

The
**SREBRENICA
MASSACRE**

Evidence, Context, Politics

Edited by Edward S. Herman

Foreword by Phillip Corwin

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The former Socialist Federal Republic of Yugoslavia
according to the 1974 Constitution, with its six Republics,
and two Autonomous Provinces



Source: Perry-Castañeda Library Map Collection, University of Texas at Austin, <http://www.lib.utexas.edu/maps/europe/former_yugoslavia.jpg>

Bosnia and Herzegovina, Summer 1995



Source: Adapted from the Bosnia and Herzegovina map, UN Cartographic Section, Dag Hammarskjöld Library
<<http://www.un.org/Depts/Cartographic/map/profile/bosnia.pdf>>

Eastern Bosnia and Herzegovina, Summer 1995



Source: Adapted from the Bosnia and Herzegovina map, UN Cartographic Section, Dag Hammarskjöld Library
<<http://www.un.org/Depts/Cartographic/map/profile/bosnia.pdf>>

FOREWORD

Phillip Corwin

On July 11, 1995, the town of Srebrenica fell to the Bosnian Serb army. At the time, I was the highest ranking United Nations civilian official in Bosnia-Herzegovina. In my book, *Dubious Mandate*,¹ I made some comments on that tragedy. Beyond that, I decried the distortions of the international press in their reporting, not only on that event, but on the wars in Yugoslavia (1992-95) in general. I expressed the wish that there could have been, and must be, some balance in telling the story of what actually happened in Srebrenica and in all of former Yugoslavia, if we are to learn from our experience.

This book by the Srebrenica Research Group, *The Srebrenica Massacre: Evidence, Context, Politics*, answers that call. It presents an alternative and well-documented assessment of the tragedy of Srebrenica, and of the suffering of all the constituent peoples of former Yugoslavia. It is an invaluable document. Of course, there will be those who will disagree with the authors' perspective. But if we are to open a discussion that has been closed to all but the faithful, if we are to prevent similar tragedies from occurring again, then we must take seriously the accounts put forward by the bright and discerning contributors to this book. No honest reader can doubt the credentials of these authors. And no honest reader should doubt the importance of what they have to say. I congratulate them on their scholarship and their courage.

Coincidentally, I have a personal reason for recalling what happened on July 11, 1995, for not only was that the day Srebrenica fell, but it was also the day that a Bosnian sniper tried to assassinate me as my vehicle, white and clearly marked as a UN vehicle, was driving over Mt. Igman on the way back to Sarajevo from a staff visit to Gorni Vakuf. The sniper targeted our vehicle as we sped around the hairpin turns of that narrow, rutted mountain road, and it was due only to the courageous efforts of Bruno Chaubert, the Corsican warrant officer who was my driver, that we survived. We knew from the trajectory of the bullet, and the fact that we had identified ourselves only minutes earlier at a Bosnian army checkpoint, that the sniper who fired on us was in Bosnian government controlled territory, and that he knew who we were. Actually, the sniper had targeted the driver, because he knew if the driver

had lost control, then the vehicle and all its passengers would have gone over the mountain. At the time, however, I chose not to publicize the event because the Bosnian government would have denied it, and the UN would not have protested, given its gaping lack of credibility with the Bosnian government. But the message was clear. The Bosnian government considered the UN to be its enemy.

In the years since Srebrenica fell, the name itself has become a buzzword for allegations of Serbian genocide. Books have been written, reports have been compiled, and radio and television broadcasts have saturated the air waves with “evidence” of this crime against humanity. The United Nations Security Council convened an international tribunal in The Hague to “prove” this pre-trial judgment. It would not be an exaggeration to say some journalists and aspiring politicians have made careers out of promoting this allegation.

But the situation is more complicated than the public relations specialists would have us believe. That there were killings of non-combatants in Srebrenica, as in all war zones, is a certainty. And those who perpetrated them deserve to be condemned and prosecuted. And whether it was three or 30 or 300 innocent civilians who were killed, it was a heinous crime. There can be no equivocation about that. At the same time, the facts presented in this volume make a very cogent argument that the figure of 8,000 killed, which is often bandied about in the international community, is an unsupportable exaggeration. The true figure may be closer to 800.

The fact that the figure in question has been so distorted, however, suggests that the issue has been politicized. There is much more shock value in the death of 8,000 than in the death of 800.

There is also evidence in this book that thousands of *Serbs* were massacred, expelled, tortured, raped, and humiliated during the wars within former Yugoslavia. The international community has not seen fit to publicize these atrocities with as much vigor as it has those of Srebrenica. That simple observation does not justify what occurred in Srebrenica. But it is another piece of the puzzle that explains the anger of the Serbs when they assaulted Srebrenica. In May 1995, for example, just two months before Srebrenica fell, the Croatian army captured Western Slavonia and expelled 90 per cent of the Serb population in that region.

Serbs had lived in Western Slavonia for hundreds of years. But the international community said nothing about those expulsions; in fact, it applauded the Croatian action, as though the Serb civilians deserved what had happened. To massacre Croats or Bosnians or Kosovo Albanians was genocide. To massacre Serbs was regarded as appropriate retribution. Clearly, the international community has not seen fit to consecrate the massacres of Serbs with monuments. Instead, it has issued arrest warrants for Serb leaders.

What happened in Srebrenica was not a single large massacre of Muslims by Serbs, but rather a series of very bloody attacks and counterattacks over a three-year period, which reached a crescendo in 1995. And the number of Muslim executed in the last battle of Srebrenica, as former BBC reporter Jonathan Rooper has pointed out, was most likely in the hundreds, not in the thousands. Moreover, it is likely that the number of Muslim dead was probably no more than the number of Serbs that had been killed in Srebrenica and its environs during the preceding years by Bosnian Commander Naser Oric and his predatory gangs.

The events at Srebrenica in July 1995 did not occur in a political vacuum. In fact, they might never have occurred at all if Yugoslavia had not been forcibly dismembered against the will of 45 percent of its people, the Serbs. (Serbs were about 31 percent of pre-war Bosnia.) The breakup of Yugoslavia, in fact, was contrary to the last Yugoslav Constitution (1974), which invested the right of self-determination in Yugoslavia's six constituent "nations" (Croats, Macedonians, Montenegrins, Muslims, Serbs, and Slovenes), and required that all of these nations had to agree to the dissolution of the federal state for it to be legal. And of course, the Serbs never agreed. In my book, *Dubious Mandate*, I report the following question, which was posed to me by a Bosnian Serb: Why, after 50 years as a Yugoslav, should I suddenly be told I'm a minority in a Muslim State, when I was never even given a choice?

People can get very angry when you take away their country.

Today, one can only imagine what might have happened in the Balkans if diplomacy had been given a better chance, if NATO had not had the ambition it had to push eastward, up to the borders of the former Soviet Union, to annex what was then being called the "new Europe." It is possible—not certain, but possible—that in due time there might have been a *peaceful* breakup of the former Yugoslavia, probably

along different international borders. But the decisions to fracture the former Yugoslavia were taken precipitously, by minority communities *within* Yugoslavia, and were driven by powerful forces *outside* Yugoslavia—namely, those of NATO, especially the newly-reunited Germany.

One of the big lies that we heard during the wars in Yugoslavia was that NATO had to intervene because there was danger the conflict would spread. But no group within the former Yugoslavia had ambitions outside of Yugoslavia. It was the nations outside Yugoslavia that had ambitions inside Yugoslavia.

When the greatest military power of all time has an identity crisis, the world is in danger. With the end of the Cold War, NATO's role as a defensive alliance ended. There were those who said that NATO should have been dissolved, now that there was no more Soviet Union. But there were also those—many of whom were bureaucrats benefiting from the existence of such a massive organization—who said NATO should now be used as a weapon to forge “democracy” around the world—in other words, it should be used to promote the global economy, and make the world free for Coca-Cola. Four of the six constituent republics within former Yugoslavia agreed to this immediate transition to “democracy.” Serbia did not, and it paid the price. In fact, everyone in the former Yugoslavia paid the price, and Srebrenica was part of that price.

Post-mortem studies of events in the former Yugoslavia, including those by the United Nations, have cited the international community's inability to recognize “evil” as the main reason for its inability to end the wars of the 1990s in the Balkans. If such self-delusion were not so tragic, it would be comic. Wars have never been fought to destroy evil, no matter what religious zealots may assert. Wars have been fought for economic, political, strategic and social reasons. The wars of the 1990s in the Balkans were no different. It was geopolitics, not original sin, that drove NATO's ambitions.

There is one more general comment I must make, by way of background, about the wars in the former Yugoslavia, and that comment involves the concept of *historical memory*. We allow certain peoples to have historical memory. We allow the Jewish people to remember the Holocaust. And they *should* remember it. It was a terrible tragedy. But we do

not allow the Serbian people to remember their massacre during World War II at the hands of the Nazis and their Bosnian and Croatian fascist puppets. This is not to say that *all* Bosnians and Croatians were Nazi collaborators; but the Croatian *Ustaše* regime, which included Bosnia, was. And why should Serbs *not* have been suspicious and angry when they were suddenly told that vast numbers of their people were about to become minorities in new countries that were led by people who were their killers during World War II? Especially when the Serbs had never even been consulted! They would have been crazy *not* to be anxious. My question is, why did the international community not understand the perplexity, the anger, and the historical memory of the Serbs?

Back to military concerns. It was evident by July 1995 that the Bosnian Serb army could not continue to allow five enemy bases to exist behind its front lines. Mind you, I am not speaking about the humanitarian issue here, because I have never, and will never, condone the slaughter of civilians. But it would be irresponsible to ignore the military aspect of the campaign in eastern Bosnia when discussing Srebrenica, just as it would be foolish to ignore the historical process that led up to the events of July 1995.

Today in Bosnia there is a campaign of disinformation that has all but buried the facts along with the bodies. To pretend that the events in Srebrenica were a microcosm of any sort is to take an oversimplified, fast-food view of history. One isolated event does not explain a process as complicated as war. History is not a collection of sound bites. History is a process with several watersheds, and to understand Srebrenica one must understand the watershed of NATO's identity crisis.

As part of that campaign of disinformation, the authors of a whole series of reports about Srebrenica, both inside and outside the UN, have judiciously avoided interviewing those in-the-know who might not have told them what they wanted to hear. For example, the authors of the first comprehensive United Nations report on Srebrenica, entitled *The Fall of Srebrenica*, issued in the fall of 1999, never interviewed me, and did not list my book in their short bibliography, even though I was the ranking UN official in Bosnia at the time of the takeover of Srebrenica. Nor was I alone in being ignored by the compilers of politically-correct history.

