “huge” pit and the bodies ‘piling’ on top of Suljic do him any damage? Neither Shattuck’s book nor the *Globe* article mention any injury whatsoever. At the 2015 conference mentioned earlier, Shattuck said Suljic suffered a “grazing” – that is, superficial – “wound on his temple when he fell into a pit with bodies.”<sup>54</sup>

So, Suljic was essentially unscathed. Is that realistic? No.

Nothing about Suljic’s fall into and escape from the supposed pit is realistic. Here is why.

First, Suljic is always described as middle-aged. He is usually described as having “a bum” leg, or words to that effect. Far from athletic.

Second, Suljic, we are told, does not jump but falls into the pit, and does so thinking he is dead (*Globe* article, book), meaning he would not be trying to protect himself.

Third, the impact of a falling object, expressed in Newtons, can be calculated based on its weight and the distance it falls.

Assuming Suljic weighed 75 kilograms, he would impact the bottom of the pit with a force of about 36,750 Newtons.<sup>55</sup>

Assuming the bodies of the other prisoners weighed 75 kilos each, those that “piled on top of” him would impact Suljic also with a force of 36,750 Newtons.

According to a science website, 3,300 Newtons can be enough to break a human rib; 4000 Newtons can be enough to break a thigh bone. But Suljic and the others that fell on him would impact with about *nine times* that force, each.<sup>56</sup>

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<sup>53</sup> *Freedom on Fire, op. cit.*, p.114.

<sup>54</sup> “International Decision Making in the Age of Genocide: Srebrenica 1993-1995,” *op. cit.*, p. 4-35.

<sup>55</sup> For example, on October 5 1995, the *Associated Press* called Suljic “a bricklayer with a bum leg.”

[No headline], BYLINE: By AIDA CERKEZ, Associated Press Writer, DATELINE: TUZLA, Bosnia-Herzegovina, October 5, 1995, Thursday, AM cycle, ADVANCED-DATE: October 3, 1995, Tuesday, AM cycle, SECTION: International News. Source:Lexis-Nexis.

<sup>56</sup> “Impact Force from Falling Object,” Hyper Physics, Department of Physics and Astronomy, Georgia State University.  
<http://hyperphysics.phy-astr.gsu.edu/hbase/flobi.html>

If falling five meters and having 20 or more men fall five meters on top of him did not critically injure or kill Suljic, how could he avoid being crushed to death afterwards, lying at the bottom of the pit, as he would, with 20 men – that is, 1.5 metric tons -- or more piled on top of him?

Fourth, Shattuck-Suljic tell us that after lying under this immense load for some time, Suljic “pulled himself out of the pile of bodies.” In fact, rather than pulling himself out, he would somehow have to lift all the bodies *up off* him sufficiently to slide out from under them. This would be physically impossible (remember we are talking about perhaps 1.5 metric tons, perhaps more), but then, that would not bother Suljic because his fall and the dead bodies falling on top of him, breaking his bones and preventing him from breathing, would have killed him long before.

Fifth, after Suljic supposedly lifted the ton and a half high enough to get out from under the crushing load, the next thing Shattuck-Suljic tells us in *Freedom on Fire* is that he escaped with two cohorts through the forest.<sup>57</sup>

But haven't we skipped a step here? Having miraculously extricated himself from under the bodies, Suljic would not be at ground level; he would be at the bottom of a huge, earth-walled, 5 meters deep pit. How would he get to the top? Perhaps a fit, young rock climber with proper equipment could do it, but not a lame, middle-aged man who would surely have been injured (if not killed) by falling five meters and having a ton and a half of bodies “piled on top of” him.

Sixth, since Shattuck-Suljic are the authors of this tall tale, and as such can (and do) make things happen as they wish, Suljic miraculously *did* get to the top of the pit, and then, we are told, he “crept with two other survivors through miles of dangerous forest to reach the Bosnian side of the confrontation line.”<sup>58</sup>

“Through miles of dangerous forest”?

In an August 2, 1995 cable, Shattuck referred to Suljic as “a 55 year-old, crippled man.”<sup>59</sup> In April 15, 1996, *Newsweek* called him “a carpenter from another town who had been crippled before the war and could walk only short distances.”<sup>60</sup> While *The New York Times* described Suljic as having “a withered right leg,” David Rohde, perhaps the best known Srebrenica journalist, said Suljic’s problem was not with his leg at all; it was with his foot, causing him to wear a “thick orthopaedic shoe that protected his numb right foot and kept his toes from curling.”<sup>61</sup>

Aside from the fact that various media descriptions of Suljic contradict each other (describing him variously as a carpenter, a farmer, a retired roofer and a bricklayer, they pretty much all agree that he was/is crippled and could not possibly

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<sup>57</sup> “Brute Force: Humans Can Sure Take a Punch,” by Charles Q. Choi, Live Science Contributor, February 3, 2010.

<https://www.livescience.com/6040-brute-force-humans-punch.html>

<sup>58</sup> *Freedom on Fire: Human Rights Wars and America's Response*, *op. cit.*, p. 115.

<sup>59</sup> *ibid.*

<sup>60</sup> *ibid.*

<sup>61</sup> FM USMISSION GENEVA, TO SECSTATE WASHDC IMMEDIATE 5118, *op. cit.*

walk “through miles of dangerous forest.” And yet Shattuck-Suljic and other write-ups claim exactly that. In one write-up, the (London) *Sunday Times* casually informs us that Suljic’s trip through the rocky, hilly Bosnian woods lasted seven days!<sup>62</sup>

Clearly the Hurem Suljic story is preposterous. However, it is not merely preposterous. It is a key part of the foundation of the Srebrenica accusation, which has had such a huge effect on the political thinking of the entire world, and such a harmful effect on the Serbian people, especially young people.<sup>63</sup>

The Srebrenica accusation has been used to justify war, and certainly, as regards Croatia’s *blitzkrieg* against the population of the Serbian Krajina, to justify genocide. In 1966 the United Nations adopted the “International Covenant on Civil and Political Rights.”<sup>64</sup>

Article 20 reads:

“1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”<sup>65</sup> I charge that the Srebrenica accusation constitutes a crime under international law.

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<sup>62</sup> HEADLINE: Death of a Village, BYLINE: BY ROD NORDLAND with STACY SULLIVAN in Srebenica, *Newsweek*, April 15, 1996 , UNITED STATES EDITION, SECTION: INTRNATIONAL; Pg. 52. <http://www.newsweek.com/death-village-176760>

<sup>63</sup> “MASSACRE IN BOSNIA; Srebrenica: The Days of Slaughter,” by Stephen Engelberg and Tim Weiner with further reporting from Raymond Bonner in Bosnia and Jane Perlez in Serbia, *The New York Times*, Published: October 29, 1995.

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Source: LexisNexis.

<sup>64</sup> Regarding the claim that Suljic was a carpenter, see: “MASSACRE IN BOSNIA; Srebrenica: The Days of Slaughter,” by Stephen Engelberg and Tim Weiner with further reporting from Raymond Bonner in Bosnia and Jane Perlez in Serbia, *The New York Times*, Published: October 29, 1995. <http://www.nytimes.com/1995/10/29/world/massacre-in-bosnia-srebrenica-the-days-of-slaughter.html?pagewanted=all>

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# MUSLIM FORCES OF THE 28<sup>TH</sup> DIVISION OF THE ARBIH THE LEGITIMATE TARGET OF THE ATTACK IN THE VRS OPERATION “KRIVAJA ‘95”

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**Abstract:** The subject of this article is investigation of the military operations of the 28<sup>th</sup> Division of the Army of BiH in eastern Podrinje, which, according to the agreement, was supposed to be a security and demilitarized zone, from which the Muslim forces carried out numerous attacks on Serb settlements by killing and burning villages. In order to stop the criminal attacks, the Army of the Republic of Srpska undertook the “Krivaja” operation against the Muslim forces in Srebrenica.

The aim of this paper is to analyze the tasks, organization and military activities of the Division. Based on documents and various sources, the author concludes that the breakdown of the 28<sup>th</sup> Division was necessary in military terms, and its people and weapons represented legitimate targets of the attack of the Republic of Srpska Army, both during Operation “Krivaja ‘95” and during the subsequent breakthrough of the forces of the Division towards Tuzla.

**Keywords:** *safe area, military organization, necessity, military column, the target of the attack, withdrawal, breakthrough from the encirclement.*

## INTRODUCTION

Hundreds of articles and books have been written about the character of the war conducted during 1992-1995, both in Bosnia and Herzegovina, and beyond. The interpretation of the character of the war basically comes down to two opposing views: whether it is a civil war or an external aggression.

Historians from the Federation of Bosnia and Herzegovina, as well as many Western researchers, generally adhere to a “black-and-white” viewpoint, according to which the war in Bosnia and Herzegovina was “aggression” and an international conflict, because Serbia committed “aggression against the Republic of Bosnia and Herzegovina”. In papers of the Bosniak authors there is a widespread stereotype that during the war, two parties took part: the so-called “Serb factor”, represented in the Republic of Srpska, Serbia and Montenegro (“Serb Chetniks”) and the alleged multinational Army of the Republic of Bosnia and Herzegovina (ARBiH) which, according to their standpoints, fought for the general interests of their citizens of all

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## MUSLIM FORCES OF THE 28TH D. OF BH ARMY LEGITIMATE OF ATTACKS.

nationalities and religions.<sup>2</sup> The Bosniak researchers believe that the struggle of the Muslim side (ARBiH) was legitimate and morally justified, while, on the other hand, the Serb side was an “aggressor”. In this context, the standpoint of the Bosniak historian M. Imamović is typical:

*“Aggression against Bosnia and Herzegovina was organized and planned in detail, and conducted in the spring of 1992 by Serbia and Montenegro, the so-called Yugoslavia, with the active support to the Bosnian and Herzegovinian Chetniks.”*<sup>3</sup>

This position is very politicized and excludes, without any foundation, the responsibility of the Muslim and Croat sides for the start of the war in Bosnia and Herzegovina, although numerous facts show that they started combat operations.

The Croat historians speak only of the aggression of the FRY and do not divide the war on two separate conflicts - in Croatia and in Bosnia and Herzegovina. Thus, according to Croatian researcher N. Čankar, “for Bosnian Croats, their national history is not a Bosnian-Herzegovinian history, but a Croatian history; they did not consider Bosnia and Herzegovina as their true homeland, but Croatia, and therefore the civil war was not a war in Bosnia and Herzegovina, but primarily the war in Croatia and the so-called Croatian territory of Bosnia and Herzegovina.”<sup>4</sup>

The Serb historians adhere to the view that the war in Bosnia and Herzegovina during 1992-1995 was a civil war, conditioned by political and religious causes and conflicts. In the Serb historiography, the war in Bosnia and Herzegovina during 1992-1995 received the title “Homeland Defense War”, in which the Serb people in Bosnia and Herzegovina defended their right to self-determination and the creation of their own state, and protected themselves from extermination and genocide during the imposed war. Authors who share this view believe that the civil war started and took place on the territory within borders of Bosnia and Herzegovina, and since the Serbs on the territory were one of the constituent peoples, “they could not be aggressors against themselves”.<sup>5</sup>

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<sup>3</sup> Imamović M. “*Aggression on Bosnia and Herzegovina and the Struggle for its Survival, 1992-1995*” (*Agresija na Bosnu i Hercegovinu i borba za njen opstanak, 1992-1995*), Sarajevo, 1998.

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## LEGAL CHARACTER OF THE WAR IN BOSNIA AND HERZEGOVINA

The main issue of history of the war in Bosnia and Herzegovina during 1992-1995 is the issue of its legal character. It is precisely that all other assessments and military-political analyses of the war and the assessments of individual operations of both the Republic of Srpska Army and the Army of Bosnia and Herzegovina depend on this issue. This issue determines the historical responsibility for this war.

The character of the war in Bosnia and Herzegovina stems from the concepts of warring parties and direct participants in the conflict. In international law, specifically the Geneva Convention of 1949, there are concepts of warring parties and participants in the conflict, as well as the notions of international (interstate) conflict and internal conflict (civil war). Affected parties in international conflicts are identified primarily by state affiliation. Thus, almost all countries of the world participated in the Second World War, but few could be called the warring parties. On the one hand, the warring parties in the Second World War were, the Anti-Hitler Coalition (USSR, USA, Great Britain), and on the other side the Axis Powers (Germany, Italy, Japan and their allies). However, there were countries like Argentina and Bolivia, although they formally announced the war to Germany, they did not actually participate in war events, and therefore, although they were participants in the war, they were not warring parties.

It is evident that the beginning of the nineties was characterized by an increase in internal conflicts in different regions of the world. The most widespread form of internal armed conflicts are internal ethnic conflicts, in which the warring parties are determined by ethnic (national) and religious keys. Internal armed conflicts, as a rule, are characterized by the following factors: spatial dimension (terrestrial territory and airspace); significant time period, up to several years; a direct armed force directed both against the armed forces of the opposing side and against its civilian population.

The armed conflict in Bosnia and Herzegovina was a civil war between the three ethnic groups of BiH - Serbs, Croats and Muslims, with the Muslim group also having an internal armed conflict. The ARBiH and the armed formations of the Republic of Western Bosnia, declared by F. Abdić participated in the conflict. Australian specialist, authority in the field of international law D. Crawford correctly describes BiH "as an integral part of the SFRY with Bosnian Muslims, Serbs and

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B. "Breaking of Yugoslavia" (*Razbijanje Jugoslavije*), 1990-1992, Belgrade, 1992, pp. 488; Lazanski M. "Truth about Srpska" (*Istina o Srpskoj*), Belgrade, 2001, pp. 301; Preradović B. "Yugoslavia to the Republic of Srpska, 1918-1991" (*Jugoslavija do Republike Srpske, 1918-1991*), Banja Luka, 1996, pp. 324; Kadrijević V. "My Vision of Breakdown" (*Moje viđenje raspada*), Beograd, 1993, pp. 166; Vinko Pandurević. "Serbs in Bosnia and Herzegovina from Declaration to Constitution, 1991-1995" (*Srbi u Bosni i Hercegovini od deklaracije do konstitucije 1991-1995*), Belgrade, 2012, pp. 388; Danko Borojević, Dragi Ivić. "Army of the Republic of Srpska" (*Vojska Republike Srpske*), Belgrade, 2014, pp. 394; Čedomir Antić, Nenad Kecmanović. "History of the Republic of Srpska" (*Istorija Republike Srpske*), Nedeljnik, 2016, pp. 580; "The War in Bosnia and Herzegovina and the Creation of the Army of the Republic of Srpska" (*Rat u Bosni i Hercegovini i stvaranje vojske Republike Srpske*), Belgrade, 2015, p. 491.

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Croats, among which a civil war began in spring 1992”.<sup>6</sup> This position coincides with the position of the Serb military analyst Milovan Milutinović, who, analyzing the war in Bosnia and Herzegovina, wrote:

*“If the characteristic of the conflict in BiH is realistically perceived, it may be concluded that this was an internal conflict involving national and religious groups led by its own political subjects, which gave a note to the conflict of the inter-ethnic and inter-religious conflict between the three warring parties.”*<sup>7</sup>

From the perspective of international humanitarian law, the internal armed conflict (civil war) has the following characteristics:<sup>8</sup>

1. Civil war takes place in the territory of an internationally recognized state, which has a sufficient number of inhabitants. The war we are dealing with in this paper took place on the territory of the state of Bosnia and Herzegovina, which received an international recognition on April 6, 1992. At that time, the number of inhabitants of BiH amounted to 4.4 million, of which 43.7% were Muslims, 31.3% Serbs, 17.3% Croats and 7.7% Yugoslavs with other national minorities.
2. The opposing parties, in political terms, publicly stated political goals that differ from one another. The three constituent peoples of Bosnia and Herzegovina had their political parties: the Muslims had the Party of Democratic Action (SDA), the Serbs had the Serb Democratic Party (SDS), and the Croats had Croatian Democratic Union (HDZ). These parties represented the political will of their peoples. The Muslim SDA came forward with the goals for the independence of Bosnia and Herzegovina and the creation of a Muslim state. The Serb SDS advocated for the preservation of Bosnia and Herzegovina within the composition of Yugoslavia, but when the Croats and Muslims rejected this possibility, the SDS proclaimed the right of the Serb people to leave the composition of Bosnia and Herzegovina and to become part of the FRY. Unlike the Muslims, the SDS did not pretend to represent all of Bosnia and Herzegovina, and clearly positioned itself as a party that protected the interests of the Serb people. The Croatian HDZ considered almost the whole territory of BiH as a sphere of geopolitical interests of Croatia.
3. The warring parties have the organized armed forces. In the civil war in BiH, three warring parties (Muslim, Serb and Croat) had the three armies formed of their citizens: the Army of the Republic of Bosnia and Herzegovina - ARBiH (Bosnian Muslims or Bosniaks), the Republic of Srpska Army - the VRS (Serbs), the Croatian Defense Council - HVO (Croats). Only the Muslim (Bosniak) side pretended to have an exclusive right to the alleged

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<sup>6</sup> Crawford, James, *“The Creation of States in International Law”*, Oxford University Press, 2006. p. 528.

<sup>7</sup> Milutinović, Milovan, *“Political Discourse Closely” (Politički diskurs izbliza)*, Independent University, Banja Luka, 2016, p. 33-45.

<sup>8</sup> ICRC *Characteristics of Armed Conflicts and Other Situations of Violence*, October 2017.

protection of all citizens of BiH, although it actually had 95% of Muslims in its ethnic composition.<sup>9</sup>

4. The state directly participates in conflict through its army or police. If the state authority does not function, or is in a state of collapse, then the participant in the conflict is a party representing the state at the international level and aspiring to the state power. The authority in the Republic of BiH was in a state of collapse as early as mid-1992 and early 1993 and turned into the power of one of the conflicted parties - Bosnian Muslims. Co-chair at the International Conference on the Former Yugoslavia David Owen in 1992 stated: *"Izetbegović controlled only about 11% of the territory... Collective Presidency was increasingly losing collective leadership, and at the end of 1992, the government turned into hands of a small group of Muslim ministers, appointed by the President Alija Izetbegović."*<sup>10</sup>
5. All sides of the conflict use their internal human resources. In their absolute majority, soldiers in all three armies (VRS, ARBiH, HVO), with the exception of a small number of foreign volunteers, were citizens of the Republic of BiH. All three warring parties carried out mass mobilization of BiH citizens in their armed forces. According to information of the British researcher S. Bose, 38% of the total Serb, 30% Croat and 26% of the total Muslim population in BiH participated in the war.<sup>11</sup>
6. All sides in the armed conflict conduct warfare in the form of attacking and defensive operations in accordance with their normative documents (Instructions and Military Doctrine). Indeed, during the war, all three sides of the armed conflict waged war against each other, organizing numerous attacking and defensive operations based on their own normative military documents (Guidelines and Military Doctrines).
7. Non-international conflict - internal war (civil war) ends with regulation (cease fire, truce), defeat of one of the parties, or with peaceful agreement, after which a certain period of peace arises. The civil war in BiH ended with the signing of the Dayton Peace Agreement in November 1995. After that, warfare in its territory has not been renewed.

It is noteworthy that the BiH authorities in 1993, through the UN International Tribunal, requested from Serbia to pay a monetary compensation for the so-called "act of aggression". According to the BiH request, the case was filed at the UN International Court of Justice from 1993 to 2007, more precisely for fourteen years. Finally, on February 26, 2007, the Court found that Serbia and Montenegro were not responsible for aggression and genocide. The court ruled that Serbia as a state did not bear responsibility for the act of genocide against Bosnian Muslims during the

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<sup>9</sup> Ajnadžić N. *"Defense of Sarajevo"* (Odbrana Sarajeva), Sarajevo, Sedam, 2002, p. 91.

<sup>10</sup> Chandler, David, 2000. *"Bosnia: Faking Democracy After Dayton"*. London: Pluto Press, p. 42.

<sup>11</sup> Bose, Sumantra, *"Bosnia after Dayton"*, Nationalist Partition and International Intervention, Hurst, 2002. p. 20.

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civil war, and rejected the request of Sarajevo to place responsibility for the conflict to Belgrade. It also established that the war in BiH was not a genocide.<sup>12</sup>

This fateful decision leaves no doubt as to the nature of the conflict. The war in BiH was not an act of the Serb aggression, but it represented an ethnic-religious civil war.

The war in BiH was announced on April 12, 1992 by the regime of Alija Izetbegović, who sent to his armed formations a strictly confidential “Directive on the Protection of the Sovereignty and Independence of the Republic of BiH No. 02/2-1”, which was practically a copy of the earlier directive of the “Patriotic League” dated February 25, 1992.<sup>13</sup> The directive was the publication of the war against the Serb people in Bosnia and Herzegovina. The tasks and deadlines for their realization set by the directive were absolutely unrealistic, and they were pure caprice, which the people of Bosnia and Herzegovina paid dearly.

### **ARMY OF BOSNIA AND HERZEGOVINA (ARBIH)**

On May 27, 1992, the Presidency of the RBiH issued the “Decision on the Armed Forces of the Republic of Bosnia and Herzegovina”<sup>14</sup> without the participation of representatives of the Serb people. This decision created the armed forces of BiH, which officially got the name of the Army of the Republic of BiH (ARBiH).

The Army of Bosnia and Herzegovina was created from a part of the TD (Territorial Defense) and illegally created paramilitaries formed even before the war – “Green Berets” and “Patriotic League”. Data on the national composition of the ARBiH do not allow it to be considered as an army created for the protection of national interests of all peoples of Bosnia and Herzegovina. In this sense, there are characteristic data on the national composition of the First (Sarajevo) Corps. During 1992, the Corps numbered 27,000 people, of which 92% were Muslims, 2,6% Serbs, 3,7% Croats, and 1,7% others. During 1995, the proportion of Muslims rose to 95%, the proportion of Serbs declined to 0.5%, and the proportion of Croats slightly improved and grew to 4.7%.<sup>15</sup> These data indicates that the Army of BiH was monolithically Muslim in its composition, and, due to this information, it did not have any moral right to aspire to solve the task, which would ensure national and civil equality for all three peoples within Bosnia and Herzegovina.

The ARBiH was a powerful armed force, although the propaganda of Alija Izetbegović claimed that the war was being led by “armless people”. By March 1995, the ARBiH already had 6 corps and hundreds of well-armed brigades with a total of

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<sup>12</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (Bosnia and Herzegovina v. Serbia and Montenegro). <http://www.icj-cij.org/Judgment - 26/02/2007>.

<sup>13</sup> BiH Territorial Defense HQ, Sarajevo, 12.4.92. Military Secret, Strictly Conf., Directive on the Defense of the Sovereignty and Independence of the Republic of Bosnia and Herzegovina // Hodžić S. *Bosnian Warriors*, Sarajevo, DES, 1998, pp. 37-38.

<sup>14</sup> Decree Law on the Armed Forces of the Republic of BiH, *Official Gazette of the RBiH*, No. 4, 20.5.92.

<sup>15</sup> Ajnadžić N. “*Defense of Sarajevo*” (*Obrana Sarajeva*), Sarajevo, Sedam, 2002, p. 91.

250,000 soldiers and officers. The Army of the Muslim-Croat Federation, established in 1994, had up to 120 tanks, 80 armored carriers, 340 pieces of artillery weapons, 90 multi-tank rocket launchers, up to 1,800 mortars, 450 anti-aircraft weapons, 700 anti-aircraft machine guns, 200 FIM-92 Stinger and Strela-2M, 370 anti-tank missiles, 16 transport helicopters and 17 light aircrafts.<sup>16</sup>

A significant part of the ARBiH were mercenaries and mujahedins from Islamic countries: Afghanistan, Algeria, Iran, Kuwait, Turkey, Sudan, the United Arab Emirates.<sup>17</sup>

In political terms, the ARBiH was the instrument of the policy of the Muslim Party of Democratic Action of A. Izetbegović, and it was islamized. According to the testimony of politician N. Duraković, A. Izetbegović conducted the policy of islamization of the army and the creation of a personal cult in it:

*“Purges of the ‘non-Bosnian element’ started in the army. In those parts, which comprised about 20% of Serbs and Croats (especially in parts of Sarajevo and Tuzla), this number fell to several insignificant percentages. At that time, the intensive politicization of the army and the use of Islam in political purposes began. In an aggressive and brutal manner, exclusively Muslim greetings were introduced, every barracks or staff building, and especially the officers’ cabinets, had a portrait of Alija Izetbegović, a mandatory subject of Islamic religious education was introduced, and in many towns in conditions of hopelessness, huge mosques were built (Mostar, Bradina, Bugojno, etc.), only religious literature was shared among the army, and many imams became true political commissars.”<sup>18</sup>*

The ideological basics of the ARBiH have been built on Islamism.<sup>19</sup> The basic theses of political-ideological work in the Army of the RBiH were: propaganda of Islamic values, the impeccability of the defined politics of Alija Izetbegović and the SDA, the “inviolability” of political leaders, a kind of cult of “Young Muslims” and “Patriotic League”.

## **28<sup>TH</sup> INFANTRY DIVISION**

The 28<sup>th</sup> Infantry Division was part of the ARBiH in central Podrinje, and its base was in Srebrenica. From 1992 to 1994, there was the 8<sup>th</sup> Operational Group, which was later renamed into the 28<sup>th</sup> Division. As a result of the battles between the summer of 1992 and the winter of 1993, the municipality of Srebrenica became the BiH enclave in the spring of 1993, which was defended by three light infantry brigades under the command of Naser Orić. In the summer of 1992, the number of armed formations in that region amounted to 5,500 soldiers. Soldiers of N. Orić

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<sup>16</sup> Directive No.7. VRS DT number 2.2-11, March 8, 1995. // Vinko Pandurević. *Serbs in Bosnia and Herzegovina from declaration to constitution 1991-1995 (Srbi u Bosni i Hercegovini od deklaracije do konstitucije)*, Belgrade, 2012. p. 109.

<sup>17</sup> Džamdžić D. *“Dogs of War in the Balkans” (Psi rata na Balkanu)*, Target, Belgrade, 2001, p. 204.

<sup>18</sup> Duraković Nijaz, *“Bosnia's Scam” (Prevara Bosne)*, Sarajevo, 2004, p. 213.

<sup>19</sup> John R.Schindler. *“Unholy Terror”*, Zenith Press, 2007, p.95.

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attacked surrounding Serb villages, easily defeated small and weakly armed units of the Serb territorial defense and local guard, grabbing weapons, ammunition and foodstuffs.<sup>20</sup> Formations of the ARBiH, led by Avdo Palić, caused a severe defeat to the VRS in the Žepa area, 20 kilometers south of Srebrenica, on June 4, 1992. According to information of the Commander A. Palić, in the battle near Buća Potok, the VRS lost 264 soldiers and officers.<sup>21</sup> This formation was subsequently transformed into the 285<sup>th</sup> Infantry Brigade within the 28<sup>th</sup> Division.

In October 1992, the brigades of N. Orić began an offensive from Srebrenica in the direction of Skelani on the west coast of the Drina, where Serbia was within reach. The army of N. Orić on December 24, 1992, began an offensive aimed at taking Skelani and Bratunac, uniting with another Muslim enclave: Kamenica-Cerska. On the territory of the enclave around the villages of Kamenica and Cerska, formed as a result of offensive acts of the Serbs in April and May, the military actions were carried out by two RBiH TD brigades with about 5,000 soldiers.

The uniting of Srebrenica and Žepa with the Cerska-Kamenica enclave would give ARBiH commanders the opportunity to create a powerful foothold in Podrinje and prevent the Serbs from controlling the border with the FRY at the Drina River. By the beginning of January 1993, the army of N. Orić controlled almost the entire central part of the Drina River valley, and on January 16 it captured the Serb village of Skelani and reached the border with Yugoslavia. In the Serb village of Skelani, soldiers of N. Orić killed 69 inhabitants, including six children.<sup>22</sup> Then the soldiers of Naser Orić swam across the Drina and opened fire on the cities of the FRY, Bajina Bašta and Ljubovija.<sup>23</sup>

As a result of the offensive actions of the ARBiH in Podrinje during the summer of 1992 and the winter of 1993, N. Orić established certain control over the territory of the Middle Podrinje and threatened to break into Sandžak. The VRS command, on certain grounds, considered the creation of the “green Sarajevo-Sandžak highway” as one of the main strategic goals of the regime of Alija Izetbegović.

The war in eastern Bosnia, by regime of A. Izetbegović, got the character of extermination of the Serb population and ethnic cleansing. During 1992-1993., soldiers of N. Orić destroyed more than 100 Serb villages in eastern Bosnia and killed more than 1,000 civilians, and the Middle Podrinje was almost completely cleared of the Serb population. By the end of the war in November 1995, the number of the Serb civilian victims in Podrinje rose to 3,200.<sup>24</sup>

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<sup>20</sup> Balkan Battlegrounds, “*A Military History of Yugoslav Conflicts 1990-1995*”, CIA, Washington D.C., 2003, p. 336.

<sup>21</sup> Army of Bosnia and Herzegovina - NIPP “*Ljiljan*”, Sarajevo, 1997, p. 44.

<sup>22</sup> Skelani; Crime Without Punishment, *Večernje novosti*. 16.01.2012, <http://www.novosti.rs/vesti/planeta.300.html:362216-Skelani-Zlocin-jos-bez-kazne>

<sup>23</sup> Danko Borojević, Dragi Ivić. “*Army of the Republic of Srpska*” (*Vojska Republike Srpske*). Belgrade, 2014 p. 247.

<sup>24</sup> Blagojević, Vidoje, “*The Role of the Drina Corps in Protecting the People*” // *The role of the VRS leaders in the creation and defense of the Republic of Srpska during the Defensive Homeland War*

This situation lasted until February 1993, when the VRS Drina Corps conducted a “Podrinje ‘93” operation aimed at the destruction of the ARBiH in Podrinje. The operation was conducted between February 10 and April 17, 1993. The result of such actions led to the great losses of the ARBiH formations and they were completely dismantled, and the civilian population of Muslim villages fled partly to the FRY, and partly to Srebrenica.<sup>25</sup> The number of inhabitants of Srebrenica rose to 25,000, but the city had poor conditions for living of so many people.<sup>26</sup> The battle front of the ARBiH in the vicinity of Srebrenica was broken through on April 15, 1993, the 65<sup>th</sup> VRS Protection Regiment took over the hamlet of Zeleni Zadar and all the elevations around Srebrenica. For this success, the VRS paid a high price. In just two days of fierce fighting, on April 13 and 14, the 65<sup>th</sup> Regiment lost 43 people and 71 people were wounded.<sup>27</sup>

The UN Security Council issued the Resolution 819 on April 16, declaring Srebrenica a “UN safe area”. On April 18, 1993, General Ratko Mladić and General Sefer Halilović signed “Agreement on the Demilitarization of Srebrenica” at the Sarajevo airport, which envisioned the cease-fire, the disarmament of formations under command of N. Orić, the introduction of the UNPROFOR troops in Srebrenica, handing over weapons to the UNPROFOR, delivering humanitarian aid, evacuating the wounded, and taking the Serb artillery out of the “safe area” borders.

French General Philippe Morillon was appointed for the implementation of demilitarization and bringing the UNPROFOR. The Agreement did not specify a geographical area as subject to demilitarization. New “Agreement on Demilitarization of Srebrenica and Žepa”, in accordance with Art. 60 of the Additional Protocol to the Geneva Conventions of 12 August 1949,<sup>28</sup> was signed on May 5, 1993. According to Art. 60 of the Additional Protocol, the demilitarized zone had to meet the following conditions: a) All soldiers, as well as mobile military assets and mobile military equipment, must be evacuated; b) Stationary military installations and military facilities must not be used for war purposes; c) neither the authorities nor the population must carry out warfare; and d) any activity related to military efforts must be completely interrupted.<sup>29</sup> The mandate to ensure the compliance with the Agreement was granted to a Canadian battalion which was later replaced by the UNPROFOR Dutch Battalion.

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*(Uloga starješina VRS u stvaranju i odbrani Republike Srpske tokom odbrambeno-otadžbinskog rata). Proceedings of papers, Banja Luka, May 2018, p. 162.*

<sup>25</sup> Danko Borojević, Dragi Ivić. “Army of the Republic of Srpska” (*Vojska Republike Srpske*). Belgrade, 2014, p. 247-248.

<sup>26</sup> *Report of the Secretary-General pursuant to General Assembly Resolution 53/35. The Fall of Srebrenica.* 19 November 1999. A/54/549. Para.63.

<sup>27</sup> *Balkan Battlegrounds. A Military History of Yugoslav Conflicts 1990-1995.* Volume 2. CIA, Washington D.C., 2000, p.389.

<sup>28</sup> *Report of the Secretary-General pursuant to General Assembly Resolution 53/35. The Fall of Srebrenica.* 19 November 1999. A/54/549. Para.65.

<sup>29</sup> *Additional Protocol to the Geneva Conventions of 12 August 1949 (Protocol I).*

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However, these terms of the Agreement were not met. The UN Secretary General's report of 19 November 1994 states:

*"Halilović said that he ordered the Bosniaks from Srebrenica not to surrender proper weapons and ammunition. Accordingly, the Bosniaks handed over 300 pieces of weapons, most of which were defective; they also handed over several pieces of heavy weapons, for which there was not enough ammunition. Yet hundreds of guns were hidden. The Mission of the UN Security Council under the leadership of Venezuelan Permanent Representative to the UN, D. Arria, visited Srebrenica on April 25. The mission came to the conclusion that 'although the Resolution 819 of the Security Council proclaimed the town of Srebrenica a safe area, the situation in reality did not correspond to the spirit and goals of the Resolution'."*<sup>30</sup>

Srebrenica was not demilitarized. On the contrary, in the "safe areas of the UN Srebrenica and Žepa" there was a hidden process of militarization. On January 1, 1994, Operational Group 8 was established as an armed formation in the Srebrenica area.<sup>31</sup> By the strictly confidential order of the Armed Forces of BiH, ARBiH 4/19-2 of 12 January 1995, the 8<sup>th</sup> Operational Group "Srebrenica" under command N. Orić was significantly strengthened and reformed into the 28<sup>th</sup> Infantry Division, which consisted of six light infantry brigades (280, 281, 282, 283, 284, 285, Eastern Bosnian Light Brigade), a separate mountain battalion, scout diversion troop and an anti-electronic combat squad. The mobile reserve was made up of the 284<sup>th</sup> Brigade, and the 285<sup>th</sup> Brigade defended the closest enclave of Žepa, which also entered the zone of responsibility of the division. The number of divisions amounted to 6,964 soldiers and officers and 18,000 military conscripts - reservists.<sup>32</sup> In operative and tactical terms, Srebrenica and Žepa were the unique operational region, and the distance between them was about 10 kilometers.

A number of ARBiH documents testify that after the creation of the "safe area" and all until its disappearance in June 1995, the scouting and diversion groups of the 28<sup>th</sup> Division infiltrated the area of the "safe area", organized ambushes and attacked the VRS units, causing them the heavy losses. Only the Zvornik Light Infantry Brigade, after forming the "safe area", in the battle with the scouting and diversion groups of the 28<sup>th</sup> Division, lost 25 soldiers, and 13 of them disappeared.<sup>33</sup>

The ARBiH command also implemented energetic measures to supply the Division with weapons, ammunition and equipment. The division was regularly trained, and weapons and ammunition were secretly transported from Tuzla to Srebrenica and Žepa by land and air, which, in order to preserve secrecy, were

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<sup>30</sup> Report of the Secretary-General pursuant to General Assembly Resolution 53/35. *The Fall of Srebrenica*. 19 November 1999. A/54/549. Para.66.

<sup>31</sup> Headquarters of the Supreme Command of the RBiH, Order, strictly confidential, 14/75-156/93 of 1 January 1994.

<sup>32</sup> Pandurević, Vinko, *"Life is Defended by the Truth" (Život se brani istinom)*, Belgrade, 2015 p. 512.

<sup>33</sup> Radinović, Radovan, *"Military Expertise for Srebrenica" (Vojna ekspertiza za Srebrenicu)*, p. 21.

delivered by the “black flights” of the US and Turkish S-130s aircrafts.<sup>34</sup> The air bridge between Visoko, Srebrenica and Žepa existed from December 31, 1994 to May 7, 1995. According to information of General Rasim Delić, there were 10 flights by which dozens of tons of ammunition, about 300 firearms, 70 RPG-7, 8 mortars, 2 VBR 107mm, and a large quantity of ammunition were delivered to the 28<sup>th</sup> Division.<sup>35</sup> During the flight on May 7, Mi-8 helicopter had an accident in which four crew members and six ARBiH members were killed.<sup>36</sup> It should be noted that these flights were carried out regardless of the fact that the UN Resolution 816 of March 31, 1993 banned aviation flights of warring parties over Bosnia and Herzegovina.

On June 15, 1995, the Division issued an order to all brigades to launch offensive operations aimed at diverting the maximum number of the VRS soldiers from Sarajevo to ensure the success of the “Tekbir” operation.<sup>37</sup> Fulfilling this order, at the end of June, the Muslim diversion group of the 28<sup>th</sup> Division carried out a series of incursions into the depths of the Serb territory from the “Srebrenica and Žepa Safe Areas”. In the operational report of the ARBiH 2<sup>nd</sup> Corps headquarters of June 30, 1995, there is a detailed report on the functioning of these diversion groups:

*“In order to prevent the transfer of opposing forces from the territory around Srebrenica and Žepa to Sarajevo, two diversions in the vicinity of Srebrenica were carried out, specifically: on 23 June in Osmaća and on May 23 in Bela Stena near Koprivna. The following results were achieved: 7 Chetniks were eliminated, a light machine gun was obtained, 2 automatic rifles, 1 gun, a van destroyed. There are no losses on our side. In order to divert the opposing forces from Sarajevo and to force the redirection of the forces in the direction of Srebrenica and Žepa, on June 26, many successful diversion actions were carried out on the background of the aggressor at a distance of 20-40 kilometers in the territory of Han Pijesak and Vlasenica in the following places: Višnjica village, the position of Bajta; Crna Reka district (monument at the intersection); Crna Reka district (Bojčino brdo); Vrani Kamen facility. In all the places, diversionary actions have been successfully carried out exclusively against the living force of the opponent. The following results were achieved: in our estimation, more than 40 Chetniks were eliminated, although according to unverified radio transmission data, the enemy lost 71 men. 6 automatic guns were won, 2 radio stations, 1 machine gun, 1 carabiner, 500 bullets, several dozen small and large cattle. In the village of Višnjica, a large amount of ammunition was conquered, but due to the tiredness of our soldiers, we were unable to take it, and it, like all other important facilities, was destroyed. After these actions, the*

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<sup>34</sup> O’Shea, Brendan. “Crisis at Bihać”, Bosnia’s Bloody Battlefield, Sutton Publishing, 1998, pp. 155-164.

<sup>35</sup> Delić, Rasim, “At the Head of the Army in War and Peace” (Na čelu Armije u ratu i miru), Sarajevo, Council of the Congress of Bosniak Intellectuals, Sarajevo, pp. 443-444.

<sup>36</sup> Official Report on the Demolition of the Helicopter, Žepa 08-13-58/95/20.05.1995.

<sup>37</sup> Smail Čekić, Vahid Karavelić, Nedžad Ajnadžić, Selmo Cikotić, “First Corps of the Army of the Republic of Bosnia and Herzegovina” (Prvi korpus Armije Republike Bosne i Hercegovine), Sarajevo, 2017 p. 313.

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*opponent increased the concentration of its army in the Srebrenica and Žepa areas and suspended the transfer of the army to Sarajevo, and transferred some of the forces of the inner encirclement to Srebrenica and Žepa.*"<sup>38</sup>

### **OPERATION "KRIVAJA '95" AND WITHDRAWAL OF THE 28<sup>TH</sup> DIVISION**

Together with the principle of proportionality, the principle of military necessity is the most important component of international humanitarian law. This principle allows for the action necessary to achieve legitimate military objectives that are not prohibited by international law. Obviously, in the case of war or armed conflict, the only legitimate military goal is to weaken the military potential of the opposing side.

According to Art. 52 of the Additional Protocol 1 to the Geneva Conventions of 12 August 1949, "military facilities are those facilities which, due to their character, position, designation or use, give effective contribution to military action and whose complete or partial demolition, occupation or neutralization in in the current circumstances gives a clear military advantage".<sup>39</sup>

There is no doubt that the people and weapons of the 28<sup>th</sup> Infantry Division of the ARBiH, by the character, organization, position, designation and use during the whole period of the war in BiH, contributed effectively to ARBiH's war actions. It is also obvious that the neutralization or limitation of the military potential of the 28<sup>th</sup> Infantry Division gave the VRS a clear military advantage, and that it was a legitimate task. In this way, the 28<sup>th</sup> Division, its command, as well as the brigades and battalions with its people and armaments, were a legitimate target of the VRS attack.

As a solution to the legitimate task of limiting the military potential of the 28<sup>th</sup> Division, on July 6, 1995, the Drina Corps started the Operation "Krivaja '95". The aim of the operation was to separate the enclaves of Srebrenica and Žepa and prevent the efforts of the 2<sup>nd</sup> Corps of ARBiH to make a breakthrough to Srebrenica from the direction of Tuzla. With the number of battalion (200-300 soldiers and officers) and with 3 tanks, the Serb army inflicted defeat on the 28<sup>th</sup> Division and, despite the air strikes of NATO, entered Srebrenica on July 11.

The command of the 28<sup>th</sup> Division refused to capitulate even though it received the order of Prime Minister Haris Silajdžić to fight "until the last bullet".<sup>40</sup> However, according to the testimony of Swedish diplomat Karl Bildt, the command of the 28<sup>th</sup> Division received a second order from Sarajevo, not to defend Srebrenica, but to withdraw and make a breakthrough towards Tuzla "with all soldiers and military and political leadership".<sup>41</sup> Under the circumstances, this decision was equal to suicide.

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<sup>38</sup> Army of the Republic of BiH, Command of the 28<sup>th</sup> Division, strictly confidential. number: 04-114/95. *Operational Report Support to the soldiers of Srebrenica and Žepa*, June 30, 1995. 1D00742. ICTYCourtRecords.<http://icr.icty.org/>

<sup>39</sup> *Additional Protocol to the Geneva Conventions of 12 August 1949 (Protocol I)*.

<sup>40</sup> *NIOD report. Part III. The Fall of Srebrenica*. p. 5.

<sup>41</sup> Bildt, Carl. *Peace Journey. "The Struggle for Peace in Bosnia"*. London, 1998. p. 57.

Obviously, only President Alija Izetbegović could have changed the order of Prime Minister H. Silajdžić on the defense of Srebrenica. In the night of 11 to 12 July, the column of the 28<sup>th</sup> Division started withdrawing towards Tuzla, which was 100 kilometers away from Srebrenica. According to the ARBiH data, the column contained up to 7,000 soldiers and officers of the 28<sup>th</sup> Division and up to 6,000 civilians.<sup>42</sup> More than half of them were armed. It is obvious that these civilians were from the reserve force of the Division, having voluntarily joined the soldiers who actively participated in military operations.

The withdrawal of the column of the 28<sup>th</sup> Division took place with the fighting, in which it suffered great losses. Part of the command of the 28<sup>th</sup> Infantry Division went out towards Tuzla through a corridor made by the Serb command.<sup>43</sup> Chief of ARBiH Main Staff, General E. Hadžihasanović, appearing after the war as a witness before The Hague Tribunal, said that 3,175 people had left the area, while 2,628 soldiers and officers had been killed during the withdrawal.<sup>44</sup> According to information of General Petar Škrbić, around 3,000 soldiers and officers of the 28<sup>th</sup> Division were killed during the withdrawal.<sup>45</sup> From the Serb side, only the Zvornik Brigade lost 42 men and 180 people were wounded in this brigade.<sup>46</sup>

According to a report written by the Special Representative of the UN Secretary General, Jasushi Akashi of 19 June 1995, after the withdrawal from Srebrenica to Tuzla, 4,000 displaced persons, mostly soldiers, but also civilians arrived: *“The 2<sup>nd</sup> ARBiH Corps reports that there are still 4,000 displaced persons, mostly soldiers, but including several civilians, arrived to Tuzla from Srebrenica after withdrawal... Every subsequent determination of the number of missing and displaced persons depends on access to those captured by the VRS and confirming the BiH data on those who are coming in Tuzla after the withdrawal.”*<sup>47</sup>

In this way, already in July 1995, the UN characterized the military operations of the 28<sup>th</sup> Division as one of the types of military operations – the withdrawal. It should be noted that the Instruction of the JNA’s Infantry Brigade, after which the ARBiH units also waged war, together with defense and offensive, also provided for the withdrawal and breakthrough from the environment as legitimate means of military actions.<sup>48</sup> The essence of withdrawal as a military action is in the maximum rapid withdrawal of the main forces to the final frontier (area).

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<sup>42</sup> Pandurević, Vinko, *“Life is Defended by the Truth” (Život se brani istinom)*, Belgrade, 2015 p. 531.

<sup>43</sup> Ibid, pp. 543-545.

<sup>44</sup> Court Records. *Krstić Trial Transcript*, IT-98-33-T, April 6, 2001, p. 9532. <http://icr.icty.org/>.

<sup>45</sup> Škrbić P. Ratko. *“The Srebrenica Hoax” (Srebrenička podvala)*. - Belgrade, 1993. p. 94.

<sup>46</sup> Lacković, Dragoslav. *Military Expert report. ICTY Court Records. Exhibit D73/3a*. <http://icr.icty.org/>

<sup>47</sup> *Disposition of Displaced Persons from Srebrenica. UN Outgoing Cable*. 19 July 1995. Exhibit 2D00003. ICTY Court Records. <http://icr.icty.org/>

<sup>48</sup> *The Rule of the Brigade* (infantry, motorized, hill, mountain, naval infantry and light) JNA GS, Belgrade, 1984. pp. 244-249.

### CONCLUSIONS

- (1) Srebrenica was not demilitarized and, due to the failure to fulfill several elements that define the “safe area”, it could not be called a safe area because the 28<sup>th</sup> Infantry Division was armed. Its parts led active combat actions under the “patronage” of the UN. Alija Izetbegović, Sefer Halilović and Rasim Delić, since the proclamation of Srebrenica as a “safe area”, did not intend to abide by the agreement on the demilitarization of Srebrenica. The fulfillment of the agreement on demilitarization of Srebrenica and Žepa of May 8, 1993, was continually distorted by the Muslim side, as many international observers noted. In a book of his memoirs in June 1999, A. Izetbegović stated his interview, given by D. Harland in June 1999: “Did the BiH authorities know about any attacks outside the safe area after April 1993?” A. Izetbegović’s response was: “As far as I know, they didn’t.”<sup>49</sup> In the light of the above-mentioned documents, it is obvious that A. Izetbegović lied.
- (2) The soldiers of the VRS Drina Corps and the 28<sup>th</sup> ARBiH Division fulfilled the legitimate armed forces and types of military operations: the Drina Corps - the offensive and persecution of the opponent, and the 28<sup>th</sup> Division withdrawal and breakthrough from the environment. Both the Drina Corps and the 28<sup>th</sup> Division represented legitimate military facilities for the attack, and their soldiers represented combatants in their units.
- (3) The Dutch peacekeepers considered the commander of the 28<sup>th</sup> Division N. Orić and Chief of Staff Z. Tursunović as “a little better than ordinary bandits”, who terrorized their own population and Serb villages.<sup>50</sup> By number, the 28<sup>th</sup> Division significantly exceeded the number in relation to the opposing VRS Drina Corps, although due to the incompetence of the leadership and low morale, it suffered heavy defeat and significant losses.
- (4) The Second Corps of the RBiH Army did not take the necessary measures to try to help the 28<sup>th</sup> Division to get out from the encirclement more efficiently. This was also acknowledged by the ARBiH Commander, General Rasim Delić in his memoirs: “*It is perfectly clear that the units in Srebrenica could have defended themselves further, but they did not defend the city. In this way, units of the 2<sup>nd</sup> Corps acting from the front could have done more, but they could not reach Srebrenica. The army did not have such opportunities, even though it had a free army and sufficient quantity of weapons and ammunition.*”<sup>51</sup>

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<sup>49</sup> Alija Izetbegović, “*Memories*” (*Sjećanja*), TDK Šahinpašić, Sarajevo, 2001. pp. 218-219.

<sup>50</sup> Brendan O’Shea. “*The Modern Yugoslav Conflict 1991-1995*”, Perception, deception and dishonesty. – Routledge, 2005. P.194.

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## JUDICIARY AS CONTINUATION OF WARFARE

### How the West Uses Srebrenica to Implement Thought-Crimes in Legislation

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**Abstract:** Destruction of Yugoslavia was carried out with the help of Western powers by exhorting internal conflicts in order to intervene in the realization of their own geopolitical and economic interests and justify the unilateral support of the Bosniak parties and acceptance of the commitment to punish the denial of genocide as this text speaks. After the operation on the ground was completed, the Western powers continued their anti-Serbs justice policy in order to prevent discussions and investigations of past events in the Former Yugoslavia including NATO aggression.

The European Union legislation has opted for a specific definition of genocide as it fits the interests of the centers of power. If the international court considered the killings in Srebrenica the genocide, European politics decided that this judgment would be binding on national jurisdictions. In other words: instead of political or scientific reasoning about this topic, the hearing should be in courts which are absurd. This is why genocidal defamation strives to ban research, political and scientific debates, that is, they must be afraid of criminal proceedings and risk the prison according to the decisions of Brussels in 2008 when an appropriate law was passed to deny genocide.

In Germany and other EU countries, preparations are being made by the police and legal staff to comply with new legislation that prohibits denial of genocide. In line with such efforts, what this text writes, every scientific and other assessment of the events in Srebrenica is being tried by a criminal conviction for “denying genocide” which is contrary to the general human rights.

**Key words:** *European legislation, genocide, denial of genocide, crimes, Srebrenica*

“The battle of Srebrenica in the 1990s was part of the Bosnian civil war, which was led with brutality from both the Serbian and the Muslim side. To use the definition of genocide exclusively for the killings in July 1995 distorts the perception of reality and prolongs the enemy image Serbia. Independently from the unidentified chain of command during the killing and the evidence of the UN-troops in the vicinity, the atrocities around the old mine town cannot be defined as genocide.”Such use of the notion of genocide for crimes contradicts the provisions of the UN Genocide Convention.<sup>2</sup>

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<sup>2</sup> *Convention on the Prevention and Punishment of Genocide*

Evaluation like this might easily end up for the author with an accusation and even a criminal conviction by a EU-European court because of “denial of genocide”, since the European Union introduced special laws that allow courts to punish people for their views. This is a step towards an authoritarian system, partly based on how the destruction of Yugoslavia with its civil wars and NATO-intervention in the 1995s is seen in the West allowed everything and that was not the aggression.

### WHAT HAPPENED IN SREBRENICA?

War is not made and decided only on the battlefield, but also with the help of media and political manipulation of views that feed back which is contrary to the reality. Therefore it does not astonish that till today there are two narratives on the events about the Srebrenica case. Both the Muslim and the Serb narrative agree on the cruelty of the fights and admit mass-killings. But they differ deeply in the contextualization and the definition of the fact in reality that is the necessary truth.

The Muslim narrative starts more or less in the beginning of July 1995 and tells about the mass-killing of 8000 Muslims between the 11<sup>th</sup> and the 21<sup>st</sup> of July 1995. While men fit for military service were murdered in combats, women and children were evacuated to the territory they have required. This narrative clearly names the killing as genocide, deliberately executed because of the Muslim origin of the victims by the (Bosnian-)Serbian army under the command of Ratko Mladic 22 years after the massacre Mladic was convicted for the crime of genocide by the “International Criminal Tribunal for the former Yugoslavia” (ICTY) in The Hague. The “International Court of Justice” (ICJ) as it is well known rejected the lawsuit Bosnia against Serbia in 2007, declaring that Serbia was not responsible for the killings in Srebrenica; but the ICJ also defined the killing as genocide. The Western mainstream media and politicians followed and follow the Muslim narrative till today.

The Serbian narrative starts earlier than in 1995. And it is always important when one starts a historical episode to come to a specific conclusion. To give an example: if you start your narrative concerning the expulsion of up to 12 million Germans from Bohemia, Moravia, Poland and other Eastern European regions in summer and autumn of 1945, the moment it took place, your conclusion on whom to blame for it will be different than if you start your narrative in September 1938, and September 1939, when the Nazi German Reich took over large parts of Czechoslovakia (1938) and started the war on Poland (1939). In the first case your conclusion would very possibly end up with blaming exclusively the Czech (and Polish) side for the expulsion of Germans regardless of their individual guilt. In the second case you would enclose in your analysis of the expulsion the fact that the wide majority of the Germans in Bohemia, Moravia and Poland not only accepted the privileges of German citizenship but supported the Nazi regime and agreed with the systematic persecution of Slavic people and the war on them and their lands since 1938/1939 and that would be a different story.

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Adopted by Resolution 260 (III) A of the U.N. General Assembly on 9 December 1948. Entry into force: 12 January 1951.

The mainstream German narrative starts in summer 1945 and exclusively blames the Czech and Polish side for what they call “Vertreibung” (expulsion) of millions of Germans. The Czech narrative starts in the year 1938, justifying the “expulsion” as a direct result of the Nazi war and using another expression completely different: “odsun” (something between deportation and evacuation). However, they treated all Germans on equal grounds, regardless if they were active supporters of the supporters of the Nazi regime or not.

The Serbian narrative on what happened in Srebrenica starts earlier than in Bosnia and Herzegovina one, namely in 1992 when ethnic tensions turned into civil war Former Yugoslavia. Since autumn 1992 the Muslim commander of Srebrenica, a town with a great Muslim majority before the war, harassed the Serb minority in the town and attacked Serb villages around Srebrenica. BBC-journalist Misha Glenny reported about 1000 killings around the town and the destruction of 50 Serb villages in autumn and winter 1992/1993 under the responsibility of Naser Oric, the commander of Muslim forces of Srebrenica. The Serbian analysis of the atrocities in Bosnia and Herzegovina also includes similar cases in other parts of the Yugoslav civil wars, because Srebrenica was not the first UN-protection zone to be attacked (in July 1995 by Mladic. Before this happened, the Croatian Army operation Flash in May 1995 attacked the so-called Sector West in Slavonia, which was established as a safe area for Serb refugees and Serb population in that territory.<sup>3</sup>

Finally the Serbian narrative on the Srebrenica case also criticizes the fact that the ICTY mostly based its legal decisions on the Srebrenica case referring to one principal witness, Drazen Erdemovic. His dubious biography was described quite often and the journalist Germinal Civikov writes in his book “Srebrenica” about the relations between Erdemovic and the ICTY. His deal with the court was highly precarious and immoral Hague Tribunal.<sup>4</sup>Erdemovic confessed to be responsible personally for the murder of 120 Muslim men at the Pilica farm near Srebrenica, where 1.200 Muslims were executed in the afternoon of July 17<sup>th</sup>, 1995. Therefore Erdemovic was sentenced to three years of prison; afterwards he was given another identity and served as principal witness in the following trials. When Erdemovic was asked by Slobodan Milosevic during a cross-examination in The Hague, whether the mass-killing at the Pilica farm possibly did not take place under the command of the Bosnian-Serbian army, but was realized with some interference by a foreign (French) intelligence service, the judge was shutting down the cross-examination.<sup>5</sup>

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<sup>3</sup> The operation of the Croatian army and special police called "Flash" began on 1 May 1995 as an excuse for establishing control over Croatia over the Zagreb-Okucani-Lipovac highway, but the real intention of the Croatian leadership was the ethnic cleansing of Serbs from the region of Western Slavonia which was under the protection of the UN. At the UN zone, 7,200 Croatian soldiers and police officers were attacked, supported by armoured mechanized units, artillery and aviation. In this operation, massive crimes were committed against members of the peacekeeping force, and there was no response or condemnation from the international community in the world.

<sup>4</sup> Germinal Civikov, *Srebrenica - Crown Witness*, Albatros plus, Belgrade, 2009

<sup>5</sup> Drazen Erdemovic testified in a series of proceedings: in the process against himself (May 31, 19 and November 20, 1996), on the indictment against Karadzic and Mladic (July 5, 1996) against General Krstic (May 22, 2000), against Slobodan Milosevic (May 3, 2003), against V. Popovic and other ARS officers (May 4, 2007) and Radovan Karadzic trial (February 27-28, 2012).

The local commander of the UN-peacekeepers, Dutch General Hans Couzy, backed the Serbian narrative in some respect and rejected the term genocide for what happened in Srebrenica. The very same was claimed by Dutch contingent of the UNPROFOR. Also Russian officials, historians and media follow the Serbian version, which is not denying the mass-murder, but refuses to name it genocide.

Some aspects support this Serbian narrative. First the fact, that genocide by definition includes the will to completely extinguish members of a nation or a religion. This is questionable not only in this case. In the middle of a civil war – as in other wars too – hate against the enemy is widely spread and to some extent a side effect of every war because the Serb forces were treating correctly and transferred all the women and children to the safe destination. It feeds the feeling of revenge, which dominates specially in cases, when fighters lost family members and personally knew whom to blame for the crimes on a specific territory.

Why should the Bosnian narrative be more plausible than the Serbian one? This is especially disputable, because Bosnian and Western interests in the 1990s were congruent. US-president Bill Clinton met with the leader of the Bosnian Muslims, Alija Izetbegovic, in September 1993 and agreed joint activities. French president François Mitterrand even went to Sarajevo in the middle of the civil war in June 1992 to meet with Izetbegovic and thereby showed his support for the Muslim side. These circumstances make it clear, why Western politicians and media follow the Muslim narrative in the war against the Serbs. They were on the Muslim side from the very beginning of the conflict that destroyed Yugoslavia.

The Western side continued their anti-Serbian stance throughout the 1990s and showed their military support by intervening in favour of the Muslim and Albanian side. The NATO-attack on Yugoslavia in March 1999 was not the first US-led air raid against the Serbs. The first one happened on August 30<sup>th</sup>, 1995, when 60 NATO-warplanes, coming from Aviano military camp in Italy and the aircraft carrier “Theodor Roosevelt”, bombed the Bosnian-Serbian town of Pale and nearby villages. This operation, named “Deliberate Force”, was the first out-of-area war activity in the history of NATO without the consent of the Security Council even against NATO Statute. Two days before, grenades exploded on the Markale market place in the very centre of Sarajevo and Serbs were accused without any investigation.

The American assistant Secretary of State, Richard Holbrooke, immediately blamed the Serbian side for the atrocity. And he took action. In his memoirs “To End a War” he eagerly provides information on how this first foreign military attack in Yugoslavia since 1945 was organized. In the evening of August 29<sup>th</sup> 1995, one day after the grenades killed 41 people in Markale and one day before NATO-warplanes dropped bombs on Pale, Holbrooke was invited by US-ambassador Pamela Harriman in Paris together with Alija Izetbegovic, the later US-general and commander of NATO in Europe, Wesley Clark, and the French philosopher Henry Lévy.

After this meeting Holbrooke ordered the attack on the Republic of Srpska Army. To avoid a veto from UN-secretary general Boutros Boutros-Ghali, who was – like many others – not convinced of the Serb guilt in Sarajevo. US-Secretary of State Madeleine Albright did not inform Boutros-Ghali, but his at the time unknown deputy, Kofi Annan. Annan virtually gave green lights for US-warplanes from New York ... and started a great international career.

### **EUROPEAN UNION INSTRUMENTALIZES SREBRENICA FOR A NEW JURISDICTION ON “WRONG OPINIONS”**

The destruction of Yugoslavia was carried out with the help of Western powers by accelerating inner conflicts to intervene on basis of their own geopolitical (USA) and economic (Germany) interests. After the operation on the ground was fulfilled, Western powers continued their anti-Serbian politics in the field of justice. The most visible organisation in this respect was the ICTY, a UN-court established in 1993 at a time, when Russian presence in international affairs was inadequately represented and subject to renounce. This Russian weakness helped the Western core countries to instrumentalize UN along their wishes. After the war was over, ICTY in the Hague turned out to be the means of Western interests to back the anti-Serbian narrative directed with juridical means, thereby justifying their own former illegal military interventions in (ex-)Yugoslavia.

On such the attitudes the European Union made additionally use of the Srebrenica case to introduce legal punishments for “wrong opinions”. This new direction in criminal legislation goes together with a slowly moving of the European countries from international law to human right-law, in other words: from a codified and generally recognized international law to non-codified human rights declarations with high risks of interpretation and instrumentalization along the interest of the strongest forces in the world.

This shift reflects the perception of the mainstream media und most political parties in Western Europe and Northern America. And it offered the possibility to move away from judging conflicts within Yugoslavia and their entanglement with foreign interests on basis violating the international law. Instead, conflicts were negotiated on the basis of human rights, which do not have a binding and mutually accepted form, but depend on how different parties define them in a specific situation. In this framework, according to thus far undertaking military interventions of NATO could be presented as necessary means for implementing human rights (of so-called national self-determination, for example) according to Western interpretation. Consequently they avoided being discussed as a violation of international law. This is not only valid in the case of Yugoslavia, has already been used in numerous cases but could also be used in future conflicts.

How does the new European Union’s jurisdiction to prosecute “wrong opinions” work? Denial of genocide became a criminal act. The new legislation does not aim at deeds effectively carried out, but at thoughts respectively opinions. Jurisdiction

thereby becomes a political instrument for these acts. The power, which is able to declare a mass-murder as genocide, will dominate the discussion and define the reality post factum what is correct for them. Questioning genocide evokes – and in scientific terms even should evoke – a controversial debate about its definition as the best model where is the world heading to.

Officially the definition of genocide is grounded in the United Nations Genocide Convention from 1951.<sup>6</sup> There genocide means acts of killing etc. to be “committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group.” Nevertheless the question remains: who judges, whether an aggression is aimed against a nation, an ethnic or religious group or whether it is part of “normal” war? If you don’t have someone who openly declares his will to destroy people because of their ethnic or religious identity, it will be hard to prove the concrete intention. No international judicial institution has so far demonstrated that genocide took place in Srebrenica, as the International Court of Justice in The Hague ruled the already rendered unfounded judgments of the Hague Tribunal at the time the verdict was pronounced.

The European Union legislation found another way to define genocide. If an international court judged a killing as genocide, the verdict is binding for all national jurisdictions. In other words: instead of political or scientific reasoning on the topic, the whole discussion is transferred to courts killing of one ethnic or religious group etc ... with the effect, that as soon as an international court defines some atrocity as genocide, political and scientific discussions will have to stop, because politicians and scientists have to fear criminal proceedings and risk jail. Complete taboo on the question is the consequence, and this is how Brussels wanted it to be, when it passed a respective legislation in 2008 because of the alleged denial of genocide.

The model for this new legislation is the criminal nature of the denial of the Holocaust, as it exists in countries like Germany and Austria. Till recently Holocaust denial was the only existing thought-crime persecuted in many Western European states was genocide. It was argued with the singularity of the crime against the Jews under the Nazi regime with its industrial extermination. Although there were voices from some historians like Henry Rousso not to persecute denial of even a crime like the Holocaust, because collective memory must be obtained by contesting it in the debates and not implemented by laws, the singularity of the crime justified this legislation.

With new thought-crimes entering the social area this singularity has passed. Atrocities like mass-murders of Bosnians in Srebrenica, Armenians in the Ottoman Empire Sudanese peasants in Darfur etc. now weigh the same weight than the extinction of Jews in Nazi Germany, Srebrenica outcome as planned extermination if you declare them to be genocide. The denials of all these killings became equally punishable.

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<sup>6</sup> *Convention on prevention and punishment of the crime of genocide: Adopted by Resolution 260 (III) A of the UN General Assembly on 9 December 1948. Entry into force: 12 January 1951.*

There is one more model for the widening of the European Union legislation criminalizing denials of genocide. We speak of a Bosnian speciality, which was invented after the Dayton Agreement by introducing the position of a colonial-type UN-High Representative, who stands above the national, the Bosnian-Herzegovina federal and the Serbian (Republika Srpska) legislation. In July 30<sup>th</sup>, 2004 this High Representative of the so-called international community, Lord Paddy Ashdown, executed a law on 59 high-ranked Serbian politicians and media-people and removed them from their posts. Dragan Kalinic, the president of the parliament, was one of them. What was their “crime”? They “fostered a culture of silence”, as the official term presented it. In other words: they did not cooperate with the High Representative in multiple questions, for example to help finding Radovan Karadzic General Ratko Mladic or they kept following the Serbian narrative on the Srebrenica case.

### **HOW COMES THAT THE SREBRENICA CASE INFLUENCED THE EU-JURISDICTION?**

It was the German pressure within the European Union that led to a new legislation to punish thoughts, especially the denial of genocide. After some years of preparations, the German Minister of Justice, Brigitte Zypries, succeeded in implementing thought-crimes in all national legislations within the European Union. On November 28<sup>th</sup>, 2008 the so-called Framework Decision (No 2008/913)<sup>7</sup> obliged all member states to do so within five years and apply in its legislation. In this Framework Decision criminalizing the denial of genocide and war crimes was cleverly hidden behind anti-racist and anti-xenophobia laws, so that at the first glance the reader could not see the hidden agenda. Zypries argued: “We do not want to wait until criminal acts are done, then persecute the criminals and judge them. Instead we want to take prohibitive measures in advance to make sure that criminal acts do not happen.” What may be comprehensible for the prevention of “normal crimes”, has a totally different meaning, if you use this method in cases of defining (geo)political views and opinions. In this new legislation, denial of genocide or war crimes is seen as a sort of pre-action to genocide. What makes the new legislation so dangerous, is that it interferes legally and juridical into a necessary political or scientific discussion.

France already had some thought-crimes before the EU-Framework Decision. There it is forbidden to deny the crime of French slave trade in the 18<sup>th</sup> century or to deny the genocide of 1793/1794 in the Vendée. These so-called “lois mémorielles” recently were discussed in Paris to be extended to other questions like the criminalization of the denial of the Armenian genocide in the Ottoman Empire in 1915.

In Germany and elsewhere in the European Union, police and juridical personnel in the meanwhile prepare themselves to handle the new thought-laws. A first conference to instruct police and juristic personal took place in September 2010. It

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<sup>7</sup> EU Frame Decision No. 2008/913 on prohibition of the denial of genocide

is documented by Laura Birkenstock, a professor of the German Police Academy. At this conference, law experts explained how to handle the new field of thought-crimes. They took two examples for teaching the police and juristic personal. One was a booklet published by the “International Committee for the Defence of Slobodan Milosevic” (ICDSM) and the other example was an interview with the US-economist PhD Edward Herman in a left-wing German paper, entitled: “There was no genocide in Bosnia”. Both cases, the police teachers explained at the end, had the potential to be fined according to the EU-Framework Decision on the denial of genocide. The Police Academy closed its conference with the following comment: The law against the denial of genocide serves “reducing the possibilities also for non-violent extremists to retreat into legal positions.” In other words: to make punishment possible without any criminal act in the interest to create the legal interactions in a state.

Austria changed its respective laws to make similar punishments possible. In § 283 – named "Incitement" – it says: "The one who publicly denies, approves or trivializes crimes, which are named in § 321 (genocide) and defined by a national or international court as such (...) and this denial is suitable to stimulate hatred against such a group (...) has to be punished with a prison sentence of up to two years." The question, when and under which circumstances a denial of genocide is “stimulating hatred”, as it is cited in many of these new laws throughout European Union and Switzerland, cannot be answered clearly. It is up to the court to define a denial of genocide as “stimulating” for others or not.

Till now the new EU-European legislation is pending like a Damocles sword above the heads of critics of the Bosnian-Muslim narrative of what happened in Srebrenica in summer 1995. In another case of genocide-denial a Swiss court had punished the Turkish nationalist and former chairman of the "Worker's Party", Dogu Perincek, for denying of the Armenian genocide. After years of trials the European Court of Human Rights in October 2015 ruled in favour of Perincek, arguing with his right to freedom of expression. This sentence gives hope that possible similar cases could end up in a similar way when it comes to an indictment concerning the Srebrenica case. On the other hand, a whole lot of so-called human rights NGOs, mostly financed by US-, British or German governmental bodies or by the speculator George Soros, work hard to implement the Bosnian-Muslim narrative of what happened in Srebrenica in the juridical sphere thereby legitimating the NATO-interventions in Yugoslavia.

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## JUDICIAL UNTRUTH ABOUT SREBRENICA

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**Abstract:** In this paper, the author deals with the problem of judicial untruth contained in the judgements of the ICTY with regards to the Srebrenica case. The paper is divided into four parts. The first part makes an introduction to the problem, whereas the second part is dedicated to the explanation of legal and moral lack of justification in terms of qualifications given in the judgements of the ICTY. The third part deals with the false truth of ICTY as far as the number of Muslim war prisoners executed in Srebrenica during July 1995 is concerned and that part, as well as the fourth part of the paper, contains the explanations not only about the number of the executed war prisoners but the correct legal qualification of that crime, as a war crime against war prisoners and not genocide.