In my case, my major error was that I dared to defend the United

Nations at a time when it was fighting as hard as possible to be a scapegoat. UN leadership, which was desperately trying to curry favor with the United States in order to prevent the world organization from completely collapsing, could not afford to criticize the world's only superpower. The United States, which had been useless in Rwanda, embarrassed in Somalia, and frustrated in former Yugoslavia, needed a sacrificial lamb. And because I refused to be part of the UN's *mea maxima culpa* campaign, I was ignored. There were others too, prominent intellectuals, who were ignored in the flurry of reports that emerged, "studies" righteously denouncing the United Nations for not having recognized the existence of evil. But one day their story, our story, must be heard if one is ever to understand the history of Srebrenica, of the former Yugoslavia, of Europe, and of the world. The beginnings of that untold story, hitherto marginalized by official renditions, are here for all to read in this report.

Notes

- 1 Phillip Corwin, *Dubious Mandate: A Memoir of the UN in Bosnia, Summer 1995* (Durham, NC: Duke University Press, 1999).

PREFACE

Edward S. Herman

Srebrenica can best be understood in the context of the U.S. and NATO war against Serbia and dismantlement of Yugoslavia.¹ In this war, which followed the collapse of the Soviet bloc and Soviet Union itself (1989 - 1991), and the ending of the Socialist Federal Republic of Yugoslavia's usefulness as a Western ally, those indigenous forces which sought to preserve the unified, federal structure of Yugoslavia were designated the enemy, while those which sought its breakup, the Slovenes, the Croats, the Bosnian Muslims, and the Kosovo Albanians, saw their causes adopted by the Western powers, and hence became "freedom fighters." The ensuing civil wars, which can be dated to no later than the spring of 1991,² involved both military and propaganda campaigns. In the latter, the Republic of Serbia, as the chief advocate of preserving a unitary federal state, was depicted in the harshest light, with the official positions of the breakaway republics of Slovenia, Croatia, and Bosnia-Herzegovina, and their Western great-power supporters, uncritically accepted by the Western media and humanitarian NGOs and intellectuals.

It was in such a highly charged political environment that the Srebrenica massacre of July 1995 took place, and was quickly described as a case of "genocide"³ and "Europe's worst massacre since World War II,"⁴ with the number slaughtered there speedily fixed as 8,000 "men and boys." That number was first put forward by the Red Cross, not on any evidence of 8,000 killings, or even deaths, but on the basis of the number of Bosnian Muslims estimated to have been taken prisoner by the Serbs (3,000) plus the number initially claimed to be "missing" (5,000).⁵ Although the Red Cross had no evidence that the alleged 3,000 prisoners were dead, and soon acknowledged that many of the "missing" had gotten through Bosnian Serb lines to safety, and that many were killed in the furious fighting in the Bosnian Muslim retreat from Srebrenica, the 8,000 figure was never revised downward, but has remained intact up to today. What is more, it was quickly transformed into "executions," also intact through the succeeding 15 years.

This stability in number was not because anything like 8,000 bodies were subsequently exhumed and identified as victims of a Srebrenica

massacre, despite years of searches and a substantial forensic investment, or that witness evidence supported any such number, as we describe in the text below (Chapters 4 and 5). It is a curiosity, not only because of the lack of evidence for the figure, but also because in most massacre cases the initial estimates are exaggerated, and are subsequently adjusted downward based on the cooler examination of hard evidence. For example, at its peak, the early 9/11 estimates at the World Trade Center in New York City reached as high as 6,886, but in the end this was reduced to 2,749;⁶ and the numbers put forward by NATO officials in the spring of 1999 for the Kosovo Albanian dead or missing at Serbian hands during the bombing war plummeted from 100,000 or more to one-tenth that total and less.⁷ The claim of “genocide” in Bosnia, with an alleged 200,000 (or more) Bosnian Muslim civilians slaughtered by 1993, was eventually cut down to less than 40,000, based on the research of two different establishment sources.⁸

This suggests that the Srebrenica total may have been uniquely immunized against downward revision for reasons that have little or nothing to do with evidence, and a great deal to do with political interest. We certainly believe that there were a significant number of executions at Srebrenica following the evacuation of the designated Srebrenica “safe area” in July 1995. But we also believe that they may not have been more numerous than the Serb civilians killed in the towns near Srebrenica by Bosnian Muslim forces operating out of that “safe area” in the prior three years (well over 1,000, with one estimate as high as 3,287⁹), or the number of Serbs killed in the ethnic cleansing by Croats in Croatian Western Slavonia and the Krajina in May and August, 1995 (2,500 or more). We believe that the inflation of numbers and huge publicity given to the Srebrenica massacre, and the avoidance of context and attention to the actions and killings of others participating in the Bosnian struggle, rests on political interest. That political interest has profoundly influenced the focus of Western officials, the Western-organized International Criminal Tribunal of the Former Yugoslavia (ICTY), the Western-dominated UN, and the Western media.

The purpose of this volume is to raise questions and adduce relevant evidence about the now institutionalized claims regarding the Srebrenica massacre and to challenge the broader narrative in which it plays a major role. This is an important task because this massacre has become a key

event and symbol demonstrating Serb evil, the justice of the Western intervention in the Balkans, including its wars and criminal trials, and showing that “humanitarian intervention”—and the bypassing of supposedly obsolete rules against military attacks on sovereign nations—is sometimes necessary and good. Not a single major discussion that advocates “humanitarian” war, with its related notions of the “responsibility to protect” and the “right to intervene,” has been produced since the events of July 1995 that has not also cited an alleged failure to prevent either the “Srebrenica Massacre” or the Bosnian “genocide” to buttress its pro-interventionary argument.¹⁰ If, however, the regnant claims about the Srebrenica massacre are untrue or seriously inflated—like that of the alleged threat posed by Iraqi “weapons of mass destruction” in 2002-2003—one of the moral and intellectual bedrocks of Western interventionism in this post-Soviet era of rapid U.S. and NATO-bloc expansion is seriously weakened.

We know that our work will be assailed as “historical revisionism” and, worse, as “genocide denial,” but charges such as these are fundamentally political in nature, and we regard them as no more than cheapshots and evasions, whose real purpose is to preempt challenges to a firmly established party-line. The regnant account is regularly protected by aggressive personal attacks on the challengers in lieu of the more arduous task of answering with evidence.¹¹ Those who guard the gates of recent Balkans History—especially those who guard it zealously, with no other calling but to keep this History all to themselves, and to keep others out—have sharpened several weapons with which to defend those gates, and to repel their adversaries. Many of them believe that the best way to control The Truth is to portray anyone who would breach the gates as a kind of barbarian—and nothing more. In January 2009, the European Parliament proclaimed every July 11 a “day of commemoration of the Srebrenica genocide,” when “more than 8,000 Muslim men and boys...were summarily executed by Bosnian Serb forces...making this event the biggest war crime to take place in Europe since the end of the Second World War.”¹² In the face of such certitude, who in his right mind would “deny” the “Srebrenica massacre”?

We will not be cowed by these rhetorical questions designed to enforce a politically preferred but eminently challengeable truth. We do not think we have given the final word here. But we have based our ar-

guments on what seem to us relevant and neglected facts, and invite a careful look at our presentation and further debate

The authors are indebted to many scholars in the field, most of whom are cited in our endnotes. We are grateful to Phillip Corwin, who was the highest ranking UN civilian official in Bosnia-Herzegovina in July 1995, for his Foreword to this book. David Peterson has been indispensable in helping get the book into final shape. Others who have been helpful to this project are the late Milan Bulajic, Kole Kilibarda, Diana Johnstone, Stephen Karganovic, Sanjoy Mahajan, George Pumphrey, Milivoje Ivanisevic, Vera Vratusa, and Darko Trifunovic. The authors alone are responsible for the analyses and arguments included in this volume.

Notes

- 1 See, e.g., Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War* (Washington, D.C.: Brookings Institution, 1995); Robert M. Hayden, *Blueprints for a House Divided: The Constitutional Logic of the Yugoslav Conflicts* (Ann Arbor, MI: University of Michigan Press, 1999); David Chandler, "Western Intervention and the Disintegration of Yugoslavia, 1989-1999," in Philip Hammond and Edward S. Herman, Eds., *Degraded Capability: The Media and the Kosovo Crisis* (Sterling, VA: Pluto Press, 2000), pp. 19-30; Diana Johnstone, *Fools' Crusade: Yugoslavia, NATO and Western Delusions* (New York: Monthly Review Press, 2002); 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, <<http://fmsso.leavenworth.army.mil/documents/bosnia2.htm>>; and Edward S. Herman and David Peterson, "The Dismantling of Yugoslavia," *Monthly Review*, Vol. 59, No. 5, October, 2007, <<http://www.monthlyreview.org/1007herman-peterson1.php>>.
- 2 Both the Republic of Slovenia and Republic of Croatia formally declared independence from the Socialist Federal Republic of Yugoslavia on June 25, 1991; the Muslim - led Republic of Bosnia and Herzegovina declared the republic's independence on April 6, 1992. But all of these actions came on the heels of prolonged extreme tensions between the republican and the federal institutions of state, as well as the ethnic populations then living across each of the six republics.
- 3 Although political figures and the news media began using the term "genocide" in relation to ethnic Serb practices in the former Yugoslavia as early as 1992, the earliest official usage of the charge "genocide" in relation to Srebrenica is to be found in Counts 1 and 2 of the Indictment of Radovan Karadzic and Ratko Mladic for Srebrenica. See Richard J. Goldstone, *The Prosecutor of the Tribunal*

- Against Radovan Karadzic and Ratko Mladic* (IT-95-18), November 14, 1995, para. 47-51, <<http://www.un.org/icty/indictment/english/kar-ii951116e.htm>>.
- 4 David Rohde, "Serbia Held Responsible For Massacre Of Bosnians," *Christian Science Monitor*, October 24, 1995—one of countless occasions on which this and very similar phrases (e.g., "worst mass murder in Europe since World War II") have been used to describe the fate of the designated Srebrenica "Safe Area" population since the second-half of 1995.
 - 5 See, e.g., "8,000 missing, presumed dead, from fallen enclave," Agence France Presse, September 14, 1995; Maud S. Beelman, "Red Cross Says 8,000 People from Fallen Safe Area Are Missing," Associated Press, September 14, 1995; "8,000 Muslims Missing," Associated Press, in the *New York Times*, September 15, 1995. For the Red Cross's own documents, see "Former Yugoslavia: Srebrenica: help for families still awaiting news," ICRC News, September 13, 1995, <<http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList74/7609D560283849CFC1256B6600595006>>; and "Bosnia and Herzegovina," *Annual Report 1995*, ICRC, May 31, 1996, para. 16, <<http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/57jnz9?opendocument>>.
 - 6 Ula Ilnytzky, "Report drops trade center death toll by three, to 2,749," Associated Press, January 23, 2004. Also see David Peterson, "Counting Bodies at the World Trade Center," ZNet, June 14, 2004, <<http://web.archive.org/web/20041101065722/blog.zmag.org/rocinante/archives/000614.html>>.
 - 7 U.S. Department of State estimates of possible Serb killings of Albanians in Kosovo reached 500,000 in April 1999. One Weekly Report even stated that, "Disturbingly, some 150,000 to 500,000 military age men remain missing in Kosovo"—with grim implications that no one could miss. See "Ethnic Cleansing in Kosovo," April 22, 1999, <http://www.state.gov/www/regions/eur/rpt990422_ksvo_ethnic.html>.
 - 8 See Ewa Tabeau and Jakub Bijak, "War-related Deaths in the 1992 - 1995 Armed Conflicts in Bosnia and Herzegovina: A Critique of Previous Estimates and Recent Results," *European Journal of Population*, Vol. 21, No. 2-3, June, 2005, pp. 187-215, <www.yugofile.co.uk/onlynow/EJP_all.zip>. Also see Patrick Ball *et al.*, *The Bosnian Book of the Dead: Assessment of the Database*, Research and Documentation Center, Sarajevo, June 17, 2007 <<http://www.hicn.org/researchdesign/rdn5.pdf>>. Ball *et al.* estimate a total of 64,003 Bosnian Muslim deaths during the wars. (See Table 19, "Ethnicity of Victims Reported in BBD," p. 29.) These researchers add that the "status in war" of the deceased persons, i.e., whether the deceased persons were combatants or non-combatants, is more difficult to determine (pp. 30-32). However, in a slide-show presentation that formerly was available at the RDC's website but subsequently was removed, the RDC had estimated a total of 64,036 Bosnian Muslim deaths during the wars (very close to the 64,003 the RDC now reports), of whom the RDC reported 30,966 were combatants, and 33,070 civilians.
 - 9 See Milivoje Ivanisevic, *Srebrenica July 1995—in search of truth*, Zivka Novicic,

- Trans. (Belgrade: Hrišanska misao, 2nd. Ed., 2010), p. 93. In this same volume, Ivanisevic documents his number in “The Book of the Dead Serbs of Srebrenica and Birac Region, 1992-1995” (pp. 95-169), where he lists by name and by birth and death dates the 3,287 Serb victims in this region and time span.
- 10 See, e.g., *“We the Peoples”: The role of the United Nations in the 21st Century (The Millennium Report)*, UN Secretary-General (United Nations, 2000), esp. Ch. 4, “Freedom from Fear,” pp. 42-53, <<http://www.un.org/millennium/sg/report/full.htm>>; *The Responsibility to Protect*, Report of the International Commission on Intervention and State Sovereignty (International Development Research Center, 2001), p. vii, p. 1., p. 2, p. 11, p. 66, <<http://www.iciss.ca/report-en.asp>>; *A More Secure World: Our Shared Responsibility*, Report of the High-level Panel on Threats, Challenges and Change (United Nations 2004), para. 199 - 203, <<http://www.un.org/secureworld/>>; *In larger freedom: towards development, security, and human rights for all* (A/59/2005), Report of the Secretary-General (United Nations, 2005), para. 122 - 139, <<http://www.un.org/largerfreedom/>>; and 2005 World Summit Outcome (A/RES/60/1), UN General Assembly, September 15, 2006, para. 138 - 140, <<http://www.un.org/summit2005/documents.html>>.
- 11 For but one illustration of this kind of personalized, politically-motivated attack, with its characteristic lack of resort to evidence, that greets any challenge to the orthodox point of view that we contest here, we point to a letter by 25 signatories submitted to *The Guardian* newspaper in December 2005, protesting the paper’s “correction” of a misleading report of an interview with Noam Chomsky that *The Guardian* later retracted: See Marko Attila Hoare *et al.*, “Protest to *The Guardian* Over ‘Correction’ to Noam Chomsky Interview,” as posted to *Balkan Insight* No. 15 (*Balkan Investigative Reporting Network*), December 8, 2005, <http://www.birn.eu.com/insight_15_8_eng.php>; see also Marko Attila Hoare, “*The Guardian*, Noam Chomsky, and the Milosevic Lobby,” as posted to the website of The Henry Jackson Society, February 4, 2006, <http://zope06.v.servelocality.net/hjs/sections/greater_europe/document.2006-02-04.9587987965>. The Hoare letter was in turn answered by James Bisset *et al.*, “In response to: Protest to the Guardian Over ‘Correction’ to Noam Chomsky Interview,” *Balkan Investigative Reporting Network*, no date, <http://www.birn.eu.com/lte_chomsky.php>.
- 12 “European Parliament resolution of 15 January 2009 on Srebrenica” (P6_TA-PROV(2009)0028), EurLex, January 15, 2009, para. 2, para. B, emphasis added, <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+20090115+SIT+DOC+WORD+V0//EN&language=EN>>. This resolution not only asserts, based on no known evidence, that “more than” 8,000 men and boys were slaughtered at Srebrenica, it even claims “the rape of a large number of women” (para. D), something that even the standard mainstream accounts of the July 1995 events have not put forward. Politicization has made it possible to say anything about the massacre as long as this enlarges its scope of evil.

CHAPTER 1

Introduction

Edward S. Herman

“Srebrenica” has become the symbol of evil, and specifically Serb evil. It is commonly described as “a horror without parallel in the history of Europe since the Second World War” in which there was a cold-blooded execution “of at least 8,000 Muslim men and boys.”¹ The events in question took place in and near the Bosnian town of Srebrenica between July 11 and 19, 1995, as the Bosnian Serb Army (BSA) occupied that town and fought with and killed many Bosnian Muslims, unknown numbers dying in the fighting and by executions. There is no question but that Bosnian Serb forces carried out executions, but even though only rarely discussed there is a major issue of how many, as numerous bodies found in local grave sites were victims of fighting, hard to differentiate from victims of execution, and many Bosnian Muslim men who fled Srebrenica reached Bosnian Muslim and Yugoslav territory safely.² What is more, some bodies exhumed were very possibly those of Serbs killed in the forays by well-armed Bosnian Muslim forces operating out of Srebrenica during the 39 months before July 1995.

On April 16, 1993, the UN Security Council designated Srebrenica a “safe area,” one that should be “free from any armed attack or any other hostile act.” Forty-eight hours later, the UN Protection Force for Bosnia and Herzegovina (UNPROFOR) negotiated an agreement between the BSA and Bosnian Muslim Army (BMA) whereby the BSA agreed to a ceasefire in exchange for UNPROFOR’S pledge to disarm the Srebrenica “safe area” population.³ But Srebrenica remained an armed camp nonetheless, one from which Bosnian Muslim troops and paramilitary forces periodically ventured forth and destroyed numerous Serb villages and killed a total number of Serbs estimated to be well over 3,000 by the war’s end.⁴ The vengeance motive that developed among Bosnian Serb forces was strong, and they even had lists of “safe haven”-protected killers, some no doubt captured and summarily executed in July 1995. But there was also heavy fighting during the period of the alleged massacre as several thousand Bosnian Muslim troops of the well-armed 28th division of the BMA retreated from Srebrenica and its vicinity to Bosnian Muslim lines at Tuzla. Many reached those lines

(and Yugoslav territory) safely, but large numbers were killed in combat, and the Bosnian Serbs themselves claimed to have sustained the loss of as many as five hundred soldiers (see Chapters 2 and 3).

The uncertainty as to the number and causes of the deaths provided an outstanding opportunity for fudging the data, helped along by the fact that the Bosnian Muslim government refused to provide the Red Cross with lists of those who had escaped to Bosnian Muslim lines. While this tactic was harsh on the soldiers' relatives back in Srebrenica and elsewhere in Bosnia, it facilitated the inflation of the numbers missing and possibly executed. The figure of 8,000 executed was initially based on an alleged 3,000 detained by the Bosnian Serbs, plus 5,000 who fled Srebrenica toward Central Bosnia (see Chapter 4). It was reported at the time that a great many of the 5,000 did in fact reach their goal, but the refusal of the Bosnian Muslim government to give names made it possible to sustain the 8,000 number, which has held sway up to today.

Subsequently, the figure of 8,000 was maintained by official assertions, backed by the testimony of witnesses, the evidence of grave sites, a rising number of DNA identifications, and newly adjusted lists of the missing (with the total remaining unchanged). But few if any witnesses who testified before the Tribunal saw actual executions—most provided hearsay evidence and most or all had a political or self-interested motive in making their claims. The most featured witness, Drazen Erdemovic, a Croat from Tuzla who served with the Bosnian Serb army, cited by name in the 1999 UN report on Srebrenica, and who, in May 1996, became the first person ever found guilty at the Tribunal on the basis of a plea-agreement, had initially avoided trial on the ground of mental instability—which did not rule out his testifying for the Tribunal, free of cross-examination, only weeks later.⁵ Erdemovic was otherwise badly compromised, and gave testimony that was contradictory and unsupported by any hard evidence (see Chapters 4 and 5).

An estimated “43 known Srebrenica related mass graves” had yielded some 2,600 bodies between 1996 and 2001.⁶ The 448 blindfolds and 423 ligatures reportedly recovered along with these bodies by forensic experts of the ICTY, genuine evidence of likely executions, represented a rate of roughly one for every six bodies,⁷ but how many of the rest were executed or killed in fighting has never been established, and the

exact provenance of the 7,500 bodies gathered at Tuzla is also uncertain (see Chapter 4). There have been repeated claims of secret body exhumations and reburials to more distant locales, pushing the total number of putative mass graves as high as 70 by late 2008.⁸ But the evidence for this structure of primary, secondary, and even tertiary mass graves is weak and the rationale unconvincing: That the Bosnian Serbs would have had the resources in the midst of a war and when under serious military pressure to carry out mass executions and mass burials, and then subsequent to this, mass exhumations and mass reburials, is implausible; and that they could hope to do all of this unobserved would be foolish, and strains credulity. In early August 1995 Madeleine Albright even warned them that “We will be watching,”⁹ but no satellite or aerial photos have yet been offered for public examination that show executions in progress, graves being dug, trucks carting off bodies, or bodies exhumed and reburied (see Chapter 4).