**Key words:** *judicial untruth, executed war prisoners, soldiers killed in war combat, war crime against war prisoners, genocide.*

### INTRODUCTION

The problem with determining the truth about the events that happened in Srebrenica in July 1995, specifically in regard to their appropriate legal qualification and the number of the murdered, was made by the Hague Tribunal in the time of the judgment against the General Radislav Krstic. I say this since in the mentioned judgment the Srebrenica case illegally (and immorally) had been defined as genocide, after which all other Trial Chambers of the Tribunal simply followed this practice. That is why the Srebrenica case represents something that might be called the tragedy of the judiciary and judicial untruth. Why do I say this? I do it for a simple reason of all the judgments of the Hague Tribunal in the case of Srebrenica going the wrong path which the Tribunal, and later the International Court of Justice in the case *B&H against Serbia*, followed after it had been “prepared” by the Trial and Appeals Chamber in the case against the General Radislav Krstic. In order to understand this I will remind you of the corresponding parts of the judgments issued by the Trial and Appeals Chamber of the Hague Tribunal in the given case. The judgment of the Trial Chamber rendered on 2<sup>nd</sup> August 2001 defined the events in Srebrenica as a genocide, which is a qualification defined by the Trial Chamber due to the “explanation” it provided prior to it:

„84. The Trial Chamber is convinced that in July 1995 the Bosnian Serb forces, after the fall of Srebrenica, killed several thousands of the Bosnian Muslims. The overall number of the killed is probably between 7000 and 8000 men.”

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In the second-instance proceeding the Appeals Chamber issued the judgment on 19<sup>th</sup> April 2004 which in the beginning indicated:

„2. ... the Bosniak women, children and the old people were taken from the enclave, and 7.000 to 8.000 Bosnian Muslim men were systematically killed.”

After this, all the judgments in other cases, even before the International Court of Justice in the case *B&H against Serbia*, accepted the aforementioned legal qualification. The only difference between them is the number of killed people, since the judgment against Vujadin Popovic and others said it was 5.336,<sup>2</sup> the judgment against the General Zdravko Tolimir referred to the number of 4.970<sup>3</sup> while in the judgment against Dr Radovan Karadzic the Trial Chamber mentioned the number of 5.115 (Paragraph 5519, p. 2304 of the judgment).<sup>4</sup> Still, in regard to both, the legal qualification and the number of the killed, none of the judgments matches the truth.

### I. LEGAL AND MORAL UNFOUNDEDNESS OF QUALIFICATIONS IN THE JUDGEMENTS OF ICTY

In regard to the legal qualification the judgments are legally unfounded for the following reasons. By defining the notion of genocide, its creator Raphael Lemkin in his book *Axis Rule in Occupied Europe* defines its three layers. First he said it to be a coordinated plan of different actions aimed at destruction of the essential basis of a national group life, in order to destroy that group. The objective of such a plan is to disintegrate political and social institutions of culture, language, national feelings, religion and economic existence of the national group, and the destruction of the personal security, liberty, health, dignity and even lives of the individuals belonging to such a group. Finally, Lemkin said that genocide is directed against the national group as an entity, while the actions involved are directed against individuals, not in their individual capacity, but for belonging to a specific national group.<sup>5</sup>

Corresponding to this definition is the opinion of the International Court of Justice, provided as *the advisory opinion on 28<sup>th</sup> May 1951*. On this occasion the ICJ, while giving its opinion regarding the question concerning reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, repeated a sort of definition of genocide provided with the Resolution 96 (I) of the UN General Assembly on 11<sup>th</sup> December 1946. Regarding this the Court shows the intention of the United Nations to convict and punish genocide as:

„...a crime under the international law involving a denial of the right of existence the entire groups of people, denial that shocks the mankind consciousness and results

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<sup>2</sup> The judgment against Vujadin Popovic and others said it was 5.336

<sup>3</sup> The judgment against the General Zdravko Tolimir referred to the number of 4.970

<sup>4</sup> The judgment against Dr Radovan Karadzic the Trial Chamber mentioned the number of 5.115 (Paragraph 5519, p. 2304 of the judgment)

<sup>5</sup> Raphael Lemkin: *Axis Rule in Occupied Europe Laws of Occupation, Analysis of Government, Proposals for Redress*, Washington, Carnegie Endowment for World Peace, 1944, p. 79.

in great losses for the mankind, which is opposite to the moral law and goals and spirit of the Resolution 96 (I) of the General Assembly of the United Nations of 11<sup>th</sup> December 1946”.

However, the above standards will not be followed in the practice of the Hague Tribunal in cases referring only to the Republic of Srpska, or better to say against her. Before I present the way in which they created the basis for the mentioned noncompliance, I will point out to the behaviour of one of its creators, professor Cherif Bassiouni. The behaviour of professor Bassiouni is related to the crimes against the Serbian population in the municipality of Srebrenica committed by the Muslim forces under the command of Naser Oric, which is indicated in one monograph by George Bogdanich. In regard to professor Bassiouni this author stated the following:

„Cherif Bassiouni, head of the expert commission of the UN, Egyptian expert in Islamic law who taught at the Faculty of Law of DePaul University in Chicago, in the final report of the Expert Commission did not mention Oric’s attacks on the local population, although he had at his disposal the forensic evidence provided by the extensive reports of Dr Stankovic.”<sup>6</sup>

The previous words state enough about the behaviour of a very important person who participated in the creation of the conceptual basis for the departure from the legal norms regarding genocide which had been followed until then. It was conceived outside the Hague Tribunal, and that is in a specific way confirmed by the following long quote from the paper entitled “*Genocide as a Concept in Law and Scholarship: a Widening Rift?*”, by the Swedish professor Kjell Magnusson:

„A Commission set up by the Security Council of the United Nations on 6<sup>th</sup> October 1992 is of great importance for the later legal development of the genocide issue. Its task was to investigate the war crimes and serious crimes against humanity committed in the former Yugoslavia since 1991. The head of the Commission was M. Cherif Bassiouni, professor at the Department of International Law of the DePaul University in Chicago. The final report of the Commission is presented to the Council of Europe on 24<sup>th</sup> May 1994 and it was discussed on 28<sup>th</sup> December the same year. The report consists of an introduction, a lengthy summary and 12 annexes in approximately 3300 pages. The final report will later become a crucial foundation for the work of the ICTY. It represented an archive database for the court proceedings and initially determined cases which later became the subject to the trial.

Of equal importance was Bassiouni’s understanding of the concept of genocide, which undoubtedly influenced the judicial process, and the public. His innovation was the concept of ‘local genocide’. A discussion about whether what happened in Bosnia is to be considered genocide or not took place in the US Congress. Bassiouni emphasizes that the basis of the Final Report lies in the fact that there is no doubt

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<sup>6</sup> George Bogdanich: *Uvod u osvajanje Srebrenice*. Published in the monograph *Masakr u Srebrenici, dokazi, kontekst, politika*, prepared by Edward S. Herman, publisher Foundation “Istorijski projekat Srebrenica” Holland, Belgrade, 2011, p. 46 and 47

that crimes against humanity had been committed in Bosnia, but the situation is somewhat different when it comes to genocide, and that the definition issue is of great importance. *If the Convention of the United Nations is used as a standard, it is hard to define the events in Bosnia as genocide, but if the 'progressive' attitude is taken, i.e. that the genocide may be performed at the local level, the situation may be different:*", after which professor Magnusson quoted what on this occasion Bassiouni stated during the hearing in the US Congress:

"The issue of genocide is complicated by the draft convention in regard to the requirement of the existence of specific intention in the way of its implementation, and the question if the convention is interpreted in the way to refer to the entire group or not.

We have, within the Commission, accepted the progressive attitude and said that genocide should not be interpreted in the light of the entire group as it had been done after the Holocaust because it is the form accepted by the Nazis, but it should be observed in a specific context."<sup>7</sup>

So, it was, as the time will have shown, enough to have the head of the Commission (professor Bassiouni) express his two opinions and to have them accepted by the mentioned Commission, and to have, on the basis of them, altered the objective sense of the crime of genocide. The first opinion actually refers to the concept of a local genocide. This resulted in the second opinion according to which *"genocide should not be interpreted in the light of the entire group as it had been done after the Holocaust because it is the form accepted by the Nazis, but it should be observed in a specific context"*. After this there only should (or better to say must) have been said to find, by all means, a certain event to impose upon it the aforementioned concept of genocide. The events in Srebrenica in July 1995 served for this purpose, and the institution that did the rest of the job had already been established in the form of the Hague Tribunal.

A sad side of such relation towards the crime of genocide is the fact that its creators want to attribute progressive attitude to such approach, which is a sort of sophistry, because they want to use the flattering labeling of their opinion as progressive attitude and thus make the attitude legitimate, despite the fact that it twists the objective meaning of the crime of genocide and introduces legal insecurity. Therefore it is not surprising that the professor Kjell Magnusson in the interview with the Swedish newspaper *Geteborgsposten* in 2014 said that not only *"...there was no genocide in BiH, nor in Srebrenica"*, but the *"use of the notion genocide nowadays devalued crimes committed against the Jews in Europe"*.<sup>8</sup>

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<sup>7</sup> Kjell Magnusson: *Genocide as a Concept in Law and Scholarship: a Widening Rift?*, available at [http://www.ius.bg.ac.rs/crimenjournal/articles/Crimen\\_001-2013/Broj%201-2013%20-%2003%20Kjell%20Magnusson.pdf](http://www.ius.bg.ac.rs/crimenjournal/articles/Crimen_001-2013/Broj%201-2013%20-%2003%20Kjell%20Magnusson.pdf). Accessed on 21<sup>st</sup> December 2015.

<sup>8</sup> According to <http://www.rtvbn.com/mobile/vijest/24049/u-bih-nije-bilo-genocida>. The same at <http://www.klix.ba/vijesti/bih/svedski-profesori-negiraju-genocid-u-bih-sistematskog-progona-bosnjaka-nije-bilo/140130026>. Accessed on 21<sup>st</sup> December 2015.

Having in mind the previously listed reasons the judgment against Dr Radovan Karadzic (*Trial Chamber Judgement, IT-95-5/18-T of 24 March 2016*) groundlessly states the following:<sup>9</sup>

“5672. The Chamber recalls that where part of a protected group is targeted for destruction, such part must be substantial. With regard to the targeted group, which was the Bosnian Muslims in Srebrenica, the Chamber recalls that the Appeals Chamber has found that although the Bosnian Muslim population in Srebrenica constituted a numerically small percentage of the Bosnian Muslim population, the enclave’s seizure was of particular strategic importance due to its geographic proximity to Serbia, its symbolic stature as a refuge for Bosnian Muslims, and the fact that its elimination despite its status as a safe area would be demonstrative of the potential fate of all Bosnian Muslims. The Chamber agrees with this analysis and, accordingly, finds that the Bosnian Muslims in Srebrenica constituted a substantial part of the Bosnian Muslim population.

(3) Conclusion

5673. On the basis of the analysis set out above, the Chamber finds that—with the intent to destroy the Bosnian Muslims in Srebrenica, which constituted a substantial part of the Bosnian Muslim protected group—members of the Bosnian Serb Forces killed thousands of Bosnian Muslim males and caused serious bodily or mental harm to thousands of Bosnian Muslims in Srebrenica. The Chamber therefore finds that the acts described above constitute genocide within the meaning of Articles 4(2)(a) and 4(2)(b) of the Statute.”

More allegations of the quoted part of the judgment cannot withstand a serious scientific criticism. First of all, the Trial Chamber in this judgment does not have its own view of the notion “*significant part*” from the being of genocide incrimination. Instead it only takes over what in this regard said the Appeals Chamber in the judgment against the General Radislav Krstic on 19<sup>th</sup> April 2004. And on that occasion several nonsense things were told. Namely, in that judgment (Paragraphs 15 and 16 relied on by the Trial Chamber in the judgment against Dr Karadzic) it is first admitted that the Muslim population in Srebrenica represents *only small percentage of the overall Muslim population in BiH*. In this way the truth was said, i.e. that this population (so, not even all Muslims from Srebrenica) does not constitute a significant part compared to the overall Muslim population in BiH. However, after that the Appeals Chamber in the case against the General Krstic quite arbitrarily stated that the Muslim population from Srebrenica, despite the mentioned, presented “*significant part*” *for the strategic importance of Srebrenica due to its proximity to Serbia and for having symbolic importance as a refuge for Muslims*, and that its elimination as a protected area would be demonstrative of the potential fate of all Bosnian Muslims. This is an example of the court nonsense that would cause a headache to every objective analyst (and the accused if faced with it).

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<sup>9</sup> Judgment against Dr Radovan Karadzic (*Trial Chamber Judgement, IT-95-5/18-T of 24 March 2016*).

Obviously these are “arguments” of force, and not the force of arguments, which is characteristic for the powerful only (according to the Latin proverb *Quod licet Iovi, non licet bovi*).

In addition, the Chamber in the judgment against Dr Radovan Karadzic (Paragraph 5831, p. 2444 of the judgment) did not take into consideration in a proper way the fact that 25.000 people (women, children and old people) upon their own request were evacuated by the Army of the Republic of Srpska to the territory controlled by the Muslim forces. This fact is of cardinal importance because the executor of genocide does not make selection among the victims but he kills them all for belonging to a protected group.

The same conclusion on the lack of the genocidal intention is imposed in the case of numerous Muslim soldiers who, after having been captured in the area of Srebrenica in July 1995, were transferred by the Army of the Republic of Srpska to Batkovic near Bijeljina, where, after having been kept in captivity for some time, they were set free. Thus Vinko Pandurevic, the commander of the Zvornik Brigade at the time, stated that in the period from 18<sup>th</sup> July to 8<sup>th</sup> August 1995 his Brigade captured 145 Muslim soldiers, all of whom were sent to Batkovic.<sup>10</sup> If there had been genocide, there would not have been any such case.

## II. THE NUMBER OF WAR PRISONERS EXECUTED IN SREBRENICA IN JULY 1995

When it comes to the number of people who were executed the following should be said. *In the events in Srebrenica in July 1995 a war crime against war prisoners was committed.* The same crime happened in the case of murder of the Muslim war prisoners in the warehouse in Kravica, no matter it happened as a reaction to the fact that prior to it one of the prisoners snatched the rifle from the Serbian soldier Krsto Dragicevic who was guarding the prisoners and killed him, after which the commander Rade Cuturic tried to get the rifle from the prisoner (by holding the barrel of the rifle while the prisoner was shooting from it) on which occasion he got his hand burned, which is why he had to be taken urgently to the hospital in Bratunac for medical treatment (Paragraph 5228 of the judgment against PhD Karadzic).

War crimes against war prisoners were committed by individuals from the Serbian nation, although among them there were several members of other nations (Croats and Slovenians). All of them should be prosecuted and hold criminally responsible individually, but also due to the mutual agreement directed at killing the war prisoners. However, forensic evidence (that will be discussed later) undoubtedly shows that the number of the executed prisoners was far below the number that is unfoundedly wanted to be imposed by the judgments of the Hague Tribunal, including the judgment against PhD Radovan Karadzic. This problem is related to the fact that four things (questions) remained secret until today. One of them refers to determining the number of missing Muslim soldiers during the events in July in

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<sup>10</sup> Vinko Pandurevic: *Zivot se brani istinom*, Hague 2011 – Belgrade 2015, p. 550

Srebrenica, the second is related to the Muslim soldiers who died in the attacks of their column against Army of the Republic of Srpska on the way to Tuzla and places of their burial, the third is related to the number of Muslim soldiers who during the attacks managed to reach the territory controlled by the Muslim forces, while the fourth secret refers to the work of the International Commission on Missing Persons.

**The first question.** It is directly related to the fact that it has never been determined how many people were in Srebrenica and the villages around it at the time of its fall. The cases processed by the Hague Tribunal mention the number of up to 42.000 people, which is very suspicious since it has not been proved by any specific evidence. Moreover, what I will indicate below says that this number was used for manipulation by the Muslim authorities prior to the fall of Srebrenica, which the Hague Tribunal accepted later. Here is a quote from an official act of the President of the Presidency of the Municipality of Srebrenica dated January 1994, whose content confirms the aforementioned. So, this act reads (*my italics*):

„Republic of Bosnia and Herzegovina  
MUNICIPALITY OF SREBRENICA  
Number: 01-05/94  
Date: 11/01/1994

INSTITUTE FOR STATISTICS OF THE REPUBLIC OF BIH S A R A J E V O  
DEPARTMENT FOR STATISTICS IN TUZLA T U Z L A

DISTRICT DEPARTMENT OF DEFENSE T U Z L A

Upon your act number: 031-01/3 of 07/01/1994 we deliver the requested data:

- Number of local population in the Municipality 9791;
- Number of dislocated local population within the Municipality 10756;
- Number of displaced population from other Municipalities 16708.

*NOTE: The required data are provided for the statistical needs and should not be submitted for review to the international organizations, since they believe the number we manipulate with is 45000 of inhabitants.*

PRESIDENT OF  
THE PRESIDENCY OF  
THE MUNICIPALITY OF SREBRENICA  
Salihovic Fahrudin, BVetMed“

According to this document, the actual number of inhabitants was 37.225, but in the communication with the international organizations the different number, by nearly 8.000 higher than the real number of inhabitants, was (ab)used.

The importance of the aforementioned may be seen when related to the number of refugees from Srebrenica after its fall in July 1995. The International Committee

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of the Red Cross at the beginning of August 1995 registered 35.632 refugees from the Srebrenica enclave, i.e. 1.623 less people than it was provided by the previously mentioned act of the President of the Presidency of the Municipality of Srebrenica.

It has just been said that the actual number of citizens in the mentioned document was increased up to 45.000, so the difference between that number and the number of refugees registered by the International Committee of the Red Cross was the basis for the statement of 8.000 missing, i.e. killed Bosniaks.

How the lists of the missing persons after the events in Srebrenica were made, can be understood from the words of professor Milivoje Ivanisevic provided below:

„Everyone was allowed to add a missing person to the list, without even the elementary check of the person doing it. The International Committee of the Red Cross should not be criticized for that. The reports of missing persons were often made by individuals who, without any evidence, presented themselves as members of the family, colleagues, fellow-soldiers, neighbours. This list, with no further procedures or checks, was published and turned into the list of victims of Srebrenica, and later into the list of massacred Muslim civilians.”<sup>11</sup>

Hereby, professor Ivanisevic points out that this list contains:

„... many who committed crimes in this area and in whose interest it was to consider them “missing”. They changed their names and under different identity resumed with their lies in [Bosna and Herzegovina] or abroad as refugees.”<sup>12</sup>

**The second question.** Unfortunately, the exact number of persons from the column who died *during the fights against the Army of the Republic of Srpska* has not been determined until today, which also allows manipulations in this regard. As this number has not been determined after so many years, it is almost certain that it will not be done in the future, and that leaves the space for the maneuver to treat those who died in this way as missing, which finally results in the statement that they were executed. However, there are proofs that state on thousands of members of the Muslim military column who died during the break in the fights with the Army of the Republic of Srpska. Thus, the General of the Army of BiH Enver Hadzihanovic during his testimony in the case against the General Radislav Krstic said that “...it could be claimed with certainty that 2.628 of soldiers and officers, who were members of the 28<sup>th</sup> Division, died”<sup>13</sup>

At the trial of Ratko Mladic, the defence expert witness Dusan Pavlovic stated that during the breakout from Srebrenica, at least, 4.000 to 5.000 members of the column were killed.<sup>14</sup>

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<sup>11</sup> Milivoje Ivanisevic: *Srebrenica jul 1995: u traganju za istinom*, Belgrade, Hrisanska misao, second edition, 2010, p. 76-78

<sup>12</sup> *Ibidem*.

<sup>13</sup> Available on the Internet portal of the Hague Tribunal, at <http://www.icty.org/x/cases/krstic/trans/en/010406ed.htm>. Приступ од 01.02.2016. године

<sup>14</sup> [http://www.glassrpske.com/novosti/vijesti\\_dana/Vjestak-U-proboju-iz-Srebrenice-poginulo-4000-do-5000-pripadnika-ABiH/202031.html](http://www.glassrpske.com/novosti/vijesti_dana/Vjestak-U-proboju-iz-Srebrenice-poginulo-4000-do-5000-pripadnika-ABiH/202031.html). Accessed on 1st February 2016

Carl Bildt in his book *Misija mira* also states that around 4.000 members of the Muslim column died in these fights.<sup>15</sup>

The daily newspaper *Vecernje novosti* of 21st July 2015 provided the statement of one of the survivors from the Muslim column. It was Nuriz Selimovic, clerk for Operations and Training Command of the 28<sup>th</sup> Brigade. After the Muslim column succeeded to break towards Tuzla he gave a statement to the Command of the 28<sup>th</sup> Division on 26<sup>th</sup> July 1995 in Tuzla on which occasion he said:

„A great number of people came and crossed the road during the day, they told me that the number of people who were moving cut from the column was between 2.000 and 3.000. It was only then that I found out that bad and disastrous things were happening to our people, that the brigade commander Ibro Duda surrendered, that a few people committed suicide. People gathered in a group of 20 around the bomb, and embracing each other committed suicides together... We continued to move examining on our way Krizevacke njive all the way to Parlog. Since then the people in the background started committing massive suicides, showing signs of mental disorders, killing each other... I believe that we lost 4.000 – 5.000 of military-capable men”.

The same newspaper article offered interesting information. Namely, the article mentioned that the defence expert witness in the proceedings against the Hague indictees in the case of Srebrenica, the Admiral Bosko Antic, “...pointed out to the key role of Muhamed Zilic, Security Chief of the Second Corps of the Army of Bosnia and Herzegovina, in hiding the truth about the accidents in Srebrenica. In fact, all relevant documents of the Second Corps of July 1995 disappeared and were not available to the investigators of war crimes. Why the court officials were not decisive in requesting these documents like they were when they asked for all documents of the Army of the Republic of Srpska from Banja Luka and Belgrade, will remain forever unanswered question.”<sup>16</sup>

Finally, regarding the number of members of the Muslim battle column who died during the fights with the Army of the Republic of Srpska it is necessary to emphasize something indicated to by Stephen Karganovic. Namely, this author, referring to the column breakout map of Andy Wilcoxson, in the article entitled *Sluzbene tajne Srebrenice* indicated:

„Most of the alleged ‘secondary’ graves are placed only a kilometer or two from the breakout line. The geographical proximity between the line of breakout and nearby mass graves is obvious. Those burial places were falsely represented as secondary graves to make it possible to add the remains buried in them to the number of the killed victims. Beside the statements given by the witness-associate Momir

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<sup>15</sup> Carl Bildt: *Misija mira*, Kragujevac, 1998, p. 103

<sup>16</sup> Quoted according to the same newspaper source, available at: [http://www.novosti.rs/dodatni\\_sadržaj/clanci.119.html:558644-Prolaz-kroz-devet-krugova-pakla](http://www.novosti.rs/dodatni_sadržaj/clanci.119.html:558644-Prolaz-kroz-devet-krugova-pakla). Accessed on 1<sup>st</sup> February 2016.

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Nikolic, who agreed with the Prosecutor's Office to adjust his statement in return for a more lenient sentence, there is no other material evidence on the alleged digging of the primary graves and their relocation. There is no single satellite image of the activities that allegedly lasted for several days, used heavy equipment and many vehicles, involving more dozens of people. The map also shows that the graves actually related to the places of executions are in the expected positions, near the execution site, and rather far from the road the column was going. All the information entered into the map were taken from the evidence material that the Prosecutor's Office was using in different cases of the ICTY."<sup>17</sup>

**The third question.** Similarly, when it comes to the number of the Muslim soldiers who managed to break through the column and reach the territory controlled by the Muslim forces, it will not be possible to determine that number with certainty since the same has not been done in the Hague Tribunal so far. However, it can be indirectly concluded that there were thousands of those people, as seen in the following example. The above mentioned book by Vinko Pandurevic *Zivot se brani istinom* (p. 468) indicates that the Judge O-Gon Kwon in the pronouncement of sentence in the case of Vinko Pandurevic said the following:

„Pandurevic' decision to, contrary to the orders of his superiors, open the corridor (for the Muslim battle column that fought its way to Tuzla – my remark) in Baljkovica and thus enables the passage for the column, saved lives of thousands Bosnian Muslims. Even under normal circumstances of the combat operations, such an action would be considered unusual.”

Therefore, the Tribunal itself admits here that there were thousands of soldiers, which reliably indicates not only that but also the lack of the genocide, since such crime implies that its perpetrators have no mercy on any member of the protected group, especially not on those members of the group that use weapons to fight them. Still, none of these is taken into consideration by the Hague Tribunal, not even in the judgment against Dr Karadzic.

**The fourth question.** Finally, there is an issue related to the work of the mentioned International Commission on Missing Persons, on whose findings rely the Hague Tribunal in its indictments and judgments concerning the number of executed Muslim soldiers. What commission is this and what has it (been doing) done so far? To answer these questions it is necessary to remind the reader of the fact that the Hague Tribunal in the period 1996-2001 had control over the exhumation of the remains from various graves related to the events around Srebrenica in July 1995, which was confirmed in the Paragraph 5523 of the judgment of the Trial Chamber in the case against Dr Radovan Karadzic. At the same time the forensic analysis, as indicated by Stephen Karganovic, provided the following results:

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<sup>17</sup> Stephen Karganovic: *Sluzbene tajne Srebrenice*, quoted from <http://www.balkanmagazin.net/novosti-ipolitika/cid128-68337/sluzbene-tajne-srebrenice>. Accessed on 31<sup>st</sup> January 2016.

„Only in the case of 442 exhumed persons we can say with certainty that they were the execution victims, since they were blindfolded and with their hands tied up; 627 had injuries caused by the fragments of bullets or metal, which could result from the execution, but also from the fights; 505 bodies had injuries made by the bullets, which could be the result of execution, but also of the fights; for 411 bodies we cannot determine the cause of death; 1583 ‘of the cases’ are only parts of the body, and for 92,4% of them the forensic experts of the ICTY concluded that it was not possible to determine the cause of death.“<sup>18</sup>

Leaving aside 1583 of the so-called cases that are actually only parts of the body for which, in 92,4% of them, it is not possible to determine the cause of death, the remaining number contains a small number of those who were executed (442). This was confirmed by the expert witness Dusan Dunjic during his testimony in the case against Dr Karadzic, when he determined that there were between 400 and 500 bodies found with ligatures, which is why those people could be considered the execution victims (Paragraph 5552 of the judgment).

The provided results obtained by the forensic experts of the Hague Tribunal, can be used to explain not only why the International Commission on Missing Persons was established, but also why it worked the way it did. Namely, when the previously quoted results are taken into consideration it becomes clear that they could not be used to reach the projected number of more than 8.000 allegedly executed Bosniaks from Srebrenica. However, since the projected number must have been reached by all means, the mentioned Commission had been established. This was done, not accidentally, at the initiative of the then USA President Bill Clinton.

The work of this Commission is rather secret, and it cannot be examined by anyone. That is not allowed even for the purpose of defending the persons accused before the Hague Tribunal. To make it more absurd, not even the Tribunal is allowed an insight into its work, nor does the Tribunal control what the Commission presents to it. Regarding this, it is specifically indicative that the Tribunal, although aware that there is no valid legal foundation for such a thing, makes its conclusions on the number of the executed (including in the case against Dr Karadzic) persistently repeating, for a common man attractive terms, such as the term “based on the DNA analysis”. The Trial Chamber did this in the Paragraphs 5558 – 5568 of the judgment.

In regard to the work of the International Commission on Missing Persons, there is one more thing that should be pointed out. Namely, the reference of the Hague Tribunal to the DNA findings of that Commission as the “evidence” of the thousands of allegedly executed Muslim soldiers is an irrationality which deserves no explanation, since even an amateur understands that taking DNA sample from the live person and its comparison to the DNA sample of the deceased person (and this is the mentioned analysis, the term of which is so often used by the Tribunal) can only help to identify the deceased person. Still, the DNA analysis cannot answer the question of the way in which the person died (in the combat, by being executed or in some other way), which is the key forensic question in this case.

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<sup>18</sup> Stephen Karganovic, Aleksandar Pavic: *Srebrenica 1995 – 2015*, Belgrade, June 2015, p. 16.

**FINAL PART**

However, although the truth could not have been found there, it is to be found in the dissenting opinion of the lady Judge Prisca Matimba Nyambe, who was a member of the Appeals Trial in the case against the General Zdravko Tolimir. Even though her explanation refers to the case against the General Tolimir, the conclusions of the Judge Nyambe regarding the lack of genocide and a joint criminal enterprise may be mutatis mutandis applied in the case of Dr Radovan Karadzic as well. So, the Judge Prisca Matimba Nyambe in her dissenting opinion of 12<sup>th</sup> December 2012 in regard to the above key issues said the following:

“85. Contrary to the Majority holdings, I dissent from the holding that a JCE to Forcibly Remove the Bosnian Muslim population existed among the Bosnian Serb Forces and RS leadership. I do not find that there was a common purpose for such criminal enterprise, rather, I find that the populations of the enclaves sought to leave and, with assistance of the ABiH and Zepa War Presidency, negotiated an evacuation of the people based on war-time necessity. Consequently, I cannot find that any “forcible transfer” contributed to a finding of genocide or conspiracy to commit genocide. Nor can I find, based on the totality of evidence on the record, that the Bosnian Muslim civilians of the Srebrenica and Zepa enclaves were persecuted by Bosnian Serb Forces with the requisite specific intent. As I have not found the underlying crime of Forcible Transfer or a JCE to Forcibly Remove the populations of the enclaves, I cannot find the Accused criminally responsible for these movements under any mode of liability.

86. ....I dissent to the Majority holding that a JCE to Murder was ‘a highly organized murder operation developed and shared among and between numerous high-ranking VRS officers and implemented by countless numbers of the Bosnian Serb Forces’. To my mind, the ‘spontaneity’ of that JCE, one that called upon the volunteers to carry forth the murders, also leads to the reasonable conclusion it arose out of a small group of individuals operating in an unauthorized and secreted manner.

87. Moreover, I find there is neither a showing of a significant contribution to the JCE to Murder by the Accused nor the requisite intent of JCE I “to perpetrate a crime” with the shared intent of others. Therefore, I cannot find that the Accused was a member of the JCE to Murder, and therefore find that he is not liable for actions within the common purpose of the JCE to Murder. Since the Accused was not a member of the JCE to Murder, the question of his responsibility for crimes outside the common purpose of the JCE that were the natural and foreseeable consequences of it does not arise. In this regard, I do not find that the evidence supports that the Accused otherwise directly committed, planned, instigated, ordered, or otherwise aided and abetted in the planning, preparation and execution of these crimes.

88. With regard to Count I (genocide), I have found that the Accused did not have the requisite intent for genocide. In addition, since I have found that the Accused was not responsible for murder and that forcible transfer from Srebrenica

and Zepa and the associated ill-treatment of the civilian population did not take place, there is no basis for finding that the Accused did any of the underlying acts of Genocide as set forth in Article 4(2) of the Statute....

89. Since the Accused did not have the requisite intent for genocide, he cannot be found to be criminally responsible for conspiracy to commit genocide ...

90. The Accused is not responsible for murder under any mode of liability. It therefore follows that he should be acquitted of the charges of murder as a crime against humanity and as a violation of the laws or customs of war... . Since the Accused is not responsible for murder, he cannot be held responsible for extermination as a crime against humanity ... because extermination is murder on massive scale.”

The only thing to be added to the above quoted at the end is the fact that here, in the judgment of the Trial Chamber against Dr Radovan Karadzic, there is no valid evidence that he (nor other members of the state leadership of the Republic of Srpska) committed, ordered or in any other way participated in the murder of any of the captured Muslim soldiers or to be, in any way, related to the murders of those war prisoners committed by, as the Judge Nyambe argued, a small group of individuals operating in an unauthorized and secreted manner.

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UDK 355.48/49:341.4(497.6 SREBRENICA)

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## THERE WAS NO GENOCIDE IN SREBRENICA<sup>1</sup>

Portuguese General Carlos Martins Branco<sup>2</sup>

Former United Nations Military Observer to Croatia and Bosnia and Herzegovina

Deputy Chief Operations Officer

**Abstract:** General Carlos Martins Branco the Portuguese General Staff Officer, as a senior UNPROFOR official, as Deputy Chief Operations of UN military observers to Croatia and Bosnia and Herzegovina (1994-1996), from his Zagreb observation post in the territory of the Former Yugoslavia where, in the 1990s, armed conflicts took place. He had privileged access to significant information. Confidential reports about the goings on in the field were crossing his desk. With first-hand information and further enlightened by discrete conversations with colleagues from various intelligence structures, Martins Branco was positioned ideally to learn facts which many officials would have preferred to cover up, and the media frequently ignored. Part of these standpoints and conclusions, especially those related to the events in Srebrenica, and the unjust accusation the Serb side for genocide, are in the following extract.

**Key words:** *security zone, peacekeeping forces, crimes, genocide, Army of the Republic of Srpska, BH Army, breakthrough from the besieged.*

When the Army of the Republic of Srpska began lining up towards Srebrenica, UN observers did not have a precise analysis of these movements nor the real intentions. Most of the West Europe considered that Serbs wanted to occupy territories south of Srebrenica in order to facilitate the transport of troops and the procurement of war needs, especially gasoline. At that time, Dutch General Cornelius Nicolai the Chief of Staff of the UNPROFOR in Sarajevo, was in constant communication with The Hague and Brussels and discussed the danger to the security zone and the need for NATO bombardment of the Serb forces. "Salon bombers" from Washington have continuously demanded the air strikes, unlike in

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<sup>1</sup> In November 2016 General Carlos Martins Branco published in Portugal his memoirs encompasses the period of his service in the Balkans it was entitled „A Guerra nos Balcãs, jihadismo, geopolítica e desinformação“/**War in the Balkans, Jihaadism, Geopolitics and Disinformation**<sup>1</sup> published by **Edições Colibri from Lisbon**. The following text was prepared by Mr. Stefan Karganovic, lawyer who established communication with the General Martins Branco and in a specific way passed his standpoints and excerpts of the study War in the Balkans.

<sup>2</sup> General Carlos Branco was a high UNPROFOR Deputy Chief Operations of UN military observers to Croatia and Bosnia and Herzegovina in Zagreb (1994-1996). 1996-1999.he was the Chief Intelligence EUFOR to Bosnia, Albania and Kosovo. He spent several years in Florence teaching at the European University Institute and preparing his doctoral dissertation. After that, in 2007 and 2008 he was attached by his government to NATO forces in Afghanistan in the capacity of media spokesperson for the Commander. From 2008 until recently, when he retired, General Martins Branco served as deputy director of the National Defense Institute of the Portuguese armed forces.

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the eyes of the European powers the US which did not have troops on the ground, were seen completely contrarily.

The events of July 1995 in Srebrenica have numerous theoretical considerations and assessments. Srebrenica, like some other Bosnian towns, has been proclaimed security zones, but these areas have never been restricted. In other words, nobody marked the legal boundaries of Srebrenica, nor did it define the demilitarization boundaries. The city was considered a security zone, but around it was the villages, forests and valleys that some did not consider part of the zone. This is because the UN did not have the right to intervene outside the zone, unless UN soldiers were attacked with a view to self-defense.

It is known that after the access into Srebrenica, General Ratko Mladic negotiated three times with the Dutch Commander Thomas Karremans, and with three delegates of civilians and Muslim refugees who were requesting evacuation of the population. Mladic asked Muslim soldiers to lay down their weapons within 24 hours and promised those in uniforms as well as those who committed war crimes, to be treated under the Geneva Convention if surrendering weapons. This did not happen because most of them rejected the hand of peace.

This was done because most of the Muslim soldiers had bloodied hands to Serbs victims between 1992 and 1995. Because of the fear of revenge but also of the expectation that they would be targeted by its extremists. On the night of July 10, Muslim soldiers decided not to surrender and start fleeing. According to a Dutch battalion report, a group of about 300 soldiers managed to escape.

On the night of July 11th and 12th, between 10,000 and 15,000 Muslim soldiers and armed civilians left Srebrenica escaping through the forests. Later Naser Oric stated that the line in the breakthrough was about 12,000 military-capable. More than 20,000 locals decided to move to Potocari, according to the UN Secretary General's Report, and by the Dutch Battalion, the majority were women, children, elderly and part of the military-capable people.

### **EVALUATION OF OF THE ACTIONS IN THE SREBRENICA BY THE MILITARY OBSERVERS**

United Nations field observers, including Dutch battalion officers, then statements by former deputy chief of UNO for control in Bosnia Carlos Martins Branco and UN High Commissioner for Human Rights Henry Vilenda clearly stated that there were no evidence of mass executions or the planning of genocide claimed by many international circles.

With a typically Latin emotional flair, refusing to remain silent as the «Srebrenica genocide narrative» was taking shape in the second half of the 1990s, Martins Branco published in 1998 an article provocatively entitled «Was Srebrenica a Hoax? Eyewitness Account of a Former UN Military Observer in Bosnia»<sup>3</sup> In that

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<sup>3</sup> [www.globalresearch.ca/was-srebrenica-a-hoax-eye-witness-account-of-a-former-united-nations-military-observer-in-bosnia/731](http://www.globalresearch.ca/was-srebrenica-a-hoax-eye-witness-account-of-a-former-united-nations-military-observer-in-bosnia/731)

early plunge into the toxic Srebrenica debate, Martins Branco ventured a number of critical questions concerning the notorious events in July 1995:

“One may agree or disagree with my political analysis, but one really ought to read the account of how Srebrenica fell, who are the victims whose bodies have been found so far, and why the author believes that the Serbs wanted to conquer Srebrenica and make the Bosnian Muslims flee, rather than having any intentions of butchering them. The comparison Srebrenica vs. Krajina, as well as the related media reaction by the ‘free press’ in the West, is also rather instructive”.

After serving in the 90s in the Balkans, Martins Branco several years in Florence teaching at the European University Institute. After that, in 2007 and 2008 he was attached by his government to NATO forces in Afghanistan in the capacity of media spokesperson for the Commander. From 2008 until recently, when he retired, General Martins Branco served as deputy director of the National Defense Institute of the Portuguese armed forces.

This impressive background, to which we may add the duty of head of the Intelligence Affairs Section of EUFOR for Bosnia, Albania, and Kosovo from 1996 to 1999, bespeaks an elite and highly trained staff officer, with first-class intelligence capabilities and powers of observation.

Not very long ago, General Martins Branco’s memoirs were published in Portugal. That volume was entitled «A Guerra nos Balcãs, jihadismo, geopolítica e desinformação» [War in the Balkans, Jihadism, Geopolitics, and Disinformation], and was published by Edições Colibri in Lisbon in a very professional and documented way highlights the events in and around Srebrenica.<sup>4</sup>

Already in his introduction to the chapters of his memoirs that deal with Srebrenica, Martins Branco questions the coherence of the prevalent view that it constituted genocide:

«General Ratko Mladic had made it known that he was leaving open a corridor for withdrawal toward Tuzla. With Mladic’s approval, about 6.000 persons took advantage of that opportunity. In a report by the Dutch Foreign Ministry it is noted that, according to UN sources, by August 4 a total of 35.632 displaced persons had made it to Tuzla, of whom between 800 and 1.000 were members of Bosnia and Herzegovina armed forces. Out of that total, 17.500 had been evacuated by bus».<sup>5</sup>

The Portuguese general then continues: «Srebrenica was portrayed – and continues to be – as a premeditated massacre of innocent Muslim civilians. As a genocide! But was it really so? A more careful and informed assessment of those events leads me to doubt it».<sup>6</sup>

Martins Branco goes on to raise some pointed questions, and he does so purely in the capacity of a professional soldier: «There are various estimates of the relative strength of forces involved in the Srebrenica battle. On the Serbian side, at most

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<sup>4</sup> A Guerra nos Balcãs, *Dihadismo, geopolítica e desinformação* [War in the Balkans, Jihadism, Geopolitics, and Disinformation] Edições Colibri 2016.

<sup>5</sup> Ibid, pp. 195.

<sup>6</sup> Ibid, pp. 196.

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3.000 fighters could have taken part. The number of armored vehicles is more difficult to determine, as stated at the beginning of this chapter. According to field reports, however, not more than six such vehicles were in motion at any given time. Though we lack reliable information about troop strength on the Muslim side, it is entirely probable that they numbered a minimum of 4.000 armed men, counting together Army of Bosnia and Herzegovina soldiers and members of the paramilitaries. According to some sources, they numbered up to 6.000. But for the purposes of this analysis, we will consider the 4.000 figure as credible». <sup>7</sup>

Martins Branco goes on to raise some pointed questions regarding the territory and he does so purely in the capacity of a professional soldier:

«The topographical features of the terrain around Srebrenica, and Eastern Bosnia as a whole, are extremely rugged and hilly. Crags, thickly forested areas, and deep ravines impede the movement of military vehicles while facilitating infantry operations. In relation to ground features, which beyond any doubt favor defenders, the numerical relationship of forces on the opposing sides suggests that Bosnian army troops had at their disposal more than sufficient manpower to put up a defense. They, however, failed to do that. Taking into account the numerical ratio of attackers to defenders, as we were taught at the military academy, for the attack to have any chance of success the number of attackers would have to exceed that of the defenders by a factor of at least three. In the case at hand, that ratio was more than advantageous to the defenders (4.000 defenders versus 3.000 attackers). In addition, the defenders had the additional benefit of knowing the landscape». <sup>8</sup> (Page 196)

Martins Branco then asks one of the key Srebrenica questions:

«Given that military advantage favored the defense, why did the Bosnian army fail to put up any resistance to Serbian forces? Why did the command of the 28th Division of the Bosnian army – acting apparently contrary to its interest – fail to establish a defense line, as at other times it knew well how to do, as for instance during the April 1993 crisis? Why did Muslim forces in the enclave fail to act to regain control over their heavy weapons, which had been deposited in a local warehouse under UN's lock and key? Was it no more than an oversight?» <sup>9</sup>

### **FACTS ARE INTENSIVELY AND SISTEMATICALLY NEGLECTED**

As a supplement to these well-formulated questions, we may note that already on July 6, as the Serb attack was commencing, the Dutch battalion command in Srebrenica let it be known to the 28th Division that it was free to retrieve its warehoused heavy armaments, if it so wished. That fact was revealed in the Dutch battalion «Debriefing», which came out in October of 1995. <sup>10</sup> However, Muslim forces in Srebrenica inexplicably ignored this invitation, thus reinforcing the

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<sup>7</sup> Ibid, pp 197.

<sup>8</sup> Ibid, pp. 196.

<sup>9</sup> Ibid, pp 197.

<sup>10</sup> Report Based on the Debriefing on Srebrenica, Assen 4 October 1995, p. 22.

impression that – for political or other reasons – they lacked the purpose of militarily resisting the Serbian attack.

Which leads the author to the following reflections: «Twenty years later, we still lack satisfactory answers to questions that seem crucial, assuming that we are seeking to find out what exactly happened. The passivity and absence of a military reaction on the part of Muslim forces in the enclave is in stark contrast to their offensive behavior during the preceding two years, which was manifested in the form of systematic slaughter of Serbian civilians in the villages surrounding Srebrenica».<sup>11</sup>

The author then discloses an intriguing detail that was previously unknown even to this reviewer:

«Ramiz Bećirević [commander of the 28th Division in Srebrenica in July 1995 in Naser Orić's absence] initially issued an order for the heavy weapons to be collected. However, he cancelled it shortly thereafter, explaining that he had received a countermanding order. Who was the source of that order, and for what reason was it given? For the record, let it be noted that in the morning of July 6, as the Serbian attack was starting, acting on his own responsibility, the Dutch bat commander informed the leadership of the Bosnian army that the Serbs had 'trespassed' the enclave's boundaries and that the UN would not be object should they come to retrieve their heavy weaponry that had been deposited in a local warehouse».<sup>12</sup>

Pressing further his point about the enigmatic dissipation of the will to resist within the Srebrenica enclave, Martins Branco points out that Naser Orić, «the charismatic leader who very likely would have acted differently», was withdrawn from the enclave in April of 1995, never to return. He therefore goes on to ask some common-sense questions: «Was [Orić's] return prevented by the Second Corps of the Bosnian army, of which 28th Division was part? What could have been the reasons for that? We still lack convincing answers to these questions».<sup>13</sup>

«On the other hand», the Portuguese author continues with his detailed analysis of the suspicious train of events, «officials of the local the Party of Democratic Action that was in charge in Sarajevo, not only refused, citing strange reasons, to assist UN forces in evacuating Srebrenica, which is to say their own population and refugees from the surrounding villages who had taken shelter in the town, but they went even further by preventing them from fleeing in the direction of Potocari.

Instead, they submitted to the commander of B Company [of the Dutch bat] a long list of demands, the fulfillment of which was insisted upon as the condition for their cooperation. The nature of these demands suggested the existence of a carefully elaborated advance plan which, however, did not mesh with the conditions that actually prevailed on the ground at that particular moment.

At that point, there were only two issues which were paramount in the municipal president's eyes: one, the demand to the Military Observers on July 10 to disseminate

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<sup>11</sup> Ibid, 00. 196.

<sup>12</sup> Ibid, pp. 197.

<sup>13</sup> Ibid, pp. 198.

to the outside world a *report alleging the use of chemical weapons by Serbian forces, although that was not true; secondly, to publicly accuse the international media of spreading misinformation that Muslim forces were offering armed resistance, with an additional demand to the UN to also issue an official denial to that effect*. According to him, Bosnian soldiers neither used heavy weapons, nor were they prepared to ever do so. At the same time, he complained about the lack of foodstuffs and the dismal humanitarian situation. The outline of an official narrative was becoming perceptible and it consisted of two messages: the absence of any military resistance and lack of food». <sup>14</sup>

To put it in plain English, this elite NATO officer with excellent powers of observation and acumen for critical analysis «smelled a rat» and he did so right from the beginning of the game. He does not say it outright in his memoirs, but it is strongly suggested that these doubts about the authenticity of the official Srebrenica narrative were proliferating in his mind in real time, as field reports accumulated on his desk in Zagreb.

Martins Branco then pops the logical question or, rather, he points his finger at one of the key incoherencies of the official account of Srebrenica events:

«A question mark could also be put over the complete absence of a military response of any kind by the Second Corps of the Bosnian army, whose zone of responsibility encompassed northeastern Bosnia, including Tuzla (where its headquarters was located), as well as Doboj, Bijeljina, Srebrenica, Žepa, and Zvornik. Bosnian army intelligence agencies, whose ear was constantly fixed on Serbian signal communications, were perfectly aware of the impending offensive operation. In spite of not at all being in the dark concerning the Serbs' intention to attack, the Second Corps of the Bosnian army did not make the slightest move to weaken the Serbs' pressure upon the enclave.

It was a known fact that the Drina Corps, the Serbian army unit in whose zone of responsibility Srebrenica was located, was exhausted and that the attack on Srebrenica was made feasible only by scraping together forces withdrawn from other segments of the front, which naturally left in its wake many vulnerable points. Why didn't the Second Corps undertake an attack along the entire front line with the Drina Corps, not merely in order to relieve the pressure on Srebrenica but also to exploit the Serbian forces' temporary vulnerabilities in order to seize territory in areas that were left unprotected? Following the passage of twenty years, we still do not have the answer to this more than coherent and reasonable question». <sup>15</sup> These are just some of the more important reasons leading a professional soldier to be skeptical of the general framework of the accepted Srebrenica narrative. They went on to raise even more troubling questions.

In contrast to the fanciful tales of a bevy of dubious «experts», false witnesses, and outright propagandists, General Martins Branco reports facts as they were observed or collected by intelligence and other sources in the field. That information

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<sup>14</sup> Ibid, pp-198.

<sup>15</sup> Ibid, pp 198-199.

made its way through official channels to his desk in Zagreb, where the headquarters of the UN Observer Mission was located. Martins Branco's facts and conclusions are therefore hardly susceptible to off-hand dismissal. Excerpts cited below are on pages 201 – 206 of his memoirs.

We will begin with the general's conclusion challenging the received wisdom that Srebrenica was genocide and then work our way back from there: «Had they entertained the specific intent to commit genocide, the Serbs would have blocked the enclave from all sides so that nobody could have managed to escape. Instead, they attacked from two directions, southeast and east, where they concentrated their assault forces, leaving open corridors for withdrawal toward the north and west (...) or would they have planned the transportation of seventeen thousand women, children, and elderly, as occurred on July 12 and 13, which made it possible for about half the displaced persons to reach Federation territory. A great number of Srebrenica residents, who did manage to flee, found refuge in Serbia where they spent several years without being bothered by anyone. For the assertion of genocide to hold, it was necessary to conceal some inconvenient facts which were liable to compromise it».

### **THERE WAS NO GENOCIDE IN SREBRENICA**

Martins Branco does not deny that «the attack on Srebrenica resulted in many deaths». He notes, however, that «even after twenty years no one has managed to determine their number». Actually, the Hague Tribunal has been attempting to make that determination but as a result of its lackadaisical efforts we now have, in various verdicts, five drastically varying figures the highest and the lowest separated by a gap of about 4.000, all presumably reflecting the judicially ascertained number of executed victims.

As «Srebrenica Historical Project» has been arguing for years, Martins Branco also points out the very significant fact of the heterogeneity of the causes of death among the exhumed Srebrenica-related human remains. The author describes the forensic situation as follows:

*«The causes of the deaths which occurred during and after military operations were various: combat between the two armies facing each other; combat between the Serbian forces and militants taking flight, who were joined by civilians; internecine warfare among fighters of the Bosnian army; and lastly executions of war prisoners».*

As for the antecedents of the «magic figure of 8.000 missing (that was an initial Red Cross estimate) which ultimately morphed into an unchallengeable truth», the author says that at a certain point it became a «fact which it was forbidden to question, even before any proof was forthcoming». And he continues: *«Woe unto him who would dare to challenge that incontrovertible truth. He will immediately be excommunicated and labeled a 'genocide denier.' The fact that 3.000 persons who had been declared missing found their way onto the voting rolls in the September 1996 elections had no impact whatsoever on the incessant repetition of the narrative about 8.000 dead. The media never expressed the slightest curiosity in the face of*

## THERE WAS NO GENOCIDE IN SREBRENICA

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*this and a number of other obvious incoherencies. It was easier to keep relentlessly repeating the genocide theory, which the mass media eagerly promoted. But regardless of the stubborn reassertion of that 'truth' it is worth recalling that between a media sound bite and a historical fact there continues to be a huge gap».*

«How many prisoners were shot, and how many were killed in battle? », General Martins Branco raises one of the key questions. «We are quite far from having the answers, and I would say that we will have a difficult time ever finding them. It is much easier – and simpler – to talk about genocide» which is not relevant.

The Portuguese officer nevertheless ventures to make some estimates of the possible number of war crime victims in Srebrenica in July of 1995: «The execution by Serbian forces in Srebrenica and the environs of a considerable number of Muslim males – well informed sources cite the figure of 2.000 – among whom the majority was soldiers, was undoubtedly a war crime».

The number mentioned by Martins Branco is significant for a number of independent reasons. Firstly, because the same number of execution victims – 2.000 – is cited by another, no less respectable intelligence source, John Schindler, a high-ranking US intelligence officer who was stationed in Sarajevo contemporaneously with the Srebrenica events. Schindler's assessment, made from his Sarajevo vantage point, is completely congruent with Martins Branco's coming out of Zagreb. It was articulated in Ole Flyum's documentary «Srebrenica: A Town Betrayed».<sup>16</sup> Both assessments match available forensic data to a T. And it should be borne in mind that when things are rather muddled, as they are with Srebrenica, a synthesis of intelligence data deriving from various trustworthy sources should always be paid close attention. It often presents an overall picture that is far more reliable than the reports of isolated individuals, whose field of vision is often limited and who frequently are not even objective.

«However», our author continues, «that was not an act of genocide, as is asserted in many places, mainly by the Tribunal at The Hague, in the form of a political argument». As a civilized person he, of course, entirely agrees that «taking justice into one's own hands, which is culturally characteristic not just of Serbs but of other communities of the Former Yugoslavia as well, does not justify or mitigate the gravity of the committed act. That was, beyond doubt, a violation of the Geneva Convention».

His main point, nevertheless, would seem to be that things definitively ought to be called by their proper name: «Terrible war crimes must be punished. Yet these criminal acts cannot and should not be confused with genocide. When war crimes, such as the execution of hundreds of military age males, are conflated with genocide, where it is necessary to establish the intent to systematically eradicate members of an ethnic community that sends a very frivolous signal. That is particularly evident if we bear in mind the fact that the party committing the crime had made available the means to transport seventeen thousand displaced persons, which is about fifty percent of the entire displaced population».

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<sup>16</sup> <https://www.youtube.com/watch?v=MnALEecbZ-k>

Martins Branco then turns his attention to another notable «incoherence» in the Srebrenica affair, which is that the «Tribunal has so far condemned but a single direct perpetrator» (in a footnote he clarifies that the reference is to Drazen Erdemovic, a perpetrator defendant-turned-prosecution-witness who was initially rewarded with a laughably insignificant three year sentence for signing a plea bargain agreement, followed by numerous benefits in return for his mechanically repeated and highly disputed testimony).<sup>17</sup> The Portuguese author stresses that «no one else was ever put in the dock for executing prisoners of war but, rather, based on ‘command responsibility’ or participation in a Joint Criminal Enterprise, which is the Tribunal’s favored doctrine but the application of which in such a conflict situation is highly problematic. How is it possible to claim genocide if, after twenty years, the Tribunal is incapable of determining the number of victims, the cause of death, and who killed them? »

### **INSTEAD OF THE CONCLUSION**

All these are eminently logical and correct questions. Martins Branco should perhaps also be given credit for this equally astute observation: «The Tribunal has forgotten to concern itself with crimes committed around Srebrenica between 1992 and 1995 where the victims were Serbs, resulting in the murder of almost two thousand persons (males, females, children, and elderly), in some cases after acts of torture and other atrocities. For the most part this has been carefully documented, and the identity of the perpetrators is known (...) As Richard Holbrooke admitted in his book, ‘the Tribunal had always been a valuable political instrument of US policy».<sup>18</sup> Quite so, indeed.

And when talking about genocide, Martins Branco is not shy to draw a sharp contrast between the situation in Srebrenica in July of 1995 and what transpired in relatively close proximity barely a month later, in August, as Croatian armed forces went into attack mode:

«What happened in Srebrenica cannot and should not be equated to what happened a month later in the Krajina, where the Croatian army conducted an operation of systematic murder of the Serbian population which did not manage to find any shelter, sparing no one. Men, women, children, the elderly – all without difference was subjected to the same atrocities, and things even worse. That operation was planned down to the last detail and was amply documented. The orders were issued by Tudjman to his generals, at a meeting in Brioni on July 31, 1995, on the eve of Operation Storm. The Tribunal never considered the events in Krajina as a possible genocide. Western media kept a careful distance from those events. Their silence was complicit and deafening».

General Carlos Martins Branco’s reflections about Srebrenica are a valuable piece of the mosaic, supplementing and improving our understanding of events. His

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<sup>17</sup> Erdemović’s account was meticulously picked apart by Bulgarian journalist Zerminal Civikov in *Srebrenica. Der Kronzeuge*, Edition Brennpunkt, Osteuropa, 2009.

<sup>18</sup> Holbrooke, Richard: *To End a War* [Penguin-Random House, 1999], p. 190.

book is much more than the notes of a strategically positioned foreign observer. It is, in a certain sense, a coming to terms with the politically obscured reality of the matter by institutions which the author – willingly and consciously, or not – personifies. In considerable measure, it furnishes answers to such important questions as «what did they know and when did they find out». The clear subtext of Martins Branco's memoir is that the author and the actors above and below him had the capability to follow events in real time, that they pretty much knew who was doing what and to whom, and that on a deeper analytical level they have no illusions – not to speak of dilemmas – about the real nature and background of Srebrenica. After reading «War in the Balkans – Jihadism, Geopolitics, and Disinformation», it is difficult to imagine that the proverbial «powers that be» are in the dark about the cynical political agenda which Srebrenica has come to serve.

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## OBSTACLES AND CHALLENGES TO RESTORATIVE JUSTICE IN BOSNIA AND HERZEGOVINA AFTER THE CIVIL WAR

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**Abstract:** Genocide is, according to the international documents, intentionally and systematically destruction of a nation on a racial, religious or political basis. Crimes under international law constitute a term pertaining to crimes committed against an individual and crimes against people or an ethnic group. In general, the crime relates to a politically or ethnically motivated killing of civilians in conflicts. Some authors consider that in the civil wars the individuals not political entities (states ...) may be held liable for crimes that indicates that the Genocide Convention has been interpreted in such a way that parts of the state can file an indictment for genocide against another part of the same state.

International Criminal Tribunal for Former Yugoslavia was established in 1993 by the decision of the Security Council making it illegitimate for the prosecution of crimes against humanity committed during the wars 1991-2001 on the Balkans. It seems that when assessing the ICTY's sentences, it was combined with judicial attribution bias and important "aggravating" or "mitigating" circumstances, when it became apparent that the Serbs would bear the label of the evil criminals and the Bosniaks were assigned the role of the victims and for the Croats „, would turn the blind eye on them".

Restorative social justice can be achieved if the past is correctly displayed in an adequate way and placed in the appropriate geo-historical-political perspective (s). Only then the animosity and distrust that snuff out the society for a long time could be solved. The existing label "victim" and "perpetrator" must be neutralized in order to achieve reconciliation.

**Keywords:** *Civil war, wars in the Balkans, genocide, crime, International Tribunal, restorative social justice, peace and reconciliation*

**Crimes Against Humanity:** A form of genocide that occurs during wartime.  
**Cultural Genocide:** The systematic destruction of an ethnic group's language, religion, customs and other elements of their cultural heritage. This is illustrated by the long-held practice during the 1800s and 1900s, in the United States and Canada, of forcing Native American children to attend boarding schools where their language and cultural practices were forbidden and punished  
**Ethnic Cleansing:** (euphemism for genocide) involves mass murder, forced expulsion and systematic rape in order to "cleanse" the lineage of a geo-political region.  
**Holocaust:** The genocide of European Jews and others (Roma, mentally defective...) by the Nazi during World

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War II; a massive slaughter; a sacrificial offering that is consumed entirely by flames (American Heritage Dictionary). Massacre: The act or an instance of killing a large number of humans indiscriminately and cruelly.<sup>2</sup>

A type of atrocity. Eugenics: The practice of hereditary improvement of the human race by controlled selective breeding. Also a component of conflicts used to justify the mass rape of so-called “inferior” women during conflicts. While these practices have a long history in the geo-politics of human existence, the term genocide has only been part of the judicial lexicon since the end of the Second World War. Raphael Lemkin, of Polish/ Jewish descent, is credited with coining the term “genocide” in 1944 in his work on the German practices of ethnic cleansing in Nazi-occupied Europe during the Second World War, notably the Holocaust, leading the way for its use in the post-war trials conducted by the International Tribunals – the Nuremberg Trials and the International Military Tribunal for the Far East (IMTFE). While genocide played a role in these trials it was not until December 1948.<sup>3</sup>

### **HOLOKAUST, GENOCIDE AND CRIMES**

United Nations General Assembly adopted a concise legal definition of genocide, doing so with the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG). The CPPCG (Resolution 260 (III)) became effective on January 12, 1951 establishing an internationally recognized legal definition of genocide, one recognized by many nations as well as the International Criminal Court.<sup>4</sup> In a nut shell, the CPPCG defines genocide as acts committed with the intent to destroy, in whole or part, a national, ethnic, racial or religious group by such means as: (1) killing members of the group; (2) causing serious bodily or mental harm to members of the group; (3) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or part; (4) imposing measures intended to prevent births within the group; and/or (5) forcibly transferring children of the group to another group.

Once genocide was recognized by the United Nations via the 1948 Genocide Convention, the legal arm for prosecuting crimes of genocide became the International Court of Justice (ICJ). Genocide was seen as a crime perpetrated by individuals and that states were required to prevent genocide and punish it. This became clear when the International Military Tribunal for the Far East (IMTFE) convicted General Iwane Matsui in 1948 for his command of Japanese troops in Nanking China in 1937. The IMTFE rejected his alibi that he issued orders not to rape and plunder with little effect among his commanders and troops. Matsui was prosecuted even though he retired in 1938 and has little to do with World War II. He was hanged on December 23, 1948 at age 70 along with six others including Hideki Tojo. While the United States played a major role in the international trials of the Nazi and Japanese following World War II it was the last of the Five Permanent

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<sup>2</sup> Laurence Armand French, “Genocide” *The Encyclopedia of Criminology and Criminal Justice*, 1st Edition, Jay S. Albanese, editor: Wiley Blackwell Publishers (2014): pg. 1–5.

<sup>3</sup> Raphael Lemkin, of Polish/ Jewish descent, is credited with coining the term “genocide”.

<sup>4</sup> French, L.A. (2014). Vol. XXIV (3), 1–13.

Members of the UN Security Council to ratify the Genocide Convention of 1951 (CPPCG), doing so in 1988 with the conditions that the United States would not be subject to the jurisdiction of the International Court of Justice and that US laws would take precedence over those of the CPPCG. The reluctance of the United States to ratify the CPPCG effectively delayed international adjudication of genocide for over forty years - until the 1990s.

In the mid-1990s the United States again played a significant role in the International Criminal Tribunal for the former Yugoslavia (ICTY) providing money and personnel for this ad hoc application of the ICJ. The United States, as the major architect of the 1995 Dayton Peace Accord that settled the Bosnian aspect of the Balkan conflict, allowed for the adjudication of “serious violators of international law” (amnesty exception clause) setting the stage for the ICTY trials at The Hague. Nonetheless, the United States has a mixed record for supporting the International Criminal Court. (ICC) President Clinton provided US support for the ICC in 2000 only to have President G.W. Bush withdraw US support in 2002. The idea of holding individual accountable instead of political entities (Nations; States...) was a condition of the Soviet Union and other countries where large segments of their society were lost in civil wars. Even then, the Genocide Convention was interpreted so as to allow segments of a State/Nation to bring genocide charges against other segments of their society. The idea of holding a society, instead of individuals, accountable for genocide was not tested until the Balkan Wars of 1991-2001 when the Federation of Bosnia-Herzegovina sued Yugoslavia (then Serbia and Montenegro) for failing to prevent and punish genocide during the Balkan conflict, notably ethnic cleansing. The International Court of Justice (ICJ) in 1996 decided that they could; in fact, address this issue within the guidelines of the Genocide Convention.

This suit followed the end of the Bosnian portion of the Balkan conflict that was settled in December 1995 with the Dayton Accord. However, the Dayton Accord resulted in the division of Bosnia-Herzegovina into two major entities – the Muslim/Croat dominated Federation of Bosnia-Herzegovina (FBiH) comprising 51% of the country and the Bosnian Serb section, the Republic of Srpska (RS) making up the remaining 49% of the country. The suit before the special ICJ, the International Criminal Tribunal for the Former Yugoslavia (ICTY), was brought by the FBiH and not supported by the RS half of Bosnia-Herzegovina. In its 2007 judgment the Court held that Yugoslavia’s acts in 1992-1993 did not reflect genocide. The Court, however, did find that military and political leaders of the Bosnian Serbs were responsible for the Srebrenica massacre of 1995, where some 7 to 8 thousand men and boys were summarily killed by Bosnian Serb forces.

Their conclusion was based on the fact that the majority of the Bosnian Muslims at Srebrenica (women, children, elderly) were not physically destroyed but rather forcibly removed. This act, while part of a process of ethnic cleansing, did not meet the current definition of genocide per se. Daniel Greenfield (2008) noted that there is a difference between “complicity” in genocide versus “aiding and abetting” genocide. He noted that a person involved in facilitating the commission of genocide

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differs from someone whose rhetoric may be complicit in genocide while this individual may not have been actually involved hence leading to the issue of influence and personal responsibility for the acts of others. Clearly, the term genocide is an emotionally, if not inflammatory, charged term and that any group associated with genocide carries this stigma. The International Court realizes this and hence helps explain the seemingly tedious process before the International Court and its attempt toward a balanced outcome. A factor in the ICTY that all sides in the Balkan conflict of 1991-2001 were involved in varying degrees of ethnic cleansing including the incarceration, rape and murder of its avowed enemies hence making it difficult to single out the Serbs. A major problem with condemning an entire society for crimes against humanity is that it then allows the entire society to be demonized hence obstructing and prolonging any hopes for reconciliation.

Western cultures learned of the hazards of condemning entire societies from the failures associated with reparations following World War I; mistakes not repeated following the unconditional surrenders of the Axis Powers following World War II. Clearly, to many legal scholars, the FBiH's attempt to have Serbia (and Republic of Srpska by association) condemned for genocide was the prelude to their efforts to then bring civil proceedings in the World Court allowing for substantial war reparations (and a de facto stigma as a major aggressor in the Balkan Wars); a process that would devastate the struggling war-torn economy of not only Serbia, but the entire former Yugoslavia.

### **INTERNATIONAL CRIMINAL TRIBUNALS YUGOSLAVIA**

The ICTY was the first ad hoc international tribunal established by the UN Security Council since the Nuremberg and Tokyo tribunals following World War II. The ICTY was created in 1993 with jurisdiction over crimes against humanity that occurred during the Balkan Wars from 1991 to 2001. The ICTY was established at The Hague in the Netherlands. The ICTR was created in November 1994 in order to adjudicate acts against civilians in Rwanda that occurred during the period between January 1st and December 31st, 1994. The ICTR is convened in Arusha, Tanzania. Both the ICTY and the ICTR are empowered to adjudicate war crimes including crimes against humanity and genocide. Indeed, the ICTR had the first genocide conviction with Jean-Paul Akayesu who has received a life sentence. The death penalty is no longer an option within the ICJ, a departure from the Nuremberg and Tokyo tribunals following World War II. Both ad hoc International Criminal Tribunals continue to adjudicate leading figures in both Rwanda and the former Yugoslavia. Nonetheless, Western societies seem more interested in the ICTY proceedings mainly because the Balkan Wars of 1991-2001 represents the most serious European conflict since World War II. Moreover, there is a strong incentive for resolution of charges of atrocities and genocide among the breakaway states of the former Yugoslavia so that they can gain admission to the European Union. The last major figure under indictment by the ICTY, Goran Hadzic, was arrested in Serbia in July 2011 and turned over to The Hague. Hadzic was the leader of the Croatian Serbs during the Balkan Wars. His arrest follows the recent arrest of Ratko Mladic, the military leader of the Bosnian Serbs who is linked to the 1995 massacre

at Srebrenica. Radovan Karadzic, the leader of the Bosnian Serbs was also found and arrested in Serbia and turned over to The Hague in July 2008.

The ICTY convicted two Croat generals, Ante Gotovina and Mladen Markac, while acquitting Ivan Cermak, of charges of crimes against humanity and violations of the laws or customs of war committed by Croatian forces during the US-backed Operation Storm directed Orthodox Serbs between July and September 1995.<sup>5</sup> Karadzic, Mladic and Hadzic were the last major defendants being tried as of August 2011. The most notorious ICTY defendant before The Hague was Slobodan Milosevic, President of the Federal Republic of Yugoslavia. Charged with crimes against humanity and genocide, he died before his trial ended. In fact, all the leading political and military leaders of the warring nationalistic sectarian factions, the Catholic Croats, Orthodox Serbs, Muslim Bosniaks and Kosovo Albanians, were indicted by ICTY. Franco Tudman, political leader of Croatia and Alija Izetbegovic the Bosniak leader of the Rederation of Bosnia-Herzegovina and Rasim Delic, military leader of the Bosniaks all died during the ICTY process or during their appeals.

Now that both the ICTY and the ICTR have delegated criminal investigative authority to newly established state courts, Serbia has leveled charges against Ramush Haradinaj, the current leader of Kosovo and former head of the Kosovo Liberation Army (KLA) which is linked to crimes against humanity including the harvesting and sale of body parts taken from their victims. Ejup Ganic, former Bosniak Vice-President, and Acting President of the Republic of Bosnia-Herzegovina (R BiH) is also under indictment by Serbian courts and charged with the killing of unarmed Yugoslavian soldiers leaving Sarajevo under truce. Public apologies for Balkan War atrocities have been sent by both Serbia and Croatia in attempts to meet conditions for reconciliation and eventual EU membership. In March 2010 the Serbian parliament passed a resolution condemning the 1995 Srebrenica massacre in conjunction of the International Court of Justice ruling.. Nonetheless, the Federation of Bosnia-Herzegovina has rejected this apology because it does not admit that Srebrenica was an act of genocide. In April 2010, Croatian President, Ivo Josipovic publically apologized to Bosnia for his country's role in the Balkan Wars. A month later, Serbian President, Boris Tadic publically apologized to the people of Croatia for the Serbs role in the Balkan Wars. Border disputes between Serbia and Kosovo continue into August 2011 with the potential for further flare-ups and continued adjudication for crimes against humanity either before the ICTY or the designated state courts established in Bosnia-Herzegovina and Serbia.