Despite the media focus on “mass graves” and witness evidence, it is mainly the lists of the missing and DNA matching that underpin the claims for 7,000 - 8,000 fatalities. However, now more than 15 years after the event, these lists contain evident flaws, with some names appearing twice and a signal lack of transparency about the criteria for adding a name to the list and whether the data relating to where the people were last seen was corroborated. There are unknown but possibly large numbers who were killed in action or escaped to Bosnian lines or elsewhere and assumed new lives (see Chapters 4 and 5). The DNA identifications suffer from both technical problems and their inability to identify the mode and timing of deaths.

The events of Srebrenica and claims of a major massacre were extremely convenient to the Clinton administration, the Bosnian Muslim leadership, and Croatian authorities. The Clinton administration had been pressing for more forceful action in favor of its Bosnian Muslim allies, and Clinton officials rushed to the Srebrenica scene to confirm and publicize the claims of a massacre, just as William Walker did at Racak.¹⁰ Walker’s immediate report to Madeleine Albright caused her to exult that “spring has come early this year.”¹¹ Srebrenica allowed the “fall to come early” for the Clinton administration in the summer of 1995.

The Bosnian Muslim leadership had been struggling for several years

to persuade the NATO powers to intervene more forcibly on their behalf, and there is strong evidence that they were prepared not only to lie but also to sacrifice their own citizens and soldiers to serve the end of inducing intervention (matters described further below and in Chapters 2 and 7). A number of Bosnian Muslim officials have claimed that their leader, Alija Izetbegovic, told them that Clinton had advised him that U.S. intervention would only occur if the Serbs killed at least 5,000 at Srebrenica.¹² The abandonment of Srebrenica prior to July 11, 1995 by an armed Bosnian Muslim force much larger numerically than that of the Bosnian Serb attackers, and the retreat that made that larger force vulnerable and caused it to suffer heavy casualties in fighting and vengeance executions, helped produce deaths that, once their actual number was inflated, would not only meet but surpass the Clinton threshold. There is other evidence that the retreat from Srebrenica was not based on any military necessity, but was strategic, with the personnel losses incurred regarded as a necessary sacrifice for a larger purpose (see Chapters 2 and 3).

Croatian authorities were also delighted with the claims of a Srebrenica massacre, as this deflected attention from their prior devastating ethnic cleansing of Serbs in Western Slavonia (almost entirely ignored by the Western media), and it would provide a cover for their already planned removal of several hundred-thousand Serbs from the Krajina area in Croatia. This massive ethnic cleansing operation was carried out with U.S. logistical support in the month following the Srebrenica events, and it possibly involved the killing of more Serb civilians than Bosnian Muslim civilians killed in the Srebrenica area in July. Most or all of the Bosnian Muslim victims of execution were men of fighting age, and very few were women or children; the Croatians, unlike the Bosnian Serbs, did not bus women and children to safety, and several hundred women, children and old people were slaughtered in Krajina.¹³ But the Krajina ethnic cleansing and massacre was hardly noticed in the wake of the indignation and propaganda generated by Srebrenica and the official guidance of the media agenda.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) and UN also had an important role to play in the consolidation of the standard Srebrenica massacre narrative. From its inception the ICTY served as an arm of the NATO powers, who created it, funded it,

chose or vetted key personnel, served as its police arm and main information source, and expected and got responsive service from the organization.¹⁴ The ICTY focused heavily on Srebrenica and provided important and nominally independent corroboration of the massacre narrative (see Chapters 5 and 6). The UN is less thoroughly responsive to NATO-power demands, but it is responsive and in the Srebrenica case it came through just as the United States and its main allies desired (see Chapter 7).

These considerations suggest that at least a modicum of skepticism should be applied to the claims regarding the Srebrenica massacre. But no doubts have been expressed in the mainstream media of the West, where there has been no debate, only the endless repetition of a quickly established but unverified claim that serves specific political aims (see Chapters 8 and 9). Even marginalized expressions of doubt have been greeted with aggressive putdowns and smears by enforcers, unwilling to debate on the evidence, but calling those questioning the established narrative “revisionists” and “genocide deniers.”¹⁵

This follows a long-standing pattern. Time after time the Western media and mainstream intellectuals have fallen into line behind stories and perspectives that served ongoing state policy, but which were either false or biased by the selective use of evidence and/or a failure to provide context. In the recent past we had the claim that Saddam Hussein had mobilized his forces along the border of Saudi Arabia after his occupation of Kuwait in August 1990 and was preparing to invade Saudi Arabia. This claim, which was an important source of war hysteria leading up to the January 1991 war, was false, but was never contested in the dominant media.¹⁶ The claim that Saddam Hussein’s forces had removed several hundred babies from their incubators following his occupation of Kuwait, based on testimony by the daughter of the Kuwait ambassador to the United States (an affiliation undisclosed at the time), was also false, but was disseminated without question by the mainstream media.¹⁷ It is notorious, and even acknowledged by some of its participants, that the U.S. mainstream media passed along to the public without challenge the false Bush administration pre-invasion/occupation claims that Saddam Hussein held threatening quantities of weapons of mass destruction.¹⁸

The media’s critical capability disappears in the face of conflict with

a demonized enemy, and claims of vast killings can be institutionalized without serious evidence. In the case of Khmer Rouge killings in Cambodia in the 1970s, Jean Lacouture claimed that Khmer Rouge leaders had “boasted” of having killed two million people. Subsequently, he was compelled to admit that he had manufactured the boast and figure out of the whole cloth, but the number two million had already been absorbed in the mainstream as the truth, and it persisted long after the recantation.¹⁹

I believe that we have witnessed a similar process of truth-creation with the 8,000 at Srebrenica.

In the 1980s, the U.S. mainstream media accepted without question the claim that the Soviet KGB and Bulgarians were behind the attempted assassination of Pope John Paul II in Rome in 1981. This claim fitted well the Reagan administration program of denigration of the Soviet Union as an “evil empire,” and the absurdity of the purported evidence and the likelihood (and evidence) of pressure, coaching and self-interest on the part of the Turkish rightist who eventually “confessed” to the crime, never struck the editors and reporters of the New York Times or other mainstream journalists.²⁰ The claim was false, but the journalists’ and editors’ gullibility quotient was exceedingly high in this case where the allegation of criminality fitted state demands; their critical capability and investigative zeal were minimal.

This has also been true of the treatment of the Balkan wars by the mainstream Western media and intellectuals from 1991 into 2011. In this case, Western governments intervened continuously in the breakup of Yugoslavia, and from the beginning of that intervention were partisan, with Serbia as their target.²¹ This had profound consequences for the news and editorialists’ and intellectuals’ perspectives. The official bias and willingness to lie, inflate claims against the chosen target, select evidence, and use instruments like the ICTY to score points and vindicate official actions, was quickly complemented by a parallel biased selectivity in news reporting, in the establishment and institutionalization of untruths and myths, and in the rewriting of history.²²

One important myth has been that the NATO powers entered the fray regrettably and unconscionably late,²³ in response to long-standing abuses by the Serbs. This mythical history ignores important facts, such as: (1) that with the ending of the Soviet Union and resultant West-

ern disinterest in preserving Yugoslavia, the Western powers positively encouraged the breakup of that country; (2) that they did this without addressing, and in fact obstructing the solution of the problem of stranded minorities who did not want to remain in polities ruled by groups they considered hostile; and (3) that the Western powers, and especially the United States, regularly opposed peaceful settlements of the conflicting land claims and positively encouraged the Bosnian Muslims and Kosovo Albanians to avoid settlements and work for NATO military intervention on their behalf.²⁴

A second and closely related myth is that the Serbs initiated ethnic cleansing in Bosnia and elsewhere and were its almost exclusive implementers. Arguably, the first major ethnic cleansings in the 1990s occurred in Zadar and Gospic, Croatia, in May and September 1991, respectively, with 116 Serb shops and houses destroyed in Zadar by a Croat mob, and with some 120 Serb civilians killed in Gospic a few months later.²⁵ The largest ethnic cleansing of the Yugoslav wars was carried out by Croatian forces against Serbs, in the Krajina area of Croatia in August 1995. The ethnic cleansing in Bosnia was tit-for-tat among the Bosnian Muslims, Croats, and Bosnian Serbs from 1991 till the Dayton Agreement in 1995.²⁶ The four thousand or more Mujahadeen brought into Bosnia in support of the Bosnian Muslims, with the aid of the Clinton administration, Saudi Arabia, and Pakistan,²⁷ were efficient killers, whose work, along with that of the other Bosnian Muslim paramilitary and regular forces, left many hundreds of Serb villages devastated and several thousand dead.²⁸ The media's presentation of the Bosnian ethnic cleansing as one-sided, and with genocidal intent rather than a struggle for land control—and sometimes vengeance—has required massive suppression of evidence.

A third and closely related myth is that the Serbs, with Milosevic in the lead, fought their wars in Bosnia, Croatia and Kosovo in the interest of creating a "Greater Serbia." This ignores the fact that with the active assistance of the NATO powers Yugoslavia was in process of dismantlement in the 1990s, and Serb minorities in Croatia and Bosnia wanted to stay in the shrinking Yugoslavia rather than remain in independent republics in which long-time hostile nationalities would have dominant power. (The Western establishment has carefully avoided discussion of the genocidal operations of Croats against Serbs under

the Nazi occupation during World War II, or the Bosnian Muslims' and Izetbegovic's service to the Nazis in that era.²⁹⁾

Milosevic was under great political pressure to support those Serb minorities. But although he did so sporadically, he certainly did not fight regularly to keep all Serbs in one state. He either supported or agreed to a series of settlements, like Brioni (July 1991), Lisbon (February-March 1992), Vance-Owen (January 1993), Owen-Stoltenberg (August 1993), the European Action Plan (January 1994), the Contact Group Plan (July 1994), and ultimately the Dayton Accords (November 1995)—none of which would have kept all Serbs in one state. He declined to defend the Western Slavonian and Krajina Serbs when they were ethnically cleansed from Croatia in May and August 1995. He agreed to an official contraction in the earlier Socialist Federal Republic of Yugoslavia to the Federal Republic of Yugoslavia (i.e., to Serbia and Montenegro—itsself now dissolved with the 2006 independence of Montenegro and Serbia), which in effect abandoned the Serbs in Croatia and Bosnia to their fate outside any “Greater Serbia.”

In short, calling Milosevic's and the Serb minorities' struggle to stay in the shrinking Yugoslavia, or to merge into Serbia, a drive for a “Greater Serbia” is an ideologically biased and even silly misreading of the political dynamics involved.³⁰ That bias is also reflected in the fact that the demonstrable drive of the Croatian leadership for an enlargement of Croatia—a “Greater Croatia”—and the Kosovo Liberation Army's (KLA) fight for a “Greater Albania,” with an associated high readiness to ethnically cleanse non-Croatians and non-Albanians,³¹ has never been given any attention in the Western media. Only targets of the West have a drive toward a “greater” entity.

A fourth myth, constructed to support the view that Milosevic was a hyper-nationalist who called on Serbs to aggress and ethnically cleanse in the interest of a Greater Serbia, is that he made such a call in “notorious” speeches made in 1987 and 1989. To take just a few samples from a uniform propaganda line of the Western media: Milosevic “whipped a million Serbs into a nationalist frenzy” (Time); he “gathered a million Serbs at the site of the battle [of Kosovo Polje in 1389] to tell them to prepare for a new struggle... Yugoslavia's long nightmare of civil war was beginning” (BBC in 2001). On another occasion, in 1999, BBC said of the 1989 speech that “Milosevic vowed Serbia would never again lose

control of Kosovo.” But there are no such calls or vows in those speeches, which are notable for their stress on Yugoslavia as a multi-ethnic state: “Yugoslavia [is]..a multinational community...[that] can survive only under conditions of full equality for all nations that live in it” (Milosevic at Kosovo Polje, June 28, 1989).

In a dramatic illustration of the process of myth construction, Francisco Gil-White has shown that the BBC had reported the original speeches, devoid of any parochial Serb call to arms (and including the statement quoted above), and at that time, the BBC even noted explicitly Milosevic’s call for full equality of all nations within Yugoslavia. But by 1999 and 2001, when the anti-Serb party-line had long been firmed up, the BBC reported claims about preparation for a “new struggle” and allegations about refusal to “lose control of Kosovo” that can not be found in the BBC’s own transcripts of the speeches.³²

A fifth myth or myth-set that grew out of the need to demonize the Serbs, and as part of an effort to get NATO to come to Bosnian Muslim aid with bombs, is that the Serbs engaged in the ruthless shelling of Sarajevo civilians in three massacres: in 1992 (the “Breadline Massacre”), in 1994 (the Markale or “Market Massacre”), and a “Second Market Massacre” in 1995. These massacres were all extremely well-timed to influence imminent NATO and UN decisions to intervene more forcibly on behalf of the Bosnian Muslims, and numerous UN officials and senior Western military officials have claimed that the evidence is strong in all three cases that the actions were planned and executed by the Bosnian Muslims themselves.³³ U.S. Army officer John E. Sray, who had been on the scene in Bosnia during these and other massacres, even suggested that the incidents, and probable Bosnian Muslim official connivance in these atrocities, “deserve a thorough scrutiny by the International War Crimes Tribunal.”³⁴ Needless to say, such an investigation was never forthcoming. In short, this is not conspiracy theory. It is an analysis and conclusion based on serious and substantial evidence, but it is not even debated in the party-line dominated accounts of recent Balkan history.

A sixth myth is that the Bosnian Serbs alone had prison camps, and that these housed large numbers who were treated in a manner reminiscent of Nazi concentration camps. In fact, all three parties in the civil war had prison camps; the numbers incarcerated in these camps were

never large, the mistreatment of prisoners by the Bosnian Muslims and Croats was certainly no better than in Serb camps,³⁵ but the Muslims and Croats had the public relations savvy to keep the media away from their facilities—and more important, the Western media were only interested in Serb camps anyway. The famous photo of the Trnopolje resident Fikret Alic, showing him emaciated and seemingly inside a Serb concentration camp fence, turned out to be a media fraud. Alic was in a transit camp, was a sick man and not in any way representative of others in the camp, and was soon able to move to Scandinavia; and most important, the fence that appears in television imagery and still photographs formed an enclosure that surrounded the reporters and photographers, not the assemblage of Bosnian Muslim individuals whom they filmed and photographed.³⁶ But this fraud was a highly successful propaganda coup for the war-makers and their supportive media. In a later development of interest, on a visit in 2003 with Alija Izetbegovic in the hospital where he was dying, Bernard Kouchner, the former head of Doctors Without Borders and one-time Foreign Minister of France under Nicholas Sarkozy, recounts that on his death-bed, Izetbegovic acknowledged to both Kouchner and Richard Holbrooke that he had exaggerated claims of atrocities by Serbian forces to encourage NATO intervention against the Serbs. According to Kouchner, Izetbegovic admitted before both he and Holbrooke that, “There were no extermination camps whatever the horror of those places,” and added that “[he] thought that [his] revelations could precipitate bombing [of the Bosnian Serbs].”³⁷

A seventh myth, also now institutionalized, is that at the Rambouillet peace conference in France prior to NATO’s bombing war against Yugoslavia, it was once again Milosevic and the Serbs who refused to negotiate on the issues regarding Kosovo, so that NATO was compelled to bomb. But there is strong evidence that NATO, and notably the Clinton administration, was anxious to bomb, had made full preparations to do so, spent great energy getting the KLA to sign on to an agreement which, among other things, “deliberately set the bar higher than the Serbs could accept,” according to one senior State Department official, by requiring Yugoslavia to allow NATO troops to occupy its entire country. The last tactic was admitted by this official to have been used to preclude a negotiated settlement, because the “Serbs needed... a lit-

tle bombing to see reason.”³⁸ This admission plus much circumstantial evidence did not prevent Kofi Annan and the UN from claiming that “the international community tried to reach a negotiated settlement with an unscrupulous and murderous regime.”³⁹

An eighth myth, or rather structure of myths, is that the NATO bombing war was in response to Serb ethnic cleansing in Kosovo, that it prevented a planned genocidal campaign (“Operation Horseshoe”), that the Serbs still attempted genocide in Kosovo and killed vast numbers, and that the NATO war allowed the Kosovo Albanians to return home safely. In reality, Serb brutalities in Kosovo were part of a civil war and response to deliberate KLA efforts to provoke the Serbs to induce NATO bombing, and the Clinton administration was aiding the KLA in their provocations.⁴⁰ There was no planned holocaust; Operation Horseshoe has been exposed as another case of NATO-power disinformation.⁴¹ There was no attempted genocide, but a massive flight based on both fears of NATO bombing and on-the-ground violence; only some 4,000 bodies have been found since the war’s end despite a historically unique forensic search, and in its Annual Report 2009, ICRC listed 1,869 persons as missing and still being sought,⁴² which together give a total of approximately 6,000 deaths overall, yet the official figure is still quoted as 11,000. State Department claims of Serb killings ran up to 500,000,⁴³ revealing once again the propensity to inflate claims of target villainy. The NATO war did allow the Kosovo Albanians to return safely, but it was the war that had caused their mass flight in the first place—so we have reached the level of comedy where a “humanitarian” war is justified by the success it allegedly had in reversing a bona fide humanitarian crisis that the war itself triggered.

A further myth is that post-NATO-bombing-war Kosovo represents some kind of success story. This has required the muting or suppression of both the claimed objectives and the on-the-ground results of the bombing war. The nominal objectives of the bombing war were to end ethnic cleansing and to help establish a “multiethnic, tolerant, inclusive democracy” (U.S. President Bill Clinton).⁴⁴ But the hatred stoked by the war was hardly conducive to tolerance, as any sane analyst would have recognized. Furthermore, while there had been no true ethnic cleansing previously, only sometimes brutal displacement in a civil war,⁴⁵ under the NATO occupation, with the hyper-nationalist KLA incor-

porated into the NATO-organized police force, there was real and irreversible ethnic cleansing that extended beyond the Serbs to Roma and other minorities— “the largest ethnic cleansing in the Balkans [in percentage terms],” according to Jan Oberg.⁴⁶ Five years after the end of the bombing war, the remnant Serb population was isolated, holed up in protected compounds, and unable to work, go to school or travel without armed protection. Kosovo was a criminal haven and the drug and sex-trade capital of Europe.⁴⁷ The KLA, long linked to and aided by al Qaeda, had contributed to an upheaval in Macedonia and still nourished its aims of a Greater Albania. All of this has been treated in the West by eye-aversion, along with occasional vague references to a success story.

The point of mentioning these historical fabrications, myths, and suppressions—and these do not exhaust the list by any means—is to show how commonplace and easy it has been to institutionalize falsehoods about the Serbian target group and demonized enemy. One would have hoped that the media and mainstream intellectuals might have learned from the repeated and sometimes embarrassing illustrations of their gullibility and treat convenient claims of target villainy with skepticism and subject the claims to careful scrutiny. This did not happen in the case of the myths, fabrications and suppressions just discussed, and, in our view, failed in the face of claims of a Srebrenica massacre.

In the chapters below we review some of the evidence put forward for the claim of mass executions, but we also attempt to place the Srebrenica events in a historical and political context, which we feel to be of great importance, both in explaining what killing went on at Srebrenica, but also in explaining the political stakes that underpin both the reasons for the seemingly inexplicable 28th division abandonment of Srebrenica—while leaving their women and children to the care of the Bosnian Serb army!—and the very effective campaign to pin a mass murder and “genocide” charge on the Serbs. The Tribunal, UN, and media have had an important and not very creditable role in this campaign (see Chapters 6-9).

The issues involved here are in urgent need of review and debate. We engage in such a review and initiate such a debate in this volume.