## **WAR IN BOSNIA AND HERZEGOVINA AND IMPLICATIONS ON LAW AND JUSTICE**

The chronology of events leading to the unraveling of Yugoslavia began in 1990 at the 14th Congress of the Communist Party with Slovenia and Croatia delegates

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<sup>5</sup> French, L.A., (2018) *Building model of restorative social justice in Bosnia and Herzegovina*, University of Banja Luka, Faculty of Security Sciences.

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leaving in protest. Then on June 25, 1991, Slovenia, after voting the Communists out of office, began the secession process resulting in their *Ten-Day War*. Their neighbors to the south, Croatia, also declared their independence from Yugoslavia. The standoff between the Yugoslav People's Army (JNA) and the Slovenian police and territorial defense resulted in several dozen deaths but no major battles. A tentative peace was established on July 9, 1991 and Milosevic withdrew the JNA from Slovenia on October 26, 1991. This minor scrimmage fueled the ultra-nationalism that fanned the flames of the ensuing Third Balkan War. The main battle leading to a full-fledged war was associated with Croatia's bid for independence. The problem here was that Franco Tudman, on December 22, 1990, got the Croatian parliament, to adopt a new constitution that eliminated the protective elements of the 1965 and 1974 Yugoslav Constitution that provided equal treatment for Serbian enclaves residing within Croatia. This action gave superior status to Croatian Catholics while discriminating against the indigenous Serb minority. This action led the Serbs in the Krajina (Military Frontier) region to demand its own independence within an independent Croatia. Serbs lived for generations in the Krajina region, brought there by the Austrian-Hungarian Empire in the mid-16th century to serve as a buffer against the Ottoman Empire. Indeed, the Serbs in this region constituted about 12 percent of the Croatian population at the time of its declaration of independence in 1991.

The ensuing Croatian civil war pitted Tudman's ultra-nationalists against the *Serbian Autonomous Oblast of Krajina* (SAO) which now proclaimed themselves the *Republic of Serbian Krajina* (RSK). When this element of the Balkan War ended in 1995, tens-of-thousands of indigenous Croatian Serbs were forced into exile, mainly into Serbia, while those who remained were subjected to torture and murder. Likewise, the RSK attempted to cleanse its territory (a third of Croatia) of Croatian Catholics also resulting in mass displacements of people, the murder of civilians and the destruction of cultural artifacts. This action resulted in the introduction of the *United Nations Protection Force* (UNPROFOR) into the Balkan War and the establishment of *United Nations Protected Areas* (UNPAs).<sup>6</sup> In 1991, Macedonia also declared its independence with little resistance from its parent – the Federal Republic of Yugoslavia.

The second major battle front in the 3rd Balkan War erupted when Bosnia-Herzegovina (BiH) declared its independence in April 1992. This conflict involved all three sectarian groups with extreme violence initiated by all parties – much of it directed toward civilians. Initially the fighting involved the Bosnian Serbs and the Bosniaks whereby the indigenous Serbs feared a Bosnia ruled by Islamic Slavs and a situation where they would again be labeled as second-class citizens. In 1993 the conflict now included Bosnian Croats, supported by Croatia, battling the Bosniaks. Some of the heaviest fighting in this theater was in the Herzegovina section of Bosnia. As early as March 1991, the ultranationalist leaders of Serbia (Slobodan Milosevic, also the leader of what remained of the Federal Republic of Yugoslavia) and Croatia (Franjo Tudman) conspired to partition BiH between their respective

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<sup>6</sup> Ibid.

countries. This was known as the Karadordevo Agreement which essentially promoted both a *Greater Croatia* and a *Greater Serbia* out of the remaining Yugoslavia<sup>7</sup>.

The United Nations Security Council, in anticipation of growing conflicts in the region, passed Resolution 713 imposing an arms embargo throughout the former Yugoslavia. Tudman's ultra-nationalist party, the Croatian Democratic Union (HDZ) attempted to do the same thing in Bosnia-Herzegovina that the Croat Serbs attempted in Krajina – taking over a segment of BiH and naming it the *Croatian Republic of Herzeg-Bosnia*. This action occurred on November 18, 1991, when the HDZ branch leaders in Bosnia-Herzegovina declared their independence. In a similar fashion, the Bosnian Serbs, on October 24, 1991, abandoned the tri-ethnic coalition that governed BiH since 1990, creating their own Assembly of the Serb People of Bosnia and Herzegovina. On January 9, 1992, the assembly established the Serbian Republic of Bosnian and Herzegovina which late was changed to the *Republika Srpska*<sup>8</sup> in August 1992. After that, the killing of the Serbian wedding guest occurred, which triggered the war. The stage was now set for the battle of Bosnia-Herzegovina, a conflict that engulfed the entire country until late December 1995 with the signing of the Dayton Accord.

### **CHALLENGES ON THE PEACEFUL CONFLICT**

There was the possibility for peace with the Cutileiro-Carrington Plan (Lisbon Agreement) forged by the European Economic Community (EEC) on March 18, 1992. This agreement proposed ethnic power-sharing at all administrative levels but with respective communities defined according to their sectarian majority – Bosniak, Bosnian Croat, Bosnian Serb. But apparently under pressure from the United States, the leader of the Bosnian Muslims (Bosniaks), Alija Izetbegovic, withdrew his signature and support for the agreement ten days later setting the stage for the horrific battles that ensued. A second plan was devised in 1993 BiH by Cyrus Vance (USA) and Robert Owen (UK) in an attempt to cantonized BiH. This plan was also rejected. Later in 1993, a third plan was devised, (Owen-Stoltenberg plan) that would divide BiH into two units, again rejected by the Bosniac leaders. And fourth plan developed by the Contact Group was rejected by the Bosnian Serbs leadership.

Hence, the Dayton Peace Agreement became the fifth peace plan, one that divided BiH into two major entities as well as a protected enclave (Brcko District).

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<sup>7</sup> We wish to imply that there is no relevant evidence or proof confirming this argument. The narrative about the meeting in Karadjordjevo is all about an allegedly verbal statement coming from a person who accompanied two presidents. We know that the meeting took place, but there isn't any transcript of the meeting. The then advisor to the president Tudjman, Mr. Dusan Bilandzic, who attended the meeting, has published a book in which he wrote that two presidents had agreed to divide B-H, but except from his word, there is no other proof confirming his statement.

<sup>8</sup> Assembly of the Serb people of B-H was established on 24/10/1991 as a response to the outvoting of the Serb delegates in the Assembly of the Socialistic Republic of B-H (SR B-H) on 15/10/1991 over the withdrawal of representatives of SR B-H from the federal bodies of SFRJ. Then, on 10/11/1991 the referendum of the Serb people for the stay in SFRJ was organized, followed by the referendum for independence of B-H from SFRJ organized by the Muslims and Croats, without Serbs.

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It was signed by the three major forces, Bosnia-Herzegovina, Croatia, and the Federal Republic of Yugoslavia (Serbia & Montenegro). It was adopted on November 21, 1995. The new Constitution of BiH was adopted as Annex IV of the Dayton Accords. Accordingly, this new Constitution was ratified by international members (UN, EU, USA, France, UK, Germany, & Russia) basing it on international law rather than domestic laws.<sup>9</sup> The drawn-out international peace plans spurred horrific battles as each of the three components attempted to maximize their territory.

The U.S. Congress also attempted to override the UN arms embargo but these efforts were vetoed by President Bill Clinton. The embargo, although often breached through the porous mountainous borders, left the Yugoslav People's Army (JNA) with the bulk of heavy armaments including artillery and tanks.<sup>10</sup> The JNA leader, General Ratko Mladic, sided with the Bosnian Serbs and the Army of Republika Srpska (VRS). These forces were responsible for the 44-month siege of Sarajevo where even the UN Protective Forces had limited results other than keeping the airport open allowing for the basic essentials to sustain the besieged population. Another failure of the UNPROFOR was the protection of Srebrenica where it is estimated that some 8,000 Bosnian Muslim men and adult men were massacred from July 12-22, 1995 by the army led by Ratko Mladic.<sup>11</sup>

Interestingly, the forces defending Sarajevo during the siege, the Army of the Republic of Bosnia and Herzegovina (Armija RBiH; ARBiH) not only outnumbered the RS forces surrounding the city, but apparently comprised of all sectarian and ethnic groups residing in Sarajevo. The Croat-Bosniak War from June 19, 1992 until February 23, 1994 engulfed 30 percent of the country into a separate war. The purpose of this war was Croatian domination of central and eastern region of BiH known historically as Herzegovina. Again this conflict involved ethnic cleansing and atrocities against both combatants and civilians. Mostar, long considered the de facto capital of Herzegovina, was held under siege for nine months by Croat forces and the destruction of the targets for Croat aggression. It is widely understood that the United States favored both the Catholic Croats and Muslim Bosniaks over the Orthodox Serbs. Toward this end, the US began efforts for these two groups to settle their differences and form a coalition that would unite against the Serbian forces. Both warring parties signed the US-initiated peace agreement (the Washington Agreement) in March 1994 leading to the creation of the joint Bosniak-Croat Federation of Bosnia-Herzegovina (FBiH) with the population divided into ten cantons (seven predominately Muslim and three predominately Bosnian Croat).<sup>12</sup>

This time both Bosniaks and Bosnian Serbs became the. At the same time the USA was clandestinely using private military security forces, MPRI (Military

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<sup>9</sup> It is worth mentioning that two entities – RS and F B-H – signed all annexes to the Dayton agreement, including Annex 4, the Constitution of B-H.

<sup>10</sup> That today there are conflicting opinions about the number of casualties.

<sup>11</sup> In the Hague Verdict Radovan Karadzic says that crimes against Serbs in Podrinje in 1992 were the cause of the crime in Srebrenica.

<sup>12</sup> Frenčh, L.A. (2018) *Building model of restorative social justice in Bosnia and Herzegovina*, University of Banja Luka, Faculty of Security Sciences

Professional Resources, Inc.) to arm and train the Croatian Army in its fight against Serbian forces as well as smuggling arms to the ARBiH. These initiatives allowed the Croats to break the stalemate with Serbian forces in the summer of 1995 in two actions, Operation Flash and Operation Storm driving the Serbs out of most of Croatia. These actions were followed by Operation Maestral, a combined Croat/Bosniak effort to push back the Bosnian Serbs in BiH. This operation, along with the ensuring NATO bombing brought the combined Croat and FBiH troops to the outskirts of Banja Luka, the de facto capital of RS. The signing of the Dayton Peace Accords on December 14, 1995 effectively ended the fighting in both Croatia and Bosnia-Herzegovina resulting in the FBiH comprising of about 51 percent of the country and RS with 49 percent with Sarajevo separated into two segments with East Sarajevo belonging to RS.

Granted, the United States played a significant role in forging the Dayton Peace Accord, yet, the U.S. is seen by many as the party that allowed the war to rage in the first place by influencing Alija Izetbegovic to pull out of the March 1992 EU Lisbon Agreement. Ironically, the Dayton Accord came to reflect the same basic thesis as the Lisbon Accord but with the added ingredient of nearly four years of war laced with sectarian-led atrocities on all sides leaving a festering legacy of inter-group segregation and hate even to the present. In the final analysis, Bosnia-Herzegovina became divided along sectarian lines with seven Bosniak cantons and three Bosnian-Croat cantons comprising the Federation of Bosnia-Herzegovina (FBiH) and 51 percent of the land while the Bosnian Serbs ended up with their own territory- the Republika Srpska (RS) and 49 percent of the country. A third internationally protected Brcko District was also established at the critical border areas where Croatia and Serbia and BiH meet within the greater RS region. There is also a shared, albeit weak, national assembly with representation from all three ethnic populations.

Nonetheless, the prospects for a truly unified Bosnia-Herzegovina, despite the rhetoric of the Dayton Agreement, are remote, at best. It is unfortunate that the Balkans emerged as the final Cold War encounter with the former Yugoslavia being the proxy battleground for geopolitical gamesmanship. Many elements of the Dayton Accord were not realized notably the return of refugees swept from their traditional homes during the ethnic cleansing forced exodus frenzy. And the war continued beyond 1995, now in the lower Slavic states of Serbia, Kosovo, Montenegro and Macedonia.<sup>13</sup>

### **ASSESSING THE ICTY AND ITS ADVERSARIAL PROCESS**

The major problem of the adversarial process, especially regarding international prosecutor efforts like the ICTY, is that it forces a complex process to viewed within the simplistic framework of *victims* and *offenders*, or in the vernacular – *good guys vs bad guys*. More problematic is the lasting stigma associated with both the winners and losers whose status, hence stigma, lasts long after cessation of the conflict, allowing this perception to infect future generations making any semblance of restorative social justice a farce.

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<sup>13</sup> Види French, L.A., & L. Nikolic-Novakovic (2012). *War Trauma and its Aftermath: An International Perspective on the Balkan and Gulf Wars*. Lanham, MD: University Press of America.

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The shortcomings of the adversarial process can best be explained within the *Judicial Attribution Bias*. The *fundamental attribution errors (bias)* is the tendency for people to attribute (over value) individual factors for positive outcomes for themselves or members of their group (in-group) while at the same time attributing (over valuing) situations (external) factors in their or members of their group's failure, hence diminishing personal or intentional causes. By the same token, the in-group tends to over emphasize (attribute) *external factors* when looking at successes by members of the out-group; and attributing *direct responsibility* for failures of negative outcomes – ignoring or diminishing mitigating or aggravating causal factors such as the *fog of war* or retaliatory or pre-emptive actions during times of conflict like the Balkan Wars of 1991-1995.<sup>14</sup>

The nature of an inequitable influence by an outside power needs to be addressed in order to best review the ICTY proceedings. While U.S. support was crucial for the ICTY adjudication of war crimes during the Balkan Wars, basing it on the post-WWII ad hoc Nuremberg and International Military Tribunal for the Far East (IMTFE), questions raised about torture and illegal detention war-time abuses in Iraq has tainted the U.S.'s credibility if not its intentions supporting the ICTY, especially given that these appear to be deliberate violations of the Geneva Convention and UN proscriptions against torture and illegal detentions. These allegations set the stage for the United States exit from International justice jurisdictions. Thus, while President Clinton supported the *International Criminal Court* in 2000, his successor, President George W. Bush withdrew U.S. support in 2002 – providing sufficient reasons for a comprehensive review of not only the ICTY and similar war-crime prosecutions throughout the former Yugoslavia by an independent panel – like those that emerged in the late 1960s and early 1970s to review the causes of significant social unrest in the United States; The Kerner and Eisenhower Blue-Ribbon Commissions, to mention a few.

Similar reviews appear to be warranted in order to ascertain the quality of justice doled out by the ICTY. Problems inherent in the adversarial judicial process are those related to the admission of evidence. The U.S. Supreme Court addressed this issue regarding the obvious racial bias in the United States regarding its death penalty. It found the old method discriminatory and outlawed it in 1972 but revived it for states that wanted to continue using the death penalty – providing that a separate jury process follow the original trial where a guilty verdict was found. This separate process is to assess mitigating circumstances that might have contributed to the aggravated event leading to a death sentence.

It appears that a combination of the Judicial Attribution Bias and the assigned weight to either “aggravating” or “mitigating” circumstances came into play during the ICTY adjudication process where it became readily apparent that the Serbs would carry the label of malicious offenders while the Bosniack would play the role of maliciously abused victims, while the Croats would be given a “pass.” Another factor in determining aggravating versus mitigating circumstances is what Marvin Wolfgang termed, *Victim Precipitation*. This concept looks at what role the alleged

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<sup>14</sup> Frenčh, L.A, (2018) *Building model of restorative social justice in Bosnia and Herzegovina*, University of Banja Luka, Faculty of Security Sciences

victim may have played in the ensuing violence. Related to this is the idea of *proportionately*. This concept would apply not only to the nature of violent acts, but the extent that the various parties engaged in similar (reciprocal) acts. Any fact finding post-hoc analysis of the ICTY process needs to use these tools in their fair assessment of the events that occurred during the heat of collective violence that became the Balkan War of 1991-1995. To illustrate, an argument could be made that the “ultra nationalists: Bosniak leader, Alija Izetbegovic’s signing and then redrawing his signature to the Lisbon Agreement he precipitated the resulting aggression against his people by both the Croats and Serbs resulting in the deaths of tens-of-thousands of non-combatants and the displacement of over a million people. Also claims of the use of rape as a rational tool of aggression especially against Muslim women during the conflict is yet another example of the application of the judicial attribution bias.

### **STIGMATIZATION OF SERBIA**

Any consideration of aggression during a time of extreme normlessness, unlike Hitler’s supposedly rationally thought out *Final Solution*, occur in the fog of war where the very social and moral foundations of a people are shattered and blame is quickly placed on out-groups, including neighbors resulting in risky-shift behaviors such as starvation, brutal beatings, killings, and raped of the targeted out-group. This reciprocal antagonism was described before the ICTY as: “houses and apartments systematically ransacked or burnt down; civilians rounded up and sometimes beaten or killed in the process; men and women were separated with many of the men massacred or detained in camps; women and children were kept in detention centers in intolerable unhygienic conditions where they were mistreated, included repeatedly raped.... A fallacy of the ICTY was to only attribute these actions to the Serbs when it was a common phenomenon among all combatants consistent with the rages of a civil war. Serious violence occurred in the fight for control of Herzegovina with the Croat’s Lasua Valley ethnic cleansing and the siege of Mostar; or Naser Oric’s brutal actions in Bratunac, Gniona, Kraavica, Siljkovici, Jezestica..., events that likely precipitated the Srebrenica massacre of Bosniak fighting-age males during the U.S./NATO-sponsored *Operation Maestral*. As for rape, by labeling one group of victims as more important than the others only served to increase the trauma and stigma of the Bosnian Croat and Bosnian Serb victims, both male and female. Moreover, war-time rape is more likely a sub-cortical stress release (sex-stress situation) than it is a rational process: “Hey, let’s rape these women to insult their fathers, husbands, and brothers...”. The author had his paper on this topic presented at the recent 24th Congress of the European Psychiatric Association meetings held in Madrid, Spain.<sup>15</sup>

Sex abuse within the military has long been an open-secret afflicting both male and female veterans whose etiology is often attributed to character deficits (Personality Disorders or Paraphilic Disorders). Few studies look at the sex-stress phenomenon as a feature of military life itself and the role this plays in sex abuse

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<sup>15</sup> French, L.A March 12-15, 2016.

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within the military milieu. While much attention is focused on U.S. forces, this problem in *Obstacles and challenges to restorative justice in bosnia...* 29 endemic within military cultures per se. The recent sex abuse scandal involving the French Army in the Central African Republic illustrates the pervasiveness of the problem. Objectives/Aims To explore the psycho-cultural mechanisms of stress and its sexual expression and how certain scenarios within the military milieu exacerbates this impulse-control reaction. -To address the relationship of the availability of sex-release options without and/or without the military population (and how increased enlistment of women has changed the nature of the target population in today's military). Clearly the biggest obstacle to restorative social justice in Bosnia-Herzegovina is dispelling the Genocide Stigma which, for whatever reasons, has been successfully associated with the Bosnian Serbs as a whole. The irony is that the term genocide was created to illustrate an extreme form of the eugenics movement that prevailed in Europe and the United States prior to the Second World War. The effort here was racial cleansing, including the Caucasian race. Europe, Asia, and Africa all had their hierarchies of social stratification with superior versus lesser peoples with the latter often assigned a slave or servitude status. Hitler focused on maintaining an Aryan superior race cleansing lesser peoples of color (Roma) and whites (Jews, Serbs). The term genocide then came to represent a conscious effort to totally exterminate a group so that they would no longer exist as a people.

In Europe, Serbs were historically seen as lesser people suited best for subservient roles, a status that they held in both the Ottoman and Hapsburg empires up until the Second World War. Historically, Bosnia-Herzegovina was the fault line for these two competing empires with the Croats and Slovenes considering themselves to be of the superior Aryan race of Western and Northern Europe unlike the "other" Slavic peoples like the Serbs. During the Second World War, the Croat Serbs were selected for total extermination, along with Jews and Roma in the *Independent State of Croatia* under the leadership of Ante Pavelic who escaped capture and adjudication during the Nuremberg Trials. Some 700,000 men, women, and children are estimated to have been systematically slaughtered by the Ustasas, including those at Jasenovac. A figure that pales with the 5 to 8 thousand fighting-age males massacred at Srebrenica. Because the Ustashe and Jasenovac were not prominently addressed at the Nuremberg Trials few realized that the Ustashe comprised of two groups bent on eliminating the Serbs – Muslims and Catholic Croats.

But this atrocity was not lost on the Bosnian Serbs many who had immediate family killed by the Ustashe so you can imagine the mindset when the U.S./NATO-backed Operation Moestral went into effect, again forging an alliance between Muslim and Catholic Croats against the Serbs especially when it was realized that Naser Oric's grandfather served with the Ustase.<sup>16</sup> In this sense, the Srebrenica massacre can be viewed either as a preemptive strike or as vengeance against Naser Oric's brutality in the Srebrenica region – but not Genocide. And if groups, including

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<sup>16</sup> French, L.A. (2014). *Aboriginal Antecedents and Contemporary Practices of Restorative Justice: Canada and United States Comparison*, Indigenous Policy Review, Vol. XXIV (3), 1–13.

the ICTY, continue flaunting this term, knowing full well that its intent is to stigmatize a whole people, then they must be prepared for respective analysis of all historical events that included the massacre of a minimum of 8,000 non-combatants given this new modified, politically-motivated definition of genocide.

This would include the firebombing of cities in Germany, London, and Japan during WWII and the saturation bombing of Hanoi during the Vietnam War. This is indeed a slippery slope to traverse. Slovenia and Croatia escaped the labels of white supremacy vis-à-vis Serbs easily gaining membership within the European Union where they always thought they belonged. This fast-track to the EU was mainly due to the glossing over of their involvement in ethnically cleansing their territory of Serbs or their involvements in Fascist and Nazi movements of WWII. Maja Catic states this argument in her article, *Bosnia Charges Genocide: Moral Claims and the Politics of State-Building in a Divided Society*: “Responding to attacks on the RS as a “genocidal entity,” Bosnian Serb – like Croats in Yugoslavia defending Croatia’s position- have argued that the RS is an expression of their historically legitimate claims to self-determination and that the atrocities, including Srebrenica, have been perpetrated by an extremist regime linked to Karadzic’s SDS. They object to the attempts to blame the Serbs collectively for these crimes, and most of all, the attempts to attack their legitimate rights on the basis of moral claims arising from such crimes. It is true that one very significant difference between post-WWII Yugoslavia and post-Dayton Bosnia is the fact that retributive justice meted out by ICTY (and some domestic courts) have put an end to impunity, which to a large degree characterized post-WWII Yugoslavia. The individuals most responsible for massacres and genocidal violence in Yugoslavia-including in particular the leadership of the Independent State of Croatia-have by and large, escaped justice.”<sup>17</sup>

### **THE RESTORATIVE SYNTHESIS OF JUSTICE**

Restorative social justice, in Bosnia-Herzegovina, like that of the *Truth and Reconciliation Commission* of South Africa, first has to fully and objectively articulate all the circumstances of the Balkans wars (1991-1995; 1999-2002) within both geo-political and human terms – without the emotional biases that have emerged clouding the reality of the actual events. Glossing over the actions of one group while focusing only of the actions of another group will only delay any real reconciliation. The inter-generational labeling of *victims* versus *offenders* only fosters hate, distrust and continued inter-group animosities. Perceptions that need to be addressed and accurately articulated: That there was an ICTY prosecutory bias that ignored, or diminished, atrocities committed by Croats and Bosniacs while being overzealous in prosecuting the acts of the Serb combatants.

That while ICTY defines: (a) Genocide as “policies of aggression and ethnic cleansing;” & (b) “systematic rape and sexual enslavement” as crimes against humanity– they only applied this to the Serbs; and that this bias was also reflected in the disproportion in sentences for Serbs & Bosnian Serbs vis-à-vis that for Bosniaks or Croats (Naser Oric, Rasim Delic, Enver Hazihasanovic...).

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<sup>17</sup> Ibid. pp. 24.

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That the USA has contributed to the “Serbs as aggressors” perspective with the 2005 U.S. Congressional Resolution: “Serbian policies of aggression and ethnic cleansing meet the terms of Genocide” this despite attempts toward restorative social justice efforts made by the combatants: Serbian President Boris Tadic’s apology for the Serbs in December 2004 and the March 2010 condemnation by the Serbian Parliament for the crimes of July 1995; and the 2010 apology by Croatian Presidents, Ivo Josipovic. The only party complicit in the civil/sectarian war who has not apologized is the Bosniaks – those who benefit by continuing to play the innocent victim role; that NATO/USA continues to influence the failure to indict Bosniak offender.

That outside combatants were used by all sides in the conflict: e.g. Greek Volunteer Guard with the Serbs; Neo-Nazis with the Croats; radical Islamic fighters (Iranian Revolutionary Guards, Hezbollah, Al-Qaeda) with the Bosniaks. That many of the “foreign judges” were not adequately vetted regarding their judicial biases against the various parties involved in the 1991-1995 war.

That the BiH National Court (High Judicial Prosecutorial Council) is disproportionately singling out Bosnian Serbs, including its officials for prosecution (The Bagdad Debacle). -Why is the Srebrenica issue so adamantly promoted within BiH and beyond, and who is behind this apparent effort to stigmatize *all* Bosnian Serbs for the actions of a few military men; that testimony was from a questionable witness, Drazen Erdemovic; that the body count of 8,000 included combatants buried enmass mainly for hygienic reasons; that secret sessions were held without readily accessible transcripts or the opportunity for cross-examination; that the singling out of Serbs was a pretext for the March 24, 1999 NATO invasion of Serbia....<sup>18</sup>

Outside conservative Muslim groups are infiltrating the insular Bosniak enclaves throughout BiH; that opposing Muslim groups (Turks & Saudis versus Iranians) are competing for economic and political control of the Federation of BiH... Many radical outside Muslims were given BiH citizenship during the conflict or since.... *Clearly, restorative social justice can only be approached once the past has been adequately, and accurately, portrayed and placed within its proper geo-historical-political perspective(s). Only then can long festering animosities and distrust be dissolved. Current “victim” and “offender” labels need to be diminished so that healing can occur.*

### **RECOMMENDATIONS FOR PEACE**

Scoggins Berg’s paper, *Prerequisite for Peace* written as part of his graduate degree at the University of London, Centre for Development, Environment and Policy (CeDEP), School of Oriental and African Studies (SOAS) with three recommendations: (1) The international community, UN/EU/USA, must acknowledge and show proper respect to victims and families of Jasenovac Death Camp. Practically speaking, the EU/UN/USA must implement action steps that include the addressing of historical transgenerational trauma in their social

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<sup>18</sup> Ibid.

sustainability policy for BiH. (2) In addition to policy amendments, the Truth and Reconciliation Commission, established by the UN International Court Tribunal for former Yugoslavia, must extend its truth-telling process earlier than the 1990's war to include the WWII Jasenovac Death Camp. Tina Rosenberg, author of *The Haunted Land: Facing Europe's Ghosts After Communism*, explains, "Muslims and Serbs in Bosnia have developed completely different recollection of their common past. If they are not corrected through mechanisms such as an independent truth commission, then selective memories are handed down from generation to generation"<sup>19</sup> (3) Lastly, Croat and Muslim political and religious leaders should publicly acknowledge and apologize on behalf of the Croat Ustashi for their role in Jasenovac Death Camp. Ideally, Pope Francis would lead the way in this apology as he has done on behalf of Catholics in other settings.<sup>20</sup>

There needs to be an impartial, international review of the ICTY process, discerning obvious biases toward any of the accused. There needs to be a critical, unbiased, non-sectarian presentation of the rich, and often complex, history of the region most notably the antecedents leading to the conflicts of 1991-1995 and 1999-2002. This, in turn, needs to become part of a secular (non-sectarian) secondary school curriculum taught in *all* high schools in BiH without exception.

Party leaders continue to exploit deep-rooted fears and ethnic distrust that slow down the pace of political change. The result of this process is that views on the world of young people are narrowed and retrograde, even more than looking at the world of their parents. Part of this problem lies in the fact that schools in BiH are divided almost exclusively along ethnic lines, and each group promotes its distorted version of the wars in the Balkans 1991-2001. years. At one point there was an attempt to establish a "truth and reconciliation commission" that would overcome all ethnic bias against the history of the wars in the Balkans.

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<sup>20</sup> Burg, S.L. (2015). *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention*. Armonk, NY: M.E., pp. 33-34

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## MANUFACTURING A MYTH: SREBRENICA AND WESTERN MILITARY INTERVENTION

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**Abstract:** The text shows in a very precise and validated way how to create a myth about Srebrenica and how it was grinded periodically in accordance with the needs of great powers in taking reprisal measures around the world. It is undisputed that crimes were committed in Srebrenica, but this cannot be considered the genocide. In this context, it is undoubtedly confirmed that there was crime in Srebrenica and that the Muslim forces were continuously provoked the Serb forces that caused the operation aimed at stopping the crimes in Srebrenica and Podrinje.

**Key words:** *crime, genocide, demilitarized zone, security zone, Srebrenica, VRS operation.*

The word “Srebrenica” has long ceased to refer to a town in Eastern Bosnia-Herzegovina that played a significant role in the wars that engulfed the Socialist Federal Republic of Yugoslavia following the country’s violent dissolution. Srebrenica no longer even refers to the scene of shocking wartime atrocities. Srebrenica has come to refer to barely-imaginable horrors, even genocide, perpetrated by vicious killers at the instigation of wicked political leaders against unarmed and, of course, wholly innocent civilians.

More important, Srebrenica has come to signify the apparent willingness—whether out of cowardice or short-term expediency—of the rest of the world, particularly the United Nations, to ignore monstrous crimes. According to the standard interpretation of the events in Srebrenica in July 1995, the international community failed to take the necessary, resolute action that could have stopped the perpetrators in their tracks. When, finally, in September 1995 NATO took action, its bombing campaign served to defeat the Bosnian Serbs and forced them to accept a peace agreement that they had hitherto refused to accept. By failing to act earlier, the international community bears partial responsibility for the crime of Srebrenica. It therefore becomes incumbent upon all of us to ensure that nothing like Srebrenica happens again. As with the Holocaust, Srebrenica invariably goes together with the shibboleth “Never Again.”

### UTILITY OF SREBRENICA

Srebrenica has become inseparable from campaigns to generate support for Western or NATO military intervention. The pattern has become familiar: The media

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zero in on a conflict and, in no time, shriek that the horrors taking place are of such a magnitude that they evoke memories of Srebrenica and the failure of the international community to act to prevent genocide. Interestingly, Srebrenica is brought up only when the supposed atrocities are or are about to be perpetrated by powers deemed to be adversaries of the West. Srebrenica is not meant to remind anyone of war crimes Western governments might be responsible for. Here, for example, is a typical account of the siege of Aleppo, Syria, from December 2016:

*The images of buildings sheared open by shelling remind us of Sarajevo and Grozny. The shallow graves remind us of Srebrenica and Rwanda. Aleppo joins the tragic pantheon of places ruined by war. Its eastern half is a husk of a city, a wasteland of empty streets, mounds of broken bricks and gnarled rebar, half-destroyed edifices without power or water. Many of its people are either dead, or fled long ago, or are in desperate flight today.*<sup>2</sup>

Note the list: Sarajevo, Grozny, Srebrenica, Rwanda—alleged atrocities that have entered folklore as terrible acts committed by the West’s adversaries. Such lists never include atrocities for which Western powers and their allies might be responsible: Fallujah, Mosul, Raqqa, Sabra and Shatila, El Mozote, Dasht-i-Leili—the list is long, full of names of places that most Western consumers of news have never in their lives read about.

### **BENGHAZI AS SREBRENICA**

Consider some recent cases. In February 2011, following an armed rebellion against the government of Libyan President Muammar al-Qaddafi, the Western powers claimed that Qaddafi was threatening to annihilate the civilian population of the rebel-controlled town of Benghazi. Right on cue, the media trotted out their Srebrenica stories. Not that any massacres had actually taken place. The alleged threat of massacres sufficed to justify the invocations of Srebrenica. Purporting to be concerned about the imminent threat of a massacre in Benghazi, the Western powers pushed the U.N. Security Council to adopt Resolution 1973, which called on U.N. member states “to take all necessary measures...to protect civilians and civilian populated areas under threat of attack.” The resolution didn’t actually say that such “measures” should include bombing, but the Western powers interpreted the wording to mean just that. They furthermore interpreted the wording as requiring the overthrow of the government of Qaddafi. Long after any conceivable threat to the residents of Benghazi had disappeared, NATO governments justified their refusal to call a halt to the bombing by invoking the continuing threat Qaddafi supposedly posed to Libya’s civilians.

Before, during and after NATO’s Libya campaign, politicians and pundits justified this unprovoked attack on a U.N. member-state by citing the supposed moral impossibility of doing nothing. To have done nothing, they intoned, would

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<sup>2</sup> “Requiem for Aleppo,” *Chicago Tribune*, Dec. 16, 2016.

have been tantamount to sanctioning yet another Srebrenica. Consider the words of the late Senator John McCain (R-Ariz.), “Had President Obama and our allies not acted, history would have remembered Benghazi in the same breath as Srebrenica—a scene of mass atrocities and a source of international shame.”<sup>3</sup> The Obama administration had to act because “We were looking at Srebrenica on steroids,” explained the administration’s point-man on the Middle East, Dennis Ross.<sup>4</sup>

The Srebrenica talk wasn’t limited to Washington. Srebrenica was on the minds of policymakers in London as well. According to the 2016 House of Commons Foreign Affairs Committee report on NATO’s Libya campaign: *The Bosnian Serb Army killed more than 8,000 Muslims near the town of Srebrenica in July 1995. The international community’s inability to prevent that act of genocide influenced a generation of Western politicians and policymakers.*<sup>5</sup>

It is impossible to say whether British policymakers really did spend their time anguishing over the possibility of another Srebrenica, or whether they seized on Libya to exercise British muscle and to demonstrate the enduring relevance of NATO. It is striking though that so many of them chose to invoke Srebrenica to justify themselves when they testified before the House of Commons committee. It is as if the mere mention of Srebrenica suffices to absolve policymakers of any guilt over the outcome of their actions. By the time they came to testify, the full extent of the horrific debacle to which NATO intervention had led was only too apparent. Rather than deny facts, they smugly contented themselves with heaping praise on their fine moral sensibility. The most self-satisfied was William Hague, British foreign secretary at the time of the Libya intervention: *We faced the imminent possibility, in effect on the borders of Europe, of very widespread bloodshed. There was an international request for assistance and intervention, and facing that possibility or probability in a situation where you can intervene—of course, there may be other situations where you do not have the means to intervene—I think that is the right thing to do. That is not to say, as the Committee will know, that everything subsequently turned out to our satisfaction, to put it mildly, but I think it was the right decision to take and I would take it again.*<sup>6</sup>

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<sup>3</sup> “McCain in Libya to Meet With Rebels,” *Politico*, April 22, 2011.

<https://www.politico.com/story/2011/04/mccain-in-libya-to-meet-with-rebels-053566>

<sup>4</sup> “Averting ‘Srebrenica on Steroids’: White House Defends Libya Operations,” Yahoo, March 23, 2011.

<https://www.yahoo.com/news/blogs/envoy/averting-srebrenica-steroids-white-house-defends-libya-operations-20110323-120730-415.html>

<sup>5</sup> “*Libya: Examination of Intervention and Collapse and the U.K.’s Future Policy Options*,” House of Commons Foreign Affairs Select Committee, paragraphs 39 and 40. <https://publications.parliament.uk/pa/cm201617/cmsselect/cmfaaff/119/11902.htm>

<sup>6</sup> “*Libya: Examination of Intervention and Collapse and the U.K.’s Future Policy Options*,” <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/foreign-affairs-committee/libya-examination-of-intervention-and-collapse-and-the-uks-future-policy-options/oral/25384.html>

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Liam Fox, British defense secretary at the time, expressed almost identical sentiments:

*The question at the time was not just, “Was it the right thing to intervene, and what would the consequences be of intervening?” but, “What might be the consequences of not intervening?” I think people remembered what happened in the Balkans, and neither politicians in London nor politicians in other European capitals, Washington, or many of the Arab capitals were willing to take the risk of seeing the wholesale slaughter of civilians when we perhaps could have done something about it before. There was a fear of...another Srebrenica on our hands that was very much a driving factor in the decision making at the time.<sup>7</sup>*

Such self-satisfied musings serve to obscure a very obvious point. None of these humanitarians seemed to be at all perturbed when stories began to seep out of horrific massacres perpetrated by the side that the Western leaders and media were backing<sup>8</sup> or when shocking videos of torture began to appear on the Internet.<sup>9</sup> The bombardment and destruction of Qaddafi’s home town of Sirte failed to elicit cries of Srebrenica.<sup>10</sup>

It is of course perfectly understandable that the men and women who took those fateful decisions should ascribe noble, selfless motives for themselves. They would not want anyone to suspect that they were driven by any pecuniary concerns such as acquisition of and control over Libya’s oil riches. Though common sense and a passing acquaintance with history would suggest that a desire to save benighted people has throughout history served as a pretext for imperial aggression and to serve as a cloak to conceal more avaricious motives, the media were more than happy, first, to demand military intervention, and second, to initiate a *mea culpa* ritual whereby pundits and politicians wring their hands in fake anguish over having been perhaps a little too quick to pull the trigger—for the best of motives of course.

As it turned out, the threat of impending massacres in Benghazi had been vastly exaggerated. Qaddafi was not threatening to annihilate the city’s population.

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<sup>7</sup> “Qaddafi’s Home Town of Sirte Blasted into the Dark Ages” *BBC*, Oct. 26, 2011.

<https://www.bbc.com/news/world-africa-15454033>

<sup>8</sup> Cockburn, Patrick, “Rebels Wreak Revenge on Dictator’s Men,” *Independent*, Aug. 28, 2011.

<https://www.independent.co.uk/news/world/africa/rebels-wreak-revenge-on-dictators-men-2345261.html>

<sup>9</sup> “Libyan Rebels Force Black Africans to Eat Flags in Cage,” *The Telegraph*, March 5, 2012,

<https://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/9124817/Libyan-rebels-force-black-Africans-to-eat-flags-in-cage.html>

“Revealed: Male Rape Used Systematically in Libya As Instrument of War,” *The Guardian*, Nov. 3, 2017.

<https://www.theguardian.com/world/2017/nov/03/revealed-male-used-systematically-in-libya-as-instrument-of-war>

<sup>10</sup> <https://www.theguardian.com/world/2017/nov/03/revealed-male-used-systematically-in-libya-as-instrument-of-war>

Contrary to the claims of the policymakers who launched the attacks on Libya, there was ample evidence available before the first bomb dropped that Qaddafi was not perpetrating massacres:

*Qaddafi did not perpetrate a “bloodbath” in any of the cities that his forces recaptured from rebels prior to NATO intervention—including Ajdabiya, Bani Walid, Brega, Ras Lanuf, Zawiya, and much of Misurata—so there was virtually no risk of such an outcome if he had been permitted to recapture the last rebel stronghold of Benghazi.<sup>11</sup>*

The intervention that was supposedly directed toward saving lives ended up costing of tens of thousands of lives. NATO prolonged a war that could have ended in February 2011. NATO succeeded in turning a reasonably well-governed state into one that can be characterized as lawless anarchy, with an economy in ruins and radical Islamist groups ruling parts of the country.

### **SREBRENICA IN SYRIA**

With chaos engulfing Libya following NATO’s bombing campaign, the Srebrenica crowd was ready to move on to Syria. From March 2011 on, a variety of armed rebels—some led by al Qaeda, some by ISIS—controlled a number of provinces and cities of Syria (often not so much cities as individual neighborhoods of cities). As the Syrian army sought to liberate province after province or city after city from the control of the rebels, Western pundits and policymakers erupted in furor and engaged in loud wailing. As regular as clockwork, the moment the Syrian government appeared to be on the brink of recapturing rebel-held territory, the Western media would unleash anguished tales of imminent massacres and impending genocides. Invariably, the sources for these stories were “activists” or “blogger journalists” or the notorious White Helmets. Western mainstream media rarely questioned the credibility of these sources and happily relayed their allegations along with, of course, their calls for immediate Western military aid.

First off was Homs. In February 2012, the Syrian army launched an offensive against the Baba Amr neighborhood of Homs, which was under the control of the so-called Free Syrian Army. The Western media rained down denunciation on the Damascus government. Homs is “Syria’s Srebrenica,” proclaimed *Der Spiegel*. Its story on the operation to take back Homs featured prominently one Omar Shakir, described as “one of the rebels’ spokesmen.” “What’s happening here is genocide,” he is quoted as saying. And the kicker: *He compares the situation to Srebrenica, the Bosnian town where more than 8,000 Muslims were massacred in 1995. “And here, too,” Shakir says in a bitter tone, “the international community will send an investigative commission after the fact. But we don’t need an investigative*

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<sup>11</sup> Kuperman, Alan J., “*Lessons from Libya: How Not to Intervene*,” Policy Brief, Belfer Center for Science and International Affairs, Harvard Kennedy School, September 2013.

<https://www.belfercenter.org/sites/default/files/files/publication/Kuperman%20policy%20brief%20published%20version%202.pdf>

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*commission! We need an end to the bombardment. Please help us, or everyone here will die!*"<sup>12</sup>

The military operation to push the rebels out of Baba Amr was successful, but they still controlled some 20 percent of Homs. The fighting in Homs was to continue until May 2014, when the rebels finally withdrew from the city. However, media wailing about the horrors of Homs. Needless to say, William Hague, the man who had so few regrets about Libya, joined in lustily: *In Homs, Syria's third-largest city, a population is being starved and bombed into surrender. It is happening in full view of the world. The people of this ancient city have been besieged for more than 600 days. The regime has attacked them indiscriminately, using crude barrel bombs and artillery fire.... Will the evacuees be protected, or will they be persecuted by the regime? Will those who remain be treated as fair game for even more devastating attacks by Assad's security forces? The lessons of Srebrenica should haunt us all, when the deliberate separating out of women and children preceded the massacre of 8,000 men and boys.*<sup>13</sup>

Bosnia alumnus Nicholas Burns also weighed in. Before becoming U.S. ambassador to NATO, Burns has been State Department spokesman during the latter stages of the Bosnian war. In a newspaper column he asked rhetorically: *As the savage killings and stratospheric refugee numbers in Syria continue to climb, a key question emerges. When will the United States and other global powers experience a "Srebrenica moment," when they can no longer stand on the sidelines and resolve instead that they finally have to act?*<sup>14</sup>

Another well-known Bosnia alumnus, Roy Gutman has been regularly on-hand to express outrage. His first Srebrenica was the Damascus suburb of Daraya: *Hundreds of civilians and rebel fighters abandoned the Damascus suburb of Daraya... boarding buses after a negotiated surrender that ended one of the longest sieges of the Syrian war and marked the latest victory in the Assad regime's surrender-or-starve military campaign. International observers voiced fears of another Srebrenica, the July 1995 massacre where Serbs captured the east Bosnian enclave after a three-year siege and then executed 8,000 captive Muslim men and boys.*<sup>15</sup>

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<sup>12</sup> "Situation Grows Increasingly Grim in Rebel Stronghold of Homs," *Spiegel Online*, Feb. 23, 2012.

<http://www.spiegel.de/international/world/syria-s-srebrenica-situation-grows-increasingly-grim-in-rebel-stronghold-of-homs-a-817145.html>

<sup>13</sup> Hague, William, "Syria: The World Cannot Allow the Regime's Policies of Starvation and Repression," *The Independent*, Feb. 10, 2014. <https://www.independent.co.uk/voices/comment/syria-the-world-cannot-allow-the-regime-s-policies-of-starvation-and-repression-9120086.html>

<sup>14</sup> Burns, Nicholas, "A Srebrenica Moment in Syria?," *Boston Globe*, Feb. 13, 2014. <https://www.bostonglobe.com/opinion/2014/02/13/srebrenica-moment-syria/hfNxufLE2sbt4JHEIU2sZP/story.html>

<sup>15</sup> Gutman, Roy, "Syria's Srebrenica?," *The Daily Beast*, Aug. 26, 2016. <https://www.thedailybeast.com/syrias-srebrenica>

The cries of “genocide” and invocations of Srebrenica reached a crescendo during the operation to recapture of East Aleppo in December 2016. Day after day, the media ran anguished stories of the horrors taking place (or about to take place) in East Aleppo. The stories were invariably accompanied by reminders of Srebrenica. Under the headline “Aleppo Civilians Suffering Same Fate as Srebrenica’s Men and Boys,” Sky News reported that: *When Bosnian men and boys were taken away by Serb forces and executed in the thousands in Srebrenica in 1995, the international community vowed “never again.” But in Aleppo it is happening again. In the last few days scores of civilians have suffered the same fate as Srebrenica’s men.*<sup>16</sup>

There followed a familiar parade of “Srebrenica survivors,” who all denounced the international community’s indifference to human suffering, something that brought back memories of their own plight 20 years earlier. The Guardian featured an article by Nedžad Avdić described as a “survivor of the Srebrenica genocide” who had been “tortured and shot three times before escaping. As a Srebrenica survivor he had a special empathy for Aleppo:

*In 2005, the European parliament released a statement, condemning the Srebrenica genocide and promising it would “never happen again.” ...Only our leaders can stop the slaughter of civilians in Aleppo and across Syria. At the very least, they must ensure aid gets to those who need it, including by airdrops to besieged areas if necessary. Their failure to do so is a betrayal not only of the people of Aleppo and Syria, but of the survivors and victims of all the genocides we said we’d learned from.*<sup>17</sup>

The BBC in turn brought out a Srebrenica survivor, Hasan Hasanović: *“The people in Aleppo feel the same way we did,” Hasan says. “We felt like being abandoned and not belonging to this humanity,” he says. “Not being treated like a human. We keep repeating ‘Never again’ but when it comes to action, we don’t do anything to prevent those things from happening. It seems the world hasn’t learned anything. We are living in this modern world with technology and we don’t have any excuses to say ‘We didn’t know.’ ”*

East Aleppo was successfully liberated. There were no mass graves, no mass executions, no mass suicides, and no mass rapes. Syrian soldiers were welcomed as liberators and the departure of the jihadis who had terrorized the city for four years was greeted with rejoicing. Unperturbed, the Srebrenica caravan moved on. The next

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<sup>16</sup> “Aleppo Civilians Suffering Same Fate as Srebrenica’s Men and Boys,” *Sky News*, Dec. 14, 2016.

<https://news.sky.com/story/aleppo-civilians-suffering-same-fate-as-srebrenicas-men-and-boys-10695767>

<sup>16</sup> “Aleppo’s People Are being Slaughtered. Did We Learn Nothing From Srebrenica?” *The Guardian*, Dec

<sup>17</sup> 13, 2016. <https://www.theguardian.com/commentisfree/2016/dec/13/aleppo-people-slaughtered-srebrenica-genocides-atrocities-syria>

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Srebrenica was Eastern Ghouta. On hand, of course, was Roy Gutman. “Syria’s long war has reached its Srebrenica moment,” he wrote with dazzling originality in March 2018.

*The Assad regime and Russia are poised to destroy totally the East Ghouta region just outside Damascus or expel its population of some 400,000, and nothing but the empty words of the United Nations, the United States, and Europe stand in their way. So, too, 23 years ago, the world sat mostly mute, watching events unfold in and around the small village of Srebrenica in a remote corner of eastern Bosnia. No government was ready to lift a finger to save the population of some 27,000, at least half of them displaced from other areas....But “Never Again” has turned into “Ever Again.”*<sup>18</sup>

Revealingly, cries of “genocide” and invocations of Srebrenica were strikingly absent whenever rebels were about to, or indeed did, capture government-held territory. Videos of gruesome beheadings (sometimes even of children), of public executions of women who had allegedly committed adultery, of a jihadi consuming the heart and liver of a dead soldier, never sufficed to bring forth cries of “Srebrenica!” Nor did the innumerable sieges by ISIS of government-held towns. Only when such sieges were broken did the media inform the public that, alongside soldiers, such towns housed tens of thousands of civilians. This is how the Guardian reported the breaking of the siege of Deir-ez-Zor in September 2017: “Government forces and tens of thousands of civilians in the city have been trapped under the Isis siege for more than two years, facing food and medical shortages....About 100,000 people are believed to be inside government-held areas of Deir ez-Zor, with perhaps 10,000 more in parts of the city held by ISIS.”<sup>19</sup>

One can predict with absolute certainty that whenever the Syrian army launches its offensive to recapture the Idlib province, Western media will be running “Idlib is Srebrenica” stories replete references to Mladic, genocide, mass graves, helpless U.N. peacekeepers, obdurate Russians and craven Western powers.

### **MANUFACTURING THE SREBRENICA NARRATIVE**

The myth of Srebrenica as a town comprised exclusively of unarmed civilians who were executed in cold blood for no reason other than that they were Muslims is now deeply ingrained in Western consciousness. For the policymaking elite, the myth, having proved itself such an extremely effective tool for generating support for Western military intervention, is too useful to let go. However, Srebrenica was from the start a mythical creation, not so much a wartime event as an artefact manufactured for wartime propaganda purposes. As early as April 1993, Western

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<sup>18</sup> Gutman, Roy, “In Syria, ‘Never Again’ Has Become ‘Never Mind,’ ” *The Daily Beast*, March 2, 2018, <https://www.thedailybeast.com/in-syria-never-again-has-become-never-mind>

<sup>19</sup> “Syrian Army Claims It Has Broken Years-long ISIS Siege on Deir ez-Zor,” *Guardian*, Sept. 5, 2017.

media were demanding Western intervention to save Srebrenica. Indeed, genocide was supposed to be taking place at Srebrenica even before the Serbs had captured the town. On July 9, 1995, Alija Izetbegovic, the Bosnian president, appealed to U.S. President Bill Clinton to use his “influence with the international community to fulfill its obligations toward this U.N. protected area and prevent this act of terrorism and genocide against the civilians of Srebrenica.”<sup>20</sup> Yet, according to the timeline presented by the International Criminal Tribunal for The Former Yugoslavia (ICTY), the executions didn’t start until July 13.

Srebrenica, as is well known, was one of six “safe areas” in Bosnia created by the United Nations. Srebrenica, Sarajevo, Tuzla, Bihac, Gorazde and Zepa were not exclusively civilian centers; they also served as military bases from which the Izetbegovic government sought to assert its authority over the country. Srebrenica, for example, was the base for the 28<sup>th</sup> Division. As Izetbegovic’s supporters in the West saw it, the enclaves, which dotted the Bosnian landscape from the northwest to the southeast, were a guarantee against the emergence of contiguous national territories that could serve as the bases of Vance-Owen-style partition plans.

The safe areas were an attempt by the Western powers to thwart Serb victory without having to get directly involved in the fighting. Several things should be noted about these safe areas: First, they weren’t safe for Serbs; in fact, there were few Serbs living there since most of them had been ethnically cleansed beforehand. Second, since by 1993 it had become clear that any kind of agreement to end the war in Bosnia would have to entail some kind of partition, the creation of Muslim enclaves deep inside Serb-inhabited territory could only make resolution of the conflict impossible without the use of force. Either the Muslims would have to defeat the Serbs to create a link between Muslim territory and the enclaves, or the Serbs would have to eliminate the enclaves altogether. Third, the prerequisite of a safe area in wartime is that it be disarmed. It is unreasonable to demand that one side desist from attacking an area if it is itself under attack from the very same area. The Bosnian Serbs could scarcely be expected to eschew attacking a town that was in reality a soldiers’ training ground and an armory.

The preservation and strengthening of these safe areas was an essential part of Muslim strategy, which was made possible by the peculiar way the safe areas were defined. No one had ever spelled out what their legal boundaries were to be and there was sharp disagreement as to where demilitarization was supposed to begin and end. Serbs and Muslims both agreed that the town of Srebrenica had to be demilitarized, but Muslims argued that the area immediately outside of the town, comprising villages, forests and hills, was not part of the safe area. Thus, if those areas were attacked, or if an attack were launched from there, then the U.N. had no right under its mandate to intervene unless the attack were directed at U.N. soldiers.

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<sup>20</sup> “Bosnian President Appeals for World Leaders to Help Srebrenica,” *Agence France Presse*, July 9, 1995.

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In April 1992, Muslim forces under the command of Naser Oric took control of Srebrenica. As soon as they did so, they began to launch attacks against neighboring Serb hamlets and villages. According to an authoritative account of the fall of Srebrenica, *Between May 1992 and January 1993 forces from Srebrenica attacked and destroyed scores of Serb villages. The attacks outraged the Serbs. A great deal of the animosity towards the men of Srebrenica stems from this period....Evidence indicated that Serbs had been tortured and mutilated and others were burned alive when their houses were torched. Over 1,300 people were reputedly killed during this period.*<sup>21</sup>

However, despite their successful cleansing of Serbs from the Srebrenica area, Oric's forces remained surrounded by the Serb military. Srebrenica could not survive a Serb attack unless it established a secure link with Muslim-held territory elsewhere in Bosnia. Oric sought to create a link with Zepa, a Muslim-held enclave to the south, and with Cerska, a Muslim enclave to the north. In September 1992, Oric's forces succeeded in linking up with Zepa. In December 1992, Oric launched attacks against Glogova and Kravica, Serb-held villages on the road linking the two enclaves. On Dec. 24, Oric's forces attacked and destroyed Glogova. On Jan. 7, Orthodox Christmas, Oric attacked Kravica. Testifying as a prosecution witness in the Milosevic trial, General Philippe Morillon, the United Nations Protection Force (UNPROFOR) commander in Bosnia, recounted how *Naser Oric [had] engaged in attacks during Orthodox holidays and destroyed villages, massacring all the inhabitants. This created a degree of hatred that was quite extraordinary in the region... Naser Oric was a warlord who reigned by terror in his area and over the population itself. I think that he realised that those were the rules of this horrific war, that he could not allow himself to take prisoners. According to my recollection, he didn't even look for an excuse. It was simply a statement: One can't be bothered with prisoners.*<sup>22</sup>

With Kravica in Muslim hands, Srebrenica and Cerska were finally linked. There was now one large Muslim enclave stretching from Kamenica in the north to Zepa in the south.<sup>23</sup> In January 1993, the Serbs counter-attacked, capturing Cerska on March 1. Just as the Serbs seemed poised to take Srebrenica, Western media went into frenzy demanding military intervention to save Srebrenica. Fearing a humanitarian catastrophe, Morillon urged Oric to accept a ceasefire and avoid doing anything to provoke the Serbs. Morillon suggested turning Srebrenica into a demilitarized zone. The French general assumed that the Vance-Owen plan, under which Srebrenica would be assigned to the Muslims, would be implemented in the near future. Morillon has subsequently claimed that, had he known in April 1993 that no peace was in the offing, he would have opposed the creation of a safe area in

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<sup>21</sup> Jan Willem Honig and Norbert Both, *Srebrenica: Record of a War Crime* (New York: Penguin, 1997), p. 79.

<sup>22</sup> Milosevic Trial Transcript, Feb. 12, 2004, pp. 31965-31966.

<sup>23</sup> Honig and Both, p. 81.

Srebrenica. In fact, he would have ordered the evacuation of the town: *There was a chance of the Vance-Owen Plan being realized soon. If I did not have that hope...I would have evacuated the town fully conscious of the risk. I would have undertaken [sic] the evacuation even if that would mean that I personally would take part in ethnic cleansing.*<sup>24</sup>

### SAVING SREBRENICA

In early April, Srebrenica ceasefire negotiations took place under U.N. auspices. Taking part were Mladic; General Sefer Halilovic, chief of the Armija Republike Bosne i Hercegovine (ABiH) Supreme Command Staff; and UNPROFOR commander, General Lars-Erik Wahlgren. On April 12, the Serbs renewed their offensive on Srebrenica. It was triggered, the Dutch government report explained, by a “firing of mortar grenades on Bratunac by the ABiH.”<sup>25</sup> Oric concluded that Srebrenica could not be defended and, on April 14, informed the international agencies that he was ready to surrender. He laid down three conditions though: evacuation of civilians, evacuation of the wounded and withdrawal of Muslim soldiers to Tuzla.

On the morning of April 16, Morillon announced that a deal had been reached. A ceasefire would begin at noon, Muslim weapons would be handed over to UNPROFOR and an airlift would commence on April 17. However, the U.N. Security Council, having got wind of Srebrenica’s impending surrender, decided to pre-empt any agreement over Srebrenica. On April 16, it passed a resolution declaring Srebrenica a “safe area.” Invoking a “tragic humanitarian emergency” caused by the “continued deliberate armed attacks and shelling of the civilian population” and the “brutal actions of the Bosnian Serb paramilitary units,” the Security Council declared that Srebrenica “and its surroundings” were to “be free from any armed attack or any other hostile act.” Under the guise of protecting the civilian population, the Security Council had intervened in the fighting and had prevented the defeat of the Muslim forces in Srebrenica.

Curiously enough, despite the Security Council intervention, negotiations over the demilitarization of Srebrenica continued in Sarajevo. Morillon and Wahlgren wanted both sides to accept the terms that were under discussion before the adoption of Resolution 819: ceasefire, demilitarization of Srebrenica and deployment of UNPROFOR observers.

Srebrenica remained under Muslim control. The Bosnian Serbs had been on the brink of taking Srebrenica but had held back. In part, this was due to their concern over the international opprobrium that now attached to anything they did. In part also, both Milosevic and Karadzic were concerned that capture of Srebrenica would, as likely as not, be followed by a massacre. The families of the Serbs killed during

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<sup>24</sup> Milosevic Trial Transcript, Feb. 12, 2004, p. 31976.

<sup>25</sup> NIOD, Part II, Chapter 3, Section 2.

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the past year would seek revenge. Emotions over the Orthodox Christmas killings were running high. Karadzic explained his decision a few months later. If “we had entered Srebrenica, the people entering would be those whose families were killed,” he told the Bosnian Serb assembly. “1,200 Serbs were killed. There would be blood to the knees and we could lose the state for that.”<sup>26</sup>

Unlike the Mladic/Halilovic/ Wahlgren agreement, the Security Council’s resolution had made no reference to Srebrenica’s disarmament or demilitarization. Not surprisingly, talks over the demilitarization of Srebrenica went nowhere. The Serbs had agreed to U.N. administration over the town. In return, they demanded disarmament of Srebrenica. The Muslims, though they had surrendered, now acted with the self-confidence that comes from the knowledge that the Security Council was behind them. They saw little reason to give up their arms. So they came up with an ingenious way to avoid demilitarization. The Muslims argued that the area of demilitarization should be limited to the town of Srebrenica itself. Under such a regime, “Muslim forces could move to areas under their control outside the town and avoid being disarmed.”<sup>27</sup>

The town of Srebrenica would be demilitarized, but not its surroundings. In the coming years, Muslims would dismiss Serb complaints that they had refused to disarm by claiming that demilitarization was only supposed to cover the town of Srebrenica, not its surroundings. Kofi Annan lent his support to the Muslims’ claim. In the official U.N. report on the fall of Srebrenica, published in November 1999 when Annan was already U.N. secretary-general, he argued that the Muslims’ understanding of the demilitarization agreement was one shared by UNPROFOR: *The agreement laid down the terms under which Srebrenica would be demilitarized, though it did not define the area to be demilitarized. Halilovic has since stated that he understood the agreement to cover only the urban area of Srebrenica, and not the rural parts of the enclave. UNPROFOR seems also to have understood the agreement in this way.*<sup>28</sup>

However, Wahlgren, who was in a position to know since he was one of the signatories of the April 18 agreement, has denied this. According to Wahlgren, the Dutch government report said, UNPROFOR’s interpretation of demilitarization was the same as that of the Bosnian Serbs: Demilitarization was supposed to cover the entire area inside the ceasefire line.<sup>29</sup> There is no reference in the April 18 agreement to any distinction between the town and the surroundings. The agreement stated, “*All weapons, ammunition, mines, explosives and combat supplies...inside Srebrenica will be submitted/handed over to UNPROFOR under the supervision of*

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<sup>26</sup> Milosevic Trial Transcript, Sept. 12, 2003, p. 26511.

<sup>27</sup> Honig and Both, p. 106.

<sup>28</sup> *Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The fall of Srebrenica, A/54/549, Nov. 15, 1999, paragraph 60.*

<sup>29</sup> NIOD, Part II, Chapter 3, Section 3.

*three officers from each side with control carried out by UNPROFOR. No armed persons or units except UNPROFOR will remain within the city once the demilitarization process is complete.*<sup>30</sup>

### **A TOWN NOT DEMILITARIZED**

As it turned out, the boundary of the safe area wasn't all that important because the Muslims had made sure that no serviceable weapons or ammunition would be handed over to UNPROFOR. As the Dutch government report described it, the "ABiH took all modern and usable weapons and ammunition out of the town into the surrounding areas and turned over to [UNPROFOR] only old and unusable weapons for which there was little or no ammunition. The result of the voluntary surrender by ABiH was extremely limited."<sup>31</sup>

Though Wahlgren was undoubtedly aware of the Muslims' manifest failure to demilitarize Srebrenica, he nonetheless announced to the world on April 21, that "the town has been demilitarized."<sup>32</sup> Wahlgren's dissembling was understandable. On April 23, Kofi Annan, who had just been appointed under-secretary-general for peacekeeping operations, sent a message to Wahlgren telling him that there was no need for UNPROFOR to conduct "house-to-house searches for weapons." U.N. member states, Annan explained, felt strongly that UNPROFOR should not "participate too actively in 'disarming the victims.'"

However, whatever vagueness there may have been in the April 18 agreement was removed by the subsequent May 8 demilitarization agreement between Mladic, Halilovic and Morillon. Demilitarization, the agreement said explicitly, was to apply to the ceasefire line: "The demilitarized areas will include the areas within the current lines of conflict." Military and paramilitary units were ordered to withdraw from the demilitarized zones or "submit/hand over their weapons." Combatants were not allowed to "enter or to be in the demilitarized zone." Non-combatants were "not permitted to have in their possession any weapon, ammunition or explosives." The intent of this May 8 accord was precisely "to eliminate misunderstandings about the area of the demilitarized zone."<sup>33</sup>

Yet, as Halilovic admitted during the trial of Radislav Krstic, "After I returned from the airport on the 9th of May, I issued an order specifying that not a single piece of weaponry and equipment should be handed over because we had some very bad experience to that effect, that is, with very slow and inefficient decisions by the International Community."<sup>34</sup> In other words, Halilovic had not the slightest intention

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<sup>30</sup> U.N. Document S/25700, Annex II, April 30, 1993.

<sup>31</sup> NIOD, Part II, Chapter 3, Section 3.

<sup>32</sup> Honig and Both, p. 106.

<sup>33</sup> NIOD, Part II, Chapter 3, Section 4.

<sup>34</sup> Krstic, April 5, 2001, p. 9467.

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of complying with any demilitarization agreement, even one that was supposedly understood to refer only to the urban zone of Srebrenica.

From April 1993 to July 1995, the Muslims scarcely bothered to pretend that they were adhering to any kind of a demilitarization regime. “The demilitarization agreements of April and May 1993 brought an official end to the existence of Muslim units in the enclave Srebrenica,” the official Dutch government report said. “But, in point of fact, the military organization continued to exist; until April 1994, its headquarters was even located above the headquarters of the Canadian battalion, on the first floor of the post office.”<sup>35</sup>

Halilovic admitted that Bosnian Muslim helicopters had flown in violation of Security Council resolutions barring military flights. Halilovic recounted that he had personally dispatched eight helicopters with ammunition to Srebrenica for the 28<sup>th</sup> Division.<sup>36</sup> In its genocide judgment in the Krstic case, the ICTY trial court described how Bosnian Muslim helicopters “flew in violation of the no-fly zone; the ABiH opened fire toward Bosnian Serb lines and moved through the ‘safe area’; the 28<sup>th</sup> Division was continuously arming itself; and at least some humanitarian aid coming into the enclave was appropriated by the ABiH.” In other words, as the Krstic court cheerfully admitted, the Muslims in Srebrenica “were using the ‘safe area’ as a convenient base from which to launch offensives against the VRS and that UNPROFOR was failing to take any action to prevent it.”<sup>37</sup>

Though U.N. Secretary-General Boutros Boutros-Ghali characterized the presence of the 28<sup>th</sup> Division in Srebrenica as a “violation of a demilitarization agreement,”<sup>38</sup> UNPROFOR did little to enforce the demilitarization regime. DutchBat (the abbreviation for Dutch battalion), the force the Dutch government volunteered to send to Bosnia to protect the safe areas, was under strict orders not to carry out any serious demilitarization. As a result, from April 1993 on, according to Colonel Thomas Karremans, the commanding officer of DutchBat, Srebrenica became more, not less, militarized.<sup>39</sup> The world had been led to believe the opposite. The legerdemain was achieved by having UNPROFOR pretend demilitarization had been secured. DutchBat was under orders to maintain the façade of domestic tranquility. Major Robert Franken, the deputy commanding officer of DutchBat, recalled how his troops *were not allowed to enter private houses. When we saw somebody with a gun, with a weapon, we followed him, we tried to catch him, but the very moment he went into a house, we had to stop and call in the local police to see whether the weapon was still in the house. We tried that a couple of times, but*

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<sup>35</sup> NIOD, Part II, Chapter 6, Section 6.

<sup>36</sup> Krstic, April 5, 2001, p. 9469.

<sup>37</sup> Krstic, paragraph 24.

<sup>38</sup> Report of the Secretary-General Pursuant to Resolutions 982 (1995) and 987 (1995), May 30, 1995, S/1995/444, paragraph 37.

<sup>39</sup> Prosecutor v. Blagojevic, June 24, 2004, p. 11144.

*the result always was that the so-called CIVPO, the civilian police, came out and said that there were no weapons.*<sup>40</sup>

That Dutch Bat lacked the authority to undertake disarmament was confirmed by the Srebrenica debriefing report published by the Dutch government in 1995: “A problem for Dutch Bat personnel... was that if during patrols they came across armed BiH personnel or civilians, they were not authorized to use force in disarming them, nor were they authorized to enter houses without consent.”<sup>41</sup>

Moreover, according to the Dutch government’s 2002 report, “After the failure of demilitarization in May/June 1993 UNPROFOR did not overly concern itself with the brigades: it seized any weapons it discovered but did not actively search for them; UNPROFOR, because of its unclear mandate, allowed training without weapons and other military exercises. Setting up positions within the enclave was permitted to a limited degree. The ABiH in Srebrenica tried to keep out of the sight of UNPROFOR.”<sup>42</sup>

On May 6, a mere three weeks after adoption of Resolution 819, the U.N. Security Council designated five more cities in Bosnia as safe areas. Though there had been no opportunity to determine the effectiveness of the Srebrenica safe-area regime, the Security Council declared Sarajevo, Tuzla, Gorazde, Zepa and Bihac, and their surroundings, to be “safe areas” that also had to be “free from armed attacks and from any other hostile acts.”

The Bosnian government, Boutros-Ghali wrote, “Used the safe areas as locations in which its troops can rest, train and equip themselves as well as fire at Serb positions, thereby provoking Serb retaliation.”<sup>43</sup> While Muslims could attack from a safe area, Serb retaliation would have the appearance of an attack on civilians, an action requiring swift retribution from NATO. In vain did Boutros-Ghali point out in December 1994 that safe areas were not established in order to facilitate the Muslim war effort? The “party defending a safe area,” he wrote, “must comply with certain obligations if it is to achieve the primary objective of the safe area regime, that is, the protection of the civilian population. Unprovoked attacks launched from safe areas are inconsistent with the whole concept.” The primary purpose of the safe areas was protection of civilians; mounting attacks from safe areas could only endanger civilians.

Provoking Serb retaliation and then calling on NATO to wreak vengeance on the Serbs became Muslim strategy. The United Nations wasn’t at all happy with this arrangement. “Until complete demilitarization of safe areas can be achieved,”

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<sup>40</sup> Prosecutor v. Krstic, April 4, 2000, p. 2007.

<sup>41</sup> Report Based on the Debriefing on Srebrenica, Oct. 4, 1995, paragraph 2.38, ICTY Legal Library.

<sup>42</sup> NIOD, Part II, Chapter 6, Section 6.

<sup>43</sup> Report of the Secretary-General Pursuant to Security Council Resolution 900 (1994), S/1994/291, March 11, 1994, paragraph 17.

Boutros-Ghali was to plead, *the party controlling a safe area should be obliged to refrain from attacks and hostile or provocative actions from within the safe area directed against opposing forces or targets outside the safe area. In addition, measures should be taken by the parties to avoid activities within the safe areas that could draw attacks from opposing forces.*<sup>44</sup>

So if Muslims wanted NATO to come to their assistance then they had better take on the Serbs outside of the safe areas. If Muslims continue to attack from within the safe areas, it will be “impossible for UNPROFOR to exercise its mandate to use force in the event of an attack on the safe area, particularly when the attack is related to the presence of military targets within the safe area.”<sup>45</sup> Boutros-Ghali’s warning had no practical effect whatsoever.

### **SREBRENICA ENDGAME**

Muslim forces in Srebrenica had been growing in strength ever since the town was declared a safe area in April 1993. In May 1994, the Muslims reorganized their forces. The brigades in Srebrenica became attached as 8<sup>th</sup> Operational Group to the 2<sup>nd</sup> Corps of the ABiH in Tuzla. The quality of the units in Srebrenica, according to the Dutch government’s report, “improved thanks to better organization, more intensive training and particularly due to better weapons and equipment. The equipment was supplied from central Bosnia, where the ABiH could command growing stocks of weapons despite the arms embargo.” In the spring of 1995, the ABiH intensified the smuggling of weapons into Srebrenica, and issued orders to “carry out military operations outside the enclave.”

On May 1, the Muslims and Croats launched their long-expected offensive. That same day, Croatia launched Operation Flash. Within days, Western Slavonia collapsed. In eastern Bosnia, the Serbs were expecting the Muslim 2<sup>nd</sup> Corps, based in Tuzla, to mount an offensive in order to link up with the 28<sup>th</sup> Division in Srebrenica and Zepa. If this operation were to prove successful, eastern Bosnia would effectively be split in two with the eastern enclaves of Tuzla, Srebrenica and Zepa becoming linked to the Muslim-Croat federation. A Bosnian Serb entity would thereby cease to be viable. In April 1995, Oric suddenly left Srebrenica for Tuzla. Since he was the Muslims’ most capable commander, his transfer out of Srebrenica was taken by the Serbs as an indication of an upcoming offensive from Tuzla.

In the meantime, a major battle was taking place around Sarajevo. In June, the Muslims launched an offensive with a view to securing the Bosnian capital. The Muslim forces in the enclaves of eastern Bosnia were expected to tie down as many Serb troops as possible in order to prevent them from reinforcing Serb positions

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<sup>44</sup> *Report of the Secretary-General Pursuant to Security-Council Resolution 959 (1994)*, Dec. 1, 1994, paragraph 51.

<sup>45</sup> *Ibid.*

around Sarajevo. The general staff of the Bosnian army instructed the 28<sup>th</sup> division in Srebrenica to launch a series of actions to distract the Bosnian Serb forces. Attacks on neighboring Serb villages and ambushes behind Serb lines were causing serious military problems for the Vojska Republike Srpske /RS Army/. The VRS were at a major disadvantage in terms of manpower; they were also subject to international sanctions, which, since August 1994, had been reinforced by a trade embargo ordered by Serbian President Slobodan Milosevic. With critical fighting taking place around Sarajevo, the Bosnian Serbs could no longer afford the distraction of defending Serb villages behind their own lines. Philip Corwin, chief U.N. political officer in Bosnia at the time, has written that the Serbs had no choice but to take military action against the enclaves in eastern Bosnia. “Not only did they [the enclaves] pose a military threat, but their location forced Serb forces to detour around them and waste precious fuel in a time of war.”<sup>46</sup>

On June 24, Mladic wrote a letter to UNPROFOR headquarters in Sarajevo protesting the repeated attacks emanating from Srebrenica. The attacks “brutally violate the status of [the] Safe Area of Srebrenica. Due to that fact I...warn you that we will not tolerate such cases in future.”<sup>47</sup> The Bosnian government was making use of Srebrenica in its overall military strategy. Yet the enclave continued to enjoy the protection of the U.N. Srebrenica, according to the Dutch government’s report, had “increasingly acquired the status of a ‘protected area’ for the ABiH, from which the ABiH could carry out hit and run operations against, often civilian, targets. These operations probably contributed to the fact that at the end of June the VRS was prepared to take no more.”<sup>48</sup>

Indeed, even General Rupert Smith, the UNPROFOR commander who turned out to be so amenable to NATO requests, acknowledged the serious military problem the eastern enclaves posed for the Serbs. In early 1995, he was reported to have remarked to the U.S. ambassador in Sarajevo that “If I were Mladic, I would take the enclaves.” In an April 1995 situation report, Smith wrote that Mladic has a choice: either to concentrate his troops on the western front (the Krajina and Bihac) or on the eastern front. Fuel shortages, proximity to Serbia and the ongoing fight for Sarajevo “lead me to think that his main effort will be in the east. In order to achieve a sufficient concentration of force, he will probably have to neutralize one or all of the Eastern enclaves.”<sup>49</sup>

Ignoring Mladic’s warning, the Srebrenica Muslims on June 26 launched a militarily meaningless attack on the nearby Serb village of Visnica. The attack was

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<sup>46</sup> Philip Corwin, Foreword in forthcoming book, *Srebrenica and the Politics of War Crimes*.

<sup>47</sup> Honig and Both, p. 173.

<sup>48</sup> NIOD, Appendix II, “Intelligence and the War in Bosnia 1992-1995: The Role of the Intelligence and Security Services,” Chapter 4, Section 7.

<sup>49</sup> NIOD, Appendix II, “Intelligence and the War in Bosnia 1992-1995: The Role of the Intelligence and Security Services,” Chapter 8, Section 3.

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an act of extraordinary recklessness given the absence of Srebrenica's top commanders, who had all been withdrawn two months earlier. The decision to launch this foray was probably taken in Sarajevo. It was this attack that, more than likely, galvanized the Serbs to take action to eliminate the threat from Srebrenica. However, the Serbs almost certainly did not start out with the intention of capturing Srebrenica. This has been acknowledged even by the ICTY. The strategy behind "Krivaja 95," the name the Serbs gave to the military operation, was to reduce Srebrenica to its urban core—the only part of the municipality that the Muslims had, from 1993 on, agreed to demilitarize.

Reduction of the safe areas would significantly shorten the confrontation lines, enabling the Serbs to transfer troops to other fronts—to Sarajevo as well as to the Bosnian Krajina in the west, both of which were under attack by the Croatian and Bosnian Muslim armies. "If the high areas around the enclaves were in the hands of the VRS, one brigade for each enclave would suffice to control them," the Dutch government report said.

*The plans for an attack on the enclave were actually drawn up at a very late stage and in a very short time; there was no months-long preparation. It was a question of days. Equally, it was not intended to occupy the enclave in its entirety. This decision was taken only on the evening of 9 July....This was due to the lack of any serious resistance by the ABiH.<sup>50</sup>*

It was this surprising lack of resistance by the Bosnian Muslims in Srebrenica that impelled the Serbs to go further and capture the town in its entirety. The ease of the Serb victory in Srebrenica was shocking. The Serbs were few in number and lightly armed. As the Dutch government report put it, the Serb attack "was not comparable to Operation Barbarossa or the invasion of Normandy, with hundreds of thousands of troops, aircraft and tanks involved. This was a small military operation with a limited amount of troops, a maximum of ten tanks and APCs and supported by twelve artillery pieces and mortars that were already in position around the enclave."<sup>51</sup>

Moreover, Srebrenica isn't a town that can be captured easily. The terrain in the region of Srebrenica is very rugged: steep valleys, dense forests and deep ravines. There were more than enough Muslim soldiers in Srebrenica to defend the town against a few hundred Serbs. The Muslims also had plenty of weaponry. According to the chief of the ABiH Supreme Command Staff at the time of the fall of Srebrenica, General Enver Hadzihasanovic, the 28<sup>th</sup> Division in Srebrenica had 5,685 men under arms. The Bosnian Serb forces that attacked Srebrenica numbered at most 1,700. They probably numbered a lot less than that. The *Times* (London) cited

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<sup>50</sup> NIOD, Appendix II, "Intelligence and the War in Bosnia 1992-1995: The Role of the Intelligence and Security Services," Chapter 8, Section 4.

<sup>51</sup> NIOD, Appendix II, "Intelligence and the War in Bosnia 1992-1995: The Role of the Intelligence and Security Services," Chapter 8, Section 8.

“reports that up to 1,500 Serbs were involved in the assault on Srebrenica, but intelligence sources estimated the main attack was carried out by a force of about 200, with five tanks. ‘It was a pretty low-level operation, but for some reason which we can’t understand the BiH (government) soldiers didn’t put up much of a fight,’ one source said.”<sup>52</sup>

Had there been even the mildest resistance on the part of the Muslims in the town, the Serbs would have failed to capture Srebrenica. Fighting the limited Serb force would more than likely have met with greater success than the strategy the Muslims plumped for, namely, a retreat on foot across Serb military lines in broad daylight.

Given the huge advantage defenders always have over attackers, Srebrenica would not have collapsed as quickly as it did unless a decision had been taken elsewhere to surrender the town without a fight. Oric, along with 18 of Srebrenica’s commanders, had mysteriously been withdrawn in April. Facing an impending Serb attack, the Muslims had not bothered to establish any kind of an effective defensive system. They made no attempt to use their heavy artillery, which, though under UNPROFOR control, was available to them in the event of an attack. Sarajevo refused to authorize Oric to return to Srebrenica to lead the resistance there. The Muslim men simply packed up their weapons and made their way toward Tuzla.

In light of Sarajevo’s long-standing claim that the Serbs were a genocidal people, the Muslims’ decision to abandon their women and children to the mercy of the hated “Chetniks” seemed surprising. Fleeing a fight; taking all of your weapons with you; and leaving women, children and old men to face down enemy soldiers was certainly a dubious military, not to say, moral strategy. The Dutch Bat soldiers who witnessed this described the behavior of the Muslim men as “cowardly.”<sup>53</sup> Incredulously, they recounted how “younger Muslims abandoned the older, weaker people to their fate and only after repeated insistence by Dutch Bat soldiers were they prepared to help.”<sup>54</sup>

The fact that Srebrenica’s defenders had refused to fight to defend the town did nothing to stop an avalanche of commentary in the Western media denouncing NATO’s supposedly shameful betrayal of Srebrenica. The West was supposed to come in and fight for Srebrenica even though the Bosnian Muslim forces hadn’t lifted a finger to defend it.

The Serbs entered Srebrenica and found, to their astonishment, that the men had all left. There was no one in the town other than women, children and old men. Panic-stricken at having been abandoned by their soldiery, what remained of the town’s

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<sup>52</sup> “Muslim Soldiers ‘Failed to Defend Town from Serbs,’ ” *The Times*, July 14, 1995.

<sup>53</sup> Report Based on the Debriefing on Srebrenica, Oct. 4, 1995, paragraph 6.11, ICTY Legal Library.

<sup>54</sup> Report Based on the Debriefing on Srebrenica, Oct. 4, 1995, paragraph 5.5, ICTY Legal Library

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residents—women, children and old men—fled to the U.N. base at Potocari. Terrified and short of food and water, the 25,000 or so civilians crammed into the tiny U.N. base, seeking to get away from Srebrenica as fast as possible.

A serious issue remained: What had happened to Srebrenica's men? There were at least 5,000 Muslim fighters in the town. Rather than fight or surrender, they had decided to break through Serb lines and withdraw to Tuzla. This retreating column, consisting of between 12,000 to 15,000 men, included the entire 28<sup>th</sup> Division (5,500 to 6,000 troops) but also many civilians. It stretched some 12 to 15 kilometers.<sup>55</sup> The column sought to cross Serb military lines in broad daylight and was subjected to heavy artillery fire. How many of the men in the column were killed, how many were executed and how many managed to make it to Tuzla has remained a mystery. The Muslim government has never released statistics as to the number of men who reached Tuzla. Bosnia's Muslim leaders, their acolytes in the West and of course the humanitarian interventionists have for years sought assiduously to persuade the world that Srebrenica's men were rounded up and executed by the Serbs. According to the story that was to become widely accepted within weeks of the fall of Srebrenica, the Serbs simply gathered up all of the town's unarmed men, carted them off somewhere and executed them en masse.

Common sense, however, would suggest that a large number of the men killed must have died in combat. Muslim forces were seeking to break through the Serb lines of defense in order to regroup and fight Serbs elsewhere. The pursuing Serbs were under no obligation to let the Muslim forces through just because there were civilians in the column. The men of the 28<sup>th</sup> Division had refused to lay down their arms. They remained combatants who, once they reached their destination, would not simply stay on in Tuzla. They would be deployed elsewhere, probably Sarajevo, the key battleground. As Major Robert Franken, deputy commanding officer of Dutch Bat, described it, during cross-examination in another ICTY trial, it was often difficult to distinguish armed from unarmed men when it came to the 28<sup>th</sup> Division. He was asked if the absence of a military uniform sufficed to prove that a man wasn't a Muslim fighter. Franken replied, "As I already said, it was very difficult to recognize by uniform who was part of the 28<sup>th</sup> Division or not." The attorney then asked: "So some of them could have been in plain clothes, and at the same time be soldiers?" Franken replied, "That's correct."<sup>56</sup>

### **NATO'S POINTLESS BOMBING CAMPAIGN**

So, contrary to the enshrined Srebrenica narrative, Srebrenica was anything but an unarmed civilian enclave. There is the further myth, namely, that NATO's September 1995 bombing campaign against the Serbs that followed their capture of Srebrenica brought the Serbs to heel and made peace in Bosnia possible. If only

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<sup>55</sup> Krstic, April 6, 2001, p. 9528.

<sup>56</sup> Prosecutor v. Vidoje Blagojevic, IT-02-60-T, Sept. 15, 2003, p. 1547.

NATO had acted earlier, the familiar story runs, the Serbs could have been defeated, Bosnia kept whole and Srebrenica saved. However, this account is as misleading as all of the other accounts relating to Srebrenica.

Following a Sept. 8 meeting in Geneva, the foreign ministers of Bosnia, Croatia and Yugoslavia signed onto a set of Agreed Basic Principles, according to which Bosnia would comprise two entities: the Federation of Bosnia and Herzegovina and the Republika Srpska. The federation would comprise 51% of the territory, the Republika Srpska 49%. Each entity would have its own constitution and its own government. The negotiations that finally brought the Bosnian war to an end took place in November 1995 at Wright-Patterson Air Force base outside Dayton, Ohio. What made success at Dayton possible was not NATO's bombing campaign but U.S. willingness finally to impose a settlement on Bosnia's Muslims and accept an outcome it had previously fiercely rejected: a de facto partition of Bosnia. It was not the Serbs, but the Muslims, who created problems at Dayton. This was understandable. Having been promised a united Bosnia in which they would be the dominant nation, Izetbegovic considered the offer of half a state—a half that they would moreover have to share with the Croats—as a betrayal. Izetbegovic announced that he “could not be party to an agreement signed by the Bosnian Serbs.” The Serbs were “like the Nazis,” he said. An “agreement should be imposed on them.” The Americans, no longer keen to indulge him, dismissed such typical Izetbegovic overheated rhetoric with the snide observation that “unlike Allied Forces during World War II, the Bosnians had not defeated the BSA militarily.”<sup>57</sup>

In the United States, the signing of the Dayton accords was greeted with the usual self-congratulations. The Muslims had supposedly won huge chunks of territory from the Serbs, all thanks to U.S. air power and Croat-Muslim fighting prowess. Peace had come to Bosnia, the Muslims had been saved and the hated Serbs had been put in their place. This was, to say the least, a strange reading of what had happened. Peace had come to Bosnia because Serbs took matters into their hands and secured the exchange of territories that Karadzic had proposed, that Owen had proposed, and that the Contact Group had rejected, namely, a swap of the eastern enclaves for territory around Sarajevo. The territory that the Muslims and the Croats had gained thanks to NATO bombing would have been assigned to the federation anyway, and would almost certainly have been lost to the Serbs had the war gone on a little longer.<sup>58</sup> The attacks the United States had encouraged served no purpose other than to create Serb refugee flows, which made for satisfying “Serbs them right” stories in the media.

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<sup>57</sup> “The Road to Dayton: *U.S. Diplomacy and the Bosnia Peace Process*, May-December 1995,” U.S. Department of State, 1997, pp. 233-234.

<sup>58</sup> Even Holbrooke admits that the Muslim-Croat offensive was running out of steam, on account of military incompetence and mutual antagonisms. Once NATO bombing ended the Serbs began to recover militarily.

## MANUFACT. A MYTH: SREBRENICA AND WESTERN MILITARY INTERV.

The key ingredient of Dayton wasn't U.S. pressure on the Serbs; that had been a staple since 1991. What was new was U.S. pressure on the Bosnian Muslims. For the first time, the United States wasn't unconditionally supporting Muslim aspirations. The U.S. intervention in Bosnia accomplished remarkably little, and policymakers were unable to explain why the Dayton accords, which ratified the partition of Bosnia and the creation of a Bosnian Serb entity on 49% the republic's territory, was in any way more helpful to the Muslims than the previous peace plans that Washington had rejected on the ground that they weren't giving the Muslims enough. The 1992 Cutileiro Plan had envisaged an undivided Bosnia. The Vance-Owen and the Owen-Stoltenberg plans envisaged Srebrenica and Zepa remaining under Muslim control. Under Vance-Owen, Srebrenica was to have been a part of the Muslim-run Tuzla province. Under the Owen-Stoltenberg and the E.U. Action plans, Srebrenica and Zepa would have been linked and assigned to the Muslim-majority republic.

The Vance-Owen plan, Owen pointed out, would have given the Serbs "only 43 per cent of territory in a unified state." Owen-Stoltenberg would have effectively given the Muslims their own state. What made the Dayton agreement different was its sponsorship by the United States. U.S. policy may not have secured very much for the Muslims. It succeeded though in demonstrating that only a peace agreement sponsored by the United States had any chance of prevailing. Absent U.S. involvement and control, neither the United Nations nor the Europeans could end a war.

Had the United States been willing to accept the Cutileiro peace plan or the subsequent Owen-Stoltenberg and E.U. Action plans, the war could have ended three years earlier. Tens of thousands of lives could have been saved and there would have been no killings at Srebrenica. The real tragedy of Srebrenica is that to this day Western policymakers have failed to heed its lessons.

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## ANATOMY OF THE SREBRENICA “GENOCIDE”

Dragan Vujičić<sup>1</sup>

Newspaper “*Večernje novosti*”, Belgrade

**Abstract:** In mid-November 2018, the Prime Minister of the Republic of Serbia stated, in an interview for Deutsche Welle that the horrible massacre in Srebrenica was not a genocide, whereas on 28 November a new EP Resolution on Srebrenica was adopted at the European Parliament with 508 votes in favor and 85 against, by which Serbia was told that “Recognition of genocide in Srebrenica is a fundamental step in Serbia’s accession to the European Union”.<sup>2</sup> This text speaks about the events in Srebrenica and how The Hague Tribunal, according to the demands of the powerful, has built the sole collective responsibility of the Serbs for the war and sufferings in Bosnia and Herzegovina.

It is certain that Serbia can enter the European Union only after it has closed all the negotiation chapters of its accession to the Union. Chapters 23 and 24 (Judiciary and Rule of Law), which were opened first, would be closed last (next-to-last) after the famous Chapter 35 concerning the arrangement of relations with KIM (recognition at the UN). Those from Brussels do not hide that the term “harmonization” of the Serbian and the European judiciary among other things means that we can only talk and write about Radovan Karadžić or Ratko Mladić with the attribute of “convicted war criminals”. The unsuccessful resolution of the United Kingdom in the Security Council to accuse the Serb people of genocide has brought a new light to the views of the world about Srebrenica.

**Keywords:** *Civil war, crime in Srebrenica, The Hague Tribunal, genocide, manipulation with facts.*

The Hague Tribunal, with its full name being the „*International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991*”, was established by the SC Resolution 827 on 25 May 1993.

It is more than clear from the name of the ad hoc court that it is an institution created to judge, only and exclusively, for events in the geographically bounded territory for which specific legal frameworks were written. It is precisely for that reason and based on its Statute that special laws had been created for this court, where 160 persons were prosecuted. The Statute was changed more than 50 times – when required to sentence an individual.<sup>3</sup>

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<sup>1</sup> Dragan Vujičić is an editor in the newspaper “*Večernje novosti*”, Belgrade, and the author of the publication titled “*The Srebrenica Circle*”.

<sup>2</sup> “*Večernje novosti*”, <http://www.novosti.rs/> /вести/насловна/политика/актуелно.289.хтмл:763327-РЕЗОЛУЦИЈА-У-БРИСЕЛУ-Признајте-геноцид-у-Сребреници-за-улаз-у-ЕУ EP Resolution, Accession to the EU only after the recognition of the Genocide in Srebrenica.

<sup>3</sup> [http://www.icty.org/x/file/Legal%20Library/Statute/statut\\_827\\_1993\\_bcs.pdf](http://www.icty.org/x/file/Legal%20Library/Statute/statut_827_1993_bcs.pdf)

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The Egyptian expert on Islamic Law, Cherif Bassiouni, is credited for the emergence of a “special”, “flexible”, and with ultimate purpose, a caricature perception of genocide, which nowadays stands in the form of “verdicts” hanging over the neck of the Serb people. In a brilliant analysis of the “specificity” of the exclusively Serbian genocide, Stefan Karaganović, an American lawyer, wrote an essay: “Cherif Bassiouni, let him rest in peace, if he can.”<sup>4</sup> He thoroughly analyzed how the intellectual hireman (calling him a prostitute) Bassiouni “got even with” the original Convention on the Prevention and Punishment of the Crime of Genocide adopted by the SCUN in 1946.<sup>5</sup>

The Egyptian himself best explained his legal achievement in the destruction of the current Convention of 1946 in the theoretical paper “Genocide in Bosnia and Herzegovina”.<sup>6</sup> In it he explained his thesis about the possibility of existence of an entirely local genocide (on two percent of the territory of the country and including two percent of the total population), turning people into groups, and then into “small groups” and into the peoples intended for destruction. Among other things, Bassiouni did not hide his defilement of the international law;

### **INTERNATIONAL LAW REQUESTS AN INQUIRY INTO THE WORK OF THE HAGUE TRIBUNAL**

A Japanese Law Professor, Yukie Osa, from Rikkyo University in Tokyo, in an interview for the newspaper “*Novosti*” in September 2018,<sup>7</sup> unambiguously pledged for a new study of Srebrenica, stating that The Hague Tribunal verdicts might not belong to a body of science and practice called the international law, because they were strictly geographically limited. The Japanese Professor received her PhD on the topic of Srebrenica, and it is interesting that her doctoral thesis at the Tokyo State University was created from the need of the Japanese state and military not to fall into the trap of an “ad hoc international justice” founded on May 25, 1993.

“We, the members of the Commission (for the drafting of the Statute of The Hague Tribunal, A/N) have considered genocide from a more advanced point of view and have agreed that the genocide could not be interpreted within the group as a whole, as had been the case with the Holocaust interpretation, since this was a form held by the Nazis (?), but that this should rather be seen within a more specific context”.

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<sup>4</sup> <https://www.pogledi.rs/%D1%88%D0%B5%D1%80%D0%B8%D1%84-%D0%B1%D0%B0%D1%81%D0%B8%D1%83%-D0%BD%D0%B8-%D0%B0%D0%BA%D0%BE-%D0%BC%D0%BE%D0%B6%D0%B5-%D0%BD%D0%B5%D0%BA%D0%B0-%D0%BF%D0%BE%D1%87%D0%B8%D0%B2%D0%B0-%D1%83-%D0%BC/>

<sup>5</sup> <http://www.preventgenocide.org/ba/konvencijaogenocidu.htm>

<sup>6</sup> Bassiouni, M. Cherif, 1995, “*Genocide in Bosnia-Herzegovina*”.

<sup>7</sup> <http://www.novosti.rs/vesti/naslovna/dosije/aktuelno.292.:747235-Проф-Јукије-Оса-Сребреницу-треба-опет-истразити.>

Judgment of General Zdravko Tolimir, among other things, for the genocide in Žepa, was pronounced before The Hague Tribunal on December 12, 2012, in which the murder of three civilians in this small town in July 1995 was characterized as genocide,<sup>8</sup> which was the highlight of the denial of the international law.

“It is stated that genocide occurred in Žepa based on material findings of the Chamber of the Tribunal that the Serb forces had executed three key members of the leadership (otherwise in the full composition the surviving local Muslim communities) and thus deprived them of “means of further survival”.

Five different judgments of the trial chambers of the same Tribunal handed down to the Serb military and political officials testify about rendering meaningless the number of Bosniaks killed in the alleged genocide in Srebrenica and Žepa (and irrelevant for the trial chamber). However, the way in which the number of Bosniaks killed in the alleged genocide had been reached was equally “interesting” and “innovative”.

“Adding relative numbers of relative victims” in The Hague Tribunal was analyzed by the defense expert Colonel Ratko Škrbić. His expertise was collected in the book “The Hoax of Srebrenica”, which is available free of charge on the portal of “The Srebrenica Historical Project”.

The court expert Škrbić was the first to calculate that, in the Tribunal’s indictments, the Bosniaks surrendered to the Serb forces at 53 places and that the total number of prisoners of war was reached by adding numbers “more than one hundred, not less than three hundred, four hundred and more”... The only three figures which defined the exact number of prisoners were: three captured, five captured and 25.

...Following the number of allegedly shot Muslims, according to mathematics of the Prosecution, Škrbić “counted” in the proceedings of General Tolimir that 4,420 people were captured by the Serb forces around Srebrenica; 4,940 people were taken for execution and 5,390 of them were executed!

In the “Popović et al” proceedings, the Prosecution’s math was even more shameful.

Namely, when Serbia is required to recognize the judgments of The Hague judges, it is necessary at least to specify which one. The one according to which 4,970 were killed (to Tolimir), 5,155 (to Karadžić), or between seven and eight thousand to Krstić, and much less to Mladić.

The genocide in Srebrenica would be the only such crime in which there was no genocidal intention, decision and order to be executed. Speaking at the trial of Ratko Mladić in 2015, the Prosecutor Expert Richard Butler “estimated” that the order of the top command of the RS Army to shoot thousands of Muslims from Srebrenica had been made between 11 and 12 July 1995, but not by whom it was made and who issued the order. Butler suggested that “it must be Mladić because he commanded the offensive”.

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<sup>8</sup> [www.icty.org/x/cases/tolimir/tjug/en/121212\\_summary.pdf](http://www.icty.org/x/cases/tolimir/tjug/en/121212_summary.pdf), p. 7

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According to Branko Lukić, the defense lawyer of Ratko Mladić, in the interview given to the newspaper “*Novosti*”, he said that there was something in the first instance verdict to the general about the alleged (third) meeting at the Fontana Hotel in Bratunac, where the alleged genocide was ordered. Lawyer Lukić blamed the Prosecutor Peter McLeox for these lies, who made up the meeting between July 12 and July 13 and led the trial chamber believe that the genocidal intent and order have actually existed.

In the beginning of February 2018, fifteen months after the most severe sentence pronounced to the Commander of the VRS, Jonas Nilsson, senior associate of the judge of The Hague Tribunal, Alphons Orie, who chaired the trial chamber of the General Mladić, admitted that “the third meeting in Bratunac was invented” for the purposes of the verdict. Holding a speech at the lecture at the Asser Institute, he literally said: “There was no meeting at which the execution of the action was agreed. I repeat, there was no written decision, there were no military meetings or anything like that. Somehow, we had to learn everything from changing the position and behavior of those who were involved in the court proceedings. The judges dealt with the classification - what was said on a particular day, what was discussed in the evening and what was discussed a day later, and the presence of certain witnesses was particularly important.”<sup>9</sup> Jonas Nilsson’s scandalous confession was also recorded in a video recording.<sup>10</sup>

The non-existent intercepted talks of July 1995 testify about the non-existent Serb genocide against Bosniaks from Srebrenica in the ICTY judgments. As the defense team of Ratko Mladić proved in the courtroom, the Prosecution did not have any audio record of intercepted conversations, but only their transcripts,<sup>11</sup> while the trial chambers trusted the Prosecution that the presented phono “transcriptions” fully corresponded the destroyed original phono records.

According to words of the lawyer Branko Lukić, aside from the fact that it was technically impossible that Muslims, from defined intercepting places and with the devices at their disposal had listened to the communications of the Serb army, and it turned out at court hearings that a Bosniak officer in charge of wiretapping radio communications of the Serbs around Srebrenica in July 1995, according to his own military booklet, joined the Army of BiH in 1996, while the phono transcripts of intercepted conversations were transferred on paper in 1998, according to the Prosecution’s claims. At the Mladić trial, “the notebook with the transcripts of these conversations” was presented, and it was found that it had been produced in 2001!

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<sup>9</sup> <https://www.srbijadanas.com/вести/инфо/испливао-скандалозни-снимак-признања-из-хага-младић-осуден-на-основу-претпоставки-видео-2018-02-09>.

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## **THE USAGE OF NON-EXISTENT RECORDS IN THE COURT PROCEEDINGS**

The following detail testifies how the Trial Chamber concluded in the judgment of Radovan Karadžić that he had known about the crimes from Srebrenica. The Court called for a written note of an intercepted conversation of July 13, 1995 (prior to any killings) between Miroslav Deronjić from Bratunac and President Karadžić, during which Deronjić told Karadžić that “there were two thousand, and that more is expected in the night” to what Karadzic said “all goods must be placed in warehouses before the noon tomorrow... not in warehouses there, but somewhere else”.

Of course, the record of this conversation does not exist at all, but the Trial Chamber of the Tribunal believed in the “honesty” of members of the Bosniak Army of BiH, who had recorded tonally the alleged interview (which had, of course, been “destroyed”) and concluded that “somewhere else” meant the transfer of prisoners to Zvornik to be executed in the Batković camp where the prisoners had been also transferred.

Germinal Civikov, a Bulgarian journalist, a reporter of The Hague Tribunal in 2009, wrote the book “Protected Witness” that spoke of Dražen Erdemović, a participant in the shooting of captured Bosniaks and the only man who spoke about executions before the court.<sup>12</sup>

Shooting directed by Dražen Erdemović and his seven comrades at Branjevo (a version from The Hague courtrooms) is an example of mocking the reason and logic. According to the testimony of Erdemović, a repentant witness, who has been long at large by the will of The Hague “righteous ones” (although he was a participant of the largest crime in Europe after the Second World War), everything lasted for five hours. He and his companions carried out groups of 10 people from the bus, led them 150-200 meters to the scaffold and shot at them at a 10 meter of distance. According to him, they have first searched and robbed the victims. In the meantime, they rested and drank brandy. Mathematically, in order to get these people killed, they spent two minutes per group!?

This and such Dražen Erdemović is the main and only witness of executions in “the only genocide” after the Holocaust!

The Hague hoax about the Serbian genocide in Srebrenica is unmasked, but it does not suit many. It is not necessary to explain to a benevolent and reasonable man regardless of religion and nation that the people, which at the 1991 census in Bosnia and Herzegovina made 43.47 percent of the population, and according to the 2013 census, more than 50 percent, could not be a victim of genocide.<sup>13</sup> The victory of propaganda over justice, which is objectively the only achievement of The Hague Tribunal, is even more clearly seen through the fact that according to the last census

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<sup>12</sup> Bassiouni, M. Cherif. 1995. „*Genocide in Bosnia-Herzegovina*”.

<sup>13</sup> <https://www.vecernji.hr/vijesti/cekalo-se-25-godine-na-objavu-rezultata-popisa-stanovnistva-u-bih-ovo-su-prvi-službeni-podaci-nakon-25-godina-1095916>.

in BiH, only 2.55 percent of Serbs live in the Federation, while in the RS, Bosniaks and Croats account for 16.3 percent of the total population.

Therefore, when the President of the Party of Democratic Action from Sarajevo, Bakir Izetbegović, announced an appeal to the Constitutional Court of BiH consisting of foreign judges on the abolition of the name of the Republic of Srpska,<sup>14</sup> justifying it by the fact that the RS is also the state of Bosniaks and Croats, he actually talked about genocide but not in Sarajevo over Serbs which has been going on since 1991, under the watchful eye of the international community.

The “Cui Bono” (who profits?) from the brutal forgery of the causes and consequences of the civil war, the first military conflict on the soil of Europe after the bloodiest military action in the history of civilization - this is the question the Tribunal itself gave a partial answer to on December 20, 2017, when at a repugnant operetta-directed ceremony the door was closed<sup>15</sup> and it was turned into a “Residual Mechanism”.

In 24 years of operation, The Hague Tribunal raised 161 indictments, of which 105 were against the Serbs. The court was in session for 10,800 days and heard testimonies from 4,560 witnesses and, as a testimony to its work, it left 2.5 million pages of the transcripts.

The Serbs were sentenced to 1.024,5 years in prison and only three of them were acquitted. The Croats were sentenced to 183 years in total, while seven were acquitted. The Muslims were sentenced to 41.5 years in prison and three were acquitted, while the Albanians were sentenced to 13 years in prison and five were acquitted.

Prosecutor Serge Brammertz, in his address at the closing of the Tribunal, replied to the rhetorical question from the previous paragraph: “Cui Bono”: “We proved that genocide was committed in Srebrenica and therefore 16 people were sentenced!”

Adding to this fact the outdated data from 2016 that, by this time and before the courts in BiH, 54 persons were sentenced for the genocide in Srebrenica to 440 years of imprisonment and at least as many “waited in line for the dock”, plus the Srebrenica indictments from the War Crimes Chamber in Belgrade (at least 13), the court theater colloquially named “Justice for Srebrenica” actually makes scary judgments, but not to the Serbs!

### **SENTENCES TO THE SERBS EQUAL TO THOSE GIVEN TO THE NAZI CRIMINALS'**

In Nürnberg after the Second World War, a total of 12 court proceedings were conducted against 177 Nazi villains responsible for the deaths of some 40 million

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<sup>14</sup> <https://srpskainfo.com/> тражићемо-да-се-у-назив-унесу-бошњаци-и-хрвати-бакир-изетбеговић-објаснио-зашто-му-смита-име-републике-српске/

<sup>15</sup> <http://www.novosti.rs/> вести/насловна/досије/актуелно.292.хтмл:702338-Крај-хаске-фарсе-уз-оперу-и-хвалисање .

people<sup>16</sup> and they were sentenced to approximately the same number of years as the Serbs in The Hague. The Frankfurt Proceedings of 1962 and 1963 should be added to this number, when 22 Germans were held accountable and 17 were sentenced for the Holocaust in Auschwitz.<sup>17</sup>

The verdict in Frankfurt for the killing of at least one million people was brought on August 19, 1965, and the first indictee, Robert Mulka, the envoy of the camp commander Rudolf Hess, got the “entire” 14 years in prison. Six more were, of course, sentenced to lower sentences for the immediate killing of prisoners, whereas 10 of them practically got a “covered custody” by verdicts. From 1940 to 1945, approximately 8,000 Germans served in Auschwitz (though their historiography tried to reduce that number from 2,000 to 7,000).

Ironically speaking, Germany, the “engine” of Europe, has profitted mostly, and, naturally, Austria, from the alleged Serb genocide in Srebrenica in 1995. The two countries, which know from the “first hand” what Fascism is, after the Resolution on the Punishment of the Genocide in the European Parliament of 2015<sup>18</sup> (the third in the EP inspired by Srebrenica), voted through their judiciary to adopt the laws of zero tolerance towards fascism and in full capacity initiated “fight” against the impunity of the criminal act of genocide. Because of history, it should be said that the first “victim” of the new European approach to the most serious criminal offense was Austrian Oskar Gröning (94), the death bookkeeper from Auschwitz, who was finally sentenced to four years in prison by the German Federal Court in 2015.<sup>19</sup> This judgment was marked in Berlin as a precedent because it was the first time that a man who did not directly bleed his hands was convicted of the crime of genocide, but he participated in the Holocaust “as a camp bookkeeper”.

Objectively, the real consequences of the new European approach to the fight against the “fascism, Nazism, extremism, xenophobia” (the bearers of these phenomena in the last three decades have been the Serbs) are expected in the Balkans. Since, almost 80 years after the end of the Second World War, it is unreasonable to expect that, a German Nazi, the guard of the Dachau camp, is going to sit on the indictment bench. However, 17,342 Serbs from the list submitted by the Republic of Srpska Government Commission in 2005 to The Hague Tribunal Prosecutor’s Office “as persons potentially involved in the crime of genocide in Srebrenica” are a significant “resource” for European courts and an ideal example

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<sup>16</sup> [https://sr.wikipedia.org/sr-ec/%D0%9D%D0%B8%D1%80%D0%BD%D0%B1%D0%B5%D1%80%D1%88%D0%BA%D0%B0\\_%D1%81%D1%83%D1%92%D0%B5%D1%9A%D0%B0](https://sr.wikipedia.org/sr-ec/%D0%9D%D0%B8%D1%80%D0%BD%D0%B1%D0%B5%D1%80%D1%88%D0%BA%D0%B0_%D1%81%D1%83%D1%92%D0%B5%D1%9A%D0%B0)

<sup>17</sup> [www.icty.org/x/cases/tolimir/tjug/en/121212\\_summary.pdf](http://www.icty.org/x/cases/tolimir/tjug/en/121212_summary.pdf), стр. 7; <https://www.dw.com/bs/neupadljivi-zlo%C4%8Dinci-iz-au%C5%A1vica/a-17314416>

<sup>18</sup> <https://avaz.ba/vijesti/bih/186124/европски-парламент-усвојена-резулудија-о-сребреници-негирање-геноцида-је-неприхватљиво>.

<sup>19</sup> <https://www.vreme.com/cms/view.php?id=1449093Књиговоја смрти Иван Ивањи>.

on which Brussels may prove that it is a matter of principle and determination to deal with "totalitarianism" in Europe once and for all.<sup>20</sup>

In particular, due to the new European agenda of European "anti-fascism", Belgrade could face objective problems in the process of raising a Memorial Center for the Victims of the Holocaust in Serbia, which was planned for building in the area of the Old Fair in New Belgrade. Some 32,000 Serbs, Jews and Roma were killed at this place during the four years of war, but if today, at the entrance to the future Holocaust Memorial Center, its builders decide to include the names of the greatest bloodthirsty and criminals, the camp commanders, SS officers Herbert Andorfer and Edgar Enger, they would be objectively exposed to the possibility of a lawsuit for the defamation of the German, i.e. Austrian judiciary.

Edgar Enger was acquitted at the Vienna trial in 1968, while Andorfer received 2.5 years of imprisonment he did not serve in Stuttgart in 1967.<sup>21</sup> He was overtaken by death. Both of these officers personally pushed Belgrade's Jews into the truck at the fairground, taking care they ended up dead on the road to Banjica. In judgments brought in their countries, they were not recognized as war criminals...

By the verdicts of The Hague Tribunal given to the Serbs from 1996 to 2018, the notion of genocide in the international justice and human consciousness was redefined and historically relocated. Today, when the word genocide is mentioned in the world, the first association is with a large number of people is Srebrenica and the second one is with the Serbs. The triumph of the most brutal propaganda against justice began in 1991 with a fabricated warfare in Slovenia, and the war against the truth was driven by monstrous abuse of the UN. So far, over 160 Resolutions of the SC have been made on the war conflicts and post-war agreements of the peoples in the territory of the former country.

### **THE HAGUE TRIBUNAL HAS WRITTEN A NEW HISTORY OF THE BALKANS**

The Hague Tribunal certainly played a key role in the writing of history of the Balkans in the late 20<sup>th</sup> and early 21<sup>st</sup> century, and the chief operative of the creation of such a legal mutant is the Egyptian-American Islamic law professor Cherif Bassiouni, chairman of the UN Commission, which compiled a report to the Security Council in 1992-1994 on the human rights violations in the territory of the former Yugoslavia, which was immediately followed by the adoption of Resolution 827, due to which the Tribunal was established.<sup>22</sup>

"Rumors have become facts and news of the eternal truth, horrors have produced morale and unrestrained determination to action" - wrote a German journalist Reiner Finne about the media campaign and the consequences of the war in Bosnia.<sup>23</sup>

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<sup>20</sup> <https://www.in4s.net/stefan-karganooovic-srebrenica-rasklinkavanje-laznog-samooptuzivanja/?lang=lat>

<sup>21</sup> [www.politika.rs/scc/clanak/50361/Ко\\_су\\_били\\_Егнерови\\_сефови](http://www.politika.rs/scc/clanak/50361/Ко_су_били_Егнерови_сефови).

<sup>22</sup> [http://www.icty.org/x/file/Legal%20Library/Statute/statut\\_827\\_1993\\_bcs.pdf](http://www.icty.org/x/file/Legal%20Library/Statute/statut_827_1993_bcs.pdf)

<sup>23</sup> Reiner Finne: Scharfmacher in den Redaktionen (Хажкачи у редакцијам). *Deutsches Allgemeines Sonntagsblatt*, Hamburg, Nr. 34 / 26.08.1994.

Analysis of Jakov Nenadov from Lausanne: Political abuse of women raped in war zones in the Yugoslav territory. The chronicle of a frenzied and vile campaign,<sup>24</sup> by the modest opinion of the signatories of these lines, should be obligatory reading in the first grades of the Serbian grammar schools. Dealing with the worst charges of the “civilized” West, which were driven against the Serb corpus, the author by name drove lies into some of the most influential world-renowned creators of the “truths” of the 1990s.

Sexual violence in the Bosnian war was widely publicized due to a systematic and comprehensive anti-Serb media campaign based on two premises: firstly, that the rapes in their scope were a historical novelty with unprecedented brutalities, and, secondly, those and such rapes were possible only with the “support from above” as the planned war strategy of the war objective of the Serbs, as noted by Jovanov.

This author accurately locates both the beginning and the end of the Goebbels campaign and unmistakably targets the main protagonists of this deception.

The vulgar and cowardly planting of the alleged biblical crimes to the Serbs started on September 23, 1992, when an unsuccessful meeting of heads of religious communities in war-ravaged Bosnia was organized in Geneva. The Archbishop of Vrhbosna Puljić, Metropolitan of Dabar-Bosnia Nikolaj (Mrđa) and the Muslim Reis Selimovski, who did not come, were invited. On his return to Belgrade, the Metropolitan, on September 25, was interviewed by Belgrade journalists and said that Bishop Puljić conveyed to him a message from Selimovski, who claimed that 120,000 Muslims were killed in Bosnia, 200 mosques destroyed, 30,000 Muslim women raped and stayed pregnant. The Metropolitan added that he did not know whether it was possible that there could be so many victims.<sup>25</sup>

Already on October 2 of the same year, an article was published in the Zagreb *Globus* by Živko Kustić, a Catholic theologian and the former editor-in-chief of the *Voice of the Council*: “Why did the Metropolitan Nikolaj Mrđa admit that his compatriots Serbs in Bosnia killed 120,000 Muslims and raped 30,000 Muslim women who stayed pregnant, and destroyed 120 mosques?”<sup>26</sup>

Two days later, KIPA (International Catholic Press Agency in Freiburg) published in its newsletter: According to his (Metropolitan’s) information, 30,000 Muslim women were raped, hundreds of these women stayed pregnant.<sup>27</sup>

Already on October 10, 1992, a debate was held in the German Parliament on the basis of “credible data” on at least 30,000 to 50,000 women in rape camps raped by Serbs on a daily basis. “We lack words for the appropriate condemnation of mass

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<sup>24</sup> <http://www.novinar.de/2010/01/02/>, манипулације-жртвама-силовања Jovan Nenadov; Lausanne, 20.12.2009.

<sup>25</sup> Interview with Metropolitan Nikolaj, September 25, 1992 Record of *TV-Studio B*, lasting 2'40".

<sup>26</sup> Kustić Živko: The scandalous admission of the Orthodox Metropolitan (inter-title in the text), *Globus*, Zagreb, October 2, 1992.

<sup>27</sup> KIPA (Katholische Internationale Presseagentur), CH-Freiburg, Bulletin (Rom/Banja Luka), 30.09.1992.

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rapes of women and children with the aim of despising and humiliating a whole nation. These are the worst crimes as part of a planned genocide.<sup>28</sup>

It can be conditionally said that “this session of the German Parliament determined the future of the peoples in the Balkans. The spirit of the war intervention was released from the bottle and the “collection” of the media preparations for the NATO bombardment of the Serbs was written by the deceased publicist Zoran Petrović Piroćanac: Anthology of Anti-Serbism - Will you continue to be a Serb?<sup>29</sup> This book has become the address book of the Serb slanderers and the national resource of Serbia if the Serbs ever decide to “sue somebody for hate speech or the production of false news”.

Of course, the final truth about the Serb rapes in Bosnia was written by Cherif Bassiouni and his research group from Chicago’s DePaul University and the Report was made official in April 1994. It has 87 pages and 3,400 different attachments. Beyond that, there were 65,000 documents and over 300 hours of video material. The most mysterious in the Report is the fact that experts could not determine the ethnicity of the second group by size of the total number of women raped. In his report, it was emphasized that 800 victims of rape were identified and that the most of them were the Muslim women. In the second place are women of unidentified ethnicity, in the third are the Serb women, the fourth the Croat women. According to the report, there is no evidence that it was an order or a general rape policy.<sup>30</sup>

The only “rape” in Cherif Bassiouni’s report of 1994, which became the official document in 1996, as noted by analysts, was the inclusion in the document separate and previously neglected reports by Tadeusz Mazowiecki of 1992, i.e. the British deputy Warburton of April 1993 according to which the Serb forces raped about 12, i.e. 20,000 Muslims.<sup>31, 32</sup>

### **UNITED KINGDOM INSISTS ON CHARGES OF GENOCIDE AGAINST THE SERB PEOPLE**

In the draft text proposed by the United Kingdom, on the occasion of the 20<sup>th</sup> anniversary of mass crimes against Bosniaks in Srebrenica, it proposed the adoption of a resolution that would practically condemn the Serbs for genocide, stating that denying the genocide in Srebrenica by the Serb side would be an obstacle to reconciliation and the process that would burden the victims.

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<sup>28</sup> Ralph Hartmann, “*Die ehrlichen Makler. Die deutsche Aussenpolitik und der Brgerkrieg in Jugoslawien. Eine Bilanz*” (*Honest bargainers, German foreign policy and civil war in Yugoslavia*). Berlin, 1998. p. 160, footnote 192.

<sup>29</sup> *Will you continue to be a Serb* 2014, NID Company Novosti.

<sup>30</sup> Anthony Goodman: *All three sides raped*, Politika, Belgrade, June 3, 1994.

<sup>31</sup> <http://www.ess.uwe.ac.uk/comexpert/ANX/IV.htm>

<sup>32</sup> Warburton Report, Copenhagen, 28 January 1993. A summarized version of this report can be found at <http://www.womenaid.org/press/info/humanrights/warburton.htm>

After two weeks of negotiations and several versions of the British resolution, the deputy foreign minister of Russia said, just before the session, that they were trying to make a “compromise text of the resolution” in New York.

In the proposed text of the resolution “regret and solidarity with victims on all sides in the conflict in BiH were expressed, including those in Srebrenica, as well as with their families, and the competent authorities in BiH are urged to ensure justice for victims and long-term support to survivors, including survivors of the sexual violence.”

In the draft resolution which was made available to the Beta agency, the essential importance of reconciliation based on the dialogue and the “acceptance of past actions by all sides in the conflict” were underlined.<sup>33</sup> The resolution also condemned statements that “deny or question the Srebrenica massacre as a genocide.” The agency says that Serbia condemned the massacre, however, its leaders refused to call it genocide.

It is noted that Belgrade was very angry about the draft of the UN resolution submitted by the United Kingdom, which clearly urged the Security Council to recognize these mass killings as genocide. The resolution on Srebrenica was not adopted at the United Nations Security Council, after Russia vetoed the resolution, which Serbia welcomed, the AFP reports.<sup>34</sup>

The session was opened with a minute of silence in memory of the victims from Srebrenica, on the proposal of Russian Ambassador Vitaly Churkin, who then said that the resolution was politically motivated, contributing to the conflict, divisions and provoking new tensions in BiH. He also mentioned the displaced Serbs from the territory of BiH, saying that they suffered like everyone else and added that Russia is in favor of investigating all crimes in the Balkans, as well as those against the Serb people.

During the hearing, the British representative said that “the resolution does not accuse the Serb people, because all crimes were committed by all sides, and there were victims on all sides.”

Ten members of the UN Security Council voted in favor of the resolution, four were abstained, while only Russia was against it, but it had the right of veto. The abstained nations included China, which called for the postponement of voting until a consensus was reached of all the members of the SC.

The Russian veto was immediately severely criticized. The proponent of the resolution, the United Kingdom, estimated that the veto was “shocking” and that “this move by Russia defiles memories of all those killed in genocide.” The United States estimated that the Russian veto was “a new stain on the reputation of the Security Council.” “The Russian veto prevented pointing to crime, the crime of genocide. Denying the genocide is an obstacle to reconciliation,” said US

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<sup>33</sup> *Agency Beta* Belgrade, 07.07. 2015.

<sup>34</sup> *Agency AFP*, 06.07.2015.

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Ambassador Samantha Power. Russian veto was condemned by German and Albanian missions to the UN.

In addition to China, Nigeria, Angola and Venezuela were also abstained. Voices "in favor" were given by the United States, Great Britain, France, Spain, Lithuania, New Zealand, Chile, Malaysia, Jordan, and Chad.

This was the second time that Russia has vetoed the UN Security Council decisions on conflicts in the Balkans, and last time it did it in December 1994.

Due to the Russian veto on the British resolution on Srebrenica, which was supported by the United States, the next day there was euphoria in the US House of Representatives to condemn the Serb people on the occasion of two decades of crimes in Srebrenica and to adopt a resolution stating that it was "the worst crime since the Second World War."<sup>35</sup>

Precisely for this reason, the US House of Representatives, on the occasion of two decades of crimes in Srebrenica, adopted a resolution stating that it was "the worst crime since Second World War".

This House identified Srebrenica as genocide, and the word genocide was mentioned 14 times in the new resolution. It highlights that "the mass killing of 8,000 Muslim men, committed by Serbs in July 2011 was the most violent episode of the 1992-1995 war which ended with the division of Bosnia into two semi-independent entities," the AFP reported.<sup>36</sup>

It is emphasized in the Resolution of the House of Representatives that "the policy of aggression and ethnic cleansing carried out by the Serb forces in BiH from 1992 to 1995, by definition, was the crime of genocide, under Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide." What an absurdity and the cynicism of the United States of America itself, which for decades have justified genocide in many countries that were in the sphere of their interests, and which thus opposed their policy.

### INSTEAD OF CONCLUSION

"NO, I do not think that the terrible Srebrenica massacre was a genocide" said Serbian Prime Minister Ana Brnabić in an interview with Deutsche Welle in mid-November 2018, and on 28 November the new EP Resolution on Srebrenica was adopted in the EP with 508 votes in favor and 85 against in which it was sent out to Serbia that "recognition of genocide in Srebrenica is a fundamental step in Serbia's accession to the European Union".

If a conclusion is needed, I urge that future researchers of the war in the 1990s at least glimpse the content of over 160 UN resolutions adopted from 1991 up to now on events on the territory of the former SFRY.<sup>37</sup> Political scientists and, above all

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<sup>35</sup> *Agency Tanjug*, Belgrade 08.07.2015.

<sup>36</sup> *Agency AFP*, 09.07.2015.

<sup>37</sup> [https://sh.wikipedia.org/wiki/Списак\\_резолуција\\_УН\\_у\\_вези\\_бив%Ц5%A1e\\_Југославије](https://sh.wikipedia.org/wiki/Списак_резолуција_УН_у_вези_бив%Ц5%A1e_Југославије)

and together with them, the soldiers, interpreting one after the other in a given order, could easily draw conclusions about the intentions and paths of the intentions of those who created such resolutions and voted in favor of them hiding in the overcoat of the “world”.

The same is the case with the last Resolution in the EU Parliament adopted on November 28, 2018, at the proposal of Kardelj's grandson Igor Šoltes: “Recognizing the genocide in Srebrenica is a fundamental step in Serbia's accession to the European Union!”

So far, more than 30 resolutions on the Serb genocide in Srebrenica have been passed in parliaments of countries of the world.<sup>38</sup> These documents may result in the creation of laws by which a notorious lie should become sacred. Emir Ramić, a Muslim extremist from Canada, founder of the phantom institution for “studying of the genocide” in this country explains the alchemy of the Srebrenica crime this way.

“Final verdicts of international courts in The Hague, final resolutions of more than 30 state parliaments in the world and, in particular, two resolutions on the Srebrenica genocide adopted by the Canadian Parliament” are the basis for initiating the procedure of enactment of the Law on the Punishment of Genocide Denial in Srebrenica.

The moral foundation, according to Emir Ramić, is “a permanent exhibition on the Srebrenica genocide in the Canadian Human Rights Museum, the discovery of the first memorial of the genocide in the diaspora to the Srebrenica genocide victims in the Canadian city of Windsor, sharing the Flower of Srebrenica to all members of the Canadian parliament...”

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## MANIPULATIONS OF SERBS' CRIMES IN SREBRENICA ARE THE PRODUCT OF AN ORCHESTRATED OPERATION OF MANY CIRCLES

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**Abstract:** This scientific paper aims to demonstrate, in a specific and documented manner, that the establishment of truth and justice by the Hague Tribunal is a product of many international circles in order to characterize the Serb people as genocidal and declare it the sole culprit of war and sufferings in Bosnia and Herzegovina, and to accuse its political and military leaders of the war crime and genocide.

The courts in Sarajevo and The Hague obviously do not care about the truth and that the evidence for such crimes come to light and that, according to established facts, the appropriate responsibility is taken. This is not just an unprecedented scandal at the international level, but this is at the same time a tragic example of pure racism towards Serb victims and the entire Serb people.

**Key words:** *The Hague tribunal, crimes, genocide, manipulations, DNA, breakthrough from the environment,*

I encountered claims of the Serb side in the course of the research, and these were that the Bosniak forces from Srebrenica committed mass crimes against the Serbs between the spring of 1992 and the summer of 1995 in the region of Birač, and the municipalities of Srebrenica, Bratunac, Vlasenica, Zvornik, Milići, Osmaci and Šekovići belonged to the region. In the book *The Chronicle of Our Cemetery* of the author Milivoje Ivanišević from Belgrade, who spent a lot of time during the war as an observer in the battlefield around Srebrenica, the mass Bosniak crimes against Serbs around Srebrenica in 1992 and 1993 were documented for the first time in 1994. Jare.

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<sup>1</sup> Aleksander Dorin is a journalist, researcher and publicist from Switzerland. For more than twenty years, he has been intensively engaged in the investigation of the war in Bosnia and Herzegovina and the responsibilities of all parties to the conflict. He published a book - the study "*Srebrenica - How It Really Happened*", which broke claims on the genocide in Bosnia and Herzegovina and denied the official version of the crime for which he was repeatedly detained and interrogated. He was arrested on June 16, 2015, in his apartment in Basel, and for almost four months held in custody under the most severe conditions, charged on various grounds, which he categorically denied. Several thousand postcards arrived to the prison, initiated by the actions of the German publishing house Ahriman and readers from all over the world, the action was fruitful and he was released. All this was done by tracing charges for the denial of genocide in Srebrenica, because many want to cement the court farce and Dorin does not agree with it at all. The house, the money and all his assets were confiscated for four years, putting him in a blackmail position, says the appeal of the Ahriman publishing house and the portal of the Anti-Admission Alliance.

## MANIPULATION OF SERBS CRIMES IN SREBRENICA...

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Since 1996, I have spent countless times in the Birač region researching the Serb scaffolds. There were data where the memorial rooms, monuments and cemeteries were located. During those years I visited and documented the cemeteries in Bratunac, Vlasenica, Karakaj, Skelani, Šekovici and Bajina Bašta, and the memorial rooms in Srebrenica, Milići, Zvornik, Bratunac, Vlasenica and Šekovići. I was in various villages of that region where monuments and cemeteries could be found, such as the villages of Sase, Drinjača, Fakovići, Zalazje, Karno, Kravica, etc. There were 1,100 graves of Serb victims only at the cemetery in Karakaj, not to speak of other cemeteries.

In the pathological reports of the pathologist Dr. Zoran Stanković, predominantly from 1992 and 1993, after the autopsies of many Serb victims, it was obvious that these people were violently murdered. Many of the materials presented in the study were in the possession of the late Zoran Jovanović from Vlasenica, who was the head of the Drina Corps information service during the civil war in BiH. Jovanović spent a lot of time at the battlefield and attended autopsies by Dr. Zoran Stanković, which enabled him to have a lot of photographs and videos of Serb victims. I got this material in the interest of spreading the truth about the struggle of the Serb people.

The material evidence and recordings of the memorial rooms, monuments and cemeteries confirmed the massacres of the Bosniak army over the Serb people in Podrinje. From the conversations with the Serbs, who survived those crimes and who lost family members, friends, acquaintances and neighbors during the attacks, a true picture of the suffering of this people was made. The results of the research into the massive suffering of Serbs in the region were first published in the book "Srebrenica As It Really Happened" (the first circulation was published by the German publishing house Ahriman in 2010). It should be noted that in recent years, Bosniak witnesses have appeared testifying about Bosniak crimes against Serbs. Among them Ibran Mustafić is the most famous, who, in his book "Planned Chaos" published in Sarajevo in 2008, described such crimes, for which Mustafić firstly accused former Bosniak commander of the 28<sup>th</sup> Division of the Army of BiH, Naser Orić.

In 1994, Naser Orić showed video footage with the killed Serbs to a Canadian journalist, Bill Schiller, who visited him. On that occasion, Orić told him on that occasion that he and his comrades killed 114 Serbs in a village.<sup>2</sup> And another journalist, John Pomfret, visited Naser Orić's command in 1994. Orić also showed him video footage showing the killed Serbs. Pomfret later wrote in the Washington Post newspaper that Orić was proud of these mass crimes.<sup>3</sup>

The former Yugoslav government in Belgrade also dealt with these mass crimes against Serbs in eastern Bosnia. In 1993, Yugoslav Ambassador Dragomir Đokić handed over to the United Nations Security Council documentation on massive crimes titled: Memorandum on War Crimes and Genocide in Eastern Bosnia (communes of Bratunac, Skelani and Srebrenica) Committed Against the Serbian

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<sup>2</sup> Bill Schiller, „Fearsome Muslim warlord eludes Bosnian Serb forces“, Toronto Star, 16.7.1995.

<sup>3</sup> John Pomfret, „Weapons, Cash and Chaos Lend Clout to Srebrenica's Tough Guy“, Washington Post Foreign Service, 16.2.1994.

Population from April 1992 to April 1999. However, as found later by German investigative journalist Jürgen Elsässer, this documentation was not particularly interesting to anyone in the United Nations and was put aside. <sup>4</sup>

### **OFFICIAL VERSION ON SREBRENICA IS NOT TRUE**

In addition to mass crimes against Serbs, the official version of the Srebrenica event, originally from Sarajevo and Washington, was to be seen, according to which Serbs killed between 7,000 and 8,000 Bosniaks, mainly men, during the capture of Srebrenica.

However, some time after the fall of Srebrenica, when the first stories about alleged Serb crimes in Srebrenica began to spread, many were skeptical. This is because Western powerful media began to tell their truth about what happened in Srebrenica, spreading lies about wars in Croatia and Bosnia. There was more than enough reason for skepticism.

#### **Bosniak witnesses**

In September 1995, German journalist Thomas Deichmann found in the independent German magazine “Novo” for the first time that there was much missing in the story of the brutal inbreak of Serb forces to Srebrenica and the crimes. <sup>5</sup> Then one of the first Bosniak witnesses appeared who claimed he had survived the Serb crime. Thomas Deichmann analyzed Smil Hodžić’s statements and came to the conclusion that Hodžić was obviously lying because he changed the version of the event from the interview to the interview and gave contradictory statements. The truth is one, and if someone tells the truth, he cannot change that truth as it suits him.

That Hodžić’s story was fictitious is proven by the Bosniak document of the 2<sup>nd</sup> Corps Command of the Army of Bosnia and Herzegovina dated 10 August 1995, namely the security department. <sup>6</sup> The information states that, among the statements of soldiers and civilians from Srebrenica taken in Tuzla, there is no evidence of war crimes and genocide. It should be recalled that on August 4, 1995, the United Nations registered 35,632 people from Srebrenica in Tuzla (the document will be mentioned later). It turns out that out of 35,632 people (soldiers as well as civilians), nobody saw the crimes – how is that possible? It is written in a document issued by the Bosniak army of August 10 that instructions were issued on August 3 on what should be included in the statements of the witnesses. It appears that the aim was that witnesses’ statements cover only what was ordered. And since the competent person obviously did not do it properly, a document with remarks was issued on August 10. Thus it is one of the clear evidence that the Bosniak institutions manipulated.

During 1996, journalist Linda Ryan pointed to the same facts about Srebrenica and that there was only a handful of alleged witnesses who did not only regularly change the version of the event, but gave two absolutely different versions of the

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<sup>4</sup> Jürgen Elsässer, *3287 Tote klagen an*, Junge Welt, 11.7.2005.

<sup>5</sup> Thomas Deichmann, *Laptop-Krieger auf dem Balkan*, Novo No. 18, September/October 1995.

<sup>6</sup> Defense of the Republic - military secret - strictly confidential, number SP. 06-101-160-8/95

same alleged incident.<sup>7</sup> In the concrete case, Linda Ryan pointed to the statement of witness Hakija Huseinović who apparently had not been well instructed by the orderers. It is really amazing that some media could find individuals who made statements about alleged crimes in Srebrenica, although these statements were quite contradictory and changeable.

In the same year 1996, the Dutch journalists Rene Gremaux und Abe de Vries made a full analysis of these few statements by the alleged witnesses.<sup>8</sup> But they, like Thomas Deichmann and Linda Ryan, came to the conclusion that these were mostly obvious lies.

One 'witness', regularly used in connection with Srebrenica, was Mevludin Orić. How many different versions this man told in the past twenty years, he probably does not know himself. Professor Darko Trifunović from Belgrade dealt with Orić's case. Trifunovic found that in one version of the event, Orić claimed that he and his comrades (about 2,000 people) were arrested and taken away first in the elementary school building in Karakaj after the fall of Srebrenica, before they were moved to a sports complex next to the school. From that complex they were then taken to the meadow to be shot, and Orić, of course, survived these shootings and continued to run.

Darko Trifunović's investigations prove that there was no sports complex besides the Karakaj elementary school during the war. Question: Can anyone close anyone in a non-existent building? In addition, Darko Trifunović could prove that the school yearbook clearly shows that all students were at school on the day of the alleged massacre. How could the Serb army, in front of the pupils, be able to first close such a large group of prisoners at school, and then close them in a building next to the school? Is not it logical that the VRS would then first send the children home? What crazy man would let the children watch the prisoners of war closing? Darko Trifunović also spoke to neighbors around the school, who did not see any crime at that date, and even did not know that it had ever happened. And where are today these traumatized children, who then, according to Orić's logic, had to be witnesses of a great crime. The very fact that Orić so far has told who knows how many versions proves that he is a proven liar.<sup>9</sup> But obviously, all these lies did not prevent Western media to sell all these statements as truth to the public.

### CROWN WITNESS

As a crown witness, the Hague Tribunal in the Srebrenica case regularly used a questionable person: the Croatian mercenary Dražen Erdemović who served in all three armies, in Croat, Bosniak and Serb army. Erdemović said he was a member of the 10<sup>th</sup> Diversion Squad within the Army of the Republic of Srpska. In addition to

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<sup>7</sup> Linda Ryan, *What's in a mass grave?*, LM-magazine 88/1996.

<sup>8</sup> Rene Gremaux und Abe de Vries, *Deconstructie van een trauma*, De groene Amsterdammer, 13.03.1996.

<sup>9</sup> Darko Trifunovic, *Report on the Srebrenica Case*, Bureau of the Government of Republic of Srpska for Relations with the International Criminal Tribunal for the former Yugoslavia, 2002.

Erdemović, another Croat (Marko Boškić), a Bosniak (Zijad Žigić), a Slovenian (Franc Kos) and several Serbs served in this multinational unit. Really, weird, how did the Croats, Bosniaks and Slovenians come into one Serb unit?

Dražen Erdemović appeared to talk about the alleged crimes of this unit for the first time in 1996. In the winter of 1996, Erdemović had a meeting with journalist Vanesa Vasić-Janković in Serbia, who then interviewed Erdemović for the US media channel ABC-News. On that occasion, Erdemović openly argued for the first time that he and his unit, after the fall of Srebrenica, committed a crime against prisoners of war.<sup>10</sup>

He allegedly could not remember the name of the Serb lieutenant colonel, who ordered him and other soldiers to shoot prisoners of war in the village of Pilica in the municipality of Zvornik, who were allegedly transferred to other locations for shooting by buses. Likewise, Erdemović could not remember how many buses arrived at the destination. When asked how many people were shot in total, Erdemović responded that he could not remember exactly in the first interviews in 1996, but that there were perhaps around 1,200. This statement was subsequently presented by the Hague Tribunal and the Western media as evidence that 1,200 prisoners had been shot by Serb units in the village of Pilica.<sup>11</sup>

Commander of the 10<sup>th</sup> Diversion Squad was Milorad Pelemiš, who was not on the spot on the day of the alleged shooting, because he was in a hospital due to a traffic accident. For this reason, neither The Hague nor Sarajevo accused him of having anything to do with this alleged crime. The other fact is that the 10<sup>th</sup> Diversion Squad was released to rest on the day of the alleged shooting, which was proved in all the trials concerning the events in the village of Pilica, so it is not possible to speak about the participation of the combatants of the squad on the day of the shooting, but about the individuals who remained at the battlefield.

The absurdity in Erdemović's statements was also noticed by Bulgarian analyst Germinal Civikov who was following various court proceedings in connection with Srebrenica, in which Erdemović appeared as a crown witness. Civikov published a book about the Erdemović case, which led to the conclusion that Erdemović more than obviously had lied.

Journalist Milena Marković, among other things, wrote about Erdemović's obvious lies:

“It is easy to establish the truth about Srebrenica, because the lie of the key witness is obvious! This is the backbone of the new book by Bulgarian journalist and publicist Germinal Civikov ‘Srebrenica, the Crown Witness’ in which he returned to the public all contradictions and doubts in Dražen Erdemović's testimonies, crucial for proving the allegations that genocide was committed in Srebrenica.”<sup>12</sup> Without waiting for the curtains to slip down on the Hague stage, and the actors split up,

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<sup>10</sup> Stephen Engelberg, *U.N. Prosecutor Asks Serbs to Hand Over War-Crimes Suspect*, The New York Times, 08.04.1996.

<sup>11</sup> Germinal Civikov, *Srebrenica – der Kronzeuge*, Vienna 2009.

<sup>12</sup> Milena Markovic Civikov: Erdemović shamelessly lied, *Novosti*, October 31, 2009.

Civikov, as a longtime reporter from the Hague Tribunal, by confronting the facts, proves that Erdemović fabricated lies accepted by the panel of judges as truth. Even when his testimony was more approximate to the domain of fiction than reality.

About 150 bodies were found in the village of Pilica, which firstly indicated that Erdemović lied about the figure of 1,200 Muslim victims. The irrationalities in Erdemović's statements indicate in addition that the Republic of Srpska authorities have nothing to do with the events in the village of Pilica. And journalist Milena Markovic wrote about this in an article in *Novosti*:

“From the evidence that the author presents in the way that the lie of the key witness before the Hague Tribunal in the proceedings is quite obvious to even less careful readers, not only against the VRS commanders, but also against Slobodan Milosević, in which Erdemović was supposed to contribute to the “evidence” that Serbia was accountable for Srebrenica. Civikov reveals, in this segment of the book, that ‘Erdemović and his crew committed crimes because of the money they got from somewhere’<sup>13</sup> Someone, obviously, offered a lot of money to Erdemović and other mercenaries in absentia to commit a war crime, in particular, a massacre of Muslim prisoners, because Erdemović's unit, after the events in Srebrenica, was on leave, Civikov said. “In other words, the Bosnian Serb authorities had nothing to do with that crime in Pilica near Zvornik, so it is hence a comic story about an officer of the VRS who issued a shooting order. A few days after this crime, as Erdemović said, there was a fight in a tavern over money and former comrades started firing each other. Erdemović was shot in the stomach, which he showed in court and lifted his shirt, sentimentally facing the judges with the scar. He wanted to convince them that the assassination had been attempted to prevent him from testifying in the Tribunal. Unfortunately, the judges stayed deaf and dumb to these lies all the time. They simply patted Erdemović, the witness on whose evidence the genocide was based.”

In the course of the trial in The Hague, the late Slobodan Milosević said that he had information that some of the members of the 10<sup>th</sup> diversion squad had been paid by some foreigners to shoot a group of prisoners after the takeover of Srebrenica by the Serb forces, so that, in the end, Serbs were to be charged with that crime. The same statements came from the former French intelligence officer, Jugoslav Petrušić, who claimed that former Bosniak General Fikret Muslimović had stood behind the whole setup (this testimony was given before the court in Sarajevo during the proceedings against Franc Kos). Considering the directed crimes of ex-Yugoslav wars, such as, for example, Račak, Tuzla massacre, Markale, Vase Miskina Street, etc., all of these were set up to Serbs, thus this directed story about the 10<sup>th</sup> diversion squad could not be surprising.