Notes

- 1 “Bosnia: 2 Officials Dismissed for Obstructing Srebrenica Inquiry,” AP, *New York Times*, April 17, 2004; Marlise Simons, “Bosnian Serb Leader Taken Before War Crimes Tribunal,” *New York Times*, April 8, 2000; *The Fall of Srebrenica* (A/54/549), Report of the Secretary-General pursuant to General Assembly resolution 53/35, November 15, 1999, para. 506, <<http://www.un.org/News/oss/srebrenica.pdf>>.
- 2 Between 840 and 950 Bosnian Muslims from Srebrenica and Zepa swam across the river Drina to find safety between July 11 and 13, 1995. These refugees—an entire brigade of the Bosnian Muslim Army—were apprehended, processed, and provided with accommodation and care by the Yugoslav authorities, including visits by the Red Cross, which also provided delivery of mail and cigarettes. See Milosevic Trial Transcript, IT-02-54-T, December 10, 2003, pp. 30340-30341, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/031210ED.htm>.
- 3 UN Security Council Resolution 819 (S/RES/819), April 16, 1993. On the UN-PROFOR-BMA-BSA agreement of April 18, see Marcus Tanner, “Srebrenica victims airlifted to safety,” *The Independent*, April 19, 1993; and John F. Burns, “U.N. Says Enclave Is ‘Saved’; Bosnians Call It ‘Surrender’,” *New York Times*, April 19, 1993.
- 4 See Milivoje Ivanisevic, “The Book of the Dead Serbs of Srebrenica and Birac Region, 1992-1995,” in *Srebrenica July 1995—in search of truth*, Zivka Novicic, Trans. (Belgrade: Hrišanska misao, 2nd. Ed., 2010), pp. 95-169. In this section of Ivanisevic’s book, he documents by name and by date of birth and death a total of 3,287 Serb victims in this region of eastern Bosnia through the end of the war.
- 5 Germinal Civikov, *Srebrenica: The Star Witness*, Trans. John Laughland (Belgrade: NGO Srebrenica Historical Project, 2010).
- 6 *Witness Statement—Investigations Team Leader Dean Paul Manning, Prosecutor v. Slobodan Milosevic*, IT-02-54-T, November 24, 2003, para. 27, para. 29, <http://www.domovina.net/archive/2003/20031124_manning.pdf>.
- 7 See the testimony of Dean Paul Manning, Milosevic Trial Transcript, IT-02-54-T, January 26, 2004, pp. 31428-31437, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/040126IT.htm>.—This estimate is based on Manning’s 2,600 bodies divided by the number 450.
- 8 “More Srebrenica victims exhumed from mass grave,” Agence France Presse, December 9, 2008.
- 9 Steven Lee Meyers, “Making Sure War Crimes Aren’t Forgotten,” *New York Times*, September 22, 1997.
- 10 On William Walker’s role in stirring-up Western interest in the alleged massacre of some 45 ethnic Albanians at the village of Racak in Kosovo in January 1999, see Johnstone, *Fools’ Crusade*, “Racak: *casus belli* for NATO,” pp. 238-244. Also see Edward S. Herman and David Peterson, *The Politics of Genocide* (New York:

- Monthly Review Press, 2010), "Mythical Bloodbaths: Racak," pp. 95-101.
- 11 Barton Gellman, "The Path to Crisis: How the United States and Its Allies Went to War," *Washington Post*, April 18, 1999.
 - 12 In the words of the UN's official report on the matter: "Some surviving members of the Srebrenica delegation have stated that President Izetbegovic also told that he had learned that a NATO intervention in Bosnia and Herzegovina was possible, but could occur only if the Serbs were to break into Srebrenica, killing at least 5,000 of its people. President Izetbegovic has flatly denied making such a statement." *The Fall of Srebrenica* (A/54/549), para. 115, <<http://www.un.org/News/ossg/srebrenica.pdf>>. The UN report does not mention that there were nine others present at that meeting, and that one of them, Hakija Meholic, former Srebrenica chief of police, once stated that eight of them (i.e., those still living at the time of his statement) "can confirm" the Clinton suggestion. (See the interview with Hakija Meholic, in Hasan Hadzic, "5,000 Muslim Lives for Military Intervention," *Dani* (Sarajevo), June 22 1998, as posted to the website of the Centre for Peace in the Balkans, <<http://www.balkanpeace.org/cib/bos/boss/boss06.shtml>> or <<http://cdsp.neu.edu/info/students/marko/dani/dani2.html>>.)
 - 13 Veritas estimated that 1,205 civilians were killed in Operation Storm, including 358 women and 10 children. See "Croatian Serb Exodus Commemorated," Agence France Press, August 4, 2004; also Veritas at <www.veritas.org.yu>. In the graves around Srebrenica exhumed through 2000, only one of the 1,883 bodies was identified as female. These numbers were given in a privately circulated tabulation of the characteristics of these remains by Dr. Zoran Stankovic, a long-time UN forensic specialist who has worked extensively on the Srebrenica case. Also see Tim Ripley, *Operation Deliberate Force: the UN and NATO Campaign in Bosnia 1995* (Lancaster: Centre for Defence and International Security Studies, 1999), p. 192.
 - 14 When asked about NATO's vulnerability to Tribunal charges during its bombing war over Yugoslavia in 1999, NATO P.R. spokesman Jamie Shea stated that he was not worried. The prosecutor (then the Canadian Louise Arbour), Shea said, will start her investigation "because we will allow her to." Further, "NATO countries are those that have provided the finance," and on the need to build a second chamber "so that prosecutions can be speeded up...we and the Tribunal are all one on this, we want to see war criminals brought to justice." Press Conference, NATO, May 16, 1999, <<http://www.nato.int/kosovo/press/p990516b.htm>>. Also see Michael Mandel, *How America Get Away with Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity* (Ann Arbor, MI: Pluto Press, 2004), esp. Ch. 4 and 5; and Edward S. Herman, "The Milosevic Trial, Part 1," *Z Magazine*, April, 2002.
 - 15 For illustrations, see the Preface, n. 11.
 - 16 See Douglas Kellner, *The Persian Gulf TV War* (Boulder, CO: Westview Press, 1992), pp. 17-29. Only the *St. Petersburg Times* (FL) went to the trouble of lo-

- cating satellite photos showing that the alleged massing of Iraqi troops on the Saudi border was disinformation.
- 17 See John R. MacArthur, *Second Front: Censorship and Propaganda in the Gulf War* (New York: Hill and Wang, 1992), Ch. 2, "Selling Babies," pp. 37-77.
 - 18 See, e.g., "The Times and Iraq," The Editors, *New York Times*, May 26, 2004, and "The Times and Iraq: A Sample of the Coverage," The Editors, *New York Times*, May, 2004, <<http://www.nytimes.com/ref/international/middleeast/20040526CRITIQUE.html>>; Howard Kurtz, "The Post on WMDs: An Inside Story," *Washington Post*, August 12, 2004; Michael Massing, "Now They Tell Us," *New York Review of Books*, February 26, 2004; Michael Massing, "Unfit to Print?" *New York Review of Books*, June 24, 2004; and Mark Danner, "The Secret Way to War," *New York Review of Books*, June 9, 2005.
 - 19 Noam Chomsky and Edward S. Herman, *After the Cataclysm: Postwar Indochina and the Reconstruction of Imperial Ideology* (Boston: South End Press, 1979), Ch. 6, "Cambodia," pp. 135-294; Edward S. Herman and Noam Chomsky, *Manufacturing Consent: The Political Economy of the Mass Media*, 2nd. Ed. (New York: Pantheon Books, 2002), Ch. 6.2, "Cambodia," pp. 260-296.
 - 20 See Edward S. Herman and Frank Brodhead, *The Rise and Fall of the Bulgarian Connection* (New York: Sheridan Square Publications, 1986); Herman and Chomsky, *Manufacturing Consent*, Ch. 4, "The KGB-Bulgarian Plot to Kill the Pope: Free-Market Disinformation as 'News'," pp. 143-167.
 - 21 On the way the international context and direct pressures from Western powers impelled Yugoslavia towards its violent breakup, see David Chandler, "Western Intervention and the Disintegration of Yugoslavia, 1989-1999," in Philip Hammond and Edward S. Herman, Eds., *Degraded Capability: The Media and the Kosovo Crisis* (Sterling, VA: Pluto Press, 2000), pp. 19-30; Johnstone, *Fools' Crusade*, pp. 34-50; Mandel, *How America Gets Away with Murder*, pp. 65-88; and Edward S. Herman and David Peterson, "The Dismantling of Yugoslavia," *Monthly Review*, Vol. 59, No. 5, October, 2007, pp. 4-9, <<http://www.monthlyreview.org/1007herman-peterson1.php>>.
 - 22 See Peter Brock, *Media Cleansing: Dirty Reporting, Journalism and Tragedy in Yugoslavia* (Los Angeles: GMBBooks, 2005); and L.T.C. John E. Sray, "Selling the Bosnian Myth to America: Buyer Beware," Foreign Military Studies Office, Department of the Army, October, 1995, <<http://fmso.leavenworth.army.mil/documents/bosnia2.htm>>.
 - 23 The media repeatedly claimed that the UN and NATO had failed through lack of "moral courage," "political will," "dithering," and were even "an accomplice of Serb aggression" ("The Meaning of Srebrenica," Editorial, *Washington Post*, July 13, 1995; Michael Dobbs, *Washington Post*, July 7, 1996; Roger Cohen, "Failure in Bosnia," *New York Times*, April 18, 1993). In a statement delivered on his behalf at the 10th anniversary memorial held at Potocari on July 11, 2005, UN Secretary-General Kofi Annan lamented the "serious errors of judgement rooted

in a philosophy of impartiality and non-violence which, however admirable, was unsuited to the conflict in Bosnia” (SG/SM/9993). The claim of impartiality or indifference on the part of the United States and its allies was then, and remains to this day, a falsification of the historical record.

- 24 See items cited in n. 21, above. Also see Lenard J. Cohen, *Broken Bonds: Yugoslavia's Disintegration and Balkan Politics in Transition*, 2nd. Ed. (Boulder, CO: Westview Press, 1995); David Owen, *Balkan Odyssey* (New York: Harcourt Brace & Co., 1995); Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution after the Cold War* (Brookings, Washington, D.C.: The Brookings Institution, 1995); Steven L. Burg and Paul S. Shoup, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention* (Armonk, NY: M.E. Sharpe, 1999); Robert M. Hayden, *Blueprints for a House Divided: The Constitutional Logic of the Yugoslav Conflicts* (Ann Arbor, MI: The University of Michigan Press, 1999).
- 25 See Johnstone, *Fools' Crusade*, pp. 28-29. Also see Rajko Dolechek, “The International Criminal Tribunal for the Former Yugoslavia: A Creation and Instrument of Nato,” *Ostrava*, February, 2000.
- 26 Bosnian Muslim civilian deaths in Bosnia were substantially greater than those of the Serbs, but the Serb civilian victims were also quite numerous. On the tit-for-tat nature of the Bosnian civil wars through the end of July 1995, see Cedric Thornberry, “Saving the War Crimes Tribunal; Bosnia Herzegovina,” *Foreign Policy*, September, 1996.
- 27 Cees Wiebes, *Intelligence and the War in Bosnia, 1992-1995* (London: Lit Verlag, 2003), pp. 207-208; Richard J. Aldrich, “America used Islamists to arm the Bosnian Muslims: The Srebrenica report reveals the Pentagon's role in a dirty war,” *The Guardian*, April 22, 2002; Richard Norton-Taylor, “US used Islamists to arm Bosnians: Official Dutch report says that Pentagon broke UN embargo,” *The Guardian*, April 22, 2002.
- 28 See the report submitted to both the UN General Assembly and Security Council (A/48/177 - A/25835), 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, Yugoslav State Commission for War Crimes and Genocide, April, 1993, p. 19, <<http://unbisnet.un.org:8080/ipac20/ipac.jsp?session=KE997922Q7026.88080&profile=bib&uri=full=3100001~!320302~!1&ri=3&aspect=subtab124&menu=search&source=~!horizon#focus>>. Also see Ivanisevic, *Srebrenica July 1995—in search of truth*; and Joan Phillips, “Victims and Villains in Bosnia's War,” *Southern Slav Journal*, Spring-Summer, 1992.
- 29 See Johnstone, *Fools' Crusade*, pp. 146-52; Nebojsa Malic, “Whitewashing the Holocaust: Jasenovac and the Politics of Genocide,” *Balkan Express*, April 28, 2005, <<http://www.antiwar.com/malic/?articleid=5751>>.
- 30 See Johnstone, *Fools' Crusade*, pp. 32-40. Also see the discussion of this issue in Herman and Peterson, “The Dismantling of Yugoslavia,” pp. 9-14, <<http://www.monthlyreview.org/1007herman-peterson1.php>>.