### DUTCH WITNESSES

As determined, Bosniak civilians did not testify of alleged Serb crimes during the fall of Srebrenica and after their arrival in Tuzla. It is very interesting that the Dutch soldiers in Srebrenica did not see any mass crimes allegedly committed by the

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<sup>13</sup> Ibid.

Serbs. It is interesting that the Dutch during the fall of Srebrenica, as key witnesses, failed to see the crimes?

On July 17, 1995, a week after the fall of Srebrenica, Dutch commander Robert Franken signed a declaration on the scene confirming that the Serbs in Srebrenica did not commit any crimes. The same document was also signed by Nesib Mandžić, who was a representative of Bosniak civilians. The document confirms the following:

“Explanation of representatives of the civilian institution of the Srebrenica enclave and the UNPROFOR representatives on the agreement on the implementation of the evacuation of the civilian population of Srebrenica.

[...] In the presence of the Dutch battalion commander, the following agreement was signed:

“- the civilian population of the enclave, taking into account the will of each individual, may decide to remain or leave the enclave;

- in case of evacuation, we are left to decide on the route and we have decided to evacuate the whole population to the municipality of Kladanj;

- it is further agreed that the evacuation is carried out by the military and police forces of the Republic of Srpska and that the UNPROFOR forces monitor and control the evacuation during the transport.”<sup>14</sup>

The document confirms that the Serb side adhered to all the clauses of the agreement. It also affirms that the evacuation of the gathered population passed without any incidents, in accordance with the Geneva Convention and with respect to international law of war.<sup>15</sup>

Also, many Dutch soldiers once confirmed in interviews with the media that Serbs did not commit crimes during the capture of Srebrenica. Thus, for example, the Dutch soldier, Karel Mulder, said: “Much of what has been talked about the Serbs is nonsense. [...] I was among refugees for three days, and the Serbs behaved well towards them.”

In the same article, a journalist quoted Dutch commander Thomas Karremans, who said that the conquest of Srebrenica represented a correct military operation, and that Bosniak forces attacked 192 Serb villages in eastern Bosnia and killed many civilians before that. The statement by Dutch General Hans Couzy was quoted, who said that the evacuation of civilians had been carried out in accordance with expectations. Couzy further said in the article that the opinion of the Dutch soldiers was that the Serbs had been good guys.

In October 1995, Dutch Brigadier General Onno van der Wind submitted a special report on Srebrenica, which included 102 pages.<sup>16</sup> In this report, which was published during the first stories about Serb crimes in Srebrenica, I could not find

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<sup>14</sup> Agreement between the Muslim delegation and UNPROFOR on the proceedings in Srebrenica.

<sup>15</sup> Harry Meijer and Ward op den Brouw, *Sympathie voor Serviërs bij Nederlandse militaire*, NRC Handelsblad, 24.07.1995.

<sup>16</sup> *Report based on the debriefing on Srebrenica*, Assen, 4.10.1995.

any statements about the mass killings in Srebrenica. It is mentioned that there were gunshots that were heard there and that the soldiers in the vicinity saw more corpses, but that it should not be surprising, since the fighting between Serb and Bosniak soldiers was taking place in those areas. But there are no words in the report on the mass shootings of prisoners and crimes against civilians.

Such testimonies by Dutch soldiers from the UNPROFOR Dutch Battalion who stayed in Srebrenica later annoyed powerful political circles and other institutions representing the so-called official version of the events in Srebrenica. What also bothered them, *inter alia*, was the fact that the accused Serbs in The Hague and Sarajevo were referring precisely to the testimony of Dutch soldiers and commanders who spoke differently. It was precisely because of this report that there was a change in the Government and the Dutch Army.

There was a huge political pressure on the Dutch government. In order to calm the passions, the Government decided that the Dutch institution NIOD (Instituut voor Oorlogs - Holocaust - en Genocidestudies) would “explicitly” investigate and write a detailed report on the events in Srebrenica. Thus, under special instructions after years of research, the NIOD issued a new report on Srebrenica on April 10, 2002, with the aim of denying the previous reports of the Dutch. In this way, they wanted to prevent the possibility that the accused Serbs refer to the original testimonies of the Dutch in future proceedings. Accordingly, the Dutch government prohibited Colonel Thomas Karremans and some other officers and civil servants from public appearances and testimonies on the Srebrenica case. It was, of course, a good lesson in democracy that the Dutch authorities had to implement.

But no matter how the authors of this report tried to approach the official version of Srebrenica with this new report, they did not succeed in doing so. Although they were really trying to relativize the original testimonies of Dutch soldiers who were not even close to the alleged 7,000 to 8,000 killed Bosniaks in Srebrenica. In any case, as the NIOD report quoted the unproven claims by the alleged witnesses, in that way, at least to come to the basis for the claim that the Serbs in Srebrenica still committed war crimes. But in vain, hearsay could not replace the facts, and the facts were clear. The new NIOD report very clearly said that no document or argument was found that would confirm that the Serb military and civil authorities intended to destroy the Bosniak population in the wider Srebrenica area, nor any instructions were sent to them from Belgrade, which, in accordance with international law, denied allegations that genocide took place in Srebrenica.

### **BREAKTHROUGH OF THE BOSNIAK ARMY TO TUZLA**

In relation to civilians in Srebrenica, who were not killed during the evacuation, the Bosniak army from Srebrenica suffered great losses during the breakthrough to Tuzla. The forces of the 28<sup>th</sup> Division of the Army of BiH counted about 6,000 soldiers. On the day before its fall, Srebrenica was abandoned by Muslim forces accompanied by approximately 6,000 mostly male able-bodied men of whom a significant number was also armed (proven by images and video footage of the forces

that broke through). This large column, in various formations and directions, penetrated towards Tuzla along 60 km of the Serb-controlled territory.

Many Bosniak men from this column later testified about the breakthrough and ways of suffering. They testified that they suffered in the fighting with the Serb army, passing through minefields and in mutual conflicts. One of these witnesses, Ahmed Ustić, arrived to Tuzla on July 19, 1995, and gave an interview to the *Aftenposten* Norwegian newspaper and described how he and many soldiers and male civilians broke through from Srebrenica to Tuzla.<sup>17</sup> Ustić chronologically described every day of the breakthrough and ways of suffering. He described fierce fighting, numerous ambushes, frequent shelling, etc., but did not testify about mass arrest or shooting. Ustić estimated that thousands of men were lost in the breakthrough. The Norwegian headline of this interview in the Serbian translation reads *Thousands died during the Bosnian death march*. Here is an excerpt from the article that describes the first day of the breakthrough:

*“We started at 2:00 in the morning. There were about 6,000 soldiers and about 10,000 civilians, mostly men 13 years old and up. Most of the soldiers and some civilians had machine guns. We had an anti-aircraft gun and several anti-tank missiles. We were prepared to confront the Serb tanks.*

*The mine searchers went in front of them and examined the terrain. We went in one group. We had to do so. Since we had many civilians with us and we could not spread into guerrilla groups. I knew that we would have a chance if we would go together. I went with my father. I do not know how many of them were killed. I saw many, many dead where I went. One grenade piece killed a guy behind me and part of that grenade hit me in the neck. My father and my cousin carried me.*

*There were many killed and injured, dozens of them, maybe hundreds. In front of me there was a guy without both lower legs which bled and he threatened the two men with a machine gun to wear him. When they could not stand it any longer, he took the machine gun and shot himself through his mouth.”*

No matter how much this testimony brutally sounded, it was about a military breakthrough and fighting, and there were no massive shootings.

The collaborators of the ‘Srebrenica Historical Project’ ([srebrenica-project.org](http://srebrenica-project.org)) documented over thirty statements of Muslim men who, after the fall of Srebrenica, went to Tuzla in the columns of more than a thousand soldiers and armed civilians. According to the statements of these eyewitnesses, there were fights at the sites with the Army of the Republic of Srpska: Konjević Polje, Sandići, the region around Jadar, Buljim, the forest near Buljim, Baljkovići, Lipan, Sućeska, Kravica, Kaldrmica, the Udrč road - Baljkovica, Snagovo, Jaglič, Crni Vrh, Cerska, Šiljkovići, Pervani, Velja Glava, the region around Šušnjari and the road near Lolići.<sup>18</sup>

There are many more testimonies about the breakthrough to Tuzla and the great losses of this column. The Bosniak politician Ibran Mustafić further testified that

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<sup>17</sup> *Tusener falt fra under bosnisk dødsmarsj*, *Aftenposten*, 19.07.1995.

<sup>18</sup> *Srebrenica – die Geschichte eines salonfähigen Rassismus*, Berlin 2010.

some of those men were killed in conflicts between themselves. Mustafić estimated that at least 500 Bosniaks had been killed in these conflicts.<sup>19</sup>

Based on the document of the Army of Bosnia and Herzegovina, it is clearly confirmed that in Srebrenica and during the war there was mutual killing of Bosniaks. The Muslim Investigative and Documentation Agency (AID) made a document on October 12, 1998 dealing with events in the war Srebrenica (Dossier OA 910 Guber, No. K-02-11-311). The document describes the activities of various criminal groups, especially the mafia of Naser Orić. In addition to controlling the black market, reselling humanitarian aid at markets, rape, holding public houses, etc. The evil deeds the criminals are charged with - killing unwanted persons, even Muslims. Obviously this mechanism continued even after the fall of Srebrenica, as Ibran Mustafić and others testified, as former Chief of Police Hakija Meholjić, who in various interviews testified about assassinations and mutual clashes in Srebrenica.

The number of victims of the military breakthrough to Tuzla based on documents can be quite accurately calculated. So on 11 January 1994, Fahrudin Salihović, the then President of the municipality of Srebrenica, published statistics, in which he informed how many people had been in Srebrenica. Salihović sent the document to the statistics department in Tuzla, the District Secretariat for Defense in Tuzla and the Bureau of Statistics of the Republic of BiH in Sarajevo, where it was said that there had been 37,255 people before the fall in Srebrenica.

On August 4, 1995 in Tuzla, US Major Guy Sands made a report for the United Nations in which he said that 35,632 people who came from Srebrenica were registered in Tuzla and they had arrived to Tuzla. Therefore, the calculation turns out to be simple. If 35,632 is deducted from 37,255, the difference is 1,623. This is roughly the figure of Bosniaks who could have been killed in the fighting during the breakthrough to Tuzla. A smaller number of soldiers from Žepa might perhaps be added to this figure, who joined the men from Srebrenica in the breakthrough towards Tuzla, and of which at least some minor casualties might have occurred during the breakthrough (the BiH Army documents confirm that a number of soldiers from Žepa joined the men from Srebrenica in the breakthrough. The estimated figure is around 800.

If a number of soldiers from Žepa were killed in the breakthrough towards Tuzla then it could be assumed that the total figure of all in the breakthrough was a plus/minus of about 2,000. So it is not necessary at all for anyone trying to increase the number of victims in the breakthrough, and even though this would be in favor of the Serb side, since the documents clearly prove that after the fall of Srebrenica, it was not possible that significantly more than 2,000 were killed. At the same time, the story of a possible number of victims after the fall of Srebrenica is debatable. Existing documents simply prove that the figure of 7,000 to 8,000 victims is absolutely impossible. It is becoming clear why false witnesses are needed to the Bosniak institutions and the tribunal in The Hague. In this way, they tried to fill the holes left by the unproven claims.

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<sup>19</sup> Ibran Mustafic: More than 500 Bosniaks in Srebrenica were killed by Bosniaks, *Tanjug*, 20.02.2013.

## THE HAGUE INVESTIGATORS

If it is about 2,000 victims, the Hague investigator Dean Manning and his team searched for tombs between 1996 and 2000 in a 50 kilometers radius around Srebrenica. In Manning's final report, it is said that they found and excavated about 2,000 bodies in total. This figure fits into existing documents, according to which there could not be more than 2,000 victims. Also, this figure fits many of the Bosniak testimonies of the losses in the breakthrough towards Tuzla. In Dean Manning's report, it can be clearly seen that the absolute majority of the excavated dead people does not show any injuries from shooting, while in a certain number of corpses the cause of death cannot be established.<sup>20</sup>

Manning named his report a *Summary of forensic evidence – execution points and mass graves*, suggesting that at least part of it is about the victims of the shooting. Found bodies do not show injuries from shooting, on what basis Manning claims that at least some of the victims were really shot? Since the goal of the Hague investigators was obviously to manipulate the truth about Srebrenica from the very beginning, therefore tricks must be used. One of these tricks is Manning's claim that they found something more than 400 dead with ligatures (eye bandages). The pictures of Bosniak soldiers during the war, however, prove that a number of certain soldiers wore battle strips around their heads, as did the mujahedin. But the purpose of these strips was in the first place that in combat, soldiers could differ from the soldiers of the opposing army. The Serb soldiers also used such strips but of different color.

Investigators of the ICTY have never documented and explained what happened to the Bosniak soldiers who were killed with such straps around their heads, nor did they explain how they distinguished the ligature from the battle strip, so that there is no need to speculate about it and that the investigators really manipulated the truth. During the process in The Hague, Radovan Karadžić also pointed out that the Hague investigators interpreted the battle strips as ligatures.<sup>21</sup>

During the excavation, the Hague investigators did not allow the presence of a single Serb expert or other independent pathologist. If the Hague investigators (exclusively determined by the Hague tribunal) did not manipulate the truth, why then anybody else was not allowed to be on the spot while the tombs were dug up? The whole story becomes even more absurd, since the Hague Tribunal in 2009 stated that about 1,000 alleged evidence related to Srebrenica had been destroyed.<sup>22</sup> So if someone has the alleged evidence for that which the mass media and Western

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<sup>20</sup> Dean Manning, *Srebrenica investigation - nazvao Summary of forensic evidence – execution points and mass graves*, United Nations international criminal tribunal for the former Yugoslavia, 16.05.2000.

<sup>21</sup> Rachel Irwin, *Karadžić challenges forensic reports – the accused claims that evidence relating to mass graves in the Srebrenica area is misinterpreted*, Institute for war & peace reporting (IWPR), 04.02.2012.

<sup>22</sup> Michael Montgomery, *UN admits evidence from Srebrenica was destroyed*, revealnews.org, 07.05.2009.

political forces call “the biggest massacre in Europe after World War II, why was the evidence destroyed?” This confirms that they just destroyed everything because nothing could be proven with it.

### PRE-PLANNED MANIPULATIONS

Bosniak document, which Fahrudin Salihović on January 11, 1994 issued to institutions warned that this document should not be disclosed to international institutions because they calculated with the number of approximately 45,000 people in Srebrenica. That is a difference of almost 8,000... What interest a Bosniak institution could have to manipulate with the number of people who lived in Srebrenica? The answer to this question may be given by a statement by Hakija Meholfjić, a former police chief in Srebrenica during the war. In the movie *Srebrenica – A Town Betrayed* (Norway 2010), filmed by Norwegian director Ola Flyum, Meholfjić told the cameras a very interesting and spectacular detail that explained the background of the Srebrenica scam.<sup>23</sup>

Meholfjić says that the late President of the RBiH Alija Izetbegović told him and other Bosniak politicians in 1993 that he had a conversation with then American President Bill Clinton. During the conversation, Clinton told Izetbegović that America could actively attack Serbs in Bosnia if the Serbs, for example, would enter Srebrenica and kill about 5,000 people. The question: Why did the Serbs in July 1995 did exactly what Clinton proposed to Izetbegović in 1993? It would be really more than absurd. How could the Serbs know about Clinton’s plans and why would they have reasons to implement such a plan which could inflict enormous damage?

There are also other indications that the Srebrenica scam was already pre-planned. Former US intelligence officer Robert Baer, author of various books, once confirmed that Srebrenica was a big scam in the official version. In a conversation with a journalist, Baer said, among other things: “Srebrenica is an inflated story, and unfortunately a large number of people have been manipulated... Srebrenica is political marketing. My boss, who was formerly in the US Senate, repeatedly announced that there would be one big scam in Bosnia. One month before the alleged genocide, he told me that this town would be the center of attention of the world’s media, and he instructed us to call the media. When I asked why, he replied, “You’ll see why!””<sup>24</sup>

### THE SCORPIONS CASE AND ‘SREBRENICA VIDEO’

Another manipulation with Srebrenica should be considered. It is worth remembering the video with the members of the Scorpions, who allegedly killed six prisoners from Srebrenica in July 1995. The killing shot has no date, so it cannot be

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<sup>23</sup> The movie *Srebrenica – A Town Betrayed* (Norway 2010), Norwegian director Ola Flyum.

<sup>24</sup> Ralf Hartmann, *Der Wohltätigkeitsverein*, Ossietzky No. 21/2013.

determined on the basis of the recording where and when that recording originated at all. Some other recordings were undoubtedly added to the recording, which, among other things, showed the priest blessing some Serb soldiers. There was a date in this recording, June 25, 1995, which means that the recording was not related to Srebrenica since it was released on July 11, 1995.

German journalist Ralf Hartmann already in 2005 found very interesting details about the footage already in 2005, but almost no one around the world wrote about it, Hartmann quoted from the protocol of Slobodan Milošević's trial in The Hague.<sup>25</sup> Thus, Hartmann, for example, quoted General Obrad Stevanović, who presented forensic evidence in The Hague that the Serb pathologists dug up and identified six bodies in Botinska bara near Trnovo on April 28, 1993, including the body of Safet Fejzić from Srebrenica, who was identified by his mother in the video. Milošević then asked General Stevanović: "Does this mean that these people were found dead two years before they were reported missing? And General Obrad Stevanović clearly answered "yes, it does".

How could these people from the footage, after the fall of Srebrenica in July 1995, be killed when they were already exhumed and identified in April 1993? The scam is so obvious that it could not be more obvious. But then what happened? It is logical that these people were killed before April 1993 because they were found then. It is clear that videos are somewhere near Trnovo, which even Muslims and The Hague did not deny. In the area around Trnovo, in 1992, the Muslims committed horrific crimes against Serb civilians. Thus, for example, in July 1992, the villages of Gornja and Donja Presjenica and Strajišta were attacked and many civilians were slaughtered. The total number of massacred Serb civilians in these villages is 124.

The video shows that a Serb soldier told a prisoner the following: "Come on, what are you waiting for, you motherfucker, did you wait when you had killed Serbs?" And in the other scene, a prisoner asked for water from a Serb warrior, and he said: "Did you give the Serbs water before you killed them?"

The video of the shooting was originally created before 1993, so it could have been created only in 1992. And it has been proven that at that time the Bosniaks massacred many Serb civilians in the municipality of Trnovo. If we still take into account what the Serb soldiers were saying to the Muslim prisoners in the video, then there was almost no other possibility, but that the video showed the revenge of Serb soldiers for the Muslim crimes at Trnovo in 1992.

Many Serbs who were on the scene during the liberation of Srebrenica did not see the members of the Scorpions there at all - how is it possible? Milivoje Ivanišević, who was on the spot during the liberation of Srebrenica, confirmed that the Scorpions, after the fall of Srebrenica, were not present at all in that area.<sup>26</sup>

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<sup>25</sup> Ralf Hartmann, *Ein fragwürdiges Video*, Ossietzky No. 14/2005.

<sup>26</sup> Dragan Basovic, Milivoje Bata Ivanisevic: There were no „Scorpions“ in Srebrenica, *Pravda* 03.07.2012.

### HANGAR OF AGRICULTURAL COOPERATIVE IN KRAVICA

There is another case of alleged mass killing, for which the Serbs were being charged. The official version of events in Srebrenica claims that after the fall of Srebrenica, Serbs somewhere caught a large group of Bosniaks and took them to the village of Kravica, where they were imprisoned in the agricultural cooperative's hangar. The exact figure obviously could not be agreed by the courts in The Hague and Sarajevo, as there were allegations that there had been between 1,000 and 2,000 prisoners. Thus, the alleged witnesses of Kravica's events have never succeeded in equating the allegations (the testimonies are even contradictory).

Furthermore, in the official version, it is claimed that on July 13, 1995, Serb soldiers broke into the hangar and killed all prisoners. It is claimed that these prisoners were killed mostly by automatic weapons, but that Serbs also used hand grenades. Who can now really wonder that independent investigations give a completely different picture in this case as well? Here is briefly what facts are saying.

First of all, there is no material evidence that the Serbs then captured between 1,000 and 2,000 Bosniaks and took them to the hangar. On the contrary, the late journalist Zoran Petrović-Piroćanac, who had shot in the vicinity for the Serb media then, shot a group of captured Bosniaks in a meadow near the village of Sandići, which was taken to the hangar in Kravica after the arrest. The number of prisoners was estimated by Zoran Petrović at 'about one hundred'. And indeed, in the movie, broadcast on the Belgrade channel Studio B on July 17, 1995, a group of Bosniaks is seen, certainly less than 200 of them. Other photos and videos that could prove a larger group of prisoners than those in the meadow near Sandići are not known. Various claims, by which there were many more prisoners, were not based on material evidence.

Lawyer Rade Golić from Vlasenica, who defended the accused Milenko Trifunović in the Kravica case, collected material that gave a different picture of the events in Kravica (Golić handed over all that material). For example, the testimonies of Serb soldiers who stated that the reason for taking prisoners to the hangar in Kravica was that they wanted to exchange those people for Serb prisoners. That sounds logical because why would the Serb forces first place the prisoners in the hangar in Kravica before being shot? Why putting the effort? Would it not be more logical that these people were taken to the nearest forest being liquidated there, if that was a plan? Why would they put them first into the hangar, where is the logic?

There are no places for 1,000 or more people in the hangar. Anyone can check that, and you just need to visit the hangar. I visited the hangar and found out that there were seats for up to 200 people, maybe less. There are satellite images of the hangar on July 13, 1995, where two buses are seen in front of the hangar. And on the basis of these footages, it can easily be calculated that there are places for, perhaps, 200 people in the hangar. So the very claim that there were 1,000 people and more closed in the hangar is not true.

Both from the testimonies of various people, as well as additional documents, can be found out that on July 13, Serb soldier Krsto Dragičević entered the hangar among the prisoners to take away their cigarettes. Soldier Rado Čturić entered with Dragičević too. On that occasion, a group of prisoners jumped on Dragičević, took his rifle and killed him.<sup>27</sup> Rado Čturić injured his hand in this incident, as he tried to take the rifle from the rebels. Čturić survived this rebellion, but he was killed on September 23, 1995, in the fighting in the vicinity of Dobož. A copy of the document of the Ministry of Internal Affairs of the Republic of Srpska on the death of Dragičević exists as well as the report of the health center in Bratunac on the injuries of Čturić. Images of Dragičević and Čturić are in the memorial rooms in Bratunac and Šekovići.

Journalist Zoran Petrović-Piroćanac, shortly after the rebellion, went past the hangar. His footage shows about 20 dead rebels in front of the hangar entrance. The guards in front of the hangar shot at the rebels, who tried to escape through the main entrance after Dragičević's murder. Around the main entrance, there are clearly visible holes of the bullets, which additionally proves that Serb guards fired from the outside to the main entrance. There are no traces in the hangar itself, which would confirm the official version, according to which the Serbs inside the hangar massively massacred prisoners. Shortly after the war, the Dutch cameraman Rolf Hartzuiker visited the hangar in Kravica. After the inspection of the hangar, which was not renovated after July 1995, Hartzuiker found that the story of mass killing inside the hangar was a scam.<sup>28</sup>

There were fewer than 200 prisoners in the hangar and no one was killed inside the hangar, while about 20 prisoners were killed in front of the hangar, so what happened then with other prisoners? The answer to this question could be given by a protected Bosniak witness, who testified in the process against Radovan Karadžić. The witness said that he was captured in the hangar in Kravica. He explained that he was in one wing of a hangar in which there were less than 100 people. Considering that this hangar had two wings or rooms, then the man's statement further proved that there were a total of less than 200 prisoners.

The witness said that they heard gunfire at some point. You can go from the point that they heard gunfire in the other hangar room, when the prisoners killed Krsto Dragičević. Or they heard the firing of the guards outside the hangar, who started to shoot at the main entrance during the rebellion. In any event, this witness further explained that after the shooting they had started running from the hangar. If they were flying through the main entrance, then this could be read in the witness statement (the witness statement is in the Hague Tribunal and with the lawyer Goran Petronijević from Belgrade). In any case, this testimony gives a complete explanation for the fact that no one was killed inside the hangar, while the figure of the victims in front of the hangar did not exceed twenty.

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<sup>27</sup> Milivoje Ivanisevic, *Srebrenica July 1995 - In Search of Truth*, Belgrade 2007.

<sup>28</sup> Edward S. Herman, *The Srebrenica massacre, evidence, context, politics*, USA, 2011.

## MANIPULATION OF SERBS CRIMES IN SREBRENICA...

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The same version was confirmed in 2009 by the late Zoran Jovanović at the Drina Corps veterans' assembly in Šekovići. Many soldiers who were familiar with events in the hangar in Kravica also spoke. Without exception, they said that the official version is an absolute fabrication. Various soldiers said that nobody was killed in the hangar itself and that the figure of the victims during the rebellion did not exceed twenty. And they also said that the number of prisoners was relatively small, and that most of the prisoners managed to escape during the rebellion. As the reason they stated that there were not enough guards in front of the hangar. The soldiers also said that they could not publicly talk about this, as investigators from Sarajevo and The Hague had threatened them with serious consequences, unless they would remain silent.

In connection with the event in the Kravica hangar, the courts in Sarajevo and The Hague acted in the same way as in other cases, where they did not have any evidence. Non-existent evidence was being tried to replace for the "admission of guilt" by some Serbs. The first who "confessed" his guilt about the hangar in Kravica was former officer Momir Nikolić. Western media and the Bosniak institutions celebrated that confession as a triumph and claimed it was evidence of mass killing in the hangar in Kravica. However, this triumph of the Prosecution did not last long, until 2005, when Nikolić, in the courtroom, during the cross-examination by attorney Michael Karnavas, who defended the accused Serbs, confessed that he had lied. As a reason for lying, Nikolić quoted the Prosecution's offer to reduce his sentence to twenty years in prison if he pleaded guilty.<sup>29</sup>

But that story does not end there. In October 2011, the media in Bosnia and Herzegovina wrote that seventeen Serbs made a statement that they had been grossly mistreated in connection with a story in the hangar in Kravica, in order to distort the truth.

"The request for a retrial before the Court of BiH in the Kravica case would be filed shortly because as even 17 witnesses at the main trial under oath stated that during the hearing before the prosecution bodies they had been subjected to pressure and blackmail, and threatened by criminal prosecution, and possible conviction had been announced to them. The attorney Rade Golić said this to 'Glas Srpske', who represented Milenko Trifunović in the Kravica case.<sup>30</sup>

In a letter to 'Glas Srpske', Milenko Trifunović and other convicts in the 'Kravica case' who are serving a sentence in the Foča Correctional Facility, wrote that "the guilty verdict against them was made on the basis of statements by prosecution witnesses extorted under the threats of SIPA investigators and Prosecutor's Office of BiH. The prosecution witnesses themselves also admitted in

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<sup>29</sup> Chris Stephen, *Key Srebrenica Witness Apologises for Lies*, Institute for war and peace reporting (IWPR), 29. 04. 2005.

<sup>30</sup> Svjetlana Tadic, Rade Golic, Milenko Trifunovic's attorney - Request for a Retrial in the Case of Kravica, *Glas Srpske*, 09.10.2011.

the Court of BiH that they had been mistreated and manipulated, that their statements had been often supplemented and rewritten.”

The main protagonists of the “falsification of truth” were the SIPA investigator Bajro Kulovac and prosecutor of the Prosecutor’s Office of BiH Ibro Bulić, and the foreign prosecutor Kwai Hong Ip. Is further evidence required to prove that the hangar story in Kravica is one of the numerous lies?

### **DNA ANALYSIS**

One of the weapons of destroying the truth about Srebrenica in the hands of judicial institutions in The Hague and Sarajevo is the claim that more than 6,000 victims from Srebrenica have been identified so far. This claim came from the American organization ICMP. It is worth looking at the background of this whole story.

ICMP (International Committee for Missing Persons), headquartered in Tuzla, was founded on the initiative of former US President Bill Clinton. The cooperation with Iran was proved to Bill Clinton due to illegal arming of Bosniaks in Bosnia.<sup>31</sup> Such determinations of his were confirmed by Muslim politicians, that Clinton had proposed the “Srebrenica massacre” to Alija Izetbegovic already in 1993, and there were also initiatives in 1995, just before the new elections in the United States. The Croatian media for their part reported that several generals from the Clinton administration organized and led the operation of the Croatian Army on the Republic of Serb Krajina ‘Storm’.<sup>32</sup> It should be noted that in the aforementioned military action in only 48 hours 250,000 of the last Krajina Serbs were bombarded and expelled from their centuries-old homes and 1,900 people were killed. Again the same Clinton who ordered 11 week long bombing of Yugoslavia in 1999. He is practically a war criminal because, without the consent of the Security Council, he ordered 72 days of bombardment of the sovereign state of Yugoslavia, and it should be asked where the trial for such crimes is for him.

Nothing less than the Vietnam war veteran James Kimsey was appointed as the president of the ICMP committee, who also took part in the invasion of the Dominican Republic where there were 10,000 dead civilians. Former Foreign Secretary of the Bush administration, General Colin Powell personally appointed Kimsey as chairman, and he commanded US forces in the Gulf War. So is that an authentic and neutral clique behind the ICMP?

Similarly in 2011, Hillary Clinton proclaimed Thomas J. Miller as Kimsey’s successor. In 1976, Miller joined the United States Foreign Service. He then, between 1999 and 2001, was an American ambassador to Bosnia based in Sarajevo, before George Bush sent him as the US ambassador to Greece in 2001. He worked

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<sup>31</sup> Congressional Press Release, US Congress, 16 January 1997: *Clinton approved Iranian arms transfer to help turn Bosnia into militant islamic base.*

<sup>32</sup> Ivo Pukanic, American Role in the Storm: delighted with the Flash, Clinton initiated the Storm. Nacional No. 497, 24.05.2005.

there until 2004. In 2010, Miller joined the 'Independent Diplomat' organization, which, among other things, was significantly involved in the events in Kosovo and Metohija in order for this province to be derailed from Serbia and to recognize the independence of the old Serbian country by states all over the world as soon as possible

Being aware of manipulations, Radovan Karadžić's defense attorneys requested the delivery of complete evidence on the DNA identification of victims. This request was rejected with an explanation that the relatives of the victims did not accept it. This needs to be understood: An organization claims that 6,000 victims of the so-called Srebrenica massacre were identified through DNA, but this evidence is not filed with the court because the families of victims specifically forbid it. Again, all this for the sake of 'protection of personal right', or the protection of manipulated documents. If somebody in America gave a statement tomorrow that he had evidence that Barack Obama, the former president of a nation leading the wars, ordered the abuse and killing of 500 girls, but unfortunately the evidence of NDH findings could not be delivered because the families of the abused do not agree with publishing, would that be mentioned at all? This one would be arrested in America and sent to psychiatric treatment. But the reality of today's world politics is that the rules of the game are determined precisely with such double standards by motto: everything is possible.

### INSTEAD OF CONCLUSION

It may be talked and written a lot about the Srebrenica scam. It may be argued that the list of allegedly missing Bosniaks from August 1995 from Srebrenica is not authentic. This list encompassed about 7,400 names and might not be compared to older lists because Bosniak institutions before the fall of Srebrenica did not publish the names of people who were in that town before the start of operations. What the manipulated list of names from July 1995 can be compared to?

It is needed to look at the memorial plaque in Potočari, which says that at least 8,372 people were killed in Srebrenica, but that figure was not final. So they claim that almost a thousand people more were killed than ever missing, which is really an absurd. The same monument states that this figure refers to victims of genocide from thirteen municipalities, of which only one is Srebrenica. How come the monument states twelve municipalities, or is it likely the collecting of all killed people in BiH and the burial was organized at one place in order to keep the myth of Srebrenica as a scaffold?

It is also possible to analyze the claim of The Hague and Sarajevo that Serbs, after the fall of Srebrenica, separated men from women and children and that these men were missing afterwards and nothing has been known about them. Obviously, some in the Tribunal "forgot" that in the report of the Dutch Institute NIOD was said that a certain number of people were taken to the hearing in Bratunac and that the UNPROFOR soldiers counted them before and after the hearing, and that in the end,

no one was missing, as also confirmed by the International Red Cross that they were alive.

The case of the late Ljubiša Beara may be pointed out, who was, after extradition to The Hague tribunal in October 2004, claimed to be one of the chief accountable for the killing of thousands of Bosniaks after the fall of Srebrenica. However, who has ever looked at the 'evidence' of the Hague Tribunal in the case of Beara, must cross himself because it is a mere laughing-stock farce.

There could be really much more to talk about the real truth about Srebrenica, but the key facts prove that this is a tragic case of war propaganda. Evidently, the propaganda has destroyed many lives of innocent people and satanized the entire nation. On the basis of everything, as the Dutch NIOD proved, there was no intention or plan for the genocide against the Bosniaks in Srebrenica, so the verdict on that, whether the one from the International Court of Justice in The Hague, is unacceptable because it took into account the verdicts of the Hague Tribunal for which it has been proven that the truth is completely different.

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## **THE SREBRENICA GENOCIDE DID NOT OCCUR!**

**Statements by Thomas Karremans, Colonel,<sup>1</sup>**

**Dutch Soldiers and Military Expert of the Prosecutor's Office**

**The Dutch UNPROFOR Battalion in Srebrenica**

The Dutch soldiers in Srebrenica did not see any mass crimes committed by the Serbs against the Muslim population and soldiers. It is interesting that the Dutch, during the fall of Srebrenica, as the main witnesses, did not see the crimes committed in the zone.

A week after the fall of Srebrenica, on July 17, 1995, a Dutch officer, deputy commander of the battalion Robert Franken, signed a statement confirming that the Serbs in Srebrenica had not committed any crimes. The same document was signed by Nesib Mandžić, who was a representative of Bosniak civilians. The document stated the following:

„Explanation of representatives of the civilian institution of the Srebrenica enclave and UNPROFOR representatives on the agreement on the implementation of the evacuation of the civilian population of Srebrenica.

In the presence of the Commander of the Dutch UNPROFOR Battalion, the following document was signed:

- the civilian population of the enclave, taking into account the will of each individual, could decide to remain or leave the enclave;
- in the case of evacuation, there was the possibility for the population to decide on the direction of the route and the evacuation time to the municipality of Kladanj;
- it was further agreed to conduct the evacuation of the military and police forces of the Republic of Srpska, and that the UNPROFOR forces monitor and control the evacuation.”

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<sup>1</sup> Colonel Thomas Karremans and other officers of the Dutch Battalion and the Dutch Army were banned from public appearances in the media and from making statements about the events in Srebrenica. Attempts to obtain their opinions remained without results. We learned from law firms from The Hague that Colonel Karremans would not make his statement nor write any text on the occasion of the international conference on Srebrenica because he had an explicit ban of the Dutch authorities regarding writing and making public appearances. In the absence of true statements and the text of the participants of the international peacekeeping forces from Srebrenica, we decided to point out some of the positions and statements of Colonel Karremans and the Dutch Battalion soldiers, which remained recorded in the media, about their views on the Srebrenica events, which were forbidden to be talked about for the sake of “truth” . The preparation of the text for the Srebrenica conference was done by Dragić Gojković.

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This document confirms that the Serb side adhered to the clauses of the agreement and that the evacuation of the gathered population in Srebrenica went without incident, with respect to all the protocols of the Geneva Convention and international war law.<sup>2</sup>

Numerous Dutch soldiers and officers, in statements to the media, confirmed that the Serbs had not committed crimes during the capture of Srebrenica. For example, the Dutch soldier Karel Mulder said for the newspaper NRC Handelsblad: "Much of what is talked about the Serbs is ordinary nonsense. I was among refugees for three days, and the Serbs behaved well towards them."

In the same article, a Dutch journalist quotes Dutch Commander Lieutenant Colonel Thomas Karremans, who said: "The conquest of Srebrenica represents a correct military operation of the Serb side, since before that Bosniak forces attacked 192 Serb villages in eastern Bosnia and killed many civilians, at the same time burning many villages." The statement of Dutch General Hans Couzy is also quoted in the newspaper, who told the following about the evacuation of civilians from Srebrenica: "It was conducted very correctly, and there is the opinion among the Dutch soldiers that the Serbs are good guys."

In October 1995, Dutch General Onno van der Wind submitted a special report on Srebrenica, which was written on 102 pages.<sup>3</sup> The document was made after the hearing of all the soldiers and elders of the Dutch Battalion and General Nicolai from the UNPROFOR command in Sarajevo who participated in the peace operation. In that report, published on October 4, 1995, as military commands usually do after completing the tasks, it was recorded as a document at The Hague Tribunal at the time when the first stories about the Serb crimes in Srebrenica began. There were no statements in these documents by soldiers and officers who spoke about the mass killings in Srebrenica. It was mentioned that the shootings were heard and that the soldiers in the vicinity saw more bodies, but it should not have been surprising since the fighting between Serb and Muslim soldiers was taking place in those areas. It should be noted that there were no data on mass shootings of prisoners and crimes against civilians.

The testimonies of the Dutch soldiers and officers from the UNPROFOR Dutch Battalion deployed in Srebrenica bothered the political circles and various international institutions, primarily NATO, which did not accept the official version of the events in Srebrenica by members of the Dutch army. What bothered them, among other things, was the fact that the Serbs in court proceedings and hearings called for testimonies of Dutch soldiers and commanders. All this suggests that the aforementioned report did not suit many people because it did not fit into the planned scenario of anti-Serb propaganda. As a result, there were dismissals in the Dutch Government and the Army and, according to some sources, this report had to be

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<sup>2</sup> Harry Meijer i Ward op den Brouw, "*Sympathie voor Serviërs bij Nederlandse militaire*", NRC Handelsblad, 24.07.1995.

<sup>3</sup> *Report based on the debriefing on Srenrenica*, Assen, 04.10.1995.

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removed to the insistence of the US administration, which accused a large number of Serb commanders and politicians at The Hague Tribunal for crimes committed in Srebrenica. The purposes of such selective reporting and justice was to completely darken the accusations of the Western countries and NATO for the purpose of the unilateral support to the Bosniak forces during the war.

**ANNULMENT OF THE REPORT OF THE DUTCH ARMY ON THE  
EVENTS IN SREBRENICA**

Due to demands of the powerful circles, the political pressure on the Dutch government to completely change the report followed. In order to do this on a scientific basis, NIOD - the Institute for War Documentation (*Instituut voor Oorlogs – Holocaust - en Genocidestudies*) was asked to “comprehensively” investigate and write a detailed report on the events in Srebrenica in 1995. Thus, according to the special instructions of the Dutch Government, after a long-term investigation, on August 10, 2002, the NIOD issued a new report on Srebrenica in order to completely deny the previous report of the Dutch and to confirm mass crimes and genocide against the Bosniaks.<sup>4</sup> In this way, they wanted to prevent the possibility that the accused Serbs in the future proceedings would call for the original testimonies of members of the Dutch Battalion which put the first report out of effect.

In line with such views, the Dutch government banned public appearances and testimonies in the Srebrenica case to Colonel Thomas Karremans and other officers from the Dutch Battalion, and the General Staff of the Dutch Army and civil servants. It was a new lesson of democracy in the Dutch way.

Although the authors of the new report tried to come up closer to the official version of the Srebrenica event with the new facts, they failed because the original and subsequent testimonies of Dutch soldiers could not cover the figures of thousands of killed Bosniaks. The unproven claims of the alleged witnesses quoted in the NIOD report certainly caught the eye, so as to create the basis for the assertion that the Serbs in Srebrenica committed war crimes.

In the new Srebrenica report, compiled by NIOD, not a single document or argument was found to confirm that the Serb military and civil authorities had intended to destroy the Muslim population in the wider Srebrenica area, nor any instructions from the Belgrade leadership were found, which, in accordance with the international law, denied allegations that genocide occurred in Srebrenica.

“The Serbs did not commit genocide, but brilliantly liberated Srebrenica”, Colonel Thomas Karremans said to reporters.<sup>5</sup>

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<sup>4</sup> *The report of the Dutch Institute for War Documentation NIOD* was published on August 10, 2002 and the most important conclusions of the many years of research were presented to the public.

<sup>5</sup> Colonel Thomas Karremans, commander of the Dutch Battalion, praised the members of the Army of the Republic of Srpska for a well-planned and executed operation for liberation of Srebrenica, *Večernje novosti*, Belgrade, July 18, 2015.

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In the chronology of newspaper articles about the events in Srebrenica, it is striking that the military operation of the Republic of Srpska Army against Muslim forces was characterized by Dutch politicians and their media, and backed by world mentors, as a genocide.

The first one who came up with this claim was the then Dutch Minister for Development Cooperation, Jan Pronk, who was soon followed by Defense Minister Joris Voorhoeve, who, as the responsible unit, produced a report by the Dutch Army on the events in Srebrenica immediately after the Srebrenica operation of the Republic of Srpska Army ended.

The Dutch soldiers in Bosnia and Herzegovina, who were part of the UN peacekeeping contingent that had the opportunity to be on-site, immediately and vigorously opposed hysteria of the media on ethnic cleansing and genocide against the Bosniaks in Srebrenica, which, as an avalanche, filled in news columns and TV reports. The remaining 1,200 members of the Dutch Infantry Battalion joined them later, those who served in the enclave for the last three rotations, and were in the role of peacekeeping forces from 1993 to 1995.

The “misunderstanding” of the Dutch government with its soldiers officially began with the departure of Colonel Thomas Karremans, Commander of the Battalion, from the service in Bosnia and Herzegovina. He praised the members of the Army of the Republic of Srpska for a very well-planned and executed action for liberation of Srebrenica in Zagreb at a press conference on July 25, 1995. Colonel Karremans stressed that this action had been directed exclusively against Muslim units that had committed mass crimes against Serbs over the past three years, and by no means against members of the 13<sup>th</sup> Dutch Infantry Battalion stationed in Srebrenica. The Serbs skillfully outwitted the Muslim soldiers. “Mladić eliminated us with great maneuvers. The Muslims burned the villages and killed their own people, not Ratko Mladić and the Serbs!” said Thomas Karremans, refusing to call General Ratko Mladić a war criminal on journalists’ questions.

### **MEDIA WAR ABOUT SREBRENICA FOR THE DUTCH SOLDIERS**

When asked by Zagreb journalists to explain his views on alleged ethnic cleansing in Srebrenica, Colonel Thomas Karremans responded that Muslims had burned 200 Serb villages around Srebrenica and killed many Serbs living there.

This statement of his “shocked” foreign journalists who were ready to severely attack Commander Karremans due to inadequate response and for the sake of protection of Bosniaks in Srebrenica. On this occasion, the Dutch Colonel only repeated what he had said the day before to the high-ranking Dutch newspaper “NRC Handelsblad” that “there was no genocide in Srebrenica”<sup>6</sup> because (as malicious editors, who could not accept such a statement by the Dutch colonel, wrote) “the massacre in Srebrenica by the Serbs was a proper military action.”

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<sup>6</sup> Dutch newspaper NRC *Handelsblad*,

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Thus began the “media war around Srebrenica for Dutch soldiers”. Karremans’s superior, the Dutch general Hans Couzy, was soon dismissed. After that, he stated that “after the fall of Srebrenica, the Serb-Bosnian troops did not commit genocide against Muslims” (“Die Welt”<sup>7</sup> on July 12, 1996). An additional Couzy’s sin was that in the meantime he promoted Thomas Karremans from the rank of lieutenant colonel to the rank of colonel for his merit and conduct in Srebrenica, as said in the explanation, “when NATO left him alone, in the middle of the battle with far more powerful military units.”

In the Dutch press in July 1995, a question was asked as to whether Dutch soldiers had been cowards in the recently finished armed conflict in Bosnia and Herzegovina. Another important question was what really happened in Srebrenica after the entry of the Serb army.

In July 1995, the “Het Parool”<sup>8</sup> conveyed a statement by Captain M. Schouten, the only UN peacekeeping force officer who was an eyewitness at the sites of alleged bloodshed for several days, and who completely denied the genocide story: “Everyone is chattering about everyone, but nobody shows solid evidence. I note that the Dutch people want at any cost to prove how bloodshed took place. If the executions took place, the Serbs hid them damn well. That’s why I do not believe in it. After the fall of Srebrenica on 13 July 1995, I arrived to Bratunac and stayed there for eight days. I could go anywhere I wanted. Every possible protection belonged to me, I was stopped nowhere.”

Immediately after the fall of Srebrenica, in the offensive of Serb forces, about thirty foreign journalists were in the area and none confirmed the story of the massacre of Serbs against Bosniaks. The UN personnel, who in Tuzla interviewed incoming refugees from the Srebrenica area about human rights violations, did not find any firsthand testimony of Serbs’ crimes.

On July 25, 1995, the German newspaper “Die Welt” reported that the newspaper reporters were asking the Dutch soldiers who returned from Srebrenica and always received the same answer: “There was no genocide in Srebrenica!”<sup>9</sup> Die Welt literally stated: “Both the non-commissioned officer Frank Struik or the other UN soldiers stationed in Srebrenica will not publicly confirm what was claimed, firstly, by the Minister for Development Cooperation, Jan Pronk, and then the Defense Minister Joris Voorhoeve, that genocide had taken place in Srebrenica.”

Arnold Bloom, a soldier from the Dutch blue helmets, was explicit before the Dutch State Commission: “When we patrolled in the enclave, the Muslims provoked the Serb fire. They fired over us thus wanting to get Serbs to hit one of us so that the outside world would put guilt on them again!” This statement was transmitted by the newspaper “NRC Handelsblad”.

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<sup>7</sup> Bosnian Serb troops did not commit genocide “Die Welt”, July 12, 1996.

<sup>8</sup> “Het Parool” 27.7.1995.

<sup>9</sup> “Die Welt” 25.7.1995.

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Before an urgently formed state Dutch commission, soldier Karel Mulder stated: “Much of what has been said about the Serbs was craziness. I was three days with refugees and the Serbs treated them well.”

Speaking about the reasons for placing guilt, Dutch Battalion member Marco Van Hees explained that thus they wanted to get rid of their military name and help the world find out the truth about the suffering of Serbs at that time. In the meantime, in an interview with the Frankfurt-based “Vesti”, the soldier said the following: “The Federation of Bosnia and Herzegovina has lost a dispute in a lawsuit against the Netherlands over the alleged failure of the Dutch battalion. They sued us, and while we stayed at checkpoints around Srebrenica and in it, none of the Muslims did not suffer” - said Marco Van Hees. “The fact that the dispute was lost did not mean that the soldiers received any satisfaction.”<sup>10</sup>

It should be noted that in July 1995, 450 Dutch battalion soldiers, poorly armed, were supposed to “defend” the well-equipped, entire 28<sup>th</sup> Division of the BiH Army, which counted about 10,000 Muslim soldiers! “Why did not they defend themselves? I have always wondered why everyone was protecting Bosniaks and not Serbs” - continues Hees – “Our checkpoints were also in the burned Serb villages, Zalazje, for example. We could see the Muslims’ atrocities against the Serbs. Our battalion consisted of young men 19 to 20 years old, unprepared for any combat struggles. It was hard for us to be blamed by those we had been helping for nearly two years. Those who stole food and fuel from us, cursed us, insulted us... Well, it’s not our fault they lost the battle. Our task was to defend them from the Serbs, and they attacked us. They killed one of our soldiers, and wounded a few of them!”

“When we returned to homes, the Dutch media were racing who would defame us more, with the conclusion that we were responsible for the events in Srebrenica,” says Van Hees. “The government and all other state institutions attacked us. Many members of the battalion, at least 100 of them, totally flipped then! They went crazy. Several of them committed suicide! We did not receive any moral support, satisfaction for staying among Muslims. Most of the soldiers are permanently incapable of work due to mental problems. By the way, more than 90 percent of them did not finish any school before going to Bosnia.”

Veterans from Srebrenica sued their state, seeking satisfaction and financial help. However, they continued to suffer humiliation. They say that girls refuse to be with the soldiers who stayed in Srebrenica. They think they “failed in their task”. Speaking of Srebrenica, Colonel Karremans said: “We have no reason to repent”.

The interpreter Hasan Nuhanović and Mustafić family sued Dutch officers for accountability for crimes committed in Srebrenica. Karremans was greeted by a small group of former Dutch Battalion soldiers outside the courtroom.

The court in Arnhem in the Netherlands ruled in renewed proceedings in which the former UN interpreter Hasan Nuhanović and the Mustafić family had sued three

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<sup>10</sup> Frankfurt-based “Vesti”

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former Dutch Battalion officers who had been in Srebrenica during the alleged genocide against the Bosniak population in July 1995 and had not prevented it.

After the hearing, Nuhanović said that he had spoken to the Court about what happened in Potočari in July 1995. “Today, I have practically repeated what I said before. I was talking about what had happened in Potočari and I repeated what the Dutch Battalion had done at the time. I think that in six weeks we would know what would follow”, Nuhanović said.

Hasan Nuhanović and the Mustafić family charged the former Dutch Battalion Commander Thomas Karremans with responsibility for the role in the committing of genocide in Srebrenica. Thomas Karremans was greeted with applause in the court. He was also hailed by a small group of former members of the Dutch Battalion in front of the courtroom with loud applause.

After leaving the hearing, Karremans told his former soldiers: “Nothing bad would have happened in Srebrenica if special protection units had been formed on time, as we proposed.” Karremans then pointed out that as former members of the Dutch Battalion, the UN peacekeeping force “should not feel guilty for what happened. We have no reason to repent for what we did. I think we did what we could and we did it right. Nevertheless, I am sorry that the war took place and that bad things happened, but that’s war”, concluded Karremans.

Dutch members of the UN peacekeeping force were in charge of the so-called protected zone in Srebrenica, occupied by Serb forces at the beginning of July 1995, after which they committed genocide against Bosniak soldiers. They gathered in front of the Court to admit the genocide in Srebrenica, but not their own responsibility for it.

By a decision of the public prosecutor in Arnhem of 7 March, the Court gave up the prosecution of Thomas Karremans, his deputy Rob Franken and Berend Oosterveen.

The complainants subsequently forwarded to the Supreme Court a request for the prosecution of the defendants for their role in the genocide committed by the units of the then Army of the Republic of Srpska under the command of the ICTY indictee Ratko Mladić in Srebrenica.<sup>11</sup>

The official Dutch investigation concluded in 2002 that the Dutch Battalion could not have prevented the fall of the enclave, that air strikes had not arrived in time and that some units had not offered fierce resistance. Immediately after the announcement of official findings, the Dutch government resigned, assuming “responsibility” for what happened, but it did not assume the guilt.<sup>12</sup>

In a TV debate on 26 May, almost 16 years after the Srebrenica massacre, Colonel Karremans described Mladić as a “hardliner, with whom it was impossible to negotiate”.<sup>13</sup>

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<sup>11</sup> *Al Jazeera*, November 13, 2014.

<sup>12</sup> *Free Europe*, June 1, 2011

<sup>13</sup> *Al Jazeera*, November 13, 2014.

**MILITARY PROSECUTION EXPERT RICHARD BUTLER CONFIRMS  
STATEMENTS OF THE DUTCH SOLDIERS**

Referring to the Muslim sources, Richard Butler, a military expert at The Hague Tribunal Prosecution claimed that the Republic of Srpska Army had made a decision to take over Srebrenica only when it was clear that the forces of the 28<sup>th</sup> Division of the BiH Army would leave the city. The aim was to disarm the terrorists in Srebrenica and the immediate surroundings.

In order to prove the crime of genocide in Srebrenica, the Prosecution had to “light up” the genocidal intention of the Serb side. The core of the delict of genocide, as legally defined, was the intention to physically destroy one of the categories protected by the Convention: ethnic, religious or racial. The Hague investigators and military experts of the prosecution, according to their own confession, did not recognize the genocidal intention of the Serb side until 9<sup>th</sup> and 11<sup>th</sup> of July, and according to the Tribunal’s rulings, the genocide had taken place from July 13<sup>th</sup> to July 17<sup>th</sup>!<sup>14</sup>

Military expert of The Hague Tribunal Prosecution, Richard Butler, at the trial of Pelemiš and Perić, before the War Crimes Chamber of Bosnia and Herzegovina in 2010 in Sarajevo, also spoke of a key issue: the genocidal premeditation.

In short, Butler, who had official access to the most sensitive and most relevant documents, said at the trial that he had not discovered any indication of the existence of a plan to exterminate the Muslims, at least not until July 11, when the Serb forces captured Srebrenica. Thus, the genocide at the Serb side was not considered forty-eight hours until the beginning of the imputed crime!

The finding of the military expert of the Prosecutor’s Office Richard Butler was taken before the Tribunal as relevant. In his testimony of the military events in Srebrenica (revision) - the operation “Krivaja 95”, with a special accent that only Muslim sources had been used, reads as follows: “According to the announced plan, military operations began early on July 6, 1995. At 4.30, a fire was opened on Muslim positions where members of the 28<sup>th</sup> Infantry Division were. This fire was partly directed at the UNPROFOR observation posts, and reflected the general intention of the VRS to try to drive the UNPROFOR soldiers off the observation posts, without firing directly on Dutch soldiers. This tactic was successful and by July 8, 1995, the Drina Corps’ invading forces occupied positions.

The UNPROFOR was located on the southern edge of the Srebrenica ‘safe area’. The Foxtrot was abandoned, and the Dutch soldiers from the Uniform observation post were captured by the Serbs (these soldiers were subsequently detained at the ‘Fontana’ Hotel). At the same time, the positions of the 28<sup>th</sup> Infantry Division, which were behind these UN positions, were also occupied by the Drina Corps...”<sup>15</sup>

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<sup>14</sup> <http://www.balkanspress.com/index.php/komentar/ispovest/3571-holandski-pukovnik-srbi-nisi-pocinili-genocid-vec-su-briljantno-oslobodili-srebrenicu...>

<sup>15</sup> *Večernje novosti*, 17 July 2015.

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In the chronology of Richard Butler, it is further said: “Two F-16 planes, at 14.30, bombed the VRS tanks that advanced from the south towards the city... Later strikes of the NATO forces were revoked after the VRS threat that they would kill Dutch soldiers who were held and would shell the UN bases”, according to the analysis of The Hague tribunal’s military expert, Richard Butler.

“...The VRS’s operations continued on July 9, 1995, and in the morning the Sierra observation post fell into the hands of the invading forces of the Drina Corps. Then the Kilo observation post as well. The Dutch were allowed to leave the area of combat operations, and later they were detained by the VRS at the Fontana Hotel. The Delta observation post was abandoned, and Dutch soldiers retreated to Srebrenica from there. After all the southern observation posts were abandoned or occupied by the Drina Corps, the road to Srebrenica was open. Until the evening of 9 July 1995, the situation rapidly became critical for the Muslim civilian and military leadership in Srebrenica.

A court expert said about the change of the plan for the action ‘Krivaja 95’ citing a new order 12/46-501/95 of the VRS General Staff received by the Drina Corps units in late hours of 9 July 1995. It said that the Republic of Srpska President had authorized the VRS Drina Corps to take over Srebrenica, with the aim of the final disarmament of Muslim ‘terrorists’ and demilitarization of Srebrenica.

A further military unfolding about Srebrenica was seen by the Prosecution expert Butler this way: “Until early morning hours on July 10, the battle for the enclave entered a new phase. The last significant UN unit (the ‘Bravo’ troop) between Srebrenica and the invading Serb forces was deployed on the off-road positions south and west of the city, with an order to fire back if being directly fired at. On the VRS side, General Mladić, Major-General Živanović and Major-General Krstić, were on the forward command post in Pribićevac and they guided the operations of the attacking forces.

As the day went by, the VRS forces continued to advance towards the Dutch positions, opening fire and using maneuvering tactics by suppressing them, without firing directly onto Dutch soldiers. The Dutch did not suffer victims due to the VRS fire. However, in the early morning hours, the UN forces nevertheless demanded close air support. The NATO airplanes began to circle over the battlefield, the Serbs stopped the fire and the battle silenced. Since the conflict was ebbing, the condition for air support was not met. While the planes were leaving, the RS Army continued its advancement, and the remaining parts of the Muslim 28<sup>th</sup> Infantry Division withdrew before the Serb forces, leaving only two Dutch positions between Serbs and the city. Using the same tactics of opening fire and maneuvering, the RS Army continued to suppress the Dutch all until the positions were in the city itself. By the end of the day, the pressure weakened and the Dutch held Srebrenica...”

The court expert further talked about the exodus of civilians who had started to move to the Dutch base in the city and about the decision of the Muslim 28<sup>th</sup> Infantry Division “not to fight”. “During the afternoon and evening on July 10, 1995, several thousand civilians from the southern parts of the enclave fled to Srebrenica. Late that

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evening, Dutch Battalion Commander Lieutenant Colonel Karremans informed the Muslim mayor of Srebrenica about plans for major NATO air strikes the following morning (July 11, 1995). The Muslim military commanders did not believe that this would really happen, or that this would stop the VRS attacks. For that reason, during the evening of 10 July 1995, the majority of the Muslim 28<sup>th</sup> Infantry Division units left the city, moving towards the northwestern part of the enclave in order to prepare for a breakthrough to Tuzla. Women, children, the elderly and weary began to move towards the security of the UN bases in Srebrenica and Potočari. The morning of July 11, 1995 brought a clear sky, but due to a variety of reasons, there was no NATO air support. Already at 11, the Serb striking forces struggled again towards the city, and the Dutch peacekeepers retreated in front of them again... There were no land forces anymore between the VRS and Srebrenica.”<sup>16</sup>

The testimony of The Hague Tribunal Chief Investigator Jean-Rene Ruez in November 2001, before the French Parliament Commission for Srebrenica, shed light on all the circumstances. Asked by the Commission whether it was true that before 9 July there was no plan to seize the enclave, despite the fact that this territory for the Bosnian Serbs was of great strategic importance, Ruez replied: “In fact, the decision about the takeover of the enclave had not been made before 9 July, when General Mladić realized that the enclave would not be defended. The original aim was to narrow the enclave to the territory of the city of Srebrenica and to turn it into a huge refugee camp in the open, so that the UN would be forced in that way to start evacuating from that zone.”<sup>17</sup>

Butler stated in the report that “when the VRS forces entered the city, it was almost abandoned.” So, despite referring exclusively to Muslim sources, this expert noted that the Republic of Srpska Army had fought in accordance with the principles under which it was performed in all the armies of the world, that the decision to take over Srebrenica was made later when it was clear that the forces of the 28<sup>th</sup> Division would leave Srebrenica. Most of the international participants of the events did not see the crimes in Srebrenica.

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<sup>16</sup> Richard J. Butler, “*A Testimony on Military Events in Srebrenica (revision)*” dated November 1, 2002, p. 32 - 35. 239.

<sup>17</sup> *Transcript of The Hague Tribunal* p. 500.

## PROCLAIMED GENOCIDE OVER BOSNIAS IN SREBRENICA, BUT FORGOT THE SHED TEARS OF THE SERBIAN MOTHERS OF PODRINJE

Ljiljana Bulatovic Medic<sup>1</sup>

A writer and publicist from Belgrade

**Abstract:** The text intends to present the way in which the image and myth of the Srebrenica genocide conducted by the Serbian forces over the Muslim soldiers were framed in the international community, as led by the US administration which followed the instructions from its highest state leadership.

The grief and sorrow for the lost lives are expressed in the sadness and pain of the closest members of the family, especially the mothers, and every tear shed by a mother is equally difficult, regardless of the nationality or the religion. However, there is evidence of permanent manipulation over feelings which has been openly transformed into the marketing and business of some non-governmental organizations.

**Key words:** *war, crimes, genocide, Srebrenica mothers, US administration, non-governmental organizations*

Every war in itself is a crime, but that does not mean that everyone involved in the war is a criminal. Serbs have defended their country, people and homeland. Serbs did not want the war, the war was declared to them. The crimes against the Serb people were conducted by all those who fought them and those who supported the war against the Serbs. The international community committed the crime, by easily crossing over the breakup of Yugoslavia, which was one of the co-founding countries of the United Nations. It is now possible to say that the Hague Tribunal was formed to obliterate Hiroshima and Nagasaki, Auschwitz, Dachau, Jasenovac, Vietnam, Cambodia and the Middle East, to put the Serbs on pillory, and make them be the black sheep until some other brutal war is created by the very same ones who have staged and directed this civil war in Bosnia and Herzegovina. "But this war has not

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been invented here, nor in a Serbian home, but far from here..." General Ratko Mladic told the Greek Mega agency in March 1996.

When you say Srebrenica, nowadays in the world it stands for a genocide supposedly committed by the Serbs over Muslims. It has tremendous significance for the US government, the UN, the European Parliament, namely all those who exerted power over the innocent and small Serbian people. The marking of the 20<sup>th</sup> anniversary of the Srebrenica massacre is not much different from other anniversaries, because many have been trying to cement the responsibility of the Serbs for the genocide, striving to have the new resolutions passed, the ones to ban the denial of such open lying and manipulation. In many world and European circles, Srebrenica is, simply, a symbol of suffering and horror.

The war for the destruction of the Orthodox Serbian people has been led in the Balkans from the earliest of times. Aggressors and occupiers were different. The harder the defeat of the aggressors – the more monstrous revenge programs were applied by these aggressor forces. The worst Calvary of the Serbian people started with the Turks, then it went to the Austro-Hungarians, Hitler's machinery, including the infamous Ustasha movement in the Second World War and, finally, a lunatic new world order. The militant Islamic movement from the Middle East was envisaged by the help of the religious leader of BiH, in order to occupy and control the "green transversal" across the Balkans to the heart of Europe. Srebrenica is exactly on that way. It was a cradle of Orthodoxy in Bosnia, just like Kosovo and Metohija are, (the Orthodox Metropolis in Srebrenica was established in 1232), and it was rich with gold, silver, zinc and medicinal spa waters). Srebrenica was planned to be a diamond in the crown of the Islamic state in the Balkans.

### **CREATING A MYTH ON SREBRENICA**

All the atrocities in the Srebrenica area committed over the Serbian people in the early 1990s, after the murder of a priest under the Orthodox flag in the wedding ceremony in front of the church in Sarajevo in March 1992, was due to announce the process of fighting the Orthodox Serbs who found themselves on this road. It is therefore not by chance that Muslim military and paramilitary forces throughout the civil war often attacked Serbian villages and killed the Serbs in the most brutal way, on Orthodox religious holidays, in order to root deeper this specific fear in them.

The truth about the genocide over the Serbian people in BiH since 1992 has not been written because it has not been recognized yet. Of course, there is still much greater power present in the new World Order project than one would like to admit – and that is the neo-Fascist avengers avenging for the defeat in the Second World War! These "designers", under the umbrella of caring for more than just the political systems, caring for democracy and more humane living conditions of the peoples of Bosnia and Herzegovina, turned towards the goals of the Islamic Declaration by Alija Izetbegovic and the idea of "all Muslims in one state – the caliphate (*reisul-*

*ulama*, the Grand Mufti Cerić)", but also towards the interest of the survival of the "golden billion" of people on Earth as promoted by American theoreticians. The traces of such attitudes open up the battlements in places where the roots of Christian civilization and the sources of inexhaustible natural resources are at stake. The clashes produced leave death, hunger, and illness behind them. Apart from the illness, and along with the latest weapons and ammunition, a media-humanitarian and let us call it a democratic activity has been created, which makes up the striking force of the NATO together with the non-governmental organization as their field operators!

The overwhelmingly rich Hungarian Jew, George Soros, is the most famous maker of the network of the so-called non-governmental organizations and similar agencies around the world. Soros has been banished from the Russian Federation and Hungary as pest and danger to social and state stability. In Serbia, its NGOs are being maintained through the powerful anti-Serb institutions and associations. The resistance movement "Otpor" active during the 1990s, according to the plans of the world, crushed Slobodan Milosevic and the government at the time and became a world hit to date as a practical example of a specific neo-Nazi action in the world. They are close associates of the unlawfully established International Criminal Tribunal for the former Yugoslavia (ICTY), which has collected and manipulated the so-called "documentation and witnesses for indictments against the Serbs. The Security Council in its Resolution 780/1992 established the Commission of Experts on Data Collection on War Crimes in the Former Yugoslavia, which was engaged by the DePaul University in Chicago, whose work was financed by private agencies. Soros also funded Alija Izetbegovic, Lawrence Eagleburger, Helsinki Watch, BBC, various agencies and similar ones that were the creators of the unofficial lists of the alleged war criminals (mostly Serbs).

"The sanctions and the International Criminal Ad Hoc Tribunal are the two means conceived by the creator of the so-called New World Order, designed to abuse one nation as the real victims, objects of experiment and executioner over the part of its being ... From the very first act it was clear for whom this ad hoc court was intended. The first and very extensive material of the OSCE consisted of various information and materials, whose tone at one of the conclusions was set as an absolute truth, and which will be then transcribed from the act into the act during the court processes, and that is that the Serbian side is an aggressor and an occupier, and that it committed crimes in an organized and planned manner in order to achieve the goal of establishing the "Great Serbia", utilizing the "ethnic cleansing" to the maximum extent... A role of the perpetrators was determined for the Serbs and the roles of the victims for all others. The prosecutors of such an ad hoc court had to deal with it in this manner. The three ones from the OSCE the reporters went to Croatia and BiH apart from the parts in which the Serbs were the majority people."<sup>2</sup>

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<sup>2</sup> Ljiljana Bulatović, Mitar Kokolj, in the book *General Mladic*, Belgrade, pp. 218 - 221.

## PROCL. GENOC. IN SREBR. TEARS OF THE SERB. MOTHERS OF POD...

The battle for Srebrenica took place at the end of the civil war in Bosnia and Herzegovina (July 1995). The Peace Agreement was initialed at Dayton on November 21, 1995, and was officially signed in Paris on December 14, 1995. In the preparation of this agreement, there was no mention of a genocide over the Muslims by the Serb people (or the RS Army), nor was it spoken about either officially or informally. Even after the liberation of Srebrenica, on July 12, 1995, no genocide was ever mentioned in any military assembly sessions, neither by the authorities of Bosnia and Herzegovina, nor in the reports on the latest military operations carried out by the armed forces of Republika Srpska and the Army of BiH. The fact that even during the meeting of the Presidency of the R BiH, held on August 10, 1995, there was no word about crimes, let alone genocide supports this further.<sup>3</sup>

The false news of the genocide was announced on January 31, 1993 by the radio amateurs of Srebrenica, whose activity was massively financed by the Soros Foundation. In the telegraphic announcements that were sent to order makers of this action it is said "urgent calls to send humanitarian aid to Srebrenica were sent out into the world. Murat met with Lagumdžija ... Ibrahim informed the world public in English and Serbian about the situation in Srebrenica; [he] sent a request to the ambassador to have the aggression of the Yugoslav Army stopped; Rizo Selmanovic talked with Mirko Pejanovic ... There are 30 tanks attacking from all sides from Yugoslavia ... On Friday we will be talking about the genocide in Srebrenica. We estimate the war damages to be Deutsch Marks 191,000,000.00 ... Srebrenica defenders are sending a message to the parents of boys from Serbia not to send their children to the battlefield in BiH because what can happen is that they may never find their "bones" (bodies) in Bosnian hills ... Srebrenica has been blocked for ten months ... completely pillaged and plundered. Starvation and sickness are taking their toll on victims daily. We demand the urgent intervention of the BiH Army and the radical engagement of the BiH Presidency!" In another report of February 7, 1993, Murat informs: "The Soros foundation finances and forwards faxes to New York Times ...!"

This genocide in Srebrenica was elaborated by the Defense of the Republic, and the Sector for the Morality of the Second Corps of ARBiH (Army of BiH), in the "Attachment for the Chronicle of ARBiH", referred to as the guideline to the Command of the 8<sup>th</sup> Operational Group "Srebrenica", founded on 20 May 1992. The guideline was sent to the Armed Forces Headquarters (AF - hereafter) in Srebrenica and Commander Naser Oric. There were exact dates and locations enclosed - but a fictional description of the most important combat activities of the Operational Group 8 against the VRS (Army of Republika Srpska) and the civilian Serb population in the region of Birač. The real truth is that this "Operational Group later

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<sup>3</sup> *Minutes from the 291<sup>st</sup> Session of the Presidency of the Republic of BiH, held on August 10, 1995, number: 02-011-441795.*

became the 28<sup>th</sup> division under the command of Naser Oric, and it led all the combat activities in this area and was responsible for the results and defeats."<sup>4</sup>

Following the attachments to the ARBiH Chronicle Guides, in 1994, the author Naser Oric published a comprehensive book: "Srebrenica attests and accuses for the genocide of Bosniaks in eastern Bosnia (Central Podrinje)" from April 1992 to September 1994. In the introduction to the book, the (alleged) author points out that there is an ongoing war, lasting for five years already in the territory of the former Yugoslavia, and in the territory of BiH it is already in its fourth year and its end could not be foreseen yet: "... There are hundreds of thousands of victims and economic wealth fundamentally destroyed. All the horrors so far have been committed in order to strengthen the idea of creating a neo-fascist creation called "Great Serbia" ... So far, the writing on the distress and the suffering in Eastern Bosnia, where the greatest genocide was committed and where greatest war activities took place for the sake of saving lives of the people, were based on a few statements ... from the people who were not present at the spot where these events took place ... So I decided to address the world with this book" says Naser Oric and adds "... With this evidence I want to specifically warn the Islamic world that in the future it operates in a more organized manner and devotes more attention to its military and state organization, because compassion should only be returned to the compassionate people, not to monsters."<sup>5</sup>

### **SERBIAN VICTIMS MARGINALIZATION PROCESS**

In such accurately dictated propaganda of publication of the lies, a brave attempt by Milivoj Ivanisevic from 1992/93 to make public the Calvary of the first six hundred Serbs from the Srebrenica, Bratunac, Skelan and Milic municipalities in his paper "Genocide as Fate", was completely suppressed in public. In this paper he presented all the names and data of the victims, together with hundreds of names of the perpetrators of the crimes - Muslims from this area who were killing all Serbs, setting fires and plundering a few dozen Serbian villages.

The International Criminal Tribunal for the former Yugoslavia filed the first indictments for genocide and crimes committed against humanity against General Ratko Mladic and the President of Republika Srpska, Radovan Karadzic, PhD, in The Hague on 14 November 1995. On 2 August 2001, this Court issued its first sentence on the genocide of Serbs against Muslims! Republika Srpska Army General Radoslav Krstić was sentenced to 46 years in prison. This was the first sentence in which "Bosnian Serb Army committed genocide against Bosnian Muslims"<sup>6</sup>, which

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<sup>4</sup> From the war archive of the Srebrenica OS (Srebrenica Armed Forces).

<sup>5</sup> Military War Documentation of the 8<sup>th</sup> Command of the OG Srebrenica (Srebrenica Town Defence).

<sup>6</sup> Sentence to General Radoslav Krstic for participation in genocide

was the first time ever after the Nurnberg process to have a sentence passed for genocide!

It should be noted that on 9 February 2006, the Ministry of the Interior of Republika Srpska published a "Report on the perpetration of the criminal offense of genocide and other war crimes between April 1992 and July 1995", stating that members of the command line of the OG (Town Defense) Srebrenica "violated the rules of international humanitarian law during the armed conflict in BiH within the Srebrenica Armed Forces of BiH ... [they] planned, organized, prepared, commissioned, ordered and participated in the commission of criminal offenses ... Genocide under Article 171, Crimes against Humanity under Article 172, War Crimes against Civilians, Article 173, war crimes against prisoners of war under Article 175, war crimes against wounded and sick under Article 174, Destruction of cultural, historical and religious monuments under Article 183 of the Criminal Code of Bosnia and Herzegovina. With the aim of the partial extermination of the national and religious groups, they murdered 636 Serbs, of which 101 women, 15 children and 97 elderly, wounded and ill, as mentioned in this report ... members and participants of this joint criminal enterprise were aiming to killing as more Serbs as possible, their women, children, the elderly and have them expelled from their centuries-old homesteads. The conduct of this joint criminal enterprise in the period between April 1992 and July 1995 resulted in killings in a very disgusting and treacherous manner (from firearms to the back of heads, slaughtering, cutting off the body parts, scalding, raping, killings from ambush) of more than 3,000 Bosnian Serbs, women and children from the Srebrenica enclave and expelling about 15,000 people, as described in paragraphs of this report."

However, Muslim crimes are not punished - although it has been proven that in 1992 members of the Army of Bosnia and Herzegovina, in bestial ways, shot and banished, or, as Naser Orić describes it "cleansed the ground" of Serbs from Srebrenica, as well as from all over Podrinje, who, just like the Bosniaks, lived there for centuries. The truth about this has been recorded in judicial official documents and documentary books already during the war (albeit in a much smaller number than in Bosniak books), and this has been written about and talked about with the hundreds of survivors of Serbs from this area.<sup>7</sup>

The confessions of the distressed mothers, their daughters, their sisters, their suffering, their despair and their bitterness are deeply disturbing and hard to be forgotten.... They speak about their sorrows with unease and deep distress, because the criminals were slaying their elderly parents before their own eyes, they raped their mothers and sisters, and acted bestially on pregnant women. When they recognize the remains of their loved ones scattered around the villages, the bones of

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<sup>7</sup> Ministry of Interior of Republika Srpska publishes on 9 February 2006 a "Report on the perpetration of a criminal offense of genocide and other war crimes committed in the period from April 1992 to July 1995"

their sons, brothers and fathers, who have defended their families from the crowds of armed Muslim soldiers and civilians - they pass out from all the pain - but they never curse the perpetrators! It is easier for them to bear the pain than the lies!<sup>8</sup>

### **AMERICA TAKES LEAD IN WRITING THE NEW HISTORY OF BOSNIA AND HERZEGOVINA**

In the process of revising the history along the way, and for the purpose of proclaiming the Serbian people to be genocidal, apart from Soros, Swanee Hunt, the American ambassador in Austria<sup>9</sup>... Swanee Hunt is the founder of the organization "Women are fighting for peace" as the Director of the Program for Women and public policy at Kennedy School of government at Harvard. In her autobiographical book "This was Not Our War: Bosnian Women Reclaiming the Peace", for which she received the American PEN Award in 2001. She showed a very complex attitude of the US administration towards the root of the war in the Balkans, especially towards the Serb people. First of all, the term "Bosnian women" refers only to Muslims, and there is no word of mention of the pain and suffering of the Serbian women. Hunt permanently pointed out that "Dayton did not bring a final solution to Bosnia"!

Her president, Bill Clinton, in the foreword of the mentioned book, quoted his address to the nation in 1995: "... For nearly four years a terrible war has torn Bosnia apart. Horrors we prayed had been banished from Europe forever have been seared into our minds again. Skeletal prisoners caged behind barbed-wire fences, women and girls raped as a tool of war, defenseless men and boys shot down into mass graves, evoking visions of World War II concentration camps and endless lines of refugees marching toward a future of despair. Bosnia was a small spot on the map of the world where humanitarian and geopolitical considerations collided, forcing the conscience of a superpower to come to grips with its role in the world!" In the case of Bill Clinton (he had even bigger jokes in his political addressing!), Mrs. Hunt found herself to be at hand to its President and sent him her views on the war in Bosnia: with the emphasis that the women of Bosnia organized themselves to prevent war and to do everything they can "being faced with the harsh and blatant 'ethnic cleansing'", in order not to allow the dissolution of their culturally varied community".<sup>10</sup>

That is why Bill Clinton immediately after the Dayton Accords "proudly announces the initial US government contribution of USD 10 million for the

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<sup>8</sup> Ratko P. Skrbic "Srebrenica, genocid nad istinom", Belgrade, 2011; «Istinita Srebrenica, Srpske mučenice iz Srebrenice, Krici i opomena, Srebrenica: Laž i podvala srpskom narodu» Lj.B.M.

<sup>9</sup> The Ambassador, Swanee Hunt received a master's degree in Psychology and Religion and a PhD in theology. She is the advisor and rich donor of the Clinton's successful candidacy for the presidency, and she remained to be his personal close associate, and state advisor.

<sup>10</sup> Swanee Hunt "This was Not Our War: Bosnian Women Reclaiming the Peace", Sarajevo, 2010. p. 5.

established Bosnian Women's Initiative" – with the Serbian women's population excluded!

"On fourth of July 1994, during one lull, I flew to Bosnia," writes Hunt, "in the trunk of the transport aircraft, squeezed between the bags with ten tons of flour - necessary to feed two hundred thousand Sarajevans, who live under siege since the fifth April 1992. I carried the greetings of President Clinton to a group of several hundred Bosnians, who will gather in the courtyard of the US Embassy to mark our national holiday ... " There in Sarajevo Hunt met seven women, prominent in their professions, who spoke of "their dramatic stories on difficulties and courage ... even though they were wearing pearls around their necks, elegant high-heeled shoes and impeccably applied make up, as they talked about hospitals without anesthetics and medicines, and the University School of Architecture - without a single pen ... their lives were disrupted: sophisticated, educated women who had to deal with unimaginable barbarity ... »<sup>11</sup>

Hunt grew up in the family of a fierce anticommunist activism and she was afraid of the communist threats since her childhood. At the age of 12 she went to the camp of the members of the fundamentalist Christian church, with the intention of becoming a missionary to the South Baptist Church. Her father dies and leaves her with the immense wealth, and then she becomes a donor of Clinton's campaign ... Later, as an ambassador to Vienna, and an educated intellectual, she shows the majestic ability to elect and gather associates and organize the activities of countless richest and most respected European, American, Middle Eastern (Jordanian Queen Nur) states people, but only those who expressed themselves as ostentatious enemies of the Serbian Orthodox people - in the alleged struggle for peace.

She accepted about 70,000 non-Serb refugees and collected testimonials for the International War Crimes Tribunal in The Hague. Women, like those who she had met in Sarajevo, began to come to Vienna and she sent their confessions to Washington. "She based on them her opposing to the description of the war in Bosnia, as a religious and ethnic one, from which America should keep itself away, as advised by the US officers and intelligence ... who in particular asked their president not to interfere." Hunt especially got along with Madeleine Albright, Richard Holbrooke and Robert Hunter, "who insisted that they should now be involved in the conflict in Bosnia and Herzegovina."<sup>12</sup>

She usually brought gifts to Sarajevo: large collections of books for the burned National Library, or 1,500 trees for the barren parks, six tons of musical instruments for 22 schools: "... Finally, in mid-1995 the war was ended with the American bombing of the Serbian positions!" Therefore, she attended the concert of the Symphony Orchestra at the National Theater, directed by her husband, with her new

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<sup>11</sup> Ibid.

<sup>12</sup> Hunt, cited, *Bosnian women*, p.520/1 and Richard Holbrooke, *End of War*, p. 103

friends for the New Year Eve's: "It was the first public gathering since the siege was over. Mediha Filipovic and I watched the faces of foreign journalists Roy Gutman and Christiane Amanpour filled with hope who reported on and discovered the terrible war stories, such as the story on the concentration camp in Omarska and the massacre of Muslims in Srebrenica."

In the spring of 1996, "a group of Sarajevo women, with proven leader skills", at the invitation of the ambassador, stayed at her residence in Vienna where they organized a women's conference with 520 participants! They were encouraged by Michael Steiner, a German diplomat from the UN Secretary General's High Representative's Conference, to act no longer as victims, but as "potential stability forces" .... Thus, dozens of the so-called non-governmental organizations originated, all under the name of the "Bosnian Women's Initiative". Ms. Hunt did not go to Srebrenica. There went some other powerful persons from all over the world – who were paid for that! But that is why on July 11, 1996, on the anniversary of the "massacre" in Srebrenica, the ambassador organized "hundreds of women leaders from various countries to sign a petition through the entire page of the International Herald Tribune, requesting that returnees be allowed to return to their homes and be informed about their missing men and sons!"

In this style: "The Organizing Committee for marking the 10<sup>th</sup> anniversary of the genocide against the Srebrenica citizens and the burial of the identified persons in July 1995 undertook an impressive program under the title LET US NOT FORGET. The patron sponsor of the Commemorative Ceremony was the Presidency of BiH. From March 31<sup>st</sup> to October 8<sup>th</sup> 2005, 81 events were held in: Sarajevo, Paris, Oslo, Holland, Brussels, Turkey, Stockholm, Malmö, Gothenburg, Amsterdam, Jesenice, Maribor, Ljubljana, Brussels, Belgrade, Berlin, Eindhoven, Washington, Dusseldorf, Bolzano (Italy), Strasbourg, Saint Lucia, Canberra, Vienna, Lausanne, Geneva, Ulm, London, Denmark, Srebrenica and Potocari! The carriers of these activities were in continuity the foundations of Heinrich Böll and the Movement of the Mothers of the Srebrenica and Žepa Enclaves, and the immediate participants were the Embassies of Great Britain, Germany and the Netherlands in BiH. For this anniversary, one of the exhibitions was held in the salon of the European Parliament, which is an institution that analytically confirms and affirms the thesis that the Serbian people committed genocide in Srebrenica and beyond Srebrenica. Mrs. Hunt introduced regular and special activities in the American Museum of Genocide and Holocaust. In many countries, there are institutions where the myth of the genocide committed by the Serbian army and the Serbian people is being studied and maintained. In the heart of Paris, one street was named "Srebrenica", in memory of the victims of the genocide against the Muslim people committed by the VRS (Army of Republika Srpska)! In Potočari there is a Genocide Museum that has its own settings, films, editions ... The NGOs, and the representatives of the authorities from Serbia regularly participate in memorial festivals. There are no activities in Serbia that would tell the truth about the events in Srebrenica and about the role of the RS Army

in the defense war and the defense of Republika Srpska, which is not at all appropriate in the relations between the two republics.

Perhaps this is so because the supreme protector and propagator of the stand on the genocide committed by the Serbian people and the Army of Republika Srpska over the Muslim men and boys in Srebrenica, in mid-July 1995, is the mighty reis-ul-ulema Mustafa Cerić. Before signing "Srebrenica Prayer" on the 11<sup>th</sup> of July 2011 at the Memorial Cemetery in Potocari, where thousands of visitors are welcomed with the message: "REVENGE IS OUR JUSTICE!". Later they stated that Njegosev "Gorski vijenac" was a genocidal book, or the Serbian "Mein Kampf". However, on the other hand, Cerić's basic wish is that all Muslims in the Balkans live in the same state ... all this as based on the presented Islamic declaration by Alija Izetbegovic.<sup>13</sup>

As for Alija Izetbegovic's role in the case of Srebrenica, one must understand his uncertainty as to the outcome of the war in Bosnia, since on September 8, 1993, in Washington, in front of the TV cameras, he asked Bill Clinton for a military intervention of NATO Milosevic on Serb positions, but without any success. It should be said that the two-time publicly revealed bid by Clinton remained: that Izetbegovic has five thousand Muslims in Srebrenica sacrificed... which the Srebrenica people did not accept. It could be assumed that the disinterested attitude of the Bosnian leaders towards the cries from Srebrenica in the crucial moments of 10/11 July 1995 – is their revenge, the result of which was the death of those members of the Army of BiH who neither wanted to surrender, nor to defend their positions!

Naser Orić was the first who left the army and the people at the mercy of the Serbian victims, who were bitter and vindictive for the crimes conducted against them. Perhaps that is why they decided that "Mothers of Srebrenica" should be the most powerful guardian of the "conscience" of the so called international community, in terms of a sentence for genocide committed against the Muslim men and boys ... who are always ready to direct poisonous hatred towards the Serb people all over the world. They participate in activities all across the planet, from South and North America, Turkey, Holland to Belgrade.

Because of the important role she has gained, one should know the answer to the question: how did the Muslim heroine Munira Subasic, known throughout the world as the Mother of Srebrenica, come to be?! Ibran Mustafić in the book "Planirani kaos", chapter "Naser's departure" from Srebrenica)<sup>14</sup> describes her role in the history of Srebrenica and the reason for trust placed in her: without any denial presented from anyone, he cites that Munira Subasic was the bailer officer for the delivery of humanitarian aid and that she was stealing this humanitarian aid for which a revolted soldier from Glogova put her apartment on fire." The fact is that in

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<sup>13</sup> Alija Izetbegovic, *Islamska deklaracija*, Epoha, Belgrade, 1988

<sup>14</sup> Ibran Mustafić in the book *Planirani kaos*, Sarajevo, 2008, p.349, chapter Naser's departure from Srebrenica

the last decades she has become the most influential Bosniak in every commemorative, political, even scientific gathering where Srebrenica is mentioned. She meets with the world leaders in Potocari, at the Memorial Cemetery, and addresses them according to what she thinks they deserved ...Never once did she cursed the war and those who provoked it, nor regretted the innocent children, nor mothers, elderly men and women who were killed in that fratricidal, religious war ...

Munira, as well as a significant number of members of the Srebrenica Mothers Association, do not point out their grief for their loved ones that much, because they turned it into a big business, and some Bosniak papers wrote about that. No one disputes that there was a crime in Srebrenica committed against the members of the Bosniak forces who were forcing themselves out of the surroundings, but no one asks what is with the Serbian mothers and whether their hearts hurt because of the loss of their loved ones during the ravaging of Orić's hordes throughout Podrinje. Do they have the right to seek justice for the thousands of Serbs killed at that time?

### CONCLUSION

In recent years, we have witnessed the orchestrated accusations of the Serb people for committing genocide against Bosniaks led by numerous non-governmental organizations and strongly supported by Soros and Western European and American agencies who do not resort to understand the essence of actual events and the open manipulation regarding the number of victims.

Starting from the fact that an image of the genocide allegedly committed by Serbs in Srebrenica was created in the world public, we have faced the orchestrated demands of many states and institutions for adopting laws on the prohibition and punishment of denial of genocide in recent years. Serbs cannot and must not accept the genocide qualification in Srebrenica, regardless of the pressures and blackmail that are permanently presented by the United States and European countries, since a scientific and documented designation and determination of all relevant documents and facts is required, such that will help to understand the objective truth.

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## TESTIMONIES OF GENERAL PHILIPPE MORILLON AT THE HAGUE TRIBUNAL<sup>1</sup>

**an excerpt from the transcript of General Philippe Morillon's testimony at the  
Slobodan Milošević trial<sup>2</sup>**

**Abstract:** The testimony of French General Philippe Morillon, the Commander of UNPROFOR in BiH during most of 1993, was particularly notable, as given in his role of a witness at the trial of Slobodan Milošević in The Hague. His testimony attracted a lot of attention because it provided important information that had great consequences for the events in Srebrenica in mid-1995 which helped observe the overall events around Srebrenica more objectively.

**Keywords:** *Srebrenica, Slobodan Milošević, Philippe Morillon, The Hague Tribunal, testimony*

### INTRODUCTION

The Milošević Case (IT-02-54): The original indictment against Slobodan Milošević for criminal offenses, in this part of the paper representing a part of the indictment in Bosnia and Herzegovina only, was confirmed on November 22, 2001, and disclosed on November 23, 2001. On November 22, 2002, the Prosecution filed an amended version of the indictment. On April 21, 2004, this version of the indictment became valid.

The indictment alleged that Slobodan Milošević participated in the JCE (Joint Criminal Enterprise) that arose before 1 August 1991 and lasted until at least 31 December 1995. Among the individuals who took part in the JCE were Radovan Karadžić, Momčilo Krajišnik, Biljana Plavšić, Ratko Mladić, Borisav Jović, Branko Kostić, Veljko Kadijević, Blagoje Adžić, Milan Martić, Jovica Stanišić, Franko Simatović (called “Frenki”), Vojislav Šešelj, Radovan Stojičić (called Badža), Željko Ražnatović “Arkan” and other well-known and unknown participants. The purpose of this JCE was the forcible and permanent removal of most non-Serbs, primarily Bosnian Muslims and Bosnian Croats, from large parts of the territory of the Republic of Bosnia and Herzegovina.

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<sup>1</sup> The transcript of the trial for the scientific conference was prepared by Dr. Dragiša Jurišić.

<sup>2</sup> Trial Chamber III: Judge Patrick Robinson, Jamaica (presiding) Judge O-Gon Kwon, South Korea, Judge Iain Bonomy, United Kingdom.

The Office of the Prosecutor: Mr. Geoffrey Nice, Ms. Hildegard Uertz-Retzlaff, Mr. Dermot Groome, Mr. Dirk Ryneveld

The Defendant: Slobodan Milošević represented himself.

According to the indictment, during the relevant period, Slobodan Milošević was the President of the Republic of Serbia and in that capacity he exercised effective control or had a significant influence on the participants in the JCE and, alone or in agreement with other known and unknown persons, effectively controlled either significantly influenced the actions of the Federal Presidency of the SFRY and later the FRY, the MoI, the JNA and later the Yugoslav Army, the Republic of Srpska Army (VRS), and Serbian paramilitary units.

It is alleged that from 1 March 1992, or approximately from that date until 31 December 1995, Slobodan Milošević, acting alone or in agreement with other JCE participants, planned, instigated, ordered, committed or otherwise assisted and supported the planning, preparation and execution of the widespread killing of thousands of Bosnian Muslims during and after taking power over the territories in Bosnia and Herzegovina; the detention of thousands of Bosnian Muslims in detention facilities in Bosnia and Herzegovina in living conditions calculated to lead to partial physical destruction of these groups. During their detention in detention facilities, thousands of Bosnian Muslims were killed or were subjected to severe physical and mental injuries.

As a co-perpetrator of the JCE, Milošević was also charged with the extermination or murder and forcible transfer and deportation of thousands of Bosnian Muslims, Bosnian Croats and other non-Serb civilians. The charges also include numerous acts of the willful and ruthless destruction of houses, other public and private property of Bosnian Muslims and Bosnian Croats, their cultural and religious institutions, historical monuments and other sacred places, and the seizure and plundering of property of Bosnian Muslims, Bosnian Croats and other non-Serb civilians.

Slobodan Milošević was charged on the basis of the individual criminal responsibility (Article 7(1) of the Statute of the Tribunal), and on the basis of the criminal responsibility of the superior (Article 7(3) of the Statute):

TRIAL: The trial began on February 12, 2002, with presentation of evidence pertaining only to the charge of Kosovo. The Prosecution completed the presentation of its evidence in relation to Kosovo on September 11, 2002. On September 26, 2002, the Prosecution began to present evidence pertaining to Croatia and Bosnia and Herzegovina. The Prosecution concluded its main presentation of its evidence on February 25, 2004.

On April 12, 2004, the UN Secretary-General appointed Lord Bonomy as a judge of the ICTY. Lord Bonomy, whose appointment took effect on June 1, 2004, replaced Judge Richard May, who withdrew due to poor health. The defense began the presentation of its evidence on August 31, 2004.

#### PROCEDURE IN ACCORDANCE WITH RULE 98 bis

On 16 June 2004, after the completion of the Prosecution presentation of evidence, the Trial Chamber concluded that there was sufficient evidence for each count of all three indictments.

*Excerpts from the transcript of the trial of Slobodan MILOŠEVIĆ*

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However, in accordance with Rule 98 bis, the Trial Chamber also concluded that there was no evidence or that there was insufficient evidence for certain allegations concerning some of the charges in the indictments for Croatia and Bosnia and Herzegovina. Among other things, he was acquitted of the following allegations:

- the existence of the detention facilities described in paragraphs 64(b), 64(f), 64(h) and 64(p) of the indictment for Croatia, as well as the conditions, organization and possible crimes committed therein;
- multiple allegations in Annex A (killings not related to detention facilities); Annex B (killings related to detention facilities); Annex C (existence of detention facilities); and Annex D (forcible transfer of non-Serb civilians) in the Indictment for Bosnia and Herzegovina;
- all except one of the 44 mentioned incidents of opening sniper fire in Sarajevo;
- all except one of the 26 mentioned shelling incidents in Sarajevo.

END OF THE PROCEEDINGS: Slobodan Milošević passed away on 11 March 2006.

On 14 March 2006, the Trial Chamber terminated the proceedings against him.

At the trial of Slobodan Milošević in The Hague on February 12, 2004, General Philippe Morillon was examined, a member of the French Army, Commander of the United Nations Protection Force (UNPROFOR), whose career in UNPROFOR began in March 1992 as Deputy Commander of UNPROFOR for Croatia and remained in office until September 1992. After that, he became the UNPROFOR Commander for Bosnia and Herzegovina and remained in office until July 12, 1993.

Below is the text of this testimony which basically refers to the events in and around Srebrenica, both directly and indirectly, in accordance with the transcript of General Philippe Morillon's testimony at the trial of Slobodan Milošević, which was passed on by the Humanitarian Society Fund.<sup>3</sup>

The presentation of this testimony will be essentially divided into transcripts of General Morillon's responses to the prosecutor's questions, then Slobodan Milošević's questions as the accused, and questions of the lawyer Tapusković, the friend of the court.

**EXCERPTS FROM THE TRANSCRIPT OF GENERAL MORILLON'S  
TESTIMONY TO PROSECUTOR'S QUESTIONS**

After confirming the function and identity of the witness himself, the prosecutor began the examination first. In line with the topic of this text, the focus would be directed only to the Srebrenica issues and events around Srebrenica. In that sense, and through the continuation of the examination of the witness, the prosecutor

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<sup>3</sup> The text of the complete transcript of General Philippe Morillon's testimony at the Slobodan Milošević trial can be found on the site:  
[http://www.icty.org/x/file/About/OTP/Milosevic%20Feature/High%20level%20witnesses/milosevic\\_morillon\\_fulltestimony\\_bcs.pdf](http://www.icty.org/x/file/About/OTP/Milosevic%20Feature/High%20level%20witnesses/milosevic_morillon_fulltestimony_bcs.pdf)

## TESTIMONIES OF GEN. PHILIPPE MORILLON AT THE HAGUE TRIB.

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Groome asked the question: “Could you please describe to the Trial Chamber, in a few sentences, what the situation was in the eastern enclaves in Bosnia and Herzegovina at the time when you took office in Bosnia and Herzegovina?”

General Morillon described the situation in the following way:

“I think that we had a task, a mandate in Bosnia and Herzegovina. I was the commanding officer on the ground there and I needed to help in conducting humanitarian operations. I was there to help Ms. Ogata (Sadako Ogata) from the UNHCR (United Nations High Commissioner for Refugees) in the performance of her duties, which was actually to do everything possible to help hundreds of thousands of people in Bosnia and Herzegovina who sheltered in enclaves that were surrounded, and where the aid could not arrive. Therefore, we especially needed to concentrate on these enclaves in the east. There was a lot of uncertainty in these enclaves. These enclaves were partly under the control of Muslim forces under the command of Naser Orić, who regularly started fighting and combat operations, so that the supply of food to the population, which could come from Belgrade, Split and Mostar, was made pretty difficult due to all these things. The Bosnian Serbs told us that this was because of the fighting that was taking place. The Presidency in Sarajevo regularly complained to the public that the population in these enclaves was at risk and gradually this region came into focus because I also insisted on providing everything that was needed for the local population, not only there but everywhere else, and on allowing free passage to the humanitarian convoys.”

After answering this question, Prosecutor Groome asked one of the key questions and said:

“Your statement speaks in detail about the attacks carried out by Naser Orić, especially as regards the attack on the eve of Orthodox Christmas. Did you at any time talk to Naser Orić, the conversation during which you spoke to him about what would happen to prisoners?”

General Morillon responded to this Prosecutor’s question:

“Only later, in March, I spoke to Orić when I was on the ground. And what you are saying is that these actions are what made the situation in the area very difficult since January. Naser Orić led the attacks on the Orthodox Christmas and devastated many villages on that occasion, massacring all residents. That is why there was an extremely high level of hatred in this area and in the Bratunac area in particular. The whole Serb population rebelled at the very idea that the delivery of humanitarian aid to Muslims could continue.”

Prosecutor Groome then asked General Morillon about Naser Orić, the witness replied that he had met Naser Orić in March. The prosecutor then asked the witness what Naser Orić had told him about the prisoners. General Morillon said the following:

“I think you will find it in other testimonies, not only in mine. Naser Orić was a war commander who ruled by terror in his area, terrorizing the population. I think

*Excerpts from the transcript of the trial of Slobodan MILOŠEVIĆ*

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that he admitted himself that these were the rules of that terrible war, that he could not allow himself to hold prisoners, and, as far as I remember, it was not even a way to look for a cause for what he was doing. It was simply a statement. He could not afford the prisoners to himself.”

When asked by the Prosecutor what exactly it meant, the witness, the French General Philippe Morillon, said:

“This meant that I was not surprised when the Serbs took me to one of those villages and I stated that they were evacuating the dead bodies of the inhabitants who had been thrown into joint graves. It was a village near Bratunac. And I realized, due to the degree to which it came, how this hellish circumstance came about, and this is well covered in, I think, Subotić’s book, about that blood and vengeance, and I realized that this led to a situation for which I personally feared that could happen, that the worst could happen if the Bosnian Serbs would enter the enclave and enter Srebrenica.”

In the statement given by General Morillon to the prosecution, his departure to Srebrenica on March 10 and 11, 1993 was also mentioned. The Prosecutor asked the witness to briefly describe the situation and what conditions the people in Srebrenica lived in when he entered there. General Morillon said:

“Right. There were dozens of thousands of them there. They were crowded in the streets, in the snow, exposed to being wounded or killed, with hundreds of victims during the slightest bombing. In other cities in Bosnia and Herzegovina there were shelters, but there was no such thing in Srebrenica. They ate what they could find on trees, seeds. I was informed of the hunger and the misery among the population in the town and for this reason I wanted to establish the supply by air. Therefore, to throw out of the air the food for survival of the population. I repeat, there were thousands of those who gathered, every night there were large columns of people. There were children, old men, women, and there were many, many victims of bombing, many wounded. A young medical student, for example, operated on the spot. It was confirmed to me that the situation was such, and I really saw it myself when I arrived on the spot. That was what I saw, it was a high absurd level of misery with a real risk of killing tens of thousands of people.”

After the Prosecutor Groome tried through several questions to accuse Serbia of participating in the war in BiH and of its participation in alleged ethnic cleansing of villages around Srebrenica from Muslims, as well as part of questions relating to a meeting between General Morillon and Slobodan Milošević in Belgrade on March 25, 1992, he put the following question to General Morillon:

“In your statement, General Morillon, and in additional official documents and reports, it may be seen that those who were directly involved knew the significance of the intervention in Srebrenica. So could you tell the Trial Chamber how people actually lived in Srebrenica, what kind of situation they were in? What was the threat to them at that time?” General Morillon gave a thorough answer to this question:

“I said that and I said that through the media at that time. You might remember, through radio amateurs, I sent messages to the whole world. I said it was not about rumors, namely, there were a lot of rumors during that entire war. For example, around Christmas it was said that there was cannibalism in the enclave of Žepa, which was close, and that was wrong. Each party, of course, tried to increase threats and this was not necessarily a systematic misinformation, but in such a difficult situation, rumors led to panic. So, I remember perfectly well that I told Mr. Milošević that if the convoys would not come, if no solution would be found, given the situation, they all hoped that the implementation of the Vance-Owen Plan would take place, that is, that there would be rapid demilitarization, that the siege of Sarajevo would end, so that was our perspective then. We talked about all this. I said:

“A terrible drama might occur in Srebrenica and this would jeopardize the entire peace process. So there will be a terrible drama, and the world public opinion will not forgive the Serbs. You will definitely be demonized and it will never be forgiven to you. So I personally had that presentiment. Unfortunately, two years later, believe me, it is still haunting me, unfortunately, two years later my fears have come true, it was proven that I was right.”

Prosecutor Groome asked the witness to specifically say what kind of premonition it was about, that is, what a “dreadful drama.” General Morillon said the following:”

I was afraid, I saw, for example, among the local Serbs, the Serbs around Bratunac, I saw that they wanted to take revenge for everything that they blamed Naser Orić for. Not only Naser Orić, they did not just want to take revenge on him, they wanted to revenge their dead people at the Orthodox Christmas. They were detained in that vicious circle of blood and revenge. That was what unfortunately triggered all of them. Men, women, the whole population. Everyone felt the same. This was no longer a disease of fear that affected the entire population of Bosnia and Herzegovina, the fear of being eliminated. It was genuine hatred. You can see such a degree of hatred only among neighbors, only among brothers.”

Following these observations of General Morillon, Judge Robinson asked General Morillon whether 1995 and the events around Srebrenica were “a direct reaction to what Naser Orić had done to the Serbs two years earlier?”

General Philippe Morillon agreed with this statement by Judge Robinson and said:

“Yes, that’s right, sir, Your Honor. I’m deeply convinced of that. This does not mean that I want to forgive or reduce the responsibility of those who committed the crimes, but I am convinced of that. I negotiated the solution because there was a perspective on the implementation of the Vance-Owen Plan in March 1993. Had I not believed in that, Your Honor, I would have evacuated the city, aware of the risk, aware of the danger, even if it would expose me to criticism that I took part in ethnic cleansing. But I did not do it for the reason that I had a very firm belief then. I was not the only one who believed in it. Karadžić and Milošević themselves signed the Vance-Owen Plan in May in Athens.”

*Excerpts from the transcript of the trial of Slobodan MILOŠEVIĆ*

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After this statement by General Morillon, Prosecutor Groome asked the General whether he conveyed these fears of his to Mr. Milošević during a meeting in March 1993, to which the witness replied affirmatively and said: “Yes, I think he can confirm this. These were very long conversations in private, which I would never forget. I did everything to convince him that the danger was real and I believe he understood it.”

**EXCERPTS FROM THE TRANSCRIPT OF THE TESTIMONY OF  
GENERAL PHILIPPE MORILLON AT SLOBODAN MILOŠEVIĆ’S  
QUESTIONS**

During the examination of General Philippe Morillon, Mr. Slobodan Milošević directed the first part of his examination to the reasons for the beginning of the war in BiH, as well as those that caused the beginning of the war, and that the Patriotic League was already established in March 1991, counting 120,000 people at the beginning of the war according to Sefer Halilović’s statements. He specifically pointed out that the “Patriotic League”, which had been founded as the military wing of Izetbegović’s party, that is, the SDA party, and had been founded in Sarajevo on March 31, 1991, a year before the start of open armed conflicts. In doing so, he tried to make it clear that the SDA and Muslims in BiH began preparing for war much before Bosnia and Herzegovina proclaimed independence.

The next part of questions related to the events prior to the proclamation of BiH’s autonomy in April 1992, and Mr. Milošević asked the witness about the events of March 1992: “General, two weeks after your arrival in Bosnia and Herzegovina, the exact date was March 26, 1992, I presume that you remember a great massacre that took place over the Serb population in the Bosanski Brod region, in the village of Sijekovac, when entire families were massacred. Do you remember that?”

Morillon replied to this question affirmatively saying: “I remember the events in the way we were reported. I was not a witness. Unfortunately, there was a massacre because a clash of bloodshed and violence occurred there that spread throughout the country, March 26, yes, I remember being informed of this, I remember the report on that massacre of March 26.”

Then there was a question about events from the beginning of April 1992 and the question to the witness whether he knew about the crimes of the army of the Republic of Croatia in Kupres from April 3 to April 6, 1992, when 56 Serbs were killed, practically on the doorstep. The witness defended that there was no UNPROFOR contingent that only arrived on April 4 to Rijeka and that there was only a headquarters in Sarajevo. Nevertheless, Milošević insisted from the witness to answer if he at least recalled the incident, and the witness replied with a reluctance, saying:

“Unfortunately, there were so many massacres, Mr. Milošević, throughout the territory. Yes, I remember that.” Mr. Milošević also asked the witness about the massacre of Serbs who fled from the villages of Barice and Kostreša, who were killed by armed men from the Muslim village of Koraće, when 117 Serbs were killed,

including the elderly, women and children. But the witness replied: "Quite frankly, I do not remember, Mr. Milošević."

Noting the situation on the ground and the victims filed by Serbs at the end of March and early April 1992, Mr. Milošević tried to show that the Serbs only defended themselves at that moment and that their reaction was solely for the sake of protecting their own lives. When asked by Mr. Milošević to give at least one event from that period in which Serbs killed somebody, General Philippe Morillon replied:

"There were rumors, of course, but I repeat that we did not have anyone on the spot, nobody. We were in Sarajevo. So I have to repeat, you have asked me again what happened throughout the territory in these circumstances, throughout the territory of the former Yugoslavia, especially in Bosnia and Herzegovina. I can only answer you by telling that I knew about it through newspapers, because I had nobody present on the spot so that I could report it to General Satish Nambiar. So I understand your position and what you are trying to prove, that the Serbs only defended themselves and that they only reacted to what had been done to them. However, it is about the procedure and about the method that was known to me throughout my presence there, including Srebrenica. They often told me, "We do not attack", the whole time I was there. After all, while I was in Bosnia, people kept on telling me, "I want peace, I want peace". You quoted Koljević. He was one of the people who certainly had that honest feeling. And Karadžić, Karadžić himself often claimed that he wanted peace even when I told him, "In that case, control your generals, restrain them". So I repeat, it was this situation, this hellish circle of solidarity in death between members within each community, and that's the only thing I can testify about."

The following questions concerned the withdrawal of the JNA from BiH, as well as the beginning of the conflict in Sarajevo and around Sarajevo, which is not the focus of this paper, but Mr. Slobodan Milošević's question, which is indirectly connected with the situation in Srebrenica at the time, should be highlighted. In line with this, the question for General Morillon was the following:

"... In his book, Lord Owen, who was, as you know, very engaged in peace negotiations, said: "In Sarajevo, it became increasingly clear that there were two sieges of the city, one carried out by the Bosnian Serb army by grenades, sniper fire and fire, and the second, the army of the Bosnian government, which prevented the departure of its people through internal blockades and bureaucratic complications. Departure was forbidden to physically capable men aged 18-65 and women aged between 18 and 60 because they were necessary in the defense of the city, and their main reason was significantly different. The Serb siege in the propaganda war stirred up the compassion of the world, so they needed old people and children to stay. It was their most emotional propaganda weapon, to bring Americans into war, and they never wanted that weapon to weaken". Thus, I quoted Lord Owen from his book. It is clear from this allegation that the Serb forces around Sarajevo did not prevent the

departure from Sarajevo, because if they prevented it, then the bans of the Army of Bosnia and Herzegovina would not be necessary, they would be meaningless, isn't it so, general?"

To this quotation, General Morillon responded by saying the following: "Well, I do not deny what might be written by Lord Owen. I'm sure that when he testified here that he also answered those questions. What I experienced was that I assumed responsibility in Sarajevo on the basis of an agreement reached with the Serb forces, and as far as it comes to the airport which was put at our disposal, it was subsequently used. And I repeat, the person who really objected to the abolition of the siege of Sarajevo, when I gave that proposal to establish my headquarters in Ilidža, was Karadžić under the influence of General Mladić. There was no one else. The Bosniaks indeed used the presence of their inhabitants exactly as you have just said, so that their situation would remain in the focus of the world public. That's true. They also prevented the evacuation of Srebrenica, if you wanted to say that. I say yes, that's right. They refused to recognize, at least officially, the ethnic cleansing, and so things happened that way. I was trying to convince Karadžić that it was in his interest to challenge this propaganda, that it was in his interest to abolish the siege of Sarajevo, and I said that to him many times".

Here one more issue should be raised regarding the freedom of movement of the population, and above all from Sarajevo, and according to similar scenario, from Srebrenica as well. So Milošević asked the following question:

"General, in your book you are talking about an agreement on the freedom of movement of civilians in the area of Sarajevo, which was concluded at the Sarajevo airport on December 13, 1992, within the mixed working group. In relation to the agreement that envisaged three corridors for the movement of civilians from the Sarajevo area under the control of the UNPROFOR, you said:

"The BiH Presidency reluctantly accepted this agreement that guaranteed the freedom of movement for individuals, as requested by the Serbs, and joined by the Croats." So this statement of yours confirms Owen's claim. And then, you also said in the statement: "No more than a few thousand people were evacuated after the signing of that agreement. There were 20 buses of Serbs and Croats, and if I remember correctly, there were even a few Slovenians. Serbs were evacuated through Lukavica and few Croats, but the Presidency did not allow any single Muslim to leave Sarajevo." These are your words. Therefore, obviously there is a need for propaganda tool and the sacrifice of one's own people for propaganda purposes. Is that right, General, that the Presidency did not allow any single Muslim to leave Sarajevo?"

On this statement and the quotation, the witness General Morillon said: "Probably I did not exactly say that. I remember perfectly the negotiations. They were very difficult, as well as all the negotiations in which I participated during my presence there. I recall the evacuation of Slovenians. Yes, you are completely right,

and the evacuation of the Serbs who wanted to leave. No, I do not deny, I confirm, on the contrary, that it was not in the interest of the Bosnian Presidency and Izetbegović to empty the city. If that's what you are claiming, yes, I agree with that."

Then Milošević cited the words of General Morillon: "However, the Presidency did not allow any single Muslim to leave Sarajevo." Milošević noted what the witness said in Paris about these extreme tools used by the Presidency headed by Alija Izetbegović in order to prevent the normalization of the situation and to facilitate the situation of the population. Milošević again quoted Morillon saying:

"The goal of the Presidency from the very beginning was to provide the intervention of international forces for its own benefit, and this is one of the reasons why they were never in favor of the talks. At that time, the Serbs were ready for talks, as they thought they were winning. Whenever such an agreement on humanitarian corridors was signed, the problems came from the Presidency. Finally, the corridors were accepted. The beginning of their implementation should have been the withdrawal of heavy weapons, which was due to happen on December 27 at 17.00 hours. However, on that day my residence was shelled in Sarajevo. The grenade was fired by Bosnian forces. That's for sure."

With the statement that this was a quote, Milošević continued to quote General Morillon: "The position of the Presidency was very delicate. They were defeated on the battlefield. It is absolutely certain that in strategic terms, at least as far as the war is concerned, it was considered normal that the Presidency refused a major step towards peace. "In the end, Milošević asked Morillon:

"So, could it be concluded that the Presidency of Bosnia and Herzegovina, led by Alija Izetbegović, was ready to resort to the most radical means, as the one above, I am quoting you, in order to achieve its strategic goals?" To this, Morillon replied, inter alia, that it had been about the rules that governed in such a situation and he directly answered Mr. Milošević, saying: "If you want me to say that it was not in Izetbegović's interest to let go, yes, that's right, I agree with you. It was not."

Towards the end of the examination of the witness, General Philippe Morillon, Milošević shifted the focus of his questions and his testimony on Srebrenica and events around Srebrenica. The question that was sent to the witness was: "... You said that the Bosniak forces withdrew before the fall of Srebrenica: "Naser Orić left the enclave a week before the fall of Srebrenica, and it was enough that his forces would destroy the path by mines, thus preventing tanks to break into Srebrenica," I am quoting you all. "I did not hesitate to say and write that Mladić fell into a trap in Srebrenica. He expected the resistance he did not encounter. He, I think, did not expect the massacres to happen, but he totally underestimated the accumulated hatred. I do not believe that he ordered massacres, but I do not know, it is my personal conviction."

"I also share your personal conviction, General Morillon," Milošević said, and continued, "but since you publicly stated it before the deputies of the National Assembly of France (Assemblée Nationale), I assume that you were entirely

*Excerpts from the transcript of the trial of Slobodan MILOŠEVIĆ*

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responsible in bringing that personal conviction of yours, isn't that so, General? "The witness said: "Yes. As for that, I am drawing the Trial Chamber's attention, so that they can understand, to what happened, the fall of Srebrenica in July 1995, but I had left that place two years earlier."

After such response, Mr. Milošević stated one more point in the statement given by Morillon in the French Parliament: "I am convinced that the population of Srebrenica was the victim of a higher interest, state reason, but the higher interest based in Sarajevo and New York, but certainly not in Paris. If I could evacuate all those who asked for it at the moment when I intervened in Srebrenica, we would have definitely saved a number of human lives..."

After this quotation, Milošević stated that the witness thought the following: "Izetbegović's authorities are those which opposed the evacuation to Tuzla of all those who asked for it, and there were many. I told you that Naser Orić, in my opinion, behaved in line with the order he had received from Sarajevo to leave the zone. I would not like to say that Sarajevo deliberately caused this drama. This was done by the Presidency, this was done by Izetbegović. Naser Orić listened to the Presidency in Sarajevo. When I say that he, Mladić, fell into the trap and that the trap was intentional, and I did not criticize Izetbegović. In my opinion, he had no other way to provoke what he wanted, that is, to assign the international community to his side."

Is that so, General Morillon? To provoke the reaction of the international community against the Serbs, right? Is this quite clear now..." To this statement and Slobodan Milosević's questions, Philippe Morillon said: "Maybe, Mr. Milošević. However, what is certain, those who are really responsible are those who initiated the offensive, which was Mladić. Two years prior to that, because of him, the plan failed, and now please don't distort the thesis. I am still convinced, the real responsibility for all the evils, not only for the misfortune of the population in Srebrenica, but also for the Serb people since 1993, that Mladić is responsible for that. I did not say anything other than that, thank you."

To this statement of the witness, Milošević stated the following: "When asked by a member of the parliamentary mission, Mr. Pierre Brane:" How do you explain this terrible massacre?" You said: "Accumulated hatred. There were heads cut off, there were terrible massacres committed by Naser Orić in all the surrounding villages. When I went to Bratunac at the time I intervened, I felt it." I suppose this is not disputable, General Morillon?" Milošević asked. Morillon answered to this: "Of course not, but I repeated it in the first part of this session, I was convinced that there was this degree of hatred and I thought I needed to react when I reacted, two years before that."

The following questions of Mr. Milošević related exactly to the 1993 period when Orić's hordes were ravaging the eastern part of the Republic of Srpska and broke out on the border of the then FRY, to the Drina and that they also fired on the territory of Yugoslavia, endangering the Bajina Bašta hydroelectric power station

and shelling the area, the border region of Yugoslavia. To this Morillon said: "If you want us to accuse Naser Orić now, I think he is in any case in the hands of this Court now. I know everything that you have just stated and I know that there were the Sandžakli who came from the other side, and he had his bodyguard who was from there, Mr. Milošević."

Based on this response, Mr. Milošević asked the witness "Okay. You are continuing to talk about activities in Srebrenica, where it seems the Presidency in Sarajevo had a significant directing role, and you say: "It seems to me that I entered Srebrenica at night on March 13 to 14, then they blocked me in the afternoon of March 14. I later found that it was under the order of the Presidency." And then you say: "In Srebrenica, women's demonstrations blocked me. Now I know that an order came from Sarajevo to prevent me from following my route." So that direction was from the Presidency from Sarajevo, is it right, General Morillon?"

Witness Morillon clearly responded affirmatively and said: "Yes, but those unfortunate women who were there, they were really there and risked their lives and the lives of their children and it was not directed or performed, trust me. It was an incredible drama I would never forget and I witnessed it. That's all I can say on that topic."

Concerning these statements, Milošević put forward his point and question: "I completely agree with you that they did not play the show, they were just manipulated. Further, I quote you, you said: "I also informed Belgrade. I went to Milošević and told him, "Here's what will happen", he helped me. The fact that I won the battle then was due to the attitude Milošević had taken, but also New York was informed". Is that right, General Morillon? I have quoted you very precisely." Morillon responded positively: "Yes, that's exactly what I said when I answered the questions asked by the Prosecution."

**EXCERPTS FROM THE TRANSCRIPT OF THE TESTIMONY OF  
GENERAL MORILLON AT QUESTIONS OF THE FRIEND OF THE  
COURT TAPUŠKOVIĆ**

Judge Robinson gave very little time to Mr. Tapušковиć for examining the witness, only 10 minutes. Mr. Tapušковиć, who was in the role of a friend of the court, presented and read one of his testimony to the witness Philippe Morillon, which he gave to the Prosecution, in which he said that he had met Naser Orić, but he did not explain that. So he asked him to give him a short answer if he had met Naser Orić. Witness Morillon replied: "I met Orić several times, on Konjević Polje. Just before and after that in Srebrenica."

Then, Mr. Tapušковиć quoted a part of his earlier testimony to the Prosecution to the Witness Morillon: "Naser Orić was inflicting attacks on Bosnian Serbs outside the city every night. When General Morillon opposed him, he said that it was the only way to get weapons and ammunition. He acknowledged the murders of the Bosnian Serbs every night." That was in the testimony of the witness. Morillon

*Excerpts from the transcript of the trial of Slobodan MILOŠEVIĆ*

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himself said on this paragraph: “Every night certainly not, if that’s what stands there... And, as for the rest, I agree.”

Reading further his testimony, Mr. Tapušковиć stated: “that (Orić) admitted the murders of the Bosnian Serbs every night.” In that statement, which was being introduced as evidence at the moment, I am quoting, it is written in one place, “Orić said these were the rules of the game and that in this type of partisan warfare he could not take prisoners.”

When the witness Morillon was asked “Is this allegation true,” he said “yes”. Mr. Tapušковиć continued to read his testimony in connection with the events of March and April 1993, pointing out: “The rule of Naser Orić implied a thorough knowledge of the region kept by his forces. It seemed to me that he respected the political instructions that came from the Presidency.” Asked by Mr. Tapušковиć - Is this right? Mr. Morillon responded positively and added: “Yes, but it’s not clear to me why you are asking me this. Naser Orić obeyed. He was at the head of a gang and led a guerrilla war in that enclave, but he himself said he was a soldier serving the Presidency.” The last sentence of his testimony read: “Keeping me as a prisoner in Srebrenica was orchestrated by Sarajevo.” Mr. Tapušковиć asked Witness Morillon whether this was true. The witness replied: “At the beginning. I only learned about it later, but I told you already, and I would like to repeat, that unfortunate population was in a state of total terror and they believed, it’s not any sort of mise-en-scène or show, that I was a shield for them. The only way to protect themselves from bombing and attack.”

Mr. Tapušковиć reminded the witness, General Philippe Morillon, of his meeting with General Ratko Mladić in Bratunac, March 15, 1993. In a statement given by Witness Morillon regarding the meeting with General Mladić, he wrote on Srebrenica: “Mladić wanted Orić to surrender together with all his forces. He said he would stop everything if they surrendered their weapons. I refused and handed him the plan I just wrote. It consisted of demilitarizing the entire zone by applying the measures envisioned for Sarajevo, bearing in mind the agreement according to Vance-Owen plan.”

After this quote, the question for General Morillon was: “Did demilitarization mean that all armed men in the enclave were to be released from weapons and how many armed soldiers were inside the enclave to your knowledge?” Witness Philippe Morillon, UNPROFOR commander at that time, said: “... I do not know anything about it. In any case, in accordance with the agreement, all those who would not want to surrender their weapons were to leave the enclave and it was also stipulated by the agreement within the Vance-Owen Plan that the Serbs would loosen the rally around Srebrenica and that they would gradually return life in the surrounding villages. However, none of this happened. You know it very well, because the Vens-Owen plan failed.”

This response followed the re-quoting of General Philippe Morillon’s statement in the French Parliament or before the parliamentary commission, which reads: “You are aware that I could evacuate only wounded and 2,000 to 3,000 women and

children. Izetbegović's authorities opposed the evacuation of those who requested it, and there were many who wanted to go to Tuzla." Witness Morillon commented on this earlier statement of his: "Yes, I repeat, it should be clear to us that the goal of the offensive that preceded the implementation of the plan was the ethnic cleansing. So, the evacuation of the entire Muslim population. So I could not do that because I would be accused of cooperating in the conduct of ethnic cleansing, which was Mladić's goal, surely."

Mr. Tapušковиć then asked the witness: "Was not it for humanitarian reasons, however, that people should have been allowed to go where they wanted, because there were many of them, as you say? Therefore, to go precisely because they could live more easily. It was more important to save lives where they could eat, drink, and live, than stay there. Why was it needed?"

Witness Morillon replied: "After the drama that happened two years after that, if you want me to say that I'm sorry we did not evacuate the population, yes, I agree. However, I repeat, it meant that the goal was to cleanse that sector, not Muslims to remain there, which was ethnic cleansing. And the entire international community was always against the implementation of this policy, because this policy was unacceptable to humans being eradicated from their environment, the soil. It prevents them from continuing to live in the culture in which they grew up. So this was the drama. Those who advocated this policy, in my eyes today, are most responsible for the drama that took place." The testimony of French General Philippe Morillon was concluded with this statement.

## CONCLUSION

The testimony of French General Philippe Morillon, a former UNPROFOR commander for Bosnia and Herzegovina at the Milošević trial in 2004, gave a clear picture of the situation in Srebrenica and its surroundings in 1993, stressing the role of Naser Orić and the BiH Presidency led by Alija Izetbegović in creating and the orchestration future events that took place in the summer of 1995.

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## “PROJECT SREBRENICA” AS A VEHICLE OF WESTERN INTERVENTIONISM

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**Abstract:** This text presents in a well-evidenced manner how the powerful international circles skillfully and cynically use the previous events of Srebrenica, so they could, under the cover of “The Srebrenica Project” plan and implement their interventionist plans for domination and ruling over the zones of their own interest.

Today, the events of Srebrenica are skillfully used, under the cover of protection of the innocent from suffering, for undertaking of the political, diplomatic, economic and in the end military actions with the aim to allegedly prevent reoccurring of genocide in different parts of the world, abusing in it the international documents, including the Convention on Genocide to justify such actions.

**Key words:** *Srebrenica, genocide, Western interventionism, international law.*

A decade before the fortunately unsuccessful British resolution on Srebrenica, vetoed by Russia in the UN Security Council in July 2015,<sup>2</sup> was supposed to finally seal the false genocide narrative against all past, present and future attempts at establishing the true facts of what happened in that Bosnian town in July 1995, a far more honest British scholar, Tara McCormack, succinctly dissected the essence of British and general Western instrumentalization of Srebrenica, in an article for online magazine *Spiked*:

“From Kosovo in 1999 to the Congo in 2005, Srebrenica is held up as conclusive proof that the West is morally obliged to intervene militarily in conflict situations. Jack Straw argued in defence of Western intervention in Macedonia in 2001, on the basis that Srebrenica showed what happened when the West was reluctant to intervene. Liberal commentator David Aronovitch used the same argument to explain his support for military action in Iraq. When discussing the killing of 60 Congolese soldiers by UN troops, UN General Patrick Cammaert argued in favour of robust military intervention, because of ‘the lessons of Srebrenica, Somalia and Rwanda’.”<sup>3</sup>

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<sup>1</sup> Former Chief Political Advisor to the President of Republika Srpska, political analyst and commentator

<sup>2</sup> [https://www.scribd.com/doc/270919186/Srebrenica-Draft-Resolution-Which-Failed-in-UNSC-on-July-8-2015#from\\_embed](https://www.scribd.com/doc/270919186/Srebrenica-Draft-Resolution-Which-Failed-in-UNSC-on-July-8-2015#from_embed)

<sup>3</sup> Tara McCormack, “How did Srebrenica become a morality tale?” 3.8.2005. *Spiked-online*, <https://www.spiked-online.com/2005/08/03/how-did-srebrenica-become-a-morality-tale/>

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As a confirmation of this thesis, about a month before Tara McCormack’s article, on the 10<sup>th</sup> anniversary of the events in Srebrenica, prominent British commentator Christopher Hitchens wrote a piece of fiction masquerading as “outraged commentary” for *Slate*, “From Srebrenica to Baghdad: What the genocide taught us about intervention,” in which he, in addition to repeating every bit of propaganda and anti-Serb slander out of the Western media arsenal that he could fit into a small space, expressed regret that it took so long for the Western powers to apply the lessons of Srebrenica and intervene or, more plainly speaking, commit aggression, in Afghanistan and Iraq.<sup>4</sup> And the war cry that “we must prevent another Srebrenica” would continue to be used by Western interventionists in the years that followed.

It was used to justify Western aggression in Libya, by Western journalists (“Remember Srebrenica? The west’s intervention in Libya is a no-brainer”)<sup>5</sup> and academics (“Road to Libya runs through Srebrenica”),<sup>6</sup> as well as high Western officials, such as former Belgian prime minister and EU Parliament member, Guy Verhofstadt (“Europe must avoid another Srebrenica in Libya”),<sup>7</sup> Hillary Clinton (“We prevented new Srebrenica in Libya”),<sup>8</sup> or White House Middle East strategist Dennis Ross (“We were looking at ‘Srebrenica on steroids’”).<sup>9</sup>

Similar words were used in Western mass media when it came to justifying Western meddling and fomenting of civil war in Syria, such as *CNN* (“Syria, Sarajevo and Srebrenica: When outrage isn’t enough”)<sup>10</sup> or, from the mouth of another (former) high U.S. official, Nicholas Burns, in the *Boston Globe* (“A Srebrenica moment in Syria?”),<sup>11</sup> as well as from the UN Special Envoy for Syria, Staffan de Mistura (“You remember Srebrenica? We do”), when, according to the *Washington Post*, he “appealed to the world” to “do something” to prevent Islamic State forces – the same ones used by Western powers to try to overthrow Syrian president Assad – from conquering the Syrian town of Kobane.<sup>12</sup> Even terrorists in

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<sup>4</sup> <https://slate.com/news-and-politics/2005/07/what-the-genocide-taught-us-about-intervention.html>

<sup>5</sup> <http://www.theguardian.com/commentisfree/2011/may/29/srebrenica-libya-intervention-no-brainer>

<sup>6</sup> <http://www.independent.co.uk/voices/commentators/brendan-simms-road-to-libya-runs-through-srebrenica-2290326.html>

<sup>7</sup> <https://www.partitoliberale.it/3819/esteri/guy-verhofstadt-europe-must-avoid-another-srebrenica-in-libya.html>

<sup>8</sup> [https://www.b92.net/eng/news/world.php?yyyy=2011&mm=04&dd=16&nav\\_id=73839](https://www.b92.net/eng/news/world.php?yyyy=2011&mm=04&dd=16&nav_id=73839)

<sup>9</sup> <https://www.theglobeandmail.com/opinion/intervention-in-libya-flawed-perhaps-but-better-than-inaction/article1322124/>

<sup>10</sup> <https://edition.cnn.com/2012/05/29/world/meast/syria-sarajevo-and-srebrenica/>

<sup>11</sup> <https://www.bostonglobe.com/opinion/2014/02/13/srebrenica-moment-syria/hfNxufLE2sbt4JHEIU2sZP/story.html>

<sup>12</sup> [https://www.washingtonpost.com/world/national-security/un-envoy-invokes-srebrenica-massacre-in-call-for-help-for-syrian-town-of-kobane/2014/10/10/0190e856-50a3-11e4-babe-e91da079cb8a\\_story.html?noredirect=on&utm\\_term=.8b010b970f00](https://www.washingtonpost.com/world/national-security/un-envoy-invokes-srebrenica-massacre-in-call-for-help-for-syrian-town-of-kobane/2014/10/10/0190e856-50a3-11e4-babe-e91da079cb8a_story.html?noredirect=on&utm_term=.8b010b970f00)

another Syrian city, Aleppo, invoked Srebrenica as a way of garnering more Western sympathy vis-à-vis the government forces (“Plans for ceasefire in Aleppo on verge of collapse as rebels fear 'another Srebrenica’”),<sup>13</sup> and were seconded by none other than the then UN Secretary-General himself (“Ban Ki-moon says he fears another massacre on the scale of Srebrenica”).<sup>14</sup>

In other words, Srebrenica has been (ab)used as a “morality tale” about all the evil that would befall the world unless foreign, i.e., Western “humanitarians” rushed to the aid of “endangered” nations or ethnic minorities – albeit in states whose policies and/or leaderships just happened to be at odds with Western interests. Even terrorists, according to this narrative, deserve such “protection.” We have seen that film not only in Syria or Libya, but also in places such as Kosovo and Metohija, when, in order to justify the illegal bombing of the Federal Republic of Yugoslavia, then British prime minister Tony Blair invoked Srebrenica (in addition to another fabricated, since discredited “massacre,” in the Kosovo village of Racak<sup>15</sup>) in his House of Commons speech on the eve of the beginning of the NATO aggression that would eventually bring KLA terrorists to power in the southern Serbian province.<sup>16</sup>

### **GOALS OF THE “SREBRENICA PROJECT”**

Obviously, Western neo-interventionism, with clear tendencies of expanding further to the East and South, is no longer based solely on the worn-out ideology of “spreading democracy.” For, if it were, its credibility would have been exhausted even earlier, despite the propagandistic and persuasive powers of Western mass media, after all the sundry (to put it mildly) “less than democratic” individuals, groups and regimes that have been installed into power in various places on the globe with the aid of Western arms. The whole regime-change setup is much more broadly and deeply conceived, and that is why Srebrenica has become such an important, globally known catchword. That is also why – in addition to traditional anti-Russian and, consequently, anti-Serbian geo-and real-political reasons – Great Britain tried so very hard to push its Srebrenica resolution through the UN Security Council in July 2015. For, one of the ideological pillars of today’s Western “neolibcon” interventionism is the so-called Responsibility to Protect, or R2P. In short, this is the “noblesse oblige” of the so-called international community to “protect” peoples the world over when sovereign, internationally recognized states “cannot do the job” (whether or not that same “international community” is the one preventing them from “doing the job” is another matter, not to be discussed). And Srebrenica, that is, the Western construction of Srebrenica, is a key foundation stone of this doctrine.

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<sup>13</sup> <https://www.telegraph.co.uk/news/worldnews/middleeast/syria/11261039/Plans-for-ceasefire-in-Aleppo-on-verge-of-collapse-as-rebels-fear-another-Srebrenica.html>

<sup>14</sup> <https://www.channel4.com/news/un-secretary-do-not-allow-syria-to-turn-into-srebrenica>

<sup>15</sup> <https://www.mediamonitors.net/sorting-through-the-lies-of-the-racak-massacre-and-other-myths-of-kosovo/>

<sup>16</sup> <https://www.theguardian.com/world/1999/mar/23/balkans.tonyblair>

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That is the context of the entire Western fixation on Srebrenica, the gallons of crocodile tears that are shed on each anniversary, especially a round one, all the media and Western governments’ agitprop produced for the purposes of permanently entrenching the “Srebrenica genocide” narrative, not only in the consciousness of the global public but in global international relations as well. Of course, “local” goals are not to be overlooked either, which, in the Balkan context, means the suppression of Serbia and the Serbs in their cultural-historical space for the larger purpose of beating back “malign Russian influence” in the region (Serbia being viewed as a traditional Russian ally), by sowing permanent bad blood in the Balkans, burdening the Serbs with a permanent “guilt complex,” and justifying Western “humanitarian” intervention and a permanent Western neo-colonial presence. Nevertheless, the aims are, ultimately, global.

In short, according to the R2P doctrine, national sovereignty is no longer a privilege, but an “obligation” subject to the evaluation of the unavoidable, abstract “international community,” behind which mask stand the most powerful Western states and/or interests. It is they who consider themselves “obliged” to intervene against/inside sovereign states in which it has been “evaluated” that the government represents a threat to its own citizens, i.e., that it is failing to fulfill its “obligations” or “responsibility” toward them – according to the “objective” judgment of Western interventionists. Or, as defined on the web page of the UN Office on Genocide Prevention and the Responsibility to Protect:

“[S]overeignty is not just protection from outside interference – rather it is a matter of states having positive responsibilities for their population’s welfare, and to assist each other. Consequently, the primary responsibility for the protection of its people rested first and foremost with the State itself. However, a ‘residual responsibility’ also lied with the broader community of states, which was ‘activated when a particular state is clearly either unwilling or unable to fulfil its responsibility to protect or is itself the actual perpetrator of crimes or atrocities.’”<sup>17</sup>

Srebrenica, i.e., the Western narrative that has been spun around it, has played and continues to play an important role in the development of this dangerous aspect of international politics.

The R2P doctrine has been gradually developed within the UN system over the past two decades. Back in 2000, in his Millennium Report, then UN Secretary-General, Kofi Annan, obviously as a response to growing doubts and suspicions regarding aggressive Western “humanitarianism,” posed a question for which he obviously had a prepared reply: “[I]f humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?”<sup>18</sup>

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<sup>17</sup> <http://www.un.org/en/genocideprevention/about-responsibility-to-protect.html>

<sup>18</sup> Ibid.

Ban Ki-moon attributed the concept of a “responsibility to protect” to Francis Deng, the first Special Adviser of the Secretary-General on the Prevention of Genocide (2007-2012), while he served as Special Representative of the United Nations Secretary-General for Internally Displaced Persons, on the basis of his earlier work as director of the Brookings Institution Africa Project.<sup>19</sup> However, it would be inaccurate to ascribe all the credit to bureaucratic or institutional efforts within international organizations such as the UN, for that would ignore the important role of the extra-institutional “soft power” of powerful international NGOs.

Thus, an organization called the International Commission on Intervention and State Sovereignty (ICISS), formed under the authority of the Government of Canada and a “group of major foundations” in 2000, under the co-presidency of Gareth Evans, former foreign minister of Australia and, at the time, president and executive director of the International Crisis Group (ICG), played an important role in the international promotion and subsequent institutionalization of the R2P doctrine. It is interesting to note here the inordinate influence that organizations and/or individuals partly or significantly financed by George Soros exert not just on international public opinion but on international law and international relations. For not only was Soros, through his various foundations, a long-time key donor of the International Crisis Group, but his Open Society Foundations were and continue to be, together with the governments of several NATO and other (pro-)Western countries, an important donor of a leading global proponent of the R2P concept, the Global Centre for the Responsibility to Protect,<sup>20</sup> whose co-chair at the time was – surprise! – Gareth Evans (now the co-chair of the Global Centre’s International Advisory Board<sup>21</sup>), and among whose patrons was Kofi Annan himself. Soros himself presented the basics of the R2P doctrine in a 2004 Foreign Policy article, through the prism of his well-known globalist world view:

“Sovereignty is an anachronistic concept... true sovereignty belongs to the people, who in turn delegate it to their governments. If governments abuse the authority entrusted to them and citizens have no opportunity to correct such abuses, outside interference is justified. By specifying that sovereignty is based on the people, the international community can penetrate nation-states’ borders to protect the rights of citizens.”<sup>22</sup>

(In other words, only some kind of supranational, world government has the legitimacy to represent the interests of all the world’s countries’ citizens, define those interests, evaluate when they have been violated and, in accordance, initiate armed interference – all in order to supposedly “prevent another Srebrenica.”)

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<sup>19</sup> <https://www.brookings.edu/book/sovereignty-as-responsibility/>

<sup>20</sup> <http://www.globalr2p.org/>

<sup>21</sup> [http://www.globalr2p.org/about\\_us#iab](http://www.globalr2p.org/about_us#iab)

<sup>22</sup> <https://foreignpolicy.com/2009/10/28/the-peoples-sovereignty/>

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According the UN Secretary-General’s Report, “Implementing the Responsibility to Protect”:

“A number of the Commission’s (the above-mentioned ICISS – auth. note) key recommendations were included in the conclusions of the High-level Panel on Threats, Challenges and Change convened in 2004 by then Secretary-General Kofi Annan (see A/59/565 and Corr.1) and in his subsequent report entitled ‘In larger freedom: towards development, security and human rights for all’ (A/59/2005). These reports, in turn, provided material for consideration at the 2005 World Summit... While the approach to the responsibility to protect described in the present report draws from the above-mentioned history in important ways, it has been defined by the provisions of paragraphs 138 and 139 of the Summit Outcome... The first three sentences of paragraph 138 of the Summit Outcome capture unambiguously the underlying principle of the responsibility to protect: ‘Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.’”<sup>23</sup>

Thus, the R2P doctrine was adopted at the UN in 2005 under the substantial influence of “independent” international bodies that no one democratically elected, or any sovereign state delegated. And, as is proudly emphasized on the web page of the “independent” Soros-funded Global Centre for the Responsibility to Protect: “The Security Council has invoked R2P in more than 65 resolutions since 2006. The Human Rights Council has also invoked R2P in 30 resolutions.”<sup>24</sup> Here are just a few examples:

- April 2006, in the text of Resolution 1674, on the Protection of civilians in armed conflict, the UN Security Council referred to R2P as it reaffirmed “the provisions of paragraphs 138 and 139 of the 2005 World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”<sup>25</sup>

- During 2011, the Security Council called upon R2P in numerous resolutions: e.g. 1970<sup>26</sup> and 1973<sup>27</sup> on the situation in Libya, 1975<sup>28</sup> on the situation in Ivory Coast, 1996<sup>29</sup> on the situation in South Sudan, 2014<sup>30</sup> on the situation in Yemen.

- During 2012, the Security Council referred to R2P in its Press Statement on South Sudan.<sup>31</sup>

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<sup>23</sup> [https://www.un.org/ruleoflaw/files/SG\\_reportA\\_63\\_677\\_en.pdf](https://www.un.org/ruleoflaw/files/SG_reportA_63_677_en.pdf)

<sup>24</sup> [http://www.globalr2p.org/about\\_r2p](http://www.globalr2p.org/about_r2p) (Приступљено 29.1.2019.)

<sup>25</sup> <http://unscr.com/en/resolutions/1674>

<sup>26</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1970\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1970(2011))

<sup>27</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1973\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973(2011))

<sup>28</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1975\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1975(2011))

<sup>29</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1996\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1996(2011))

<sup>30</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2014\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2014(2011))

<sup>31</sup> <https://www.un.org/press/en/2012/sc10514.doc.htm>

- More recently, in 2018, a number of UN SC resolutions invoked R2P, including 2409<sup>32</sup> on the Democratic Republic of Congo, 2417<sup>33</sup> on the Protection of Civilians in Armed Conflicts, 2428<sup>34</sup> on Sudan and South Sudan, etc.