- 31 See Johnstone, *Fools' Crusade*, pp. 32-34, pp. 146-156.
- 32 Francisco Gil-White, "How Politicians, the Media and Scholars Lied About Milosevic's 1989 Kosovo Speech," as posted to The Emperor's Clothes website, February 9, 2004, <<http://emperors-clothes.com/milo/gw.htm>>.
- 33 For a good summary that these were "self-inflicted atrocities," with further references, see Senator Larry E. Craig, *Clinton-Approved Iranian Arms Transfers Help Turn Bosnia into Militant Islamic Base*, Republican Policy Committee, U.S. Senate, January 16, 1997, <<http://www.senate.gov/~rpc/releases/1997/iran.htm>>; Sray, "Selling the Bosnian Myth to America," <<http://fmso.leavenworth.army.mil/documents/bosnia2.htm>>; David Binder, "Bosnia's bombers," *The Nation*, October 2, 1995; and Wiebes, *Intelligence and the War in Bosnia, 1992-1995*, pp. 68-69.
- 34 Sray, "Selling the Bosnian Myth to America," <<http://fmso.leavenworth.army.mil/documents/bosnia2.htm>>.
- 35 Johnstone, *Fools' Crusade*, pp. 69-82.; Carl Savich, "Celebici," <<http://www.serianna.com/columns/savich/047.shtml>>.
- 36 Johnstone, *Fools' Crusade*, pp. 72-73. Also see Thomas Deichmann, "The picture that fooled the world," LM97, February, 1997, <http://www.srpska-mreza.com/guest/LM/lm-f97/LM97_Bosnia.html>; and Deichmann's "Exactly as it happened?" LM100, May, 1997, <http://www.srpska-mreza.com/guest/LM/lm-100/LM100_Bosnia.html%20> <http://www.srpska-mreza.com/guest/LM/lm-100/LM100_Bosnia.html> .
- 37 Bernard Kouchner, *Les Guerriers de la Paix* (Paris: Grasset, 2004), pp. 373-374. (Translation provided by Diana Johnstone, personal communication, March 9, 2011.)
- 38 See George Kenney, "Rolling Thunder: The Rerun," *The Nation*, June 14, 1999, <<http://www.thenation.com/article/rolling-thunder-rerun>>.
- 39 *The Fall of Srebrenica* (A/54/549), para. 502, <<http://www.haverford.edu/relg/sells/reports/UNSrebrenicareport.htm>>.
- 40 Tom Walker and Aidan Lavery, "CIA aided Kosovo guerrilla army," *Sunday Times* (London), March 12, 2000; Peter Beaumont, Ed Vulliamy and Paul Beaver, "CIA's bastard army ran riot in Balkans," *The Observer* (London), March 11, 2001; and Rory Carroll, "Crisis in the Balkans: West struggles to contain monster of its own making," *The Guardian* (London), March 12, 2001.
- 41 See Noam Chomsky, *The New Military Humanism* (Monroe, ME: Common Courage Press, 1999), p. 36; and Heinz Loquai, *Der Kosovo-Konflikt. Wege in einen vermeidbaren Krieg* ("The Kosovo Conflict: A War That Could Be Avoided"—Baden-Baden: Nomos, 2000). Loquai is a retired Brigadier General in the German armed forces.
- 42 See "Kosovo conflict 1999," in *ICRC Annual Report 2009*, International Committee of the Red Cross, p. 293, <<http://www.icrc.org/eng/assets/files/annual-report/icrc-annual-report-2009-western-balkans.pdf>>.
- 43 In a press release of April 19, 1999, the U.S. Department of State claimed that

“Their number [Kosovo Albanian men killed by the Serbs] ranges from a low of 100,000, looking only at the men missing from among refugee families in Albania, up to nearly 500,000, if reports of widespread separation of men among the IDPs within Kosovo are true.” <http://www.state.gov/www/regions/eur/rpt_990416_ksvo_ethnic.html>.

Note the immensity of the fabrication required to estimate the *minimum* number of Kosovo Albanian males killed, and only by April 19, at 100,000!

- 44 “Transcript of Clinton Remarks to American Society of Newspaper Editors,” U.S. Newswire, April 15, 1999.
- 45 On the German Foreign Office’s statement countering the claims of pre-war “ethnic cleansing,” see: “Important Internal Documents from Germany’s Foreign Office Regarding Pre-Bombardment Genocide in Kosovo,” trans. Eric Canepa, Brecht Forum, New York, April 28, 1999, <http://www.suc.org/kosovo_crisis/documents/ger_gov.html>. Also see Noam Chomsky, *A New Generation Draws the Line: Kosovo, East Timor, and the Standards of the West* (New York: Verso, 2000), Ch. 3, “Kosovo in Retrospect,” pp. 94-147.
- 46 Jan Oberg, “Misleading UN Report on Kosovo (Part A),” TFF PressInfo 77, Transnational Foundation for Peace and Future Research, Lund, Sweden, October 3, 1999, <<http://www.transnational.org/pressinf/pf77.html>>
- 47 See Isa Blumi, “The Islamist Challenge in Kosova,” *Current History*, March, 2003; Barbara Limanowska *et al.*, *Trafficking in Human Beings in South Eastern Europe – 2004: Focus on Prevention*, United Nations Development Program, 2005, <http://www.unicef.org/media/files/2004Focus_on_Prevention_in_SEE.pdf>; and *2005 World Drug Report*, United Nations Office on Drugs and Crime, 2005, <http://www.unodc.org/unodc/world_drug_report.html>.

CHAPTER 2

Prelude to the Capture of Srebrenica

By George Bogdanich

From the very outset of the war in Bosnia-Herzegovina, Srebrenica was the locus of tragic events, a fiercely contested strategic outpost near the Drina River that very quickly became known as the base of Muslim warlord Naser Oric. It was from Srebrenica that Oric and his allies launched methodical, scorched-earth attacks against the civilian population in 192 Serbian villages beginning in May of 1992.¹ These attacks continued after Srebrenica was declared a “Safe Area” in April, 1993 by a Security Council resolution,² until it was captured by the Bosnian Serb Army (BSA) in July 1995.

In the course of the conflict, Srebrenica would become a focal point of the propaganda battle between the warring sides where tragedy would become entwined with myth, both in public perception and in the official histories written by the UN, non-government agencies, the court documents of the ICTY, and news organizations. While local forces, both Serb or Muslim, must bear responsibility for wartime abuses they committed in the Srebrenica-Bratunac region from 1992-1995, the major powers, particularly U.S. policymakers, bear substantial responsibility for protracting the war and for the violent end of the “Safe Areas” and UN Protected Areas (UNPAs) in Bosnia and Croatia in 1995.

In taking sides in the conflict, the U.S. eschewed the role of honest broker and undermined three UN and European Community negotiated settlements which could have prevented the war altogether in March of 1992 (the Lisbon Plan) or ended it in late 1992 or 1993 (the Vance-Owen and Owen-Stoltenberg plans). While the public impression is that the U.S. brought the war to a halt, a wealth of evidence suggests that by undermining diplomatic efforts by others, the U.S. bears a great responsibility for the length of the conflict and the suffering by all sides.

“From the spring of 1993 to the summer of 1995, in my judgment, the effect of US policy, despite its being called ‘containment’, was to prolong the war,” writes European Union mediator David Owen in *Balkan Odyssey*.³ Writing in *Foreign Affairs* U.S. Air Force General Charles Boyd, who served as Deputy NATO Commander in Europe

and the head of intelligence until the final months of the war, observes: “The US approach to the war in Bosnia is torn by a fundamental contradiction. The United States says that its objective is to end the war through a negotiated settlement, but in reality what it wants is to influence the outcome in favor of the Muslims.”⁴

At a time when NATO’s historic mission had vanished with the collapse of the Soviet Union, U.S. policymakers were anxious to maintain a major role in Europe, which meant a new role for NATO had to be found. If the Yugoslav conflict was resolved diplomatically without the U.S., the need for NATO would be further diminished and might be replaced by a European alliance (as originally envisioned by President Dwight Eisenhower). Indeed, high-level discussions of the Western European Union military alliance had been going on in 1992 between Germany and France.

In *Balkan Tragedy*, Susan Woodward observes that “while the Bush administration chose to abdicate leadership in the early stages of the Yugoslav conflict, both the Bush and the Clinton administrations were also unwilling to remain uninvolved, leaving the situation entirely to Europeans. Whenever developments toward the Yugoslav conflict seemed to challenge the U.S. leadership role in Europe, it stepped in.”⁵

Despite the violence that accompanied the successful separatist campaigns in Slovenia and Croatia in 1991, senior diplomats believed that war in Bosnia was avoidable. UN Secretary-General Perez de Cuellar, former U.S. Secretary of State Cyrus Vance and European Community mediator Lord Peter Carrington all warned that diplomatic recognition of armed separatist republics would damage chances of a peaceful settlement of the conflict.