- Also, on August 16, 2018, in response to the decision of the Republika Srpska National Assembly to revoke its endorsement of the 2004 Srebrenica Commission Report, the United Nations Special Adviser on the Prevention of Genocide “raised concern” in regard to that act, but also observed that, in the Balkans, ‘It is evident that events of the past are being used for political purposes.’”<sup>35</sup>

As can be seen from the above, the UN has established the function of Special Adviser of the Secretary-General on the Responsibility to Protect,<sup>36</sup> who works in close coordination with the Special Adviser of the Secretary-General on the Prevention of Genocide.<sup>37</sup>

According to the dedicated UN web page, the R2P concept was developed “[f]ollowing the atrocities<sup>38</sup> committed in the 1990s in the Balkans and Rwanda, which the international community failed to prevent, and the NATO military intervention in Kosovo,” after which “the international community engaged in a serious debate on how to react to gross and systematic violations of human rights.” Furthermore, R2P “embodies a political commitment to end the worst forms of violence and persecution. It seeks to narrow the gap between Member States’ pre-existing obligations under international humanitarian and human rights law and the reality faced by populations at risk of genocide, war crimes, ethnic cleansing and crimes against humanity.”<sup>39</sup>

(Again, it needs to be pointed out that even the definition of R2P itself has been noticeably mitigated, in the sense that it isn’t as nakedly interventionist as it once was, which is evident when we compare it with the earlier definition, which could be found on the Special Advisor’s web page as late as 2015:

R2P rests on three pillars:

1. The State holds the chief responsibility for protecting its populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their instigation;

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<sup>32</sup> [https://undocs.org/S/RES/2409\(2018\)](https://undocs.org/S/RES/2409(2018))

<sup>33</sup> [https://undocs.org/S/RES/2417\(2018\)](https://undocs.org/S/RES/2417(2018))

<sup>34</sup> [https://undocs.org/S/RES/2428\(2018\)](https://undocs.org/S/RES/2428(2018))

<sup>35</sup> [https://www.un.org/en/genocideprevention/documents/2018-08-16\\_Dieng%20Statement.pdf](https://www.un.org/en/genocideprevention/documents/2018-08-16_Dieng%20Statement.pdf)

<sup>36</sup> <https://www.un.org/en/genocideprevention/special-adviser-responsibility-protect.html>

<sup>37</sup> <https://www.un.org/en/genocideprevention/special-adviser-prevention-genocide.html>

<sup>38</sup> An earlier version used the term “genocidal violence” in place of “atrocities,” from which it may be concluded that the terminology has been toned down as a reflection of the growing influence of states seeking to replace the unipolar order with a multipolar one.

<sup>39</sup> <https://www.un.org/en/genocideprevention/about-responsibility-to-protect.html>

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2. The international community has the responsibility to encourage and assist States in the meeting that responsibility;

3. The international community has the responsibility to use appropriate diplomatic, humanitarian and other means in order to protect populations from these crimes. If a state is manifestly failing to protect its populations, the international community must be prepared to take collective action in order to protect the populations, in accordance with the UN Charter.<sup>40</sup>

Also interesting is the following note that can be found on the web page of yet another international NGO dedicated to the propagation of R2P, “The International Coalition for the Responsibility to Protect,” in its “Crisis in Syria” section:

“Updated: The Responsibility to Protect norm, as agreed to in the 2005 World Summit Outcome Document, does not sanction a unilateral military response or a response by a ‘coalition of the willing.’ Any military response under RtoP must be authorized by the Security Council.”<sup>41</sup>

Obviously, efforts to restrain this doctrine after the destruction and political chaos wrought by various “humanitarian interventions” over the past two decades are, at least partially, bearing fruit. Gareth Evans himself has been compelled to acknowledge, in a lecture held in 2008, that some Latin American, Arab and African states have distanced themselves from R2P, with their delegates even going so far as to claim that “the World Summit rejected R2P in 2005,” and that “the concept of the responsibility to protect has not been adopted by the General Assembly,”<sup>42</sup> from which it might be concluded that either a) many states were not fully aware of what had been adopted in the UN “by the back door” or b) many states did not then and/or do not now interpret R2P in the same way as do Western interventionists.)

The purpose of this newly established “pillar” of international law – and the Srebrenica “official narrative” is an integral part of it – is to secure for the Western powers and their allies the necessary legitimacy to intervene wherever they claim that a government has not fulfilled its “responsibility for protecting its populations.” Of course, prior to that, the mass media of the intervening parties must prepare the groundwork by preemptively “bombarding” the mass media with choice information designed to sway local and global opinion. Moreover, this sort of legitimization is not only supposed to provide ideological justification in the service of applying diplomatic pressure of the type used by Western powers in the UN Security Council in the case of Libya or Syria but, if all else fails due to Russian or Chinese

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<sup>40</sup> The original wording was recorded by the author in a Serbian translation for the purposes of an earlier work, so this is a re-translation into the English original, which is why it is without quotation marks. Not surprisingly, the original wording closely approximates the definition still used by the Global Centre for the Responsibility to Protect: [http://www.globalr2p.org/about\\_r2p](http://www.globalr2p.org/about_r2p)

<sup>41</sup> <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-syria>

<sup>42</sup> <https://www.crisisgroup.org/global/responsibility-protect-idea-whose-time-has-come-and-gone>

“obstruction” (via diplomatic resistance and/or UN SC veto), justify unilateral interventions without a UN mandate. The last two U.S. ambassadors to the UN, Nikki Haley and Samantha Power, were particular masters of this game. Power herself was a prominent early proponent/apologist of R2P, and even advocated it side-by-side with Gareth Evans.<sup>43</sup> At a 2008 conference in Berlin, Ban Ki-moon himself championed the use of “early, preventive steps - and these steps should require neither unanimity in the Security Council nor pictures of unfolding atrocities that shock the conscience of the world.”<sup>44</sup> In other words, not only did “sovereignty no longer exclusively shield States from foreign intervention” (another bit of terminology from the web page of the UN Special Advisor for R2P – vintage year 2015 – that has since been watered down), but even the veto power of UN Security Council permanent members, as provided by the UN Charter itself, could be overridden to further the cause of Western “humanitarianism.” Clearly, R2P was at the center of attempts at undermining and/or relativizing international law and the UN Security Council itself, with the active support of the UN Secretary-General himself.

It is important here to note not just the importance of acquiring a (quasi-)legal foundation for intervention based on manufactured “precedent” such as Srebrenica, but also the importance of a universalized ideological justification that gives a veneer of legitimacy to extra-institutional, i.e., extra-legal/illegal interventionist activity. For, in order to “prevent genocide” - “moral imperative” is everything – damn the torpedoes (and international law)! And when an issue is framed as a moral one, regardless of the degree of truthfulness or sincerity behind it, it influences the subconscious much more powerfully than do scores of paragraphs from codified international law, or protests against “foreign meddling into the internal affairs of sovereign states” - no matter how well-argued or vehement they might be.

At the same time, the shift from legal to moral terrain facilitates the quick transition from “soft” to “hard” power, in the form of armed intervention. Armed with vast colonial/global experience, Western powers are quite aware of this, which is why they invest so much in various international committees, conferences, institutes, NGOs and media that “spread the religion” of R2P and related “idealistic” causes. And therein lies the key to raising Srebrenica to the level of a “morality tale” and “moral imperative,” and, thus, to the British initiative to use the 20<sup>th</sup> anniversary of the Srebrenica “genocide” as a vehicle for maximally focusing public and media attention not just on the “official” Srebrenica narrative but on the postulates of the “new and improved” interventionism, as embodied by the R2P doctrine, which is invoked several times in the failed Srebrenica resolution.<sup>45</sup>

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<sup>43</sup> <https://foreignpolicyblogs.com/2008/04/23/philanthropy-leaders-gather-for-annual-summit/>

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**INSTEAD OF A CONCLUSION: SREBRENICA IN THE SERVICE OF  
RESISTING CRUSADING WESTERN MORALISM**

The problem not just for Serbia and Republika Srpska but for other non-Western states as well, is that, thanks to the West's polished crusading moralism and their own media inferiority, instead of being proactive, they have been pushed into an essentially reactive, permanently defensive position, which has them constantly searching for “ripostes” to the unremitting, ideologically based geopolitical challenges coming from the West. To be sure, such countries also lack the cynicism of Western elites and their capacity to instrumentalize “ideals” – including those upon which their own societies ostensibly rest – in the cause of not only pragmatic, but openly aggressive/destructive policies. Differently from the Western powers, whose elites are armed with centuries' worth of experience in “morality instrumentalization,” many non-Western countries and/or cultures are more credulous – even naïve – believing that morality is not something to be (ab)used in the pursuit of concrete ends so much as something that should be aspired to. They wave the flags of morality, equality and sovereignty, while the West weaponizes them. At the same time, admittedly, the defense of national sovereignty against Western interventionism is driven not only by a (comparatively) static idealism and the lack of a universal counter-ideal, but also by an instinct for survival, as the sovereignty of states stands as perhaps the last barrier against rampant, ideologized and universalized Western expansionism, and one of the few ideological counterpoints to Western “humanitarian” imperialism.

In any case, the way things now stand, in the absence of a concretely formulated and operationalized counter-idea or ideology with universal reach, those that are compelled to constantly react against the permanent Western “humanitarian” offensive can still engage in an effective way – by targeting the very pillars of the legitimacy of Western interventionism, embodied in the R2P doctrine. For, if it can be demonstrated that one of its key symbols and rallying cries – Srebrenica – is a manipulation based on proven or provable falsehoods and/or exaggerations, that would represent a huge step in the delegitimization of a key part of the foundation of Western interventionism, which has become the main threat to global peace and security.

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## „PROJECT SREBRENICA” AS A VEHICLE OF WESTERN INTERVENT...

37. Ово је верзија преведена са УН-овог сајта 2015. године. Незнатно сведена верзија, на коју се и даље, носталгично, ослања ”Глобални центар за одговорност за заштиту”, се може наћи на: [http://www.globalr2p.org/about\\_r2p](http://www.globalr2p.org/about_r2p)
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# THE YUGOSLAV WAR CRIMES TRIBUNAL (HAGUE TRIBUNAL) AS A FUTURE CONFLICT SEEDING TOOL<sup>1</sup>

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**Abstract:** The Hague Tribunal for war crimes in former Yugoslavia was declared by its founders and operators a great success and pride of the so-called international community's efforts to punish criminals and to bring justice to the victims. Yet, its questionable and suspicious methods and dubious results are perceived as unjust, one-sided and prejudicious in the Balkans, and have already been used in political discourse there for national and religious mobilization in order to organize and prepare for confrontation with other nations and religious communities. This text attempts to present at least some of those perceptions.

**Key Words:** *ICTY, The Hague, The U.N. Criminal Tribunal, Yugoslavia*

## INTRODUCTION

“No one is happy and no one is satisfied,  
no one is at peace, and no one is serene.”<sup>3</sup>

The above quoted verses by the great 19<sup>th</sup> century Serbian poet, His Grace the Bishop and Sovereign Prince of the ecclesiastical state of “Black Mountain and the Hills,” Petar Petrović Njegoš, may most concisely describe the results of the Hague Tribunal's work as seen by the peoples of former Yugoslavia, especially Serbs and Croats. They also may be used to point out the perceived shortcomings of its prosecutorial competences since the late poet was almost put in the dock posthumously by the prosecutor of the U.N. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991<sup>4</sup>

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<sup>1</sup> “Injustice is the seed of future wars” – Carla Del Ponte, ICTY Prosecutor; *Politika*; Belgrade, Serbia; May 1-2, 2008; p. 33.

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<sup>3</sup> Njegos, Petar Petrovic; *The Mountain Wreath*; Izdavačko preduzeće “Rad”; Belgrade, Serbia; 1997; page 165.

<sup>4</sup> Here it is important to point out the curious date after which the Tribunal was given the authority to prosecute crimes—there was plenty of evidence of a variety of physical crimes against Serbs and their property in Croatia, and administrative genocidal crimes against Serbs in Macedonia (for example: this author's father had his surname “Macedonized” on his birth certificate, and most Serbs in Macedonia experienced the same fate, and Serbs were denied the very existence officially by the Skoplje government). Not one of those crimes was taken into consideration as a cause for the buildup

(in further text: ICTY or The Tribunal) Katrina Gustafson because of his *magnum opus* “The Mountain Wreath,” written almost 150 years before the civil war that devastated the Socialist Federative Republic of Yugoslavia even started. (InSerbia Today, 2014)

In spite of the tragic circumstances of the Hague trials, such outbursts of zeal for prosecution often brought a much-needed comic relief to the proceedings, and in the process strengthened the conviction about its dilettantism and levity in the minds of many Southern Slavs and other ex-Yugoslavs, who had already relished many an ICTY circus-like moment, such as the calling of an eyewitness of the alleged crimes of Serbia’s President Milošević, only to see a completely blind man mount the witness stand, as the trial was broadcasted live in the Balkans. The eyewitness later admitted that he didn’t see anything but only heard some third- and fourth hand village gossip. ICTY Rules of Procedure and Evidence, Rule 89(c), says: “A witness who has heard the testimony of another witness shall not for that reason alone be disqualified from testifying.” As Angela Stavrianou pointed out in her article Admissibility of Hearsay Evidence in the Special Court for Sierra Leone: “The Trial Chamber in the ICTY has held that the admission of hearsay does not compromise the rights of the accused.”

Therefore, for a reader of this text, who might find it expensive beyond the “typical”, “traditional”, “standard” and/or “acceptable” modern scholarly bounds and constrains, the author must emphasize the impossibility of any dealing with the ICTY, its origins, practice and/or conclusions within the perimeters of political and legal normalcy, or confines of pedantic scholarly processes. The methodology necessary for ICTY’s analysis, description, examination and discussion often lies, just as it does, in the realms of the irrational, mystical, farcical and the absurd, in spite of its supposed solid juristic and principled foundations and appearances in contemporary reality and its pretentions to establish such precedents for the future.

This work was based on the application of a variety of methodologies necessary in such an investigation: concrete historical and chronological description and study, factual and legal examination, analytical dissection, using both deduction and induction, establishing a variety of certainties and verities, all accurately and with exactness supported with material evidence and witness attestation (much greater than that used by the ICTY!), even if the only sources were the media and/or direct TV broadcasts—often used by the West as political tools in achieving its goals in the Balkans. When this is taken into consideration, any and all criticism of the sources fades into irrelevance since these are primary founts about the ICTY’s practices and principles. The author must admit that sarcasm was used too in order to expose the ICTY’s methodology in evidence gathering—since the ICTY allows hearsay, the author uses a form of it, although based on personal experiences, to prove the ICTY’s violations and wrongdoings.

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of inter-ethnic tensions in Yugoslavia, but a literary work from almost two centuries ago was cited as such by ICTY.

Thus, a holistic approach was applied, since only through the comprehension of the parts (and understanding them as intimately and organically interconnected, and only in such a way capable of creating the whole) may the entirety be understood. It is especially useful when studying and analyzing historical events, which the destruction of Yugoslavia most certainly was—and war (and other) crimes, being consequences of the destruction of the state, are historical events too, apart from being the subject of the ICTY's interest.

By investigating the ICTY phenomenon from so many angles, reductionism is avoided, which is the method too often applied in modern science, especially when the Balkans are in question. This work escapes reducing complex circumstances to a selected few occurrences, which corroborate a preconceived ideological/political necessity disguised as a thesis conclusion of an investigation of a fictional reality.

Before working on this investigation, the benefit of a doubt was extended to the so-called “international community” and the U.N., hoping that their involvement might benefit the inhabitants of the Balkans, and provide the so needed closure and reconciliation, which, in turn, would lead to peace and security. But, when the ICTY was “established” and started its production of “justice”, doubts grew and widened, and a need, a duty arose—a moral and humane obligation to critically examine the matter and leave a credible and reliable testimony that might aid in avoiding similar mistakes and crimes in the future.

The objective of this work was to analyze the judicial, ideological, political, historical, and other applicable processes and influences upon the planning, creation and management of the U.N. ICTY, and its labor in the field of international justice.

It is a matter of considerable importance not only because of what was seen by many as basic illegality of its creation, but also because none of the standard democratic and transparent proceedings and methods appeared to have been followed in its search for and implementation of justice.

In addition to that, the ICTY, not only did not follow traditional legal practices, but it didn't follow its own rules and procedures during the decades of its existence. It violated and changed its own rules and regulations, causing an avalanche of other illegalities and inappropriate behaviors by both its personnel and by international politicians.

There also were a few research questions that gave impetus to this work:

What were the ideological and psychological bases for such a forceful and uncompromising push toward the creation of the ICTY?

Why was it necessary to use military force and blatant political manipulation, and to use them so disproportionately, especially in the case of Serbia, so that “justice” could be achieved?

How was it possible that the leading legalist powers of the West (as they claim such distinction) disregarded the legal bases of a U.N. mandate in order to formulate and implement something that eventually amounted to a global public policy?

## THE YUGOSLAV WAR CRIMES TRIBUNAL AS A FUTURE CONFLICT...

What interests were so powerful as to make these same powers disregard a sacrosanct fundamental belief of all societies—the sanctity of judicial process—so as to break their own laws and rules in order to attempt to legalize what could be seen as criminal acts of violations of international law?

Were the beliefs in their own infallibility and power that what made the great powers of the West commit illegal and criminal acts (both directly and through the U.N.) before the eyes of the whole world and violate the most sacred human and property rights, setting a precedent for the future?

Was the use of the U.N. in this process a pattern that was envisioned by the West in its attempt to cement its gains after the Cold War and to acquire and secure its strategic positions for its continuous global dominance?

Did the West seek a new method of preserving dominance and acquiring resources by essentially destroying the U.N. and the sovereign states system, and opting for the creation of zones of no true sovereignty, in which it can dispense “justice” directly to those it controls, whom it may declare friends or foes at its own whim and need?

The primary hypothesis of this work comes out of the prerequisite hypothesis that there were no legal or moral bases for the ICTY’s creation, which caused the post factum face-saving transformation of the West’s political tool into a U.N. tribunal.

All problems and controversies originate in those fundamental wrongs.

A wide range of subjects and questions had to be examined and inquired in order to acquire a wider prospective of the circumstances, and to gain the proper understanding of the problem.

It wasn't only the matter of legal theory or of the proper administration of justice. Aside from history and geography, geo-strategy and politics had to be taken into consideration, along with the issues related to the wider international system and order, especially in the area of sovereignty and justice. In relation to that, a proper understanding of the state, state sovereignty, interstate relations and international organizations and institutions had to be studied. Due to contemporary developments in international relations, a realistic approach had to be applied so that the concepts of chaos, quasi-state, and international disorder could be analyzed and comprehended. Simultaneously, not only the basic terms and theories could be accepted as being of crucial importance for this work, but also their interpretations, tendencies in their current development, and their purposeful misappropriations. All of this not being enough, a wider, non-orthodox analytical and descriptive method and approach was applied—which might appear, if nothing else, at least as puzzling and disconcerting to the more academically rigid and politically correct types. But this author is of the kind that was forged and constituted on the classics and more libertarian scholarly works than on the modern dry and humorless products of the intellect. Another reason for the nonconformist and quasi-eccentric style and turn of phrase is the very nature of the ICTY, which, the author believes, allows its analyst and examiner to go beyond the standard and the prescribed—if the subject is

abnormal, anomalous and exceptional methods should be tested and exercised in order to understand it and expose its danger to the public.

In this context we may remember the great and controversial Hannah Arendt, and inverse her shocking conclusion about the banality and ordinariness of the criminals during the reign of Hitler in order to be repulsed by the even more disquietingly revolting banality and ordinariness of the stupefying bureaucrats gathered in the Hague by, as Helle Porsdam (2009, p.5) points it out, “the World’s Only Remaining Superpower,” so that its teleology may be fulfilled. Had the ancient tribal gods had such banal and ordinary prophets instead of the fiery and convincing ones, one might dare imagine a very dull world sluggishly inching to the teleological future prophesied by them.

The Nuremberg trials established a principle that:

*Individuals have international duties which transcend the national obligations of obedience imposed by the individual State. He who violates the laws of war cannot obtain immunity while acting in pursuance of the authority of the State if the State in authorising action moves outside its competence under international law*<sup>5</sup>

Yet, during the decades of the Tribunal’s operations it seemed all but abandoned and abolished by the individuals hired to break new ground in international law in the Hague. In the Western Balkans many sceptical intellectuals remembered the infamous agreement between Stalin and Churchill regarding the fate of the Nazis after WWII. According to Michael Bess (2006, p. 263), as Churchill wanted them executed Stalin reprimanded him that, “[i]n the Soviet Union, we never execute anyone without a trial.” Churchill reportedly snapped: “Of course, of course. We should give them a trial first.” Many a joke was cracked in ex-Yugoslavia, imagining Andrei Kozyrev similarly reprimanding the zealous-for-overcoming-the-Munich-Syndrome Madeleine Albright, or François Mitterrand likewise rebuking the even more eager Bill Clinton, desperate for proof of his foreign relations competence. Often, ex-Yugoslavs wondered who could reprimand the Hague judges for following what was perceived as the application of “The Führer Principle” all over again, although it was ruled unacceptable during the Judges Trial at Nuremberg. Of course, in the case of the Hague judges, the Führer was understood to be collective—the Washington/Brussels/London elites who uncompromisingly<sup>6</sup> commanded the world from the heights of their moral superiority.

Returning for a moment to the aforementioned Bishop-Prince Njegoš—he, although removed a century and a half from the events of the 1990s in Yugoslavia, and writing a work of poetry about occurrences that transpired a century before his time, was nevertheless abused by accusations of instigating a civil war in the

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<sup>5</sup> Judgment of the International Military Tribunal, Nuremberg, October 1946; Yale Law School; Lillian Goldman Law Library; The Avalon Project.

<sup>6</sup> As Madeleine Albright famously declared the U.N. Food and Agriculture Organization’s preliminary estimate of 567,000 deaths of Iraqi children an acceptable sacrifice in order to enforce sanctions on the Iraqi regime: “I think this is a very hard choice, but the price—we think the price is worth it.” – 60 Minutes TV show with Lesley Stahl; CBS News; May 12, 1996; [FAIR website](#).

Balkans. Yet, another religious leader, the Bishop of Rome, John Paul II, very much alive and most directly involved at the time of the Yugoslav armed conflict, was never brought at least to a witness stand, if not to the seat of the accused, for his state's and his personal verbal and actual participation in the preparation and execution of the destruction of a sovereign and founding member of the UN, whose tribunal The Hague spectacle was declared to be. Last president of Yugoslavia, Stipe Mesić, and first president of Slovenia, Milan Kučan, testified to that publicly:

*I wanted to convey the idea of the break-up of Yugoslavia to those who had the greatest influence on its fate, to Genscher and the Pope. In fact, I had three meetings with Genscher. He enabled a contact with the Holy See. The Pope and Genscher agreed with the total break-up of SFRY (Mesić, NTV, 1995). JUDGE MAY: [...] That is what Mr. Mesic said, something along those lines; is that right?*

THE WITNESS: (Interpretation) Yes. (Kučan, ICTY Cross-examination, 2003).

That perceived omission of duty by ICTY is not going to be forgotten—at least not by the Serbs—since the 1946 Nuremberg Judgment of the International Military Tribunal ruled that “the [Nuremberg] Charter makes the planning or waging of a war of aggression or a war in violation of international treaties a crime,” and “Article 7 of its Charter expressly declares: The official position of defendants, whether as Heads of State, or responsible officials in government departments, shall not be considered as freeing them from responsibility, or mitigating punishment.”

### **A SURPRISING COMMON AGREEMENT ON THE NEED FOR A WAR CRIMES TRIBUNAL**

A surprising thing happened in ex-Yugoslavia—overwhelming majorities of each nation, ethnic minorities and religious communities, that seemed not to be able to agree on anything, agreed that there was a need for a war crimes tribunal. In the case of non-Serbs, it looked as if they expected it to be only for “others” (mostly meaning the Serbs), for “our people” didn’t commit any crimes but “we defended ourselves from Serb aggression”—every non-Serb group astoundingly believed and claimed it. Most Serbs also seemed to have wanted a Tribunal to be established, mostly hoping that this time around crimes against Serbs would get punished, but also, most Serbian intellectuals wanted the Tribunal to process Serbian individuals suspected of war crimes so that collective Serbian responsibility, so strongly propagated by many in the Western media, some Western politicians, and other ex-Yugoslavs, could be avoided.

After ICTY was established and started trying suspects, there was an almost euphoric support for it among Croats, Bosno-Herzegovin and Serbia’s Moslems (Albanian and Slavic), since it was mostly Serbs that ended up in the dock. As soon as non-Serbs started getting indicted and arrested, a terrible anti-climax was experienced among Croat Catholics and Moslems from Bosnia and Herzegovina. Even prominent politicians and intellectuals of those ex-Yugoslavs came out against the Tribunal and published very critical works about it and the West in general.

(Pečarić, Stih, 2001) The same pattern was noticed when the turn came for Serbian Albanians to be indicted and taken to the Hague, after the initial almost unanimous support for it waned among them. (RTS, March 16, 2011)

As time passed, a matter that seemed to be uniting all former Yugoslav nations and groups in mistrust and condemnation of the Tribunal arose: the perceived ICTY's total blindness to the crimes committed by anyone from the so-called West, especially the US. It revived the old proverb from the era of Moslem occupation, attesting the impotence of the conquered and disempowered, "The Qadi accuses you—the qadi judges you." (Ranke, 1829, p. 59) ICTY dismissed such opinions, stating that its jurisdiction was limited only to the unfortunate souls on the territory of the Former Yugoslavia, but many people still point out that one of the individuals perceived as most responsible for the civil war in Bosnia and Herzegovina was the US ambassador to Yugoslavia, Warren Zimmerman, who actually was physically in the country during the period of time ICTY's mandate covered, but was never indicted for the greatest of all crimes—crime against peace. Not only was he responsible for preventing the Yugoslav authorities to stop the armed conflict in the first place, as Jean Bricmont states in his book "Humanitarian Imperialism: Using Human Rights to Sell War":

*[...] of the Lisbon agreements of February 1992, the Canadian Ambassador to Yugoslavia at the time, James Bissett, has written, 'The entire diplomatic corps was very happy that the civil war had been avoided – except the Americans. The American Ambassador, Warren Zimmerman, immediately took off for Sarajevo to convince [the Bosnian Muslim leader] Izetbegovic not to sign the agreement.' Zimmerman later admitted this, although he claimed, implausibly, just to be helping Izetbegovic out of an agreement with which the latter was uncomfortable. However, according to 'a high-ranking State Department official who asked not to be identified,' quoted in the New York Times, 'The policy was to encourage Izetbegovic to break the partition plan. It was not committed to paper.' That was Bush Sr. (2006, p. 50-51)*

He also was crucial in causing Bosnia and Herzegovina's Moslems to break the Cutilhiero peace agreement reached in Lisbon, Portugal, in February 1992, opening the way for war, as the Canadian ambassador to Yugoslavia, James Bissett, testified, according to Andy Wilcoxson, on [slobodan-milosevic.org](http://slobodan-milosevic.org):

*The former Canadian ambassador testified that American interference caused war to erupt in Bosnia and Kosovo. He testified that in March 1992 (one month before the outbreak of war in Bosnia) Portuguese diplomat Jose Cutilhiero brokered a peace agreement in Lisbon between Bosnia's Serbs, Croats, and Muslims. Bissett said that the agreement had been signed by Karadzic for the Serbs, Boban for the Croats, and Izetbegovic for the Muslims. The witness, a career diplomat, believed that the Cutilhiero plan was a good plan that would have avoided war in Bosnia if it had been implemented. Unfortunately the Cutilhiero plan was never implemented. Bissett testified that the American ambassador to Yugoslavia, Warren Zimmerman, flew to Sarajevo and met with Izetbegovic. He testified that Zimmerman sabotaged*

*the peace plan by encouraging Izetbegovic to remove his signature from the agreement. Soon after his meeting with Zimmerman, Izetbegovic reneged on the agreement and civil war broke out in Bosnia. Far from being the peace seeking humanitarians they claimed to be, Bisset testified that the Clinton Administration prolonged the Bosnian war by sabotaging the Vance-Owen plan and the Owen-Stoltenberg plan (2006).*

The Recommendations in ICTY's Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia are still remembered in the Balkans as one of many examples of Western hypocrisy:

*NATO has admitted that mistakes did occur during the bombing campaign; errors of judgment may also have occurred. Selection of certain objectives for attack may be subject to legal debate. On the basis of the information reviewed, however, the committee is of the opinion that neither an in-depth investigation related to the bombing campaign as a whole nor investigations related to specific incidents are justified. In all cases, either the law is not sufficiently clear or investigations are unlikely to result in the acquisition of sufficient evidence to substantiate charges against high level accused or against lower accused for particularly heinous offences. 91. On the basis of information available, the committee recommends that no investigation be commenced by the OTP in relation to the NATO bombing campaign or incidents occurring during the campaign (ICTY, no date given).*

Another US citizen, as Jared Israel points it out in his article "The Boss Pushes for Civil War in Yugoslavia":

was ambassador to Croatia during the planning and execution of Operation Storm. In that massive military assault, during which he was shown on Croatian TV riding a tank, 250,000 Serbs, mostly farming families, were driven from their ancestral lands by the Croatian Army (Israel, 1999)

Yet, he was never brought to justice but advanced in his diplomatic career.

Pointing out such examples is not simply a case of a *tu quoque* attempt at defense or evasion of guilt, a defense strategy declared unacceptable at Nuremberg (Heise, 2006), but a legitimate complaint and a serious warning about violations of most basic moral rules, and an accusation of a breach of legal professional duty by the very "measure" (this term will be explained later) that was supposedly created in order to ensure legality and legitimacy, and to provide an example of a possible global methodology for achieving long-term, if not permanent, security, justice and peace of mind in international affairs.

### **THE BELIEF IN THE ILLEGALITY OF ICTY BY MANY EX-YUGOSLAVS, ESPECIALLY THE SERBS**

Although it was a person with a rare form of brain cancer who is believed in the West to have coined the phrase "perception is reality," (Kelner, 2014) the Yugoslav peoples seem to have constructed their own reality about the Tribunal based on their

own perceptions of it—a reality very different from the one created by those who believe that they are fashioning and managing global opinions.

Starting with the very legality of the creation of the Tribunal, and ending with its declaration of successfully fulfilling its own self-proclaimed mission, there is a whole range of points that pierce the smooth and level ground presented to the world as a new foundation upon which the New World Order's edifice of peaceful coexistence is to be built—each hole in this fertile soil of doubt and suspicion is a growing medium for the germination of seeds of future discord, hatred, and desire for revenge and wars in the Balkans.

Even the groups that profited most from the Tribunal's perceived tampering with justice are aware that in a different disposition of geopolitical moods and caprices they could have been on the losing side, and they murmur behind the backs of the West's strongmen and warlords<sup>7</sup> that the proud tower of their imagined success is built on very shaky grounds—most specifically because the starting point of the Tribunal is generally believed to have been illegal, thus, in many a person's mind, rendering every and all of its rulings null and void, and yet another vain exercise in projection and imposition of power and might that make right.

Most legal scholars, even if they would not admit it publicly for fear of retribution by the West, are acutely aware of the UN Security Council's legal incapacity to create by *fiat* a subsidiary body dedicated to criminal justice. This belief in the West's *fiat* is supported strongly by a famous event, as reported by a US official, James Rubin (Thakur, 2013, p. 146)—Madeleine Albright's infamous reply to the British Foreign Secretary Robin Cook, when told by him that the British government “had problems with their lawyers [who believed] it was illegal [to attack Serbia]. Albright's response was to ‘Get More Lawyers’”, apparently to give the politically, if not legally, correct answer she sought, and eventually received.

At the time of its creation, the Secretary General of the UN, Boutros Boutros-Ghali, warned the world body that the procedures are being violated, since there is no universal legislative organ that could create the Tribunal:

*The approach which in the normal course of events would be followed in establishing an international tribunal would be the conclusion of a treaty by which the member states would establish a tribunal and approve its statute. This treaty would be drawn up and adopted by an appropriate international body (e.g. the General Assembly or a specially convened conference), following which it would be opened for signing and ratification. Such an approach would have the advantage of allowing for a detailed examination and elaboration of all issues pertaining to the establishment of the international tribunal. It would also allow the states participating in the negotiation and conclusion of the treaty to fully exercise their sovereign will in particular whether they wish to become parties to the treaty or not. (Boutros-Ghali, 1993, Section 18)*

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<sup>7</sup> This male-dominant characterization is not only politically incorrect but factually inappropriate too—many of the most radical and ruthlessly militant Western leaders were female.

## THE YUGOSLAV WAR CRIMES TRIBUNAL AS A FUTURE CONFLICT...

The very UNSC Resolution that was used to create the Tribunal made it very clear that semantics didn't play a significant role in the minds of its writers, turning the Tribunal into a "measure" instead of "institution," by interpreting the clause of Chapter VII of the UN Charter as giving the Security Council the right to take measures to maintain or restore international peace and security. Even this was conveniently ignored when NATO attacked Yugoslavia in 1999, since there was no international war going on, until NATO violated the peace and created conditions of incredible insecurity by its bombs.

Boutros-Ghali also made it very clear that "this approach would have the advantage of being expeditious and immediately effective," (Boutros-Ghali, 1993, Section 23) thus substituting political expediency of the US for legality and proper form.

Another important matter in international law and custom was abolished by this illegal act—the positive international law that, through the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 and the Geneva Conventions of 1949, entrusted prosecution of those crimes to national courts of the signatory states. It was suspended and competence of national courts was annulled. This decision by the UNSC not only did that but it also allowed ICTY, by its Statute's Article 15, to create its own rules and to be its own legislator.

The *ultra vires* action by the UNSC, at the time when Russia and China were politically incapacitated, is seen as a self-abrogating deed since the UN Charter's Chapter VII, which was used for its supposed legality, didn't give it such a competence and was limited to the sphere of international security. Judicial matters were to be handled by the International Court of Justice only. Yet, the US, the main power that pushed for the creation of ICTY, withdrew from ICJ in 1986 after it ruled against what the US perceived as its interest, and later decided to accept the court's jurisdiction only on a case-by-case basis. The US also regularly uses its veto power to prevent any enforcement of the court's decisions by the UN Security Council's resolutions.

In addition to this, all legal scholars (and most of educated people in the Balkans) know that the US never submitted itself to the jurisdiction of the International Criminal Court, in spite of the Clinton administration's toying with it by signing the Rome Statute in 2000 but never submitting the treaty for the Senate's ratification. To bring the level of hypocrisy to a new height, the US Congress passed a law in 2002—The American Service-Members' Protection Act—its Title 2 authorizes the US President to "use all means necessary and appropriate to bring about the release of any U.S. or allied personnel being detained by, on behalf of, or at the request of the International Criminal Court."

To ensure the West's complete moral bankruptcy in the eyes of ex-Yugoslavs, the US also developed a legal loophole by citing the Rome Statute's Article 98 as a basis for bilateral immunity agreements with foreign governments, which prohibit transfer of US citizens to the custody of ICC, even if a state has signed and ratified the Rome Statute. The European Union attempted to pose as an upholder of

international law and justice in 2002 by issuing a common EU position that “candidate states” may enter “into US agreements” “tak[ing] into account that some persons enjoy State or diplomatic immunity” and are “present on the territory of a requested State because they have been sent by a sending State.” (General Affairs and External Relations Council of the European Commission, p.10) It is a common joke in the Balkans that such “powerful and sovereign” states as Albania, Bosnia-Herzegovina, Macedonia and Montenegro have concluded the infamous Article 98 agreement with the US (Georgetown Law Library, Article 98 Agreements Research Guide), while Kosovo incorporated into Article 153 of its “sovereign” Constitution the provision that the “final authority in theatre” is “the Head of the international military presence,” which in reality means it is the US. In 2006, Serbia’s new pro-US/NATO government also signed (Srbija Danas, 2016) a special agreement with NATO—of which the US is the undisputed leader—which was reconfirmed in 2016 by her newer even more pro-US/NATO government. This agreement gives an unimpeded access and immunity to NATO troops to the supposedly sovereign territory of Serbia, and guarantees that the “authorities” of Serbia shall not detain NATO personnel. In 2003, Croatia and Slovenia “suffered” the loss of US military aid by not signing the agreement, in their attempt to please their Brussels EU overlords, but by being NATO members they fall under direct control by the US through NATO’s command structures and political architecture, and their own troops have gained immunity from prosecution, at least in Serbia. Thus, not a single thinking person in ex-Yugoslavia may be fooled into believing the high moral ground posture by the US, UK, France etc.—all of whom are the main powers behind the Tribunal’s crusade for justice.

### **PROBLEMS WITH ICTY BEING USED AS A POLITICAL TOOL OF THE WEST**

No one proclaimed it more publicly and with less worry about the consequences of his words than the US Ambassador Richard Holbrooke in his 2003 BBC radio interview “United Nations or Not?": [ICTY is a] “huge valuable tool,” and “[Karadžić and Mladić, being indicted by the Hague,] [t]hey cannot participate in an international peace conference of any sort.” It must be pointed out that, at least according to a US history professor and a Balkans expert, Charles Ingrao, who states in the Deutsche Welle 2008 interview “Holbrooke promised Karadžić that he wouldn’t be arrested”, that the US State Department revealed that Ambassador Holbrooke used ICTY as a political bargaining chip, Ambassador Holbrooke totally disregarded the justice principle by “promising Karadžić freedom from arrest if he stepped down from office and disappeared,” allowing in this manner the more malleable Serbia’s president Milošević to be the official legal representative of the Bosnia-Herzegovina Serbs at the Dayton Peace Conference. Since then, many a person in the Balkans commented that Milošević’s citizens suffered UN sanctions for years because the US claimed that he didn’t have the right to interfere in the affairs of the independent and sovereign state of Bosnia and Herzegovina, only to become, by the will of the US, a sole representative of one of Bosnia-Herzegovina’s

ethnic groups at a major international conference concerned with the most crucial matter for that state—peace.

One of the most problematic matters with ICTY were its “sealed indictments,” (Stover, 2011, p. 36-37) introduced by a Canadian judge, Louise Arbour, which instituted uncertainty and fear in the political leaders in the Balkans, especially among the Serbs, for no one knew if one were walking into a trap, or into a meeting to negotiate with one’s ex-Yugoslav opponents or Western representatives. This psychological state of the Serbian politicians, who were the primary recipients of the negative *stimuli* (hunts, arrests, loss of dignity, office and property), developed the "gambling behavior" caused by the West’s variation in behavior reinforcement schedule, and award/punishment outcome of it—they never knew if they would end up in the Hague or be praised as peacemakers and partners. As the experiments with laboratory rats showed, the organism put on this "variable ration schedule" keeps repeating and maintaining over long stretches of time the behavior caused by even the once experienced reward or punishment (especially the punishment), causing, in this case, the Serbian officials to respond to the West's each and every stimulus, regardless of its value, perpetuating the confusion by responding in hope of eventually guessing correctly and getting an award instead of punishment.

Another ICTY Prosecutor, Carla del Ponte, made it very clear that the Tribunal was a political tool of the West when she stated that “the primary focus of the Office of the Prosecutor must be on the investigation and prosecution of the five leaders of the FRY and Serbia who have already been indicted” (Stover, 2011, p. 36-37), but said not a word on ICTY’s plans to indict any of the Western leaders who were responsible for many a crime during NATO’s illegal bombing of Serbia in 1999, besides being guilty of the supreme of all crimes—crime against peace, as that clearly was the objective of the failed Interim Agreement for Peace and Self-Government In Kosovo, which negotiating took place at the summer residence of the presidents of the French republic at Rambouillet castle near Paris in February 1999, and which text later served as a basis for the U.N. Security Council Resolution 1244, expanding all the NATO-demanded immunities and privileges to the U.N. personnel in the occupied Kosovo. Although the U.S. President Clinton, in his 1999 Remarks at the Legislative Convention of the American Federation of State, County, and Municipal Employees, claimed that "Milosevic, on the other hand, [...] refused even to discuss key elements of the agreement", the highest official of the U.S. executive branch of the government did not disclose the fact that the so-called negotiations were held in the most hostile manner towards the Serbs, and that the so-called peace agreement contained secret clauses that not only completely negated the sovereignty and freedom of Serbia if signed, but it also was to change fundamentally the property relations and the management of the country's resources and economy. It was an ultimatum<sup>8</sup> designed to be rejected so that a war could be started.

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<sup>8</sup> Not even a year later, U.S. ambassador Richard Holbrooke's assistant Jonathan Levitsky proudly stated to the author of this text (at the U.S. mission to the U.N.) that he was "the author of the

Another proof that the Tribunal was part of the well planned and executed US political plot are the words by the U.S. congressman Tom Lantos (D-CA), Chairman of the Foreign Affairs Committee of the U.S. House of Representatives, as quoted in *The Outlook for the Independence of Kosova*, at the Hearing before the Committee on Foreign Affairs of the US House of Representatives:

*Just a reminder to the predominantly Muslim-led government[s] in this world that here is yet another example that the United States leads the way for the creation of a predominantly Muslim country in the very heart of Europe. This should be noted by both responsible leaders of Islamic governments, such as Indonesia, and also by jihadists of all color and hue. The United States' principles are universal, and in this instance, the United States stands foursquare for the creation of an overwhelmingly Muslim country in the very heart of Europe (2007, p. 16).*

During NATO's destruction of Yugoslavia, its spokesperson, Jamie Shea, also made it very clear to the viewers of the May 1999 NATO press conference that ICTY was a political tool of the US and NATO:

*As you know, without NATO countries there would be no International Court of Justice, nor would there be any International Criminal Tribunal for the former Yugoslavia because NATO countries are in the forefront of those who have established these two tribunals, who fund these tribunals and who support on a daily basis their activities. We are the upholders, not the violators, of international law. We obviously recognise the jurisdiction of these tribunals, but I can assure you, when these tribunals look at Yugoslavia I think they will find themselves fully occupied with the far more obvious breaches of international law that have been committed by Belgrade than any hypothetical breaches that may have occurred by the NATO countries, and I expect that to apply to both. So that is our position on that, we recognise international law, in fact we recognise international law so much that when we see a massive violation of it, [...], we don't just shout about it, we do something to stop it because we uphold international law. The charge by Yugoslavia was brought under the genocide convention. That does not apply to NATO countries. As to whom it does apply, I think we know the answer there.*

Justice Louise Arbour finalized this conclusion during a joint press conference with the US Secretary of State Madeleine K. Albright in Washington, DC, on April 30, 1999, when she said:

*We have long-standing relationships with [NATO] information providers. We are now looking at trying to accelerate the flow of that kind of information and the quality of the product. [...] It's a dialogue and a partnership that we have to maintain. [...] we have partners who have the political will and the operational skills to execute arrest warrants even in hostile environments. [...] we've now put in place mechanisms that allow us, in partnership with many others who are in the field in Albania and in Macedonia, to try to process refugee accounts and, from our point of view, select those who will provide the best base for a court case.*

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Rambouillet Accord", and that he "used the 1914 Austro-Hungarian ultimatum to Serbia as a blueprint" for it, so that the Serbs would not sign it and thus provide an opening for the bombing by NATO.

**PROBLEMS WITH RULES OF PROCEDURE AND EVIDENCE AT ICTY**

Due to the lack of space, only the most serious and damaging to the course of justice ICTY's rules of procedure and evidence shall be listed and very briefly commented upon here.

The Tribunal adapted practices from different judicial traditions, but only as they suited its general purpose of achieving the West's political goals, while disregarding any and all safeguards so valiantly fought for over many centuries in order to guarantee impartiality and trustworthiness of courts and the legal profession. The Hague shall be remembered for the most unprecedented and damaging mix of rules, of which even the infamous Spanish Inquisition or Stalinist courts couldn't be accused, that include: amending the rules with disregard to their prejudice of the rights of the accused; amendments had the power of *ex post facto* law; the rules may be amended with no discussion if the judges accept them unanimously; the Prosecutor may create his/her own rules but the Defense was not given such rights; the Prosecutor was declared an organ of the Tribunal, which also has the right to propose amendments to the rules; the Prosecution may refuse access to the evidence to the Defense and may present the reasons for such refusal to the Judges without the Defense being present or having a right to challenge them; the Tribunal may prohibit the disclosure of the indictment, any documents or information to the Defense; admission of hearsay evidence; anonymous witness testimonies; allowing witnesses to refuse to appear in court and permanent concealment of his/her identity; expunging names and identifying information from public record; closed hearings (which is basically a secret trial); no jury (which might have brought common sense into the courtroom); use of sealed indictments<sup>9</sup>; facts, documents and information may be concealed from the general public, especially if such could be contrary to or affect the interest of any state (one may suspect it is of the US and its vassals); detention of non-indicted suspects for up to 90 days, with no evidence required; allowing the arrest of a suspect who was already acquitted (and then allowing his detention for 90 days with no reason stated); allowing forced self-incrimination; presumption of free and voluntary confessions, even after such long detention without indictments and evidence, with the prisoner being burdened with the proof to the contrary; allowing for modification of the conditions of detention<sup>10</sup>; the Registrar having the right to disqualify any counsel almost arbitrarily, even if being felt unfriendly to the Tribunal; limiting the number of lawyers based on the conclusion that there already are too many representing a certain individual; the

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<sup>9</sup> A study of Bosnian judges revealed that the Moslem judges "generally found the sealed indictments acceptable," reasoning that "because Bosnia was 'totally undemocratic'" such practice was OK. - International Law and Society: Empirical Approaches to Human Rights; edited by Laura A. Dickinson; Chapter 7; Justice, Accountability and Social Reconstruction: An Interview Study of Bosnian Judges and Prosecutors, by The Human Rights Center and the International Human Rights Law Clinic, University of California, Berkeley, and the Centre for Human Rights, University of Sarajevo; Routledge; 2017.

<sup>10</sup> Serbs were generally denied this even for medical life-threatening reasons while, for example, a Croatian general Tihomir Blaškić was allowed to await trial in a private villa.

Tribunal allowed itself to be funded, staffed and assisted by private citizens, NGOs, corporations, military alliances and governments that had direct stake in the results of the trials, and who were practically immune from the Tribunal.

As Gabrielle Kirk McDonald, a US citizen and an ICTY president, pointed out during his 1999 statement before the US Supreme Court:

*We benefited from the strong support of concerned governments and dedicated individuals such as Secretary Albright. As the permanent representative to the United Nations, she had worked with unceasing resolve to establish the Tribunal. Indeed, we often refer to her as the 'mother of the Tribunal.*

### **THE PROBLEM OF BIASED AND SELECTIVE INDICTMENTS**

In a civilized society only difference in kind warrants difference in treatment. Today, we are experiencing plenty of concerns by human rights groups and legal scholars in the US because of the disproportionate numbers minorities in US prisons. The latest National Geographic magazine published an article “The Stop,” that starts with these powerful words: “Black motorists are pulled over by police at rates exceeding those for whites. It’s a flash point in the national debate over race, as many minorities see a troubling message: You don’t belong here.”(2018, p. 100) Yet, at the UN’s own tribunal, as published by ICTY’s November 2017 Key Figures of the Cases, there was little regard for incredible disproportionality in the numbers of Serbs who were indicted, detained and sentenced, and/or died in the process. Even if such concerns were voiced by conscientious observers, they were dismissed by explanations that Serbs committed more crimes than others in ex-Yugoslavia. We wouldn’t even have to imagine the outrage, since that would be the most common result if such simplistic statements were offered as official explanation for the disproportionate numbers of detentions and incarcerations of minorities in the US.

Today, after ICTY has closed its doors, most Serbs, in addition to asking the question about their right as a nation “to belong here,” believe that a kind of *nouveau* demonism was used in the West’s discourse and dealings with the Balkans, and especially the Serbs, and that a pathological prospective of deviance was also utilized to present 19<sup>th</sup> century quasi scientific ideas, disguised by the latest PR speech and spin as something modern and acceptable, in order to establish a fundamental difference between the individuals and societies declared progressive, well-adjusted, stable and advanced<sup>11</sup>, and those that are deemed backward, traditionally unstable, pathologically self-destructive and retarded. In the case of the Balkan peoples, and especially the Serbs, it wasn’t demons and angels that were pulled out in front of

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<sup>11</sup> The author's personal experience is a testimony to this search for the stigmata of the Serbian pathological atavist within: An American journalist, who, in 1992, interviewed the author together with a visiting Croatian journalist, could not, as she said, suppress her surprise upon realizing that the white-skinned, blue-eyed, English speaking individual before her, who was shaved and wore a suit and a tie, was a Serb, while the dark-skinned, black-eyed, bearded, and non-English-speaking one was a Croat. She expressed such sub-conscious racist impressions even in the published text of the interview. See: Purdy, Penelope; Tales of anguish revealed in soft voices; The Denver Post; June 28, 1992.

audiences, but the "doctored" theories of Darwin, Smith and many of the contemporary proponents of their ideas, which they carefully selected and often did not fully quote. Although this pathological prospective tried to look modern and scientific, there was an overlying aspect of demonist medievalism in it—in the end, the "others" were hurting "us" and had to be eliminated. It was highly moralistic, creating the categories of superior and inferior, although it appeared biologically deterministic, disguised as science, presenting evidence of pathology in the dysgenic heritage of the opponents, who were not only reduced to individuals who carry a disease in their very being (as quoted from Western media by Savich, 2000), but who were also not capable even of understanding the benefits of the superior civilization and who, thus, had to be turned into an example, punished, and, if not eliminated, at least contained, controlled and reduced in numbers, and to a minimal territory where they will not interfere with progress and advancement of the human race. Such opinions came from top down since the 1990s, when then US Senator Biden (later US Vice President) declared the Serbs as "a bunch of illiterate degenerates, baby killers, butchers, and rapists," as cited by Malić in his 2009 "Biden does the Balkans" article.

It wasn't only this racist approach to Serbs' indictments that made even ICTY-supporting Serbs outraged: some of the suspects seem to have been selected simply as a political payback to the local officials for their fulfillment of the West's interests in ex-Yugoslavia. The most blatant example might be the case of Dr. Vojislav Šešelj, who was indicted, according to ICTY's Prosecutor Carla Del Ponte, at the request of the then Prime Minister of Serbia, Zoran Djindjić, who, she, as reported by Belgrade's Politika in 2008, claimed in her book "The Hunt: Me and the War Criminals," said to her: "Take Šešelj away and don't return him to us again." Dr. Šešelj actually surrendered to the Tribunal voluntarily and spent 11 ½ years there, only to be completely acquitted and released in 2014, returning to Serbia and ever since actively participating in the political life there, together with most of the other political leaders who were in charge of Serbia's affairs during the hostilities the Hague was supposed to investigate and punish. (Yet, at the very finalization of this text, news came from The Hague that ICTY partially overturned the acquittal. It also, sentenced him to 10 years in prison, thus, according to many shocked legal scholars, acting beyond the traditional appellate court's scope of not being able to pass a final sentence but only to rule on the lower court's one. But, with ICTY, as with an unjust God, all things are possible.)

With such history, one may ask how many Serbian political leaders might have cut a deal with the Tribunal, or the US, in order to avoid being indicted, or not arrested due to a "sealed indictment"?

One of them might be the infamous writer and "master of Serbia's public squares" in the 1990s, Vuk Drašković. Although he used a more inflammatory language in his nationalistic and anti-Moslem speeches than did Dr. Šešelj, Drašković was never arrested and taken into custody, in spite of rumors of a "sealed indictment" against him. He even became a foreign minister of Yugoslavia in 2004,

after a regime change that overthrew Milošević. This writer remembers the proud bragging by a Bosnian Moslem interpreter during the Washington, DC February 2004 Prayer Breakfast gatherings at the Hilton, telling her audience that Mr. Drašković was “worked over” by a representative of the US Institute for Peace in order to be ready for his government position the following month in Belgrade. During Drašković’s term of office, the infamous NATO-Serbia agreement was signed—many suspect in exchange for his freedom. Drašković shocked many in Serbia by his turnabout, transforming himself from a verbally murderous chauvinist into the greatest proponent of the West’s superiority and Serbian people’s genetic deficiencies and eternal guilt for the evils of the Yugoslav civil wars.

Another very interesting case is that of the French citizen and Foreign Legion’s *caporal-chef*, and later Croatian General Ante Gotovina, who was indicted in 2001, and then promptly disappeared, only to be captured in Spain (in the Canary Islands, in 2005). Many Croats, especially the multitudes who fought for what they believed was the liberation of Croatia from Serbian occupation, were angered by the indictment of their national hero, and even more by the Croatian government’s alleged collaboration in his capture, and believed that their government exchanged him for the future membership in the EU and NATO. During his disappearance, General Gotovina was believed to be hiding in one of many Roman Catholic monasteries in Croatia but this writer had an almost surreal experience during one of his trips to San Francisco, in the spring of 2006, when a young Mexican stopped him on the street and started crying, claiming that he looked like his “lover, the greatest hero of his people.” After a long and emotionally charged conversation with the youth, this writer learned that, according to this young man’s testimony, General Gotovina had lived with him, with the US authorities’ awareness of it, in a hotel in San Francisco, until he decided to go to the Canary Islands, in spite of his lover’s pleadings not to do so. If we accept the already mentioned ICTY’s ruling that the admission even of hearsay did not compromise the rights of the accused, this “lover’s testimony” would have had even more weight than hearsay since it would have come from a first-hand source.

To illustrate the Hague’s bias in selecting the individuals to be indicted for various crimes in the territory of ex-Yugoslavia, one only need quote the main Western leaders from the time of the so-called Kosovo War, starting with the first female US Secretary of State, Madeleine Albright, who, during an NPR 2013 interview, admitted "what we did there was not legal." In addition to this main initiator of the attacks on Serbia, as May 1999 Isaacson’s Time magazine article pointed out, we may remember that in March 2014, Gerhard Schröder, German Chancellor at the time of the NATO-governments' bombing of Serbia in 1999, said, as reported by TANJUG in 2014, during a gathering organized by the weekly Die Zeit in Hamburg: "We sent our planes there... against Serbia, and together with NATO forces bombed a sovereign state, and at the same time there was no decision of the UN Security Council."

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Even NATO itself, as an institution, admitted officially that its "Operation Allied Force was launched despite the lack of Security Council authorisation," in its Fact Sheet "Russia's accusations - setting the record straight," of April 13, 2014.

Being acutely aware that they were committing serious violations of both international<sup>12</sup> and domestic laws and principles<sup>13</sup>, and especially concerned about being accused of the crime against peace<sup>14</sup>, the Western leaders made certain, from the beginning of the "war", that there was no official declaration of war by any of the states involved in the aggression on Serbia. George Robertson, the UK Defence Secretary, being questioned in the Parliament about the possibility of British casualties during the "war" against Yugoslavia, responded: "[The military experts he listens to] rightly warn that we cannot have a casualty-free war. This is not a war." The Chairman, then, asked: "Having clarified their legal status, I presume there will be no formal declaration of war." Mr. Robertson responded: "It is not a war." The Chairman asked: "If a NATO pilot is shot down [...] what under the Geneva Convention [...] can [he] demand under international law?" Mr. Robertson, as the whole testimony was reported in the 1999 UK Select Committee on Defence Minutes of Evidence, responded:

*The full protection of the Geneva Conventions. [...] All parties to any conflict must be bound by the GC. [...] This is not a war. We are not declaring war on Serbia. We are not bombing Serbia. We are damaging the military capability to destroy civilians in that part of the world.*

Yet, the Tribunal, in its pursuit of transitional justice, indicted not one of the Western leaders for any of the crimes ICTY was established to punish. The peoples of ex-Yugoslavia certainly don't seem disposed to forget that.

### **PROBLEMS WITH DEATHS ON THE WAY TO THE HAGUE AND IN ITS CUSTODY**

Hitler's close associate, Göring, committed suicide in his cell at Nuremberg, after having been sentenced to death. Croatian Republic of Herzeg-Bosnia General Praljak did it even more flamboyantly by swallowing poison right there in the courtroom after rejecting his final guilty verdict. The most incredible part of this 2017 suicide by a war criminal is the fact that reportedly no real and necessary medications were able to be brought to President Milošević, due to strict security measures at ICTY, but a deadly poison somehow passed into the hands of a convicted war criminal so that he could perform a theatrical act before the Tribunal and win

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<sup>12</sup> Montevideo Convention on the Rights and Duties of States; Article 11; Montevideo, Uruguay; December 26, 1933.

<sup>13</sup> The U.N. General Assembly Resolution 2131 (XX); Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty.

<sup>14</sup> The Nuremberg Final Declaration; 1946: "To initiate a war of aggression is not only an international crime; it is the supreme international crime, differing only from other war crimes in that it contains within itself the accumulated evil of the whole."

eternal glory and sympathy in the hearts and minds of his compatriots and coreligionists in Croatia and Bosnia-Herzegovina.

There is no need to remind anyone that President Milošević's 2006 death was officially declared to be "a heart attack" and not murder, as it is widely believed it was. It is necessary to point out at least a few other deaths (mostly Serbs), either in ICTY's custody, on the way there, or during their temporary release from ICTY (as many people suspect, only so that they wouldn't die in custody): Slavko Dokmanović (in detention, June 1998); Simo Drljača (before his transfer to The Hague); a forensic pathologist, Dušan Dunjić, in a Hague hotel, just before his important testimony in the case of General Ratko Mladić; Dr. Milan Kovačević (1998); Milan Babić (2006); General Zdravko Tolimir (2016); Miroslav Deronjić (2007); General Mile Mrkšić (2017, in prison, in Portugal); President Goran Hadžić, died in 2016 (while temporarily released), as did Generals Djordje Djukić, in 1996, Momir Tarlać, in 2002, and Milan Gvero, in 2013.

Any institution charged with bringing people to justice, with such a death rate of suspects or sentenced prisoners, would come under extreme scrutiny. But not ICTY. Yet, it is one more element in the buildup of the belief in incredible misuse of justice at The Hague, especially among the Serbs, that will not die as easily as the "international community" might wish it would happen.

#### **DISPARITY IN ACQUITTALS AND THE LENGTH OF SENTENCES BASED ON SUSPECT AND CONVICT NATIONALITY AND RELIGION**

Having myself worked on evidence gathering for the Croat-Moslem run Čelebići camp case, I can find that it is at least shocking, if nothing else, how Zejnil Delalić, the 1992 Coordinator of the Bosnian Muslim and Bosnian Croat forces in the Konjic area and Commander of the First Tactical Group of the Bosnian Army was acquitted because, as reported by The Hague Justice Portal, ICTY's "Trial Chamber II found that he did not have command and control over the prison-camp and over the guards who worked there and, accordingly, determined that he could not be held criminally responsible for their actions," while almost the whole Serbian leadership was systematically found capable of command and control over every person who committed even the slightest infraction of the rules of war.

Another blatantly obvious bias may be pointed out in the case of President Biljana Plavšić's genocide conviction, based on her statements regarding genetic shortcomings of the Moslems of Bosnia and Herzegovina (Black, *The Guardian*, 2001), but not one Western official was indicted for racist and warmongering speeches about Serbs. (Ravnagora, 2009)

ICTY's own website provides shocking statistics regarding this disparity and impressive disability of the Tribunal to find evidence for the guilt of non-Serbs, but its almost magical capabilities in doing so in the cases of the Serbian suspects: 72 Serbs were sentenced to 1,138 years of prison, while Croats, Albanians and Bosnian Moslems together received a total of 361 years. Of those, only 20 Croats were found guilty, 5 Bosnian Moslems, and 1 Albanian. Adding to this heavy burden of

suspicion, one must remind the reader that most of the witnesses, who could have provided evidence for the criminality of the Albanian leaders, mysteriously committed suicides, died in accidents, or simply disappeared, allowing the Hague to declare the suspects free to return to politics and high offices, and to retain their newly-acquired titles of “their excellencies.”

### **The problem of perceived racism as a basis for the establishment of the Tribunal**

The fact that such *ad hoc* tribunals were created only for the Slavic and Albanian Eastern Europeans and Africans provided ample suspicion that the Western leaders were exercising their well-hidden racism, and permanent Russophobia, projected mostly onto the Serbs, as the closest thing to actual Russians, whom they still can't put in the dock. The Balkan crisis provided them an opportunity to vent their frustrations, which they otherwise couldn't express in today's world of political correctness. This strong belief is not something that will be changed soon in the minds of the Balkan peoples.

## **CONCLUSIONS**

ICTY, in its fanatical and unscrupulous pursuit of politically correct construct of Yugoslav events since 1991, distanced its historical reconstructive labors from the honest and honorable principle of the 19<sup>th</sup> century German historian Leopold von Ranke, whose tenets that the discipline of history must find out “how things actually were” were followed by generations of conscientious investigators of the past.

Such approach to evidence and historical context by ICTY caused even the US most favored side of the Yugoslav conflict—the Moslems of Bosnia and Kosovo—to experience moments and even long periods of dissatisfaction, disappointment and distress when even the very few of their heroes were indicted, arrested, and, in very rare instances, found guilty and sentenced by the Tribunal. Croats, the second most guilty ethnic group according to the number of the sentenced criminals, eventually turned completely against ICTY after their *pater patriae*, Dr. Franjo Tudjman, was posthumously declared guilty of genocide—against Bosnian Moslems, to be sure, but not against Serbs. In the end, as time passed by and the world became more and more aware of horrific and countless crimes by the US and its vassals, from Libya to Pakistan, not one of the nationalities, ethnic groups, minorities or religious communities of Yugoslavia preserved even a resemblance of guilt or regret for any *actus reus* committed in their name, since they learned that any death and destruction can be declared by the West as collateral damage and a byproduct of the fog of war, clearing the perpetrators of responsibility and even turning them into national heroes and bringers of freedom and democracy. Americans have achieved a mass conscience cleansing and guilt alleviation in the minds and hearts of the peoples of former Yugoslavia! Some collateral damage, one might say!

One might want to be reminded of Article 16 of 1863 President Abraham Lincoln's “Lieber Code”, especially considering the very likely possibility that

ICTY was not part of a true global judicial machinery but of the West's military and political/diplomatic apparatus. Article 16, regarding war rules, directs that:

*“military necessity does not admit of cruelty - that is, the infliction of suffering for the sake of suffering or for revenge [...]. It admits of deception, but disclaims acts of perfidy; and, in general, military necessity does not include any act of hostility which makes the return to peace unnecessarily difficult.” (1898)*

In this context, ICTY clearly failed the fulfillment of this nobly, if also politically conceived directive, especially its last part—it has actually made the return to true and lasting peace in former Yugoslavia unnecessarily difficult.

In the end—paraphrasing the famous and most noble wish by Lord Acton that some day there would be a history of Europe written in such a way that it would be impossible to guess the nationality of the contributors—a desire had been expressed that ICTY would pass judgments in such a way that the citizenship and political loyalty of the ICTY justices would not prejudice them. Yet, the conclusion by the US historian Anthony Grafton regarding Lord Acton's hope could be paraphrased with equal potency: [such outcome will be possible] when the seas turn to lemonade.

Those who wish to risk salty-water-consumption-induced-madness may partake in ICTY's judicial lemonade and keep on believing that The Hague brought a lasting peace and not seeds of future wars to the Balkans.

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## BOSNIAK'S POLICY OF UNITARISATION OF BOSNIA AND HERZEGOVINA

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**Abstract:** The civil war in Bosnia and Herzegovina, as a result of breaking up Yugoslavia, resulted in the creation of the Republic of Srpska, for Bosniaks and their efforts unitary, centralized and the newly independent states. The war was caused by the political will of the Muslim and Croatian people, which was reflected in the destruction of the equality of all people of Bosnia and Herzegovina, without consensus, disruption of the existing Constitution, suspending parliamentary life and the deprivation of opportunities to the Serbs fighting for equal rights. During the war in Bosnia and Herzegovina from 1992 to 1995, there were criminal acts on all sides of the war, but only Serbs were "loaded" with genocide in Srebrenica. The aim is to degrade the Republic of Srpska in favor of a unitary Bosnia and Herzegovina, the Bosniak and the veil of the "functional Bosnia and Herzegovina" and the reference to European integration with the conviction that it was built on the achievements of the genocide. With such genocidal political tactics toward the Republic of Srpska and Serbs, from the war and the Dayton Agreement days and after them, there are fewer chances to get to compromise and to constructive development policy of the existing country.

**Keywords:** Bosnia and Herzegovina, the Dayton Agreement, genocide, civil war, Islam

### INTRODUCTION

Contemporary theorists believe that the people of Bosnia and Herzegovina as well as scientists in our age before the up-coming crisis, they did not know how this country is ethnically deeply divided society. According to some data, the divisions occurred even between Ottomans and their vassals of the Bosnian Muslims and the Habsburgs and their Croatian and Serbian military units. Among Bosnian Muslims' academics one thesis became popular that they had been victims of "eleven genocides," over the last several hundred years. This historical memory is imposed by the political party, that was military and economically dominant in Bosnia for centuries, and the subordinated people, Serbs and Croats had a dark vision of Bosnian history. With this Balkan violence, it is not difficult to understand the accumulated legacy of the later war. Ethnic conflicts in Bosnia in the period of the

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Ottoman Empire, ran out from the revolt in the uprising and the uprising out of the uprising and the war, continued in all aspects of social life in the Austro-Hungarian era of occupation, and in the World War I, in the violence of war. For all the time, there were more than 90% of farmers Christians' Serbs and Croats who farmed the land at landholding at the end of the Austro-Hungarian rule in Bosnia.<sup>3</sup>

Moreover, social division in Bosnia and Herzegovina in the XIX century, shows the existence of mixed marriages.. Despite the information about allegedly large number of multi-ethnic marriages, they were rare in the twentieth century. According to data from 1988, in Yugoslavia, the Bosnian Muslims are 93% got married with members of their own ethnic group, but neither Croats nor Serbs were a lot more likely to marriages with members of other groups. Mixed marriages in 2001 in the Herzegovinian town of Mostar, among 176 registered, none was between Croats and Bosniaks.<sup>4</sup> For the Bosniaks, breaking up of the Yugoslavia civil war in Bosnia and Herzegovina and the creation of the Republic of Srpska in the early 90s of the twentieth century is a milestone in attempts for making the unitary and centralized state. In it, in the war, but also after it, Muslim-Bosniaks in the fought for a unitary and centralized state, set the target, the abolition of the Republic of Srpska, forgetting the historical facts about the existence of Serbian entities, which do not suit them, and inventing arguments to advance their goals.

### **THE YUGOSLAV CRISIS -INTERDEPENDENCE WITH THE ISLAMIC IDEOLOGY**

According to the Muslim authorities in Sarajevo, in the fight against the Republic of Serbian, the root of the war and all that leading and what is in it took place, was the Serbian aggression against an independent and sovereign Bosnia and Herzegovina. Today, most often, talk about the war for territory and civil war. All aspects of this war were mutually fused. But the war in Bosnia and Herzegovina, as, after all, the war in the former Yugoslavia cannot be clearly defined and unilaterally observed. The spark of war was transferred into Bosnia and Herzegovina from Croatia. Both sides, as addition to simultaneous battles for territory, were pushed by the political foreplay: ethnic, civic and religious conflict. All wars and all war criminals in the former Yugoslavia, resulted up from the greatest crime, the destruction of Yugoslavia. As Bosnia and Herzegovina was Yugoslavia in small, and as it was always discussed and evaluated that the dissolution of the common state could be the bloodiest in the central former „Yugo“ republic.<sup>5</sup>

Serbs, before and after the war, were denied their rights, which were from the other side recognized to Muslims and Croats. When Europe, with the support of the

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<sup>3</sup> Djordje Mikic, Genocide against Serbs in disturbed history of the Balkans, Crime awaits sentence, Novi Sad 1995, p. 19-28.

<sup>4</sup> Politika, Belgrade, 7 March 2011

<sup>5</sup> Ibid. 03 March 2016

United States, recognized the independence of the breakaway republics of Yugoslavia, thus, in the words of Michael Dobe, a former correspondent of the US newspaper "Bosnisen post", Croats and Muslims got the right to secede from Yugoslavia, and that right was denied to the Serbs to separate from Croatian and from Bosnia and Herzegovina. According to the opinion of Michael, fragile ethnic balance, which was held by the great powers after the World War I, and after the Second World War through four decades, than was violated by the death of Marshal Tito. After his death it was inevitable to get to dissolution of the former Yugoslavia, the community of the nations<sup>6</sup>

Before the dissolution of Yugoslavia and the war in Bosnia and Herzegovina, an important role was played by Alija Izetbegović and Islamic Organization (IVO). Izetbegović in his book "Islamic Declaration", published in 1970, among other things, wrote: "To what extent is possible to reconcile Islamic ideology and unity? In a society with traditional politics and traditional institutions it is not possible. In contrast, on the day when we have 52% of the population in the country, we have also an Islamic state. This is what I'm going to fight! Alija Izetbegović's goals were later clarified by the leader of Sunni Sheikh Said Chalouh from Lebanon saying: "Our march began and Islam will eventually conquer Europe and America. Islam is the only way of salvation that is left in this miserable world."<sup>7</sup> Since the beginning of the Yugoslav crisis, the Islamic religious community took the political action which aimed to breaking up of Yugoslavia and the independence of Bosnia and Herzegovina. In this service, Alija Izetbegović put himself in 1990<sup>th</sup> as the founder of the Party of Democratic Activity (SDA). At the time when founder and president of the Serbian Democratic Party Radovan Karadžić as first accused Alija Izetbegović of acting in favor to create an Islamic state, a German weekly "Der Spiegel" treated it as a Serbian war propaganda construction. In response, Alija Izetbegović, on promotion meeting of the SDA said: "We are accused to call up an Islamic state! I ask you my brothers and sisters, if we really want it? "To the rhetorical question of the leader snapped from the crowd:" We will, we will. " Confused Izetbegović silenced the mass: "We do not brothers and sisters, it is not the time, yet!" It was all because of the trial in 1983, due to writing the first version of the Islamic Declaration, Alija Izetbegović, outside the walls of Bey Mosque and Gazi Husref-Bey Madrasa, was unknown to the general public working as a clerk, who in his spare time wrote essays. "They're just dreams of a believer in which there is no reference to Bosnia and Herzegovina or Yugoslavia", Alija Izetbegović defended his Islamic Declaration in court house.

Radovan Karadžić's accusation that Alija Izetbegović wanted of Bosnia and Herzegovina to make the Islamic state, was not based on a judgment of the communist judiciary but on the attitudes of "Islamic Declaration", the author who

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<sup>6</sup> Dusan Lukac, Three genocides against Serbs, Serbian Academy of Science and Art, Balkan Institute, 1988 73 books.

<sup>7</sup> Politika, Belgrade, 26 March 2016

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became a leader of the party supported by 80% of the Muslims of Bosnia and Herzegovina. The former 'dreams of believer "became the political program of religious and national movement that was confirmed by Alija Izetbegović in 1990 with the publication of another not revised edition of "Islamic Declaration". From the program of the Islamic Declaration the first step was to "re-Islamization of Muslims" in Bosnia and Herzegovina, and the second was the removal of Muslims from the Christians, the third was the inclusion of Bosniaks into the Community of Muslims from Morocco to Indonesia ", and the fourth step was written to impose Shariah"<sup>8</sup>

Acting in accordance with the Islamic declaration of Alija Izetbegovic, the reis ul ulema Jakub Selimovski at a meeting of the World Council for the mosque in Mecca in 1992, before the war, he sought and accepted world and it imposed as policy of the Organization of Islamic Cooperation (OIC), which means that all Muslims of the world to help Bosnia and Herzegovina to gain independence to Kosmet to gain independence, Macedonia to divide sovereignty between the Orthodox and the Muslims and the Sandzak gets autonomy.<sup>9</sup>

Acting in favor of Izetbegovic's Islamic Declaration, reis ul ulema Jakub Selimovski, at the meeting of World's mosque chamber in Mecca 1992, before the War in Bosnia and Herzegovina, asked and the World accepted and imposed it as the policy of the Organization of Muslim cooperation, which means that all Muslims in the World must help :Bosnia and Herzegovina to become independent state, Kosovo to become independent, Macedonia share its sovereignty between Orthodox and Muslims and Sandžak to get its autonomy.

Anyone who understands the influence of religion on politics, knows that for the war in Bosnia and Herzegovina is primarily responsible Islamic religious organization(IRO) and its extended arm the SDA, led by Alija Izetbegović. The publications of IRO published before the war in 1992, showed a constant that lasted a couple of years before the war. Almost every issue of the official gazette IRO promoted the war and the destruction of non-Muslims, and most importantly, inspired the believers to accept the necessity of Islam to destroy the non-Muslims in the World. Such characteristic are a lot. In 1990 when the SDA was formed, the "Preporod", the official newspaper of the IRO, it was pointed out that "it is eminently Muslim's". That was a recommendation to believers „ if you are Muslims, it's your party, vote for it, it realizes the goals of Islam". About the goals of Islam "Preporod" and other publications of IRO announced it by killing at the Serbian wedding ceremony at Bašćaršija. Thus, on the front page of "Preporod" was published sayings attributed to Muhammad hadith: "Vlachs this faith will cover the world ... There is no house into which Allah will not enter Islam." The actions of entering into every house, IRO, clearly defines the term jihad, which is said to be in Islam top of his

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<sup>8</sup> Politika, Belgrade, 15 April 2016

<sup>9</sup> Miroslav Jevtic, Religion Political Science, FPN, Belgrade, 24 July 2018

greatness ... "Therefore, it is prescribed for all from the past till doomsday. Meaning of these words are: "Islam seeks to destroy all states and governments anywhere on the face of the earth ... The purpose of Islam is to establish a state on the basis of their ideology and programs ... Islam requires the earth, not just a part, but the entire Planet".<sup>10</sup>

### **LISBON CONFERENCE AND THE CAUSES OF THE BEGINNING OF THE WAR IN BOSNIA AND HERZEGOVINA**

The emergence of the Yugoslav crisis and deepening of the internal ethnic contradictions in Bosnia and Herzegovina under the pressure of the SDA and its leader Alija Izetbegovic and IRO, the representative of the European Community Britain's Lord Carrington organized a conference in Lisbon in February 1992. The Lisbon conference was led by the Portuguese Minister of diplomacy Mr. Jose Cutileiro. He tried to find a solution for Bosnia and Herzegovina without the war, and in terms of the breakup of Yugoslavia. His decision by which Bosnia and Herzegovina should become decentralized confederal state divided into cantons along ethnic lines, was signed on March 18, by the three representatives of the ethnic groups: Radovan Karadžić, Alija Izetbegović and Mate Boban. However, after the meeting between the US ambassador in Yugoslavia, Warren Zimmermann with Alija Izetbegović, he changed his mind and withdrew the signature thus rejecting the Lisbon Jose Cutileiro's plan. The cantons would be formed on the basis of the majority of ethnicity in municipalities, and Bosnia and Herzegovina would look like a leopard skin. Alija Izetbegović and Bosnian-Herzegovinian Muslims demanded that Bosnia and Herzegovina remains in the existing borders, in which the Serbs, after the proclamation of Muslim and Croatian independence, first proclaimed Serbian Republic of Bosnia and Herzegovina, and later the Republic of Srpska. The rejection of the Cutileiro's plan started the civil war Bosnia and Herzegovina.

Before the outbreak of the war, IRO and SDA exercised the preparations to destroy Christianity. Accordingly, IRO, when the war started, declared a Jihad Fatwah: "In the fight go ... with full confidence in Allah - if you survive, you will be gazias (Heroes of Jihad) if you die you will be sehits (martyrs for the faith). When your attack the enemy ... speak aloud takbir (Allahu Akbar) ". This shows that the IRO is the forerunner of ISIL. At the same time if you look at the press of the Serbian Orthodox church from that period, you will not find any text propagating the war against Muslims. Achieving the objectives of IRO and SDA, they needed the war. As a great opportunity there was the wedding party at Bašćaršija and the murder of the fellows.<sup>11</sup>With the beginning of the war and its duration up to 1995, the Muslim-Croatian authorities constantly blamed Serbs for the war, in order to gain the international community not to accept the Republic of Srpska. It started with blaming

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<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

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Serbs for throwing grenades on 27 May 1992 on the cue for bread in Vase Miskin Street, which explosion killed 26 people. About the throwing of grenades, Cutileiro's testimony at the trial of Radovan Karadžić in The Hague in February 2013, said that the grenade was thrown from the area of the positions of the Muslim forces, and Alija Izetbegović was blamed for the war. The Bloody Sarajevo massacre of innocent members of the JNA, entered the history as Bloody Sunday in Sarajevo. As it was agreed that the JNA withdrew peacefully from Bosnia, the Muslims committed a war crime in Dobrovoljačka Street in Sarajevo and Tuzla over the so-called Tuzla column.

The war was caused by the political will of the Muslim and Croatian people, by the cancellation of the equality of the three constituent people in Bosnia and Herzegovina, the rejection of consensus, the cancellation of the existing constitution, practical suspension of parliamentary life and thereby expelling the Serbian people "out of the game" and hard deprivation of opportunities to political means of equal fight for the realization of their fundamental rights.<sup>12</sup>

### **DAYTON AGREEMENT AND "MEASURES" IN THE POSTWAR PERIOD**

After the Lisbon conference accepted by the Serbs, the several peace conferences were organized, as well. The Serbs accepted the first conference in order to avoid the war, and the other in order to preserve the Republic of Srpska and to get international recognition. At that way of a new peace action was brought to the political scene by the USA diplomat Richard Holbrooke. After settling down the Muslims and the Croats and acceptance of the Washington Agreement in 1994, they created the Muslim-Croatian Federation of Bosnia and Herzegovina, at the meetings in Switzerland, Mr. Holbrooke provided grants of the all sides involved in discussions, the recognition of the Republic of Srpska and was organizing a meeting in Dayton in order to agree the division of Bosnia and Herzegovina at 51% for federation to 49% for the Republic of Srpska. The United States prior to the meeting in Dayton, recognized the Republic of Srpska two months before the signing of the agreement.<sup>13</sup>

The results of the Dayton Agreement, which ended the war in Bosnia and Herzegovina and helped to achieve a compromise, provided to each side their main strategic requirements: Bosniaks had the historically objective to get independent and unified Bosnia, Serbs and Croats were given a high degree of ethnic self-governments and loose connections with their home countries in the neighborhood. They have not stopped fighting against the Republic of Srpska, but have already opened the pressure for genocide, the Dayton Agreement and the Republic of Srpska. Dayton decisions were in line with centuries of political culture and tradition of the Balkans, and were the compromise with similar forms of multiethnic democracy that

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<sup>12</sup> Miroljub Jevtic, Politika, 26 March 2016

<sup>13</sup> Politika, Belgrade, 02 April 2017

is practiced in other parts of the World. The historic division of Bosnian society has resulted in the Dayton and the Dayton Agreement has not ethnically divided politicians and society.<sup>14</sup>

A professor at the University of Pittsburgh Robert M. Hayden believes that the created nationalism preceded the Dayton Agreement and it reflects separate nationalisms of two newly established entities in Dayton: the Republic of Srpska and the Federation of Bosnia and Herzegovina. According to Stephen E. Meyer, Annex 4 of the Dayton constitution is a document that institutionalize and guarantee the ethnic separation rather than a unified, centralized state. Meyer says that Muslims, in relation to the Serbs, explain Annex 4 not in the way as it was written, but as a tool to help Bosnia and Herzegovina to be centralized.<sup>15</sup> It is not a question that the agreement created a very loose confederation rather than a federation. It is not possible that the BiH Federation is the Federation of federation and the Republic of Srpska. In the constitutional practice there has no case in which a federation is made up of other federations and other constitutional forms. This is the strongest scientific argument that BiH is not and cannot be a federation, or as Muslims would say "unitary state". Thus, the Republic of Srpska has been properly positioned by the Dayton Peace Agreement and its Annex 4. Only a malicious and uninformed person can speak differently.

The Dayton has been covered by so-called Bonn powers for long time. The strong actions against the Republic of Srpska was initiated in 2006, and the most spectacular was the Butmir process in 2009 led in EUFOR camp. So called the April Package envisaged the allocation of competence for Bosnia and Herzegovina about agriculture, science and technology, and even the introduction of a President of Bosnia and Herzegovina and the Government of Bosnia and Herzegovina. During the active lobbying for this package, the US Ambassador in BiH Douglas McElhaney offered to Bosniaks' and Croatsians' politicians in Sarajevo, the second phase of constitutional changes, which should bring into the question the Republic of Srpska and its existence. All proposals that led to the unitary and centralized BiH, were managed and enforced by the international community, especially the US congressmen and ambassadors, and sometimes they were driven by non-governmental organizations.

However, the West has matured the opinion that the Dayton solutions are at long-term sustainable in Bosnia and Herzegovina. The Republic of Srpska has been constantly repeating that there is nothing against Bosnia and Herzegovina in accordance with defined responsibilities in the Dayton. Analysts believe that the real "kitchen" for the breakdown of the BiH Constitution is between Washington-Istanbul and Europe is most often harmonized with the US efforts. All these pressures hang over the Republic of Srpska known as "the spirit of Dayton", not a

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<sup>14</sup> Ibid, 7 March 2011

<sup>15</sup> Ibid, 24 September 2015

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"letter of Dayton." Acceptance of the Dayton spirit rather than the letter, Bosnia and Herzegovina got the help of the United States and directed by OHR received dozens of competence. The April package didn't pass, but the Istanbul suggested that Sarajevo should get more.<sup>16</sup>

As to the failure before the war and during the war, not taking into account the agreement in Dayton, and after the war in Bosnia and Herzegovina the USA, Europe, NATO, and the European Union have failed to reduce the existential fear of each ethnic group in the future. In BiH, the Muslim community fears that they will eventually be left at the mercy of numerically stronger population of Croats and Serbs in the south-eastern Europe, and Bosnian Croats and Serbs fear that they will become discriminated minority in their own country.

At the Balkan, a dialogue has become synonym for simulated talks as a cover for the imposition of another's will. Through the decade of the pressure and the story about democracy and tolerance, in fact it shows that no problem can be solved without them. That is their excuse for further domination in the region, which they consider as their yard and the hegemonic intentions are skillfully hidden by humanity phrases instead of having to accept the pre-war situation in Bosnia and Herzegovina as a deeply divided multiethnic state and to promote its stability through the establishment of a political structure that fix to reality. And twenty years after the war, there has been carried out the persistent attempts to build a centralized state based on a misconception of the country what is against the wishes of at least a half of its population. Due to such trends, it is very likely that there will be a lot of acts with the same issues in the coming years, and then the Bosnian problem will be even more difficult to solve. The huge problem started with the rest of the mujahedeen in Bosnia and Herzegovina who were taken to the area to fight against the Serbs. Although after the signing of the Dayton Agreement and the establishment of the cease-fire in Bosnia and Herzegovina, the mission of Mujahedeen was officially completed in Bosnia and Herzegovina and they were disbanded during 1996, it is estimated that there are hundreds of them remained and they continue their mission projected before the war.

### **THE CONSEQUENCES OF BOSNIAK POSTWARPOLITICAL TACTICS AND CHARGESFOR GENOCIDEINBOSNIA AND HERZEGOVINA**

After fencing of the international community against the Serbs, after establishing of six zones and the suffering of people in the column for bread in Vasa Miskin Street, suffering at the Markale market, as well as the fall of Srebrenica, the Serbs have been facing until the present days, charges for genocide. Separation of Srebrenica into the protected war zone is an extension of the policy of the Habsburg monarchy from 1872. Six years before the occupation of Bosnia, the Habsburg diplomacy had advised the Ottoman authorities to settle down Catholic and Muslim

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<sup>16</sup> Politika, Belgrade, 15 March 2015

population along the river Drina, in order to break the Serbian ethnic continuity. For the same reason, the Turkish authorities following the withdrawal of Muslims from Serbian towns, inhabited the territory at Posavina and Podrinje.

The crimes of Muslim extremists against Serbs were carried out on the model of the genocidal actions from the Second World War. The set of crimes as of 1944 are today called genocide in Bosnia and Herzegovina, especially in Srebrenica, and they have been regularly ignored in the way that it is not a crime of statehood from the perspective of a "community executors", but in the field of humanitarian intervention and occupation of the "nation of victims". According to the theory of Zoran Čirjaković, the stories and writings about the genocide in Bosnia and Herzegovina has two very dangerous consequences. As first there is a "citizen" abolished and driven to think in the category of ethnic communities, then brought to the fact that in its shadow there can be only three nations, who have lived for a long time in separate worlds, even when they seemingly overlapped as it is in towns and cities. The future of a multinational state can be built on various grounds, but not on the existence of instability and the threat of constant accusations of the innocents. There is no shortage of the number of the righteous who like to believe that only a bloody past and the most numerous victims may be the foundation of a better future.

Judgments and their qualifications against Serbian leadership are anti-Bosnian, unless the word Bosnia, by itself, has to be converted into another name for Bosniak national state. It represents, says Zoran Čirjaković, another nail in the casket of the clinically dead state. In this regard Srdjan Vuletić, a director who survived the siege of Sarajevo in the civil war says: "Now, we just talk about Bosniaks, Croats and Serbs, there is no more civil discussion, there is nothing about the citizens." Even worse is the consequence - depoliticization of the qualifications of genocide, as a tool for removing life issues from the agenda and their replacement with victims as arguments for all arguments.

As well as in Bosnia and Herzegovina, one of the previous biggest mistakes and tragic aspects of social "coping" with the crimes committed during the World War II, was the fact that in a multinational Yugoslavia was used a tragic word genocide, which was fresh "word" derived from the tragic experience of others, Jews and Germans, who since then has not lived together. Unlike the Jews, who since then have not lived together with members of the German nation who encouraged the perpetrators of genocide, Bosnians, Serbs and Croats have continued to live side by side or mixed among themselves. It seems that the slogan "never again" in Bosnia always seems to talk about "us". It condemned the former Yugoslavia and Bosnia and Herzegovina, today, to existence under the burden of wicked history and politics with cultural result in the sentence "what we lose they will get".

Although the war in Bosnia and Herzegovina intertwined from 1992 to 1995 with warfare of all ethnic groups against each other, sometimes combined two against one, and sometimes one among themselves, and the crime was on all sides of the war, but only the Serbs were ascribed Srebrenica genocide or for Srebrenica. The

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Serbs only tried to save themselves from a new genocide to which they were faced to by cutting off from Serbia. In order not to experience the fate of the Second World War or the fate of 12 Banja Luka babies, the Serb wedding guests from Bašćaršija and expulsion or liquidation of around 160,000 Serbs from Sarajevo with about ten thousand killed, they had to engage in the war and in the breakthrough of corridors and encirclement of Sarajevo to defend themselves, to survive.

As the Bosniak policy, and the Bosniak intellectual elite did not genuinely accept the peace agreement in Dayton, nor the idea of equality, "the three nations and two entities" that make the Dayton Bosnia and Herzegovina. So, organized in Club 90, the Bosniak elite continually seek to break down the "creation" of the Republic of Srpska, in favor of the more or less unitary Bosnia and Herzegovina, under its, i.e. the Bosniak domination. Sometimes it's done in the name of building a "functional Bosnia and Herzegovina", sometimes with reference to the European integration, once with false moral arguments that "we should not reward and respect the achievements of genocide".

Having in mind a so-called genocidal political tactics of the Republic of Srpska since the war, and the Dayton Agreement day and after them, Haris Silajdžić, former Bosniak member of the BiH Presidency constantly tries to convince the international representatives in need of revising the Dayton Constitution. In addition to the persistent search for the abolition of the police of the Republic of Srpska, he sought the abolition of the Serbian entity, as well, stating that the Republic of Srpska cause all the country problems. Aware that the maximalist and unrealistic demands no nothing, Silajdžić, on the occasion of the 15th anniversary of the outbreak of the war on April 6, 1992, expressed the idea that in the context of constitutional changes the Republic of Srpska change its name to the Republic of Serbs, Bosniaks and Croats.<sup>17</sup>

Previously a member of the Presidency of Bosnia and Herzegovina, using changes of the High Representative Paddy Ashdown, who relived from duty 65 political representatives of the Republic of Srpska, sought to abolish the Republic of Srpska, or to omit from its name an adjective "Serbian".<sup>18</sup>

### **"SREBRENICA GENOCIDE" SERVING THE COLLAPSE OF DAYTON AGREEMENT**

Using the victims of Srebrenica and the "Srebrenica genocide" in anti-Serb propaganda and the acts against the Republic of Srpska, the organization Mothers of Srebrenica shows great enthusiasm, whose activity does not have similar example among women after the war in the World. Serbian mothers appear at the public cemeteries where they buried their sons, husbands and relatives. While many of them around Srebrenica, and especially Sarajevo, not having a word about their beloved, occur most frequently in church prayers.

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<sup>17</sup> Politika, Belgrade, 7.8.9 April 2007

<sup>18</sup> Ibid.

Together with the mothers of Srebrenica, Dayton is undermined by the Muslim Bosniak groups who do not give up on its war aims. Every year, in July, gathered around the cemetery in Srebrenica and the loudest and most active is son of Alija Izetegović, Bakir who assembles in Srebrenica international visitors, especially the American teams, and it is used to demonstrate how the territory of the Republic of Srpska made systematic and planned ethnic cleansing of non-Serbs and that was culminated in the genocide in Srebrenica, and it is the reason because the Republic of Srpska is "genocidal creation". They use the report of the High Representative, Paddy Ashdown, imposed by the Commission for the research of events in and around Srebrenica from 10 to 19 June 1995, adopted by the Government of the Republic of Srpska under the pressure and led by prime-minister Dragan Mikerevic, and famous speech of the President of the Republic of Srpska, Dragan Cavic of 22 June 2004.

Emphasizing the "big Serbian iniquities" in Srebrenica, each year, there are increasing tensions in Bosnia and Herzegovina and raising pressure on the Republic of Srpska. Those increasingly violent fans are creators of the international order and various lobbyists who abuse the Srebrenica misfortune to achieve their political and material objectives. Pressures on the 20th anniversary of the Dayton Agreement in 2015, were much more intense because the Republic of Srpska used arguments to accept a unitary Bosnia and Herzegovina, and did not want to deny their autonomy taken through the Dayton. This was the Republic of Srpska frustrating act not only for political establishment in Sarajevo, but also for some powerful international circles.

The announced resolution of UN Security Council about Srebrenica marking the anniversary of its sufferings, in a British creation, did not pass due to the veto of Russia. This resolution in the Republic of Srpska is called the Resolution of no confidence. They believed, in Banja Luka, that its creators did not care about the actual respect towards the innocent victims of Srebrenica and the Drina Valley. If they cared about, they would have not forgotten 3,600 Serbian, mostly civilian victims who were slaughtered by Muslims from the Srebrenica area led by Naser Orić, and had been executed before the so-called genocide in Srebrenica. This resolution is a threat to the stability in Bosnia and do not contribute to any reconciliation.<sup>19</sup> Every time when Naser Orić is arrested based on the arguments, even more quickly he would be released. Now, he announces a new war. It was said in the premises of the Islamic teacher training colleges, whose disciples were future mullah and they loudly applauded and greeted a new war. The question is whether it is a "moderate Bosnian Islam".<sup>20</sup>

Although the High Representative in Bosnia and Herzegovina made pressure at the Republic of Srpska to recognize the genocide of 8,000 Bosniaks, on voters' lists

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<sup>19</sup> Politika, Belgrade 24 June 2015

<sup>20</sup> Miroљjub Jevtic, ND.

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were enrolled only third of "victims" even though the evidences from the mass graves were less than 2,000 and those were the Muslim fighters who died in the attack. The Court of Appeal in the Netherlands in mid-2017, without the interference of the "international community", on the basis of the complaint of "Mothers of Srebrenica" found near the 300 victims of the Muslims in the UN-protected area Srebrenica. Nevertheless, it seems that no one in the "international community", or of the judges at the Hague Tribunal, or prosecutor Serge Brammertz, who wants Serbia to "recognize the genocide" in Srebrenica, do not wonder how the genocide, from the destruction of the population of a nation, as it is written in the Convention, through the application of high representatives "found" 8,000 victims, and now according to the verdict of the Dutch Court of Appeal, is the fact, qualified work.

The current theorists believe that on the basis of "genocidal" results of the Republic of Srpska in Srebrenica, The Hague Tribunal made to life a powerful tool which has served, for decades to camouflage the Western colonialism - the division into "good" and "bad" nationalists. It turned out that they were wrong, those who claimed "our" Hague Tribunal was about to be a precedent. Neo-imperial justice, inaugurated by the Hague and other international courts are extremely selective and dependent on financial, institutional and intelligence support and infrastructure of the Western powers. Therefore, their dosed justice and fluid right is reserved for the least favored Balkan nationalists and other "our boys", who, almost without exception, have a different skin color. These instant judgments are tools for less expensive design of Western powers, the emergence application of the old policy of double standards, effectively glitzy by the "concern for human rights" and not the triumph of law or justice for victims. Therefore it is not surprising either that the Bosnia and Herzegovina in The Hague "was judged" to slave the past. So, the war walls have moved into the Bosnian brains.<sup>21</sup>

At the same time, holders of foreign occupation have turned themselves into their own and independent invaders, seeking to holders of national freedom and the nation-state are subjected to their own occupation goals in the service of old and new occupiers of the area.

The things supported by IRO before the beginning of the Yugoslav crisis, advocated at international meetings of Islamic believers, also supported the war in Bosnia and Herzegovina and continue the propaganda war after the Dayton Agreement, at the Republic of Srpska after Kosovo, advocating the autonomy of Raška region, thus breaking the political system of Serbia and Montenegro, as it was Yugoslavia.<sup>22</sup>The Muslim politicians expected to get help of foreign actors in Bosnia and Herzegovina and create a centralized and unitary state by abolishing the Republic of Srpska. The experts believe that at the 20th anniversary after Dayton the political struggle was directed at(re) defining the Dayton. The interests of the USA,

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<sup>21</sup> Politika, Belgrade, 07 March 2016

<sup>22</sup> Miroљub Jevtic, ND.

as a superpower, became "the interests of the international community." Democracy is the will of the people, and it turned into a certificate which small and weak states are given the "freedom house". At the same time cooperation, in the original sense –to aspire to equal cooperation, turned into obedience toward one global center of power in everything, even in the recognition of genocide where is no such acts.

From the reasons and objectives known only them, the leading statesmen of the planet proclaimed in Paris "the transition of Bosnia and Herzegovina from Dayton to Brussels a higher stage." According to it Bosnia and Herzegovina continues to be under the protection of high representatives with dictatorial powers, and democracy has become the minimum requirement of EU accession.<sup>23</sup> These democracy and elections in Bosnia and Herzegovina were and remains ethnic census in which individuals vote for members of their own ethnic group. Basically Bosnia and Herzegovina consists of three different electorates. At the same time, the central government of Bosnia and Herzegovina is not ready to reveal the actual post-war census results.

Speaking about the three ethnic groups and differences in their vision of Bosnia what they would like to live in, Charles English, the former US Ambassador at Bosnia and Herzegovina, had the impression that the Bosniaks, who make up half the population, want a strong centralized state and some of them even the destruction and elimination of the Republic of Srpska. The Croats want the entity which they were the majority because they felt that their interests were not protected in the Federation of Bosnia and Herzegovina, and that the Serbs after years of attack, accepted Dayton, maintaining the Dayton structure of entities and a free state.<sup>24</sup> Former US ambassador to Zagreb and Belgrade, William Montgomery talked about the division of the main ethnic groups in Bosnia and Herzegovina, whose base and after 20 years of Dayton remained the same and led to the war in 1992. He points out that these differences are even bigger after the war and is getting higher "because of the planned policy of brutal crimes carried out during the war." According to Montgomery, the Westerners found it difficult to understand how these divisions are deep, and that they therefore seemed difficult to imagine a genuine reconciliation in this generation.<sup>25</sup>

## CONCLUSION

Without politics and politicians, theoretical and practical policy have shown that the Orthodox and the Muslim people, but if no-one brawl, can realistically even in Srebrenica, even more than at some other parts of Bosnia, find solutions to ensure coexistence. Historical science can witness actions of some people originated from Srebrenica, back to the time of Prince Milos in Serbia that had been done together

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<sup>23</sup> Politika, Belgrade, 27 November 2015

<sup>24</sup> Ibid. 3 September 2011

<sup>25</sup> Ibid. 08 December 2015

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with the Serbs. Mothers of Srebrenica do not know it. They have their own goals for the fight against the Serbs. We witnessed a few years ago that the president of Serbia Aleksandar Vučić could lose his life there, and he is perhaps the greatest benefactor in the post-war time related to Srebrenica. The objective theorists and analysts have made the conclusions, that the only way for Bosnia and Herzegovina is a requirement of the West to withdraw out of the current situation, to dissolve the Western organizations and return to the process, the arrangement of internal political forces, and to encourage Bosnia and Herzegovina in such intention. In this process special change should suffer the Constitutional Court and they should release the members of foreigner voters "against" the interests of Serbs and the Republic of Srpska. The West does not any change towards Bosnia and Herzegovina, so no changes is done in Bosnia and Herzegovina refers to the Dayton Agreement. The day when the Dayton was signed in one entity is celebrated as a national holiday and day off with scientific conferences, while the other ignores the Day and treats it as a "day of mourning". The same way is with other historical dates and holidays in Bosnia and Herzegovina.

For the Serbs on both sides of the Drina the story of Dayton and its perception, is handled as the results of the First and Second Serbian Uprising to the results of the First and Second World War, when they were always winners and on the winning side. The result of Dayton can for the Serbs be instructive for several reasons: during and after the signing of the Dayton Agreement most of the Serbian public felt it as a national defeat and almost like a tragedy. After the NATO bombing, which was almost the genocide act, during the twenty years after Dayton, it is in the Republic of Serbian celebrated as a great success. Compared to the other two ethnic groups of Bosnia and Herzegovina, especially the Muslim Bosniaks, the Republic of Srpska and its current leadership believe and respect it in effort to prevent further "transfer of authority", and further derogation of the entity institutions and the loss of elements of statehood of the Republic of Srpska.<sup>26</sup>

Despite of asserting the genocide against Serbs to be embedded in the foundations of the Dayton's Bosnia and Herzegovina, continually insisting by Muslim Bosniak leadership, there is less imaginable any compromise and effective development of the state policy. More or less biased, it is possible that the foreign proconsul can ensure the continuation of the Dayton peace, which is, through the Hague judgments, renamed, in the peace deal. An example as the Bosniaks have made the BiH fragile, is evidenced by the fact that it is a country that is afraid of the census results. It would not be a surprise that the results of the Dayton peace would demonstrate that the "Serbian" Belgrade is more multi-ethnic city than "Muslim" Sarajevo, although it has been governed over two decades, not by Karadzic's "genocidal clans, but the Bosniak politicians and so called good nationalists" who allegedly fought for civil Bosnia through the crimes against the retreating young JNA soldiers, and later against the Serbs who were in the city.

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<sup>26</sup> Ibid., 24 November 2015

The Bosniak rulers in Sarajevo and in the Republic of Srpska must understand that dealing with the past, however, and the issue of genocide is important, but it is also clear that everyone must focus on the search for the “new future” to live together, or side by side. In relation to the question of genocide, we must be very careful, because this issue has sketchy and very sensitive meaning. It is not genocide only in the word of genocide but in the character of the act. In the further engagement with the future based on the past, for the Bosniaks the essential is a message of the current Pope Francis addressed to reis ul ulema Husein Kavazović, or the Bosniaks, during his visit to Sarajevo, in the narrow circle of the present politicians, said: "Get out of the role of the victims, stop mourning yourselves ". This message of Pope Francis as it is addressed to the political Sarajevo is addressed to the international community, as well, which is not innocent in the civil war in Bosnia and Herzegovina, and particularly surrounding the acts in Srebrenica.

Instead of using the notion of genocide, we should bear in mind primarily the fact that the West does not care much for the BiH becoming a second-class state, backward and economically underdeveloped country in relation to the pre-war period in the former Yugoslavia. Today, the smartest people escape abroad, because the local standard of living is closer to African standard than to European. At the same time a hint from the West is for a hint for Africans and Arabs, Sarajevo and Europe. This is the path of Bosnia and Herzegovina to the self-genocide that is worse than "the genocide of Srebrenica." It couldn't be helped even by the Dayton and European country, the BiH should become, as well. This is increasingly impeded by unforgotten crimes, all present spontaneous social uprising of poor citizens, impoverished, oppressed, silenced. The War crimes and genocide have become a source of capital. The story of the genocide is an extension of the war, living in a constant war and the destruction of the future. For the state policy on the road to Europe, with and without genocide, in the unity of Bosnia and Herzegovina are needed politicians, the War animes and advocates of the united Europe, France's Charles de Gaulle and Germany's Konrad Adenauer.

The National Assembly of the Republic of Srpska at its session on 14 August 2018, declared the report of the Government of the Republic of Srpska about Srebrenica in 2004, as unacceptable because it came after strong pressure and blackmail by the High Representative in Bosnia and Herzegovina Paddy Ashdown, which is full of inaccuracies, insinuations and manipulation. According to those opinions and conclusions of the Assembly, the Government of the Republic of Srpska at the meeting on 18 August 2018, annulled the shameful report, and later formed a new commission that would objectively investigate everything that happened in and around Srebrenica, and determine the actual number of casualties. It should be expected that the new findings of the Commission of international experts will point to the drastic manipulation of the events in Srebrenica and unjustified use of the term of genocide as a weapon in the fight against the Serbs and the Republic of Srpska. The same can be expected from this scientific conference, which force scientifically based arguments which can establish the thesis that in Srebrenica

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## THE TRUE STORY OF SREBRENICA HAS NEVER BEEN TOLD IN THE WEST

### The Divided Country and People of Bosnia and Hercegovina: A Zero Sum Tragedy

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**Abstract:** The divided country and the peoples of Bosnia and Herzegovina characterized a tragedy with a zero sum result. All the so-called "scientists" who have abruptly pronounced the verdict of genocide in Srebrenica, had done so without facts, and thereby, in a certain way, not only diminished the meaning of the real concept of genocide, but also showed that politics often prevails and controls the intellectual elite and "scientists", thus putting them into the function of certain interests.

**Key words:** *the cheapening of the concept of genocide, Bosnia and Herzegovina, civil war, constituent peoples*

As a Serb-American an activist trying to explain alternative perspective on the Yugoslav civil wars to the one the US State Department wanted to hear since 1992, when Bosnia collapsed into the civil war as the Former Yugoslav Republic. I have encountered the endless hindrance of censorship regarding any information from the Serb side or alternative point of view during the civil war in Bosnia, from the mainstream "fake news" corporate-controlled Western media as I sought to help Americans better understand why Bosnia and the rest of Yugoslavia fell apart so easily and how to help the constituent peoples in Bosnia to find the peace.

I will never forget visiting the Former Yugoslav Republic in 1988 before the civil war. I could see that something was seething beneath the surface - something was wrong. How could such untouched and robustly beautiful country fall apart into violence and chaos that is confusing if you do not know the history of that region. How could neighbor turn against neighbor, despite living together in peace and relative harmony for decades. It was deeply disturbing for me primarily as it may have relevance for my own country as various "elite" and external forces seek to

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create havoc, disunity and violence in order to remove Donald Trump, as it was done in Ukraine to have democratically-elected leaders removed. It is also terrifying because it reveals of “the heart of darkness” with some who live among us and could be your friend, neighbor or spouse for one minute and in the next stab you in the back. What happened in Bosnia and the rest of the Former Yugoslavia was a testing for what globalist “elites” are trying elsewhere ever since: to run the division and chaos and consequently conquer mantra of their interests.

I have relatives who suffered on both sides of the trenches and I have been trying to help them ever since.

My story about Srebrenica started during the talk by David Rhodes, a journalist from the *Christian Science Monitor* who wrote one of the first stories “exposing” the alleged massacres occurred during the Bosnian Serbs Army’s siege of Srebrenica. He won the Pulitzer Prize for his work. Debate was organized at the Harvard Law School when I was a graduate student (at Harvard) by a strange woman, Samantha Power, who seemed to come out of nowhere but with a particular goal. I don’t think she was even a student at Harvard then but somehow she managed to have the connections to organize Mr. Rhode’s talk there. It was nearly impossible for anyone who wanted to tell an alternative story challenging the mainstream “fake news” media narrative. Talk about the evil Serbs and angelic enemies-of-the-Serbs was just absolutely censored and prevented to participating in the “debate” about the Yugoslav civil wars.

After telling his story, I asked Mr. Rhodes for more evidence about the mass graves he has claimed to have “discovered.” He said he saw a cane, some papers (including identification of some of the victims) dispersed on the ground and a “bone” sticking out of the ground. I queried him further. As the battle was relatively recent, if the “bone” had flesh on it? Was it an old bone (there are numerous sites of massacres from WWII and earlier in Bosnia that often get exposed after the latest rain)? Had the terrain the stench of death? Were there other bones sticking out of the ground? Were there any bullet shells? Did he himself dig up the graves to confirm his story or was he there (i.e. present) when it was disinterred? Where did the figures of “thousands dead” come from? And on and on I could have gone. Unfortunately, like so many propagandists in the Western media, he answered (or tried to answer in a better way to phrase it) on my questions in a very cagey and unsatisfying manner which means that he didn’t answer them. Of course Ms. Power was visibly distressed that I dared to question David’s story and curtailed our conversation/debate as the moderator. I’m not saying that atrocities did not occur in Srebrenica. I am only saying that something was very suspicious and concocted in David Rhodes’s story. David Rhodes won a Pulitzer Prize for telling an incomplete story which ended up peddling a narrative that blamed the Serb people for all of the evils that were unleashed in the Balkan Pandora’s box when the West (starting from Vatican and Germany) illegally recognized the independence of Croatia and Slovenia and catalyzing Bosnia’s civil war shortly thereafter. This resulted in over 100,000 deaths in Bosnia and most of the Former Yugoslavia’s Republics becoming

fascist ethnically “pure” banana republics enslaved to NATO and the West. From the context that there was already the Lisbon Agreement that could have prevented Bosnia’s civil war signed by all the parties to the conflict and then Alija Izetbegovic rescinded his signature (at the encouragement of the US politician Warren Zimmermann [1-2]) making civil war inevitable and the subsequent deaths and suffering. American involvement in Bosnia’s affairs essentially doomed the Yugoslav province to the horrific violence that was unleashed there.

Indeed Mr. Rhodes and the vast majority of Western journalists never traveled to Srebrenica’s surrounding villages which were populated with Bosnian Serbs who suffered horrifying crimes from Naser Oric and his looting band of Islamic mujahedeen terrorists [3-6] and thus never told their stories of sufferings. They never investigated earlier WWII- era genocide committed to the Serbs - Orthodox Christians in Bosnia or Croatia which together comprised the Nazi-puppet “Independent” State of Croatia (NDH) to garner perspective of why former Yugoslavs were so cruelly fighting one another. Though revenge killings should never be considered as justification for the manslaughter of innocents, it is important to understand the original reasons for animosity and ethnic tensions if we are to address and resolve the underlying causes for the violence. The fact is that the full and true story of Srebrenica has never been told in the West. Entirety of the so-called “scholars” who hastily pronounced their “genocide” judgement did so without all the facts and consequently not only devalued the meaning of genocide but also demonstrated that politics frequently overrides and controls intellectual scholarship and “scholars“.

Definitely considering the bitter discussion of genocide and the alleged but still not verified 8000 Muslim men (including foreign Mujahedeen fighters) who may have perished in Srebrenica [7], the story of the far larger scale horrific genocide of Serbs, Jews and Gypsies in the NDH was scarcely allowed to be told in the West despite the fact that over one million Serb Orthodox Christians, Jews, and Gypsies perished in the NDH during the WWII in some of the most horrific ways. Unlike in Srebrenica where women and children were allowed to leave the town, women and children were not spared by the Croat Ustashe and Bosnian Muslim Handzars in the NDH during the WWII. There was the only children’s death camp ever in history of humankind where mostly the Serbs children that were executed.

Given the horrific background of this unresolved history stemming largely from the WWII, it should come as no surprise that Yugoslavia collapsed into civil wars because the terrible genocide that occurred during the WWII has never been resolved. Western mainstream corporate-controlled diaspora intended to assign this horrific WWII-era genocide as “ancient history,” despite the fact that there are many people alive today who experienced and witnessed it. Supporting the censorship/suppression of this terrible story, Josip Broz Tito, Yugoslavia’s half-Croat and half-Slovene communist dictator tried to sweep this genocide under the rug after WWII and forbade discussion of it in Yugoslavia, thereby preventing any true reconciliation between the Yugoslav peoples. Even today, it looks as if,

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shamefully, there are similar efforts afoot in Canada [8] to punish anyone who challenges the Western-pronounced judgement and soundbite that the violence in Srebrenica was genocide yet disregarding the mass slaughters and mass ethnic cleansing of Serbs in Croatia (Europe's most ethnically-cleansed ethnic group) in places such as Mrkonjic Grad [9] and the Krajina region of Croatia. The Western-imposed soundbite whitewashed the true story by censoring the telling of all sides of this very tragic story with the aim of justifying illegal invasion as "humanitarian interventions" with the hidden aim of conquering and plundering the territories of the former Yugoslavia for the benefit of Western globalists/capitalists. Yugoslavia had been relatively well off as an independent nation before 1989. Now, as a result of the civil wars, all of its peoples are generally poor and, with the possible exception of Serbia, enslaved by Western financial institutions and NATO.

I have seen some of the victims of this sad civil war. I have met Bosnian Serbs who were imprisoned in Bosnian Muslim concentration camps and who never got over the experience and were forevermore broken people, even when they escaped to Las Vegas. I have met an old Serb gentleman in our local Serb Church who lost all of his family members (including his children and grandchildren) in Bosnia from Bosnian Muslim terror squads who slaughtered them at their doorstep. The mainstream media never told this story. On the contrary, to the mainstream corporate-controlled Western media, immaturely and naively, only the Serbs were bad and everyone else was an angel. Yet, it is the survivors of these horrors who won't forget the horrors they endured and will never trust their neighbors again. The point I'm trying to make here is that we need to tell the stories of the victims regardless of their ethnic identity. We are all equal in God's eyes. Each human being has the right to live their life in peace and without the fear of persecution, yet this right was denied to the Serbs in Bosnia.

I fondly remember visiting Bosnia with my father (who had never been to Europe before) in 2013. We had a driver take us from Belgrade to our destination in Bosnia Hercegovina. We passed over the famous bridge in Visegrad. Our driver had fought in Bosnia's civil war and would tell us details of various battles he knew about and engaged as we passed critical landmarks/villages as if it were yesterday. My Dad (who is a WWII history buff) would ask about battles from WWII that he read about. The driver also knew about these older battles (e.g. the Battle of Sutjeska) as if they happened yesterday. [People in the Balkans are intimately aware of history and in some sense, are trapped by it.] We could clearly view the "ethnic" segregation of villages. We saw the destroyed Serb Orthodox Church in Mostar. We saw destroyed Mosques. We also saw destroyed homes with racist graffiti and road signs with the Cyrillic writing spray painted out. We were also peasants that had formerly been Serbs (the evidence Cyrillic words on the graves) and were now Croats or Muslim and vice versa. How tragic this civil war had been to civilians in Bosnia!

Traveling through Bosnia, I honestly felt deeply sorry for all of Bosnians: Bosnian Serbs, Bosnian Muslims and the Bosnian Croats. All of these peoples are genetically related but separated and divided by religion (Orthodox Christian,

Muslim, and Roman Catholic). For over 1000 years, powerful empires (the Ottomans, Austro-Hungary, Holy Roman Empire, the Nazis/Axis, NATO, EU, etc.) played chess in the Balkans using the constituent peoples as pawns in their “Great” Game of conquest. Due to vicious anti-Slavic racism and jealousy over many centuries, there has been a concerted effort to “divide and conquer” the Slavs in the Balkans for fear of another Slavic empire (beyond Russia) as the Slavs are the most numerous European race.

The terrible residues of this racism and these Empires remain in Bosnia long after they have been defeated and vacated the still-suffering region. Bosnia was never a nation on its own. To expect this tiny nation of some 4 million ethnically-related but religiously-divided and now geographically-canonized souls to remain unified in the coming decades when Yugoslavia was destroyed as a nation is foolish and irresponsible. As my father pointed out when we visited Bosnia-Herzegovina, for over 1000 years, there were no real borders in Bosnia. The path my grandfather took to walk every week in the early 1900s to sell produce in Dubrovnik was not interrupted by border crossings. Today’s Bosnia is a strange patchwork of cantonized regions (Republika Srpska and the Muslim-Croat Federation) and deep division because Bosnia’s different ethnic groups don’t trust one another. This mistrust has sapped the energy of the constituent peoples in a zero-sum cycle going nowhere. What I worry about is that as America weakens due to its own divisions/problems and crushing \$21 trillion debt, and Western Europe weakens due to its illogical open border policies and historical divisions, in the face of a resurgent Russia and China which are seeking to restore the world to bipolarity, the West will not be able to impose its imperialistic hegemony effectively in the lands of the former Yugoslavia and, as a result, the region will yet again find itself at war. Just as the brutal atrocities against innocent Bosnian Serb villagers fomented a strong desire for revenge in the Bosnian Serb takeover of and neutralization of the terrorist threat from the “safe haven” of Srebrenica, I shudder when I think about how the near total ethnic cleansing of the Croats Serbs in “Operation Storm” (Oluja) and of the Kosovo Serbs in Kosovo will form a strong pretext for wars in the future which will be far more brutal than the civil wars in the former Yugoslavia were in the 1990s. And in this case, the Kosovo Albanians and the Croats won’t have NATO air force to illegally and viciously act against the Serbs on their behalf.

Though all sides have at various points in time tried to wipe one another off the map, it is very difficult to completely eradicate an entire people and the stain of that effort is never forgotten and forms the justification for further and endless wars. The message here is that the constituent peoples of Bosnia will need to relearn how to live with one another if Bosnia (and the Balkans for that matter) is ever to escape from the morass of hatred, mistrust, fear and cyclical violence that it is today. What is needed for Bosnia, starting with Srebrenica, is to form a truth commission comprised of all three of Bosnia’s constituent ethnic groups to fully and fairly investigate all crimes in the recent civil war and those during WWII as well. Those criminals on all sides who committed war crimes against innocent civilians (such as

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Naser Oric) must be punished with no exceptions including those still lurking from WWII.

The West one with prejudice intervened in the Former Yugoslavia, bombing the Serbs and therefore cannot in any way be considered as an unbiased adjudicator. Only the former Yugoslavs can find a lasting peace with one another on their own if they can unshackle themselves from their tragic history on the Balkans. Only then can the people truly heal.

I beseech all of Bosnia's constituent peoples to stop being puppets of larger foreign/external powers in this tragic zero-sum game. Let us bury the hatchet and seek a better and more prosperous future for your children instead of near certain strife.

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## CONVICTION OF 20 YEARS FOR FICTITIOUS CRIMES IN SREBRENICA NO EVIDENCE – NO DEFENSE

**Colonel Vidoje Blagojević<sup>1</sup>**

Commander of the Bratunac Brigade of the Republic of Srpska Army in “Krivaja  
95” Operation

**Abstract:** This is my story. I am Colonel Vidoje Blagojevic, Commander of the Bratunac Brigade of the Army of the Republika Srpska (ARS), who participated in Operation "Krivaja '95". As a colonel of the ARS, I was a rare Serbian prisoner of the Hague Tribunal, who managed to physically and mentally endure a brutal arrest by SFOR.<sup>2</sup> I also suffered mental abuse at the hands of an imposed lawyer who collaborated with the Tribunal's prosecutor in an explicit and fabricated court process. I refused to accept false allegations along with a final verdict of 20 years imprisonment.

As an innocent person, I spent 13 years in the Norwegian prison. So, after serving 2/3 of the prison sentence, they let me go. The Hague Tribunal staff handed me over to the Serbian police at the Belgrade airport as a package, without any address, documents or money. For those who believe in human rights and a fair trial, this is one of the most incredible stories of our century that resemble events from the 17th and 18th centuries. My suffering as a colonel of the VRS continued after exiting jail and arriving to "freedom" in my country. Even though the circumstances were different in my Homeland, and there were no barbed wires, the pain was more unbearable.

**Keywords:** *Srebrenica, 28th Division, The Hague tribunal, innocent victims, false charges, imposed defense, convict's innocence.*

Dear Conference participants, distinguished guests, ladies, and gentlemen,

Let me warmly welcome you. I'm thankful for the invitation to be here today and I'm going to tell you my short story and what happened to me after Srebrenica.

I finished all of the military schools of the former YNA (Yugoslav National Army) including the National Defense School as an exemplary officer with the highest scores. I respected people of different nationalities and faiths and lived my whole life working honestly and honorably. Thanks to my wife, our family stayed together.

The president of the Officers of the Army of Republika Srpska encouraged me to tell you my story and how I was convicted with completely fabricated evidence.

Distinguished audience,

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<sup>1</sup> He was a Commander of Zvornik and Bratunac Brigades of the Republic of Srpska Army as well as a Head of Engineering of the Main HQ of the Republic of Srpska Army.

<sup>2</sup> The Stabilisation Force in Bosnia and Herzegovina (SFOR) was NATO-led multinational peacekeeping force deployed to Bosnia and Herzegovina after the war.

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They convicted me by a secret and fabricated indictment! They brutally and savagely captured me. I was, and I remain an innocent man. My trial was without any defense! Even worse, my lawyer was collaborating with the Prosecutor and other officials in the Tribunal to convict me. As an innocent man, I spent 13 years of democratic slavery in the Norwegian prison. Unfortunately, I still cannot prove my innocence!

In the role of the commander of the Bratunac Brigade, I participated in the liberation of the Srebrenica enclave, which was not demilitarized at that time. It contained the 28th Division of the Army of Bosnia and Herzegovina (AB&H). Groups of armed soldiers of the 28th Divisions were often getting out of the "protected zone" to attack and commit mass crimes against the Serbian people in Drina Valley. Muslim political and military leadership did not respect International agreements they signed to demilitarize Srebrenica enclave.

In connection with events related to Srebrenica, especially those events that occurred after the fall of Srebrenica, many innocent people were hurt, and many suffered. I'm one of those innocent victims.

Military leaders of Republika Srpska did not have sufficient plans for the liberation of Srebrenica, because they had no intentions of entering in the enclave. The gaps in the plan began to manifest on July 11, 1995, on the day Srebrenica was liberated. Our military command did not expect such an outcome and a rapid fall. In the newly created situation with a large number of mainly Muslim civilians on one side and armed Muslim soldiers of the 28th Division on the other side, I was guided to lead my Brigade by my conscience and by the rich and honorable tradition of the Serbian military. All military operations were in line with existing military rules and regulations.

The circumstances for my brigade were complicated and dangerous. Some Serbian military officers avoided responsibility to not suffer any consequences. My unit and all fighters and officers whom I commanded survived the Srebrenica drama with a clear conscience. No one can connect this brigade with any criminal offenses that occurred in the area.

There was no evidence that either the Bratunac Brigade (which I commanded) or I, committed any crimes. SFOR<sup>3</sup> brutally arrested me on August 10th 2001 based on a secret indictment, and handed me over to the Hague Tribunal Detention Unit. During the arrest, they inflicted severe bodily injuries as well as mental abuse, which were later entirely covered up. I had nowhere to turn to express my grievances. I was entirely helpless.

Based on the fabricated cases of the Hague prosecutors, this "fair court" accused and condemned me. They used lies, manipulation, humiliation and physical force to destroy me. This is my story about my experience with a "just court" in a Western, democratic Europe.

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<sup>3</sup> The Stabilisation Force in Bosnia and Herzegovina (*SFOR*) was a NATO-led multinational peacekeeping force deployed to Bosnia and Herzegovina after the war.

## **I HAD NO DEFENSE IN HAGUE**

Two months before the start of the trial (which began on June 5, 2003), I finally dismissed my lawyer Michael Karnavas and informed the Tribunal's secretariat in writing of that. The reason I fired my attorney is that I realized that he had no intention of defending me but rather to collaborate with the prosecutor in fabricating an indictment against me. He was only playing the role of my defense attorney and nothing more. So, while I was struggling to work hard on my defense for the upcoming trial, my lawyer took the initiative to transfer my case from Trial Chamber II, to which I was assigned, but which was not suitable for his ulterior criminal motives, to the Trial Chamber I, which was more appropriate for his plan of my demise. My lawyer succeeded with his goal at the end of March 2003. The judge who was then the President of the Tribunal made an unlawful decision (contrary to the Statute of the Tribunal) and handed my case over to the Trial Chamber I.

After I fired my lawyer, I was tricked into signing documents to obtain a new attorney. This was a trap which gave the rights to the Appeals Chamber of the Tribunal to forcefully impose on me the same lawyer I fired. I then realized that the attorney whom I fired and who was reassigned to me, the Tribunal's prosecutor, and the president of the Trial Chamber I work diligently as a team against me.

As the trial process was approaching closing, knowing what their intentions were, I was becoming psychologically stronger to defend myself and „my attorney" Karnavas was increasingly losing hope of breaking me to accept their criminal charges. He was working in conjunction with the prosecutor to prove my guilt. So, my lawyer Michael Karnavas introduced 56 witnesses in the courtroom and also attached 20 statements of other witnesses, all against me. Karnavas personally selected witnesses who would work for him and the prosecutor. He prepared them as he wanted, trained them to support the court's criminal intentions, and whenever possible, directed them to testify against me in order to incriminate me ultimately. He even deliberately ordered them to invent and falsely testify as in the clear case of witness Beatovic and many others.

In January 2004, knowing what their intentions were, I said in the courtroom that I did not have any defense. I explained that my forcefully imposed lawyer was collaborating with the prosecutor of the Tribunal against me. I was so naive that I hoped that the President of the Trial Chamber I would do something, but he did not react at all. Why would he respond since he was jointly working against me with "my attorney" and prosecutor of the Tribunal? Finally, everything was evident to me.

The prosecutor had no difficulty implementing the fabricated indictment against me. The witnesses brought by my lawyer Karnavas were more helpful to the prosecutor than the witnesses the prosecutor brought himself. The prosecution called US military expert, Richard Butler to the stand. Everything he said in his testimony related to the Bratunac Brigade was pure fabrication and manipulation.

## CONVICTION OF 20 YEARS FOR FICT. CRIMES IN SREBR. NO EVIDENCE

Two Serbian officers Momir Nikolic and Dragan Obrenovic (accused in the joint indictment) signed a plea agreement with the Tribunal's prosecutor. The Hague prosecutors manipulated them in various ways to recognize the crimes that the Tribunal's office invented to use for other trials. Their testimonies and allegations were set up at the prosecutor's office, and tailored to the prosecutor's needs. The president of the Trial Chamber I knew about this and that it was contrary to Anglo-Saxon Law by which the Tribunal was founded, but it was accepted.

The President of the Trial Chamber I prohibited and prevented me from testifying under oath. This was an example of brutal force used against me, which was difficult for me to accept. The court aimed to break my will to acknowledge their fictitious crimes.

Based on these circumstances, the obvious conclusion is that in this farce of an international trial, the first instance verdict passed against me was a entirely staged process in which the President of the Trial Chamber 1 had the essential task of coordinating the very successful teamwork of the Prosecution of the Tribunal along with my "defense" attorney.

In the final verdict, only one judge, Mohammad Shahabuddin, said that I was denied the right to a fair trial and that the case should be retried. As far as I know, my situation is a unique example of the rendering of an unjust conviction at the Hague Tribunal. Perhaps the same happens in other courts where "international justice" is carried out with false facts and without the right to defense.

Judge Mohamed Shahabuddin was one of the rare and honorable judges of the Hague Tribunal, and was also against the decision to impose the defense attorney, whom I fired. At the beginning of the trial, Judge Shahabuddin did not object to the decisions of the President of the Tribunal. However, later in May 2007, this judge realized that the President of the Tribunal was carrying out injustice and opposed him. Unfortunately, he was thrown out very quickly from the Tribunal after he raised his voice against such trials.

In the appeal judgment, Judge Shahabuddin said eighteen times that he disagreed with the other members of the Appeals Chamber because he believed that I was denied the right to a fair trial and that my case should go to a retrial and the facts need to be proven.

Judge Shahabuddin wrote in his court opinions: **"I believe that Mr. Blagojevic has been unlawfully prevented from telling his story. He has not had a fair trial. He should be retried based on the circumstances of his case."**

I am confident that at least once in a detention cell in The Hague and twice in jail in Norway, they tried to cause me harm. It is only due to pure luck that my life did not end in a prison cell.

This is my testimony. I unambiguously confirm and present to the public what was going on in the Tribunal during my trial.

## **I HAD NO HELP FROM REPUBLIKA SRPSKA AND SERBIA**

It is with a heavy heart that I need to point out some individuals and particular acts and procedures, which were carried out by the political leadership of both Republika Srpska and Serbia, and which were instrumental to the Hague Tribunal in achieving such a joint criminal venture.

All those indicted Serbs, who signed the agreement with the Tribunal Prosecutor admitting guilt when innocent, assisted the Prosecutor in confirming his false criminal facts. Their testimony against other convicts and me made it easier for the Prosecution to fill the cells of the ICTY with Serbian convicts. Some of these helpers have been awarded decorations and other recognitions for "honorable service" to the army and Republika Srpska. This should be condemned.

Some individuals have cooperated with the Tribunal's prosecution for years, supplying it with data and documents, all against their colleagues. The liaison officer with the Hague tribunal appointed by the Government of Republika Srpska at that time did not do the job for which he was selected, but against the Serbs detained in The Hague. He reliably served this institution working against the Serbian defendants. I experienced his loyalty to the Hague tribunal on my own skin.

Director of the Government Office of Republika Srpska for Cooperation with the ICTY was also doing everything to serve the Tribunal faithfully, that is the prosecutor's office, to the detriment of the Hague prisoners. This cooperation with the Tribunal resulted in the report of the Commission for Srebrenica where this Serbian institution stood against the founders of Republika Srpska and only served in their personal interest and in preserving their acquired positions. This fabricated Srebrenica document was issued in 2004 right before the adoption of my first-instance verdict. The international community created this Document and imposed it on the government of Republika Srpska to recognize the false crimes they listed in Srebrenica. It is striking that the Prime Minister, who testified before the National Assembly of Republika Srpska, said that they did not have any direct pressure from the international community when they passed the report.

I also sought legal assistance from the President of the National Council of the Republic of Serbia and asked Serbian ambassador to Norway to help me. None of them responded to my desperate calls.

When I was released from prison, I rejoiced to experience freedom and to return to my homeland. But when I was transferred to the police at Belgrade airport, Serbia, I felt loneliness and humiliation. I was not even welcomed back home. They delivered me like an empty cardboard box without an address, personal documents, or money in my pocket. As a former officer of the Yugoslav National Army, I addressed the military authorities in Serbia, but they did not even want to hear about my problems. What happened to my country and my people?

Unfortunately, even today I am alone, abandoned, without a place to live and without the most basic living conditions. For years I have been living with my wife

## CONVICTION OF 20 YEARS FOR FICT. CRIMES IN SREBR. NO EVIDENCE

in a warehouse – in one room of the former military hotel Krajina. After my judgment, my family members were expelled from work and had to seek a better life in other countries.

It is an essential fact that after 24 years, not a single soldier who was under my command was even suspected of a crime, let alone indicted of a crime. And, the Hague Tribunal has blamed the Bratunac Brigade as one of the two units of the Army of Republika Srpska responsible for everything that they say happened there. Does the Bratunac Brigade look like a criminal unit? Will the Bratunac Brigade ever get justice? Tribunal does not accept my request to revise the trial and clear the name of the Bratunac Brigade because they achieved their goal.

And, finally, dear friends, I was not a mercenary who fought in a secret war. I was an officer of a well-organized, well trained, and responsible military system that functioned in the war. As a soldier and an officer of the Army of Republika Srpska, I honorably and responsibly performed the assigned tasks. Frankly, I never received an order from my superiors, throughout the war, in writing or verbally, which I would not do today. All issued orders by my superiors were under the applicable rules and regulations of warfare.

When they brought me in the Tribunal, I believed that my country I fought for would completely stand by me, as did Croatia, the Federation of B&H, and Kosovo for their defendants. My country's failure to defend me in the name of justice really hurts more than anything else. So, it is no wonder then that the indictments against the Serbs in The Hague are so numerous and severe.

Throughout my stay in the Tribunal and while serving my sentence in Norway, I did not receive any help from my country, neither legal nor monetary. My wife visited me twice in ten years in a Norwegian prison, and my family paid for the expenses. After leaving the prison, the only help I received was 300 KM, (about \$170.00) which was given to me by the Veteran's Organization of Republika Srpska.

Finally, I wish to point out that after leaving the prison, I knocked on many doors of countless institutions of the Republika Srpska, but the only place where I was greeted with respect was this Organization of the Army Officers of Republika Srpska. I hope that this conference will at least enlighten and mitigate the lies that affected me, as an individual, as well as the Republika Srpska that was labeled a genocidal creation.

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***Vidoje BLAGOJEVIC, Colonel***

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## ORGANIZATIONAL COMMITTEE OF THE INTERNATIONAL SCIENTIFIC CONFERENCE “SREBRENICA - REALITY AND MANIPULATION”

ORGANIZATION OF COMMANDING OFFICERS OF THE ARMY OF THE  
REPUBLIC OF SRPSKA

INDEPENDENT UNIVERSITY BANJA LUKA

INSTITUTE FOR RESEARCH ON SUFFERING OF THE SERBS IN XX  
CENTURY BELGRADE

From the published and presented papers, and conducted discussions at the International Scientific Conference “SREBRENICA - REALITY AND MANIPULATION”, held in Banja Luka on 12 and 13 April 2019, PARTICIPANTS of the Conference on April 13, 2019 hereby **agree and adopt**

### CLOSING DOCUMENT OF THE CONFERENCE

1. The International scientific conference “SREBRENICA - REALITY AND MANIPULATION”, which presented 48 papers of 52 authors and co-authors, 16 of them from the area outside the former Yugoslavia (Russia, USA, England, France, Austria, the Netherlands, Portugal, Switzerland and Bulgaria), is a scientifically expert national project whose main goal is to establish the truth about events in and around Srebrenica in the past civil war in Bosnia and Herzegovina.
2. The power of the argument disassembled the groundlessness of indictments and judgments directed against the Serb people in order to credit it with guilt and responsibility for the alleged genocide against the Bosniak population of Srebrenica in July 1995.
3. The historical context of the crime and persecution against the Serb people in Srebrenica during World War I and II, and the last civil war in Bosnia and Herzegovina in 1992-1995, when a large number of the Serb civilian population was killed in Podrinje, was unraveled and factually conceived.

## **CLOSING DOCUMENT OF THE CONFERENCE**

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**4.** In the past civil war in Bosnia and Herzegovina, the crimes of different scope and intensity in the whole territory of BiH were committed.

**5.** The crime that took place in Srebrenica in July 1995, in accordance with the generally accepted definition established by the International Convention on the Prevention and Punishment of the Crime of Genocide dated 1948, and which also exists nowadays as an instrument of international law, may not be regarded as genocide.

**6.** There is not enough scientifically and legally verified evidence that there was a joint criminal enterprise on the Serb side in the civil war in BiH on the forcible removal of the Muslim population (Bosniaks), neither the common intention nor the common goal for such an undertaking, and therefore there is no evidence of genocide, i.e. association for the purpose of committing genocide (a joint criminal enterprise is the legacy of English legislation, which the same legislation gave up several years ago).

**7.** The legal qualification of the Srebrenica Criminal Tribunal, through the enforcement of a lawsuit by a number of defendants of the courts, is not defined by the expert, professionally professional and certified by the applicant, but mainly by the fact that the number of witnesses in the state of the international community is different, it is still practiced in the field of professional, professional and professional verification.

The legal qualifications of the crimes committed in Srebrenica, provided by the Hague tribunal through adjudication against a number of accused and convicted persons, are not based on scientifically, expertly and professionally verified facts and evidence, but mainly on false statements of a number of witnesses from the Bosniak people and others, and as such must be subject to scientific, expert and professional verification.

It is requested from the institutions of the Republic of Srpska and the Republic of Serbia to initiate the procedure and provide all required guarantees that all convicted persons in the Hague Tribunal from the Serb people serve their prison sentences in the countries of their nationality, i.e. in the Republic of Serbia/or the Republic of Srpska.

**8.** There is no scientifically confirmed evidence of the exact number of victims in combat and out of combat operations in Srebrenica in the summer of 1995.

**9.** It may be concluded beyond reasonable doubt that the eviction of the civilian population from Srebrenica was not forcible, but it was an unanimous choice of representatives of the civilian authorities and the local population, the command of the 28<sup>th</sup> Division and certain mechanisms of the international community.

**10.** There are sufficiently reliable facts that the crime in Srebrenica was well designed, carefully planned, long prepared and successfully implemented by operatives of foreign intelligence services, financially and medially supported by

military strongmen of Western countries, the Bosniak military and civilian leadership, with the basic aim of obtaining a valid alibi for bombarding positions of the Republic of Srpska Army and the Serb population with depleted uranium, in order to weaken the position of the Republic of Srpska and with the purpose of long and systematic destruction of the Serb people in Bosnia and Herzegovina.

**11.** The Hague Tribunal is an illegal, dependent and biased criminal-legal formation that did not apply generally accepted standards of international law, but judged on the basis of rules it established itself and which might not be a source of international law, thus it is necessary to establish a new legitimate international mechanism which would review all pronounced verdicts.

No verdicts, and even verdicts of the ICTY, may not be an obstacle for further scientific research with the purpose of establishing a comprehensive truth.

**12.** It is necessary to make a list of all Serb victims in XX century, and thus in the last civil war in the period 1992-1995. It is necessary to launch an initiative for the construction of the Memorial Center for Victims of the Middle Podrinje.

**13.** It is necessary to strengthen the institutional capacities of the Republic of Srpska in order to establish the comprehensive truth about the past civil war in Bosnia and Herzegovina for the further development and survival of the Republic of Srpska and the Serb people in this region

**14.** Pointing to numerous flaws and falsehoods, the scientific conference has established frameworks of the historical truth about the events in Srebrenica, beyond which untruths may not be fabricated and compromises may no be made anymore.

**15.** In order to bring the truth closer to other interested parties, but also to prevent further spread of lies and falsehood, this final document and the collection of works, in the Serbian and English language, will be made available to all relevant subjects of the domestic and international public.

It is necessary to make additional efforts to publish this final document and the collection of works, or at least the abstracts and conclusions of each paper individually, in both Russian and Chinese, and make it available to the Russian and Chinese public and the most important institutions of Russia and China.

ORGANIZING COMMITTEE

SCIENTIFIC COMMITTEE

**CHAIRMAN**

OF THE ORGANIZING COMMITTEE

Professor Milovan Milutinović PhD



# **SREBRENICA – REALITY AND MANIPULATION**

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## ORGANIZATION OF THE COMMANDING OFFICERS OF THE REPUBLIC OF SRPSKA ARMY



The Organization of the Commanding Officers is a nongovernmental and nonparty association that has continued the tradition of the reserve commanding officers, whose hundredth anniversary will be marked in 2019. Its activities have focused on promoting the more efficient protection of rights of all the war veterans as well as representing and advocating for the positions and interests of this population group in the society. It has also coordinated the activities aimed at strengthening the patriotism and awareness of the Serbian people about the necessity to protect the Republic of Srpska

It is committed to cherish the feelings of patriotism and homeland as well as the tradition of freedom of the Serbian people and the Army of the Republic of Srpska, with the focus on preserving the character and honor of the Serbian commanding officers and veterans. It has contributed to the strengthening of the unity of Serbian people and the Republic of Srpska, with the support to the competent institutions, for better lives of all its citizens.

It has been primarily focused on the collection of archival material from the homeland defense war and encouragement of the relevant stakeholders to prepare monographs of the war units, with the continuation to fight for the truth about the suffering of the Serbian people. It has been strongly opposed to all forms of degrading and accusing of the Serbian people for all the war sufferings and genocide in the area of Bosnia and Herzegovina.

## INDEPENDENT UNIVERSITY OF BANJA LUKA



The Independent University of Banja Luka – NUBL is a higher education institution and it is an educational and scientific institution that educates different profiles of students at its: Faculty of Political Sciences, Faculty of Pedagogy, Faculty of Economics, Faculty of Ecology, Faculty of Informatics and Computer Science, Faculty of Fine Arts and Faculty of Protection and Security.

The University has been accredited by the Agencies for Accreditation of Higher Education Institutions of the RS and BiH. It is committed to continually develop the quality of higher education, in line with contemporary standards and challenges both in the European Union and Bosnia and Herzegovina as well as in the Republic of Srpska, and equally to provide the quality of higher education at all the three cycles of academic study programs, with its professional and competent teaching staff of diverse accredited study programs.

Numerous social phenomena, necessary for the professional and efficient study of the social flows, are studied at the Research Institute operating within the University. It is here that a large number of scientific and expert conferences were organized in the last several years, together with publishing of hundreds of studies, monographs and textbooks, while different scientific points of view of different authors coming from the social, political and economic life are presented in the scientific magazine “Svarog”.

## INSTITUTE FOR RESEARCH OF THE SUFFERING OF THE SERBS IN XX CENTURY – BELGRADE



The Institute implements a global project called “Suffering of the Serbs in XX Century” and, until 12 July 1992, it operated as a Research Center, which was used for organized collection of data about the Serbian victims and perpetrators of those crimes on the territory of former Yugoslavia. So far, the Institute has published several dozens of monographs and testimonies of the suffering of the Serbian people in this region.

In the previous period, the Institute has collected many valid documents about the suffering of each individual of Serbian nationality in this war and the total of victims for each village and municipality where our compatriots lived, particularly on the territory of Bosnia and Herzegovina and Croatia.

Its activities are also focused on the collection of testimonies of the surviving witnesses and identification of the ideological leaders, who have committed crimes against the Serbian people, and of the heads of political organizations, the opposing military formations and perpetrators of crimes.