Germany’s plan to recognize Croatia and Slovenia was initially opposed by the United States, until the Germans succeeded in pressing a reluctant European Community to join them. At this point, the first Bush administration, under pressure from the leaders of Saudi Arabia to recognize Bosnia as a future Muslim-led European state, persuaded the Europeans to extend diplomatic recognition to Bosnia on April 6, 1992 in return for U.S. recognition of Slovenia and Croatia. As in the cases of Slovenia and Croatia one year earlier, this was done despite the fact that no agreement had been reached on the question of independence from Yugoslavia among the Muslims, Serbs, and Croats whose nations

predominated in Bosnia, and that under the Yugoslav Constitution (1974), legal secession required the assent of all three nations.⁶ The move for a separate state would fracture the fragile consensus that had kept the peace following World War II, when Croat and Muslim leaders allied with the German invaders embarked on an extermination campaign against Serbs, Jews and Gypsies, killing hundreds of thousands of civilians.

The ruling Muslim-dominated Bosnian government controlled less than 40 percent of Bosnian territory at the time of recognition. Moreover, as George Kenney of the US State Department acknowledged, “the [U.S.] intelligence agencies were unanimous in telling us that if you recognize Bosnia it will blow up.”⁷

Realizing that recognition without agreement between the parties could lead to disaster, EU mediator Lord Peter Carrington and Portuguese Foreign Minister Jose Cutillero tried to soften the impact by brokering an agreement among Bosnian Serb, Muslim and Croat leaders known as the Lisbon Agreement. This treaty established three Swiss style semi-autonomous ethnic cantons under a central government. The Lisbon agreement was signed by all three parties on March 20, 1992, but two days later, U.S. Ambassador to Yugoslavia Warren Zimmerman encouraged Bosnia’s Muslim President Alija Izetbegovic to disavow his signature on the treaty. Two weeks later, war broke out. Roger Cohen of the New York Times later noted that international recognition under these circumstances was “as close to criminal negligence as a diplomatic act can be. Indeed international recognition and the outbreak of the Bosnian war were simultaneous: The world put light to the fuse.”⁸

U.S. recognition for the Muslim President of Bosnia was accompanied by a media campaign that targeted the Bosnian Serbs as the aggressor, although the first attacks in Bosnia, as reported by the pro-government newspaper *Oslobodjenje*, took place on March 26, 1992 when Croatian forces crossed the Sava River from Croatia and attacked the Serb inhabited village of Sijekovac near Bosanski Brod in Northern Bosnia.⁹ The village was burned and five Serbian families were slaughtered, initiating a cycle of fear and revenge that was watched with apprehension throughout Bosnia. The first killing in Sarajevo took place on March 1, 1992, a month before the official start of the war, when two Muslims and Croat gunmen stalking a Serbian wedding in the

downtown section of Sarajevo, known as Bascarsija, killed Nikola Gardovic, father of the bridegroom. The failure of officials of the ruling Party of Democratic Action (PDA) to arrest the killers, who were well known, helped set the stage for the battles that erupted the following month.

“By organizing parties along national lines, all three communities bear responsibility for the country’s appalling fate,” observed Misha Glenny in *The Fall of Yugoslavia*.¹⁰ The pattern was set, however, by the Muslim faction, which was the first to organize a nationalist party, the PDA. On March 31, 1991, a year before the civil war began, the PDA established the Patriotic League, the first party army since the Axis parties of World War II. All the while arms were pouring into Bosnia. The Yugoslav National Army (JNA) began a transfer of arms to the Bosnian Serbs. The Croatian paramilitary group—the Croatian Defense Force—was actively arming its members in Herzegovina. The Bosnian Muslim Green Berets were organized in the fall of 1991. According to Izetbegovic they numbered between 35,000 and 40,000 when the conflict began. The more inclusive Patriotic League was formed at the same time and, in February 1992, drew up a plan for the defense of Bosnia. According to Sefer Halilovic, the League numbered 120,000 members by spring 1992.¹¹ Croat units from western Herzegovina returned home following the end of the fighting in Croatia, anticipating that war would soon break out in Bosnia. Serbs who were mustered out of the JNA units in Croatia returned to the Prijedor area from Croatia, bringing their weapons with them despite the objections of the Muslim-controlled city assembly. According to Bosnian accounts, the JNA struck a deal with Bosnian Serb political leader Radovan Karadzic in February 1992 to create a joint Bosnian Serb - JNA command and coordinate military actions in Bosnia. Vitimir Zepenic, deputy minister of the interior in the Bosnian government, estimated that 250,000 - 300,000 persons were armed, and that some 10,000 Bosnians were engaged in the fighting in Croatia. Journalists traveling through Bosnia described evenings filled with the sound of small-arms fire from villagers firing off their newly acquired weapons.

Both the Bush and incoming Clinton administrations portrayed President Izetbegovic as a defender of a multi-ethnic Bosnia, a description at odds with his strongly expressed pan-Islamic views and actions.

Izetbegovic had begun his career as recruiter for the SS Handschar party which Nazi SS leader Heinrich Himmler had set up for Bosnian Muslims and which was led by the fanatically anti-Semitic Mufti of Jerusalem. Izetbegovic was later jailed for his intolerant writings by Yugoslavia communist leader Josip Broz Tito. While cultivating a tone of moderation in dealing with Western leaders during the Bosnian conflict, Izetbegovic remained a fervent admirer of Iran's Ayatollah Khomeini and frequent traveler to Iran. Izetbegovic's Islamic Declaration, first circulated in 1970 and published in time for his 1990 campaign for the presidency of Bosnia Herzegovina, stated: "There can be no peace or coexistence between the 'Islamic faith' and non-Islamic societies and political institutions... Islam clearly excludes the right and possibility of activity of any strange ideology on its own turf."¹²

Thousands of copies of the Islamic Declaration were distributed to members of the Army of Bosnia Herzegovina. Significantly, President Izetbegovic never disavowed his stated views during the war or afterward while fighting to consolidate control over a republic in which Serbs and Croats together held a numerical majority over Muslims, who were the largest single ethnic group. Within the first few months of war, Yossef Bodansky, Chief of Staff of the U.S. House Subcommittee on Terrorism and Unconventional Warfare, published a report detailing the assistance the Bosnian Muslim faction had been receiving from Islamist extremist organizations and states, especially Iran.¹³

On two occasions in 1994, Der Spiegel's respected Balkan correspondent Renate Flottau encountered Osama Bin-Laden in the waiting room of the office of Bosnian President Alija Izetbegovic. Bin-Laden, then based in Sudan, had received a Bosnian passport from the Vienna embassy of Bosnia - Herzegovina according to the Bosnian Muslim daily Dani.¹⁴ Bin-Laden and his military chief of Staff Ayman al-Zawahiri helped establish the Mujahadeen fighters as a force in Bosnia, mostly as special forces of the 7th Corps of the Bosnian Army in Central Bosnia. Bodansky notes that support for the Bosnian Muslims was the first time that Shiite and Sunni Muslim terrorist organizations worked together.

Yet, despite the presence of these extremist elements, and opposition by CIA Director James Woolsey, the Clinton administration gave the green-light to an increase in arms shipments from Iran. The policy to facilitate illegal arms imports was promoted by U.S. National Security

Advisor Anthony Lake and U.S. Ambassador to Croatia Peter Galbraith. Amsterdam University Professor Cees Wiebes, who documented the role of intelligence agencies in Bosnia for the Dutch report on Srebrenica, states that the U.S. Defense Intelligence Agency (DIA) was given the responsibility of enabling the accelerated transfer of weapons and personnel from Iran and other Islamist regimes, from Malaysia to Algeria.¹⁵

Why would the U.S. resort to measures that violated UN resolutions, alienated former allies such as Britain and France which had UNPROFOR troops on the ground and which risked a longer war? General Boyd wrote: “The linchpin of the U.S. approach has been the underinformed notion that this is a war of good versus evil, of aggressor against aggrieved. From that premise, the United States has supported UN and NATO resolutions couched in seemingly neutral terms— for example, to protect peacekeepers—and then has turned them around to punish one side and attempt to affect the course of the war. It has supported the creation of safe areas and demanded their protection even when they have been used by one warring faction to mount attacks against another...It has supported the legitimacy of a leadership that has become increasingly ethnocentric in its makeup, single-party in its rule, and manipulative in its diplomacy.”¹⁶

General Philippe Morillon, who served as UN Commander in Sarajevo (Sept. 1992 - July 1993), told the ICTY: “The aim of the Presidency of Bosnia, from the very outset was to ensure the intervention of the international forces for their own benefit and this is one of the reasons why they never were inclined to engage in talks.”¹⁷ Morillon’s predecessor, Canadian General Lewis MacKenzie (1992), often criticized the Serbs for their use of heavy weaponry around Sarajevo, but upon leaving his post in Sarajevo, he wrote that 19 ceasefires he negotiated were broken by Muslim forces, “because their policy was, and is, to force the West to intervene.”¹⁸

Given the Serbs’ initial superiority in heavy weapons, they gained control of substantial territory in the first three months of war that they hoped to trade for peace. “The Serbs think they won already and want the war to end,” observed General Boyd. “The Muslims know they have not, and are seeking ways to continue it.”¹⁹

The Bosnian government strategy was aided immeasurably by the

U.S. Secretary of State James Baker, who writes that he instructed his Press Secretary, Margaret Tutwiler, to help Bosnian Foreign Minister Haris Silajdzic utilize Western mass media to build support in Europe and North America for the Bosnian cause. "I also had her talk to her contacts at the four television networks, the Washington Post and the New York Times."²⁰ George Kenney, who served on the State Department's Yugoslavia desk until his resignation in August 1992, confirms that he was asked to help "gin up" public opinion favorable to the Bosnian government and draft material for the spokesman Margaret Tutwiler who was "always looking for something inflammatory."²¹

These efforts were highly successful and it was often hard to tell where State Department and Bosnian government press releases on events in Bosnia left off, and where news reports by major news organizations began. The misuse of casualty figures by the mainstream media was underway long before events at Srebrenica in 1995. For example, through December 1992, the bloodiest year of the conflict, the Bosnian government stated that there had been 17,000 casualties in the conflict. Two months later, in the dead of winter, when fighting in this mountainous terrain had nearly ground to a halt, the Bosnian government abruptly began using a figure of 200,000 "killed or missing" which was used by such reporters as John Burns of the New York Times and John Pomfret of the Washington Post. Shortly thereafter, the phrase "or missing" was dropped from news accounts. Thus, the number of casualties claimed by the Bosnian government was brazenly multiplied ten fold in two months, as an obliging press adopted the new numbers. Incredibly, the 200,000 fatality figure remained constant over the next two years.

Similarly, Bosnia's Foreign Minister Silajdzic made headlines around the world when he visited Britain and then the United States in the middle of December, 1992. While in the United States, Silajdzic met with the U.S. President and appeared on several television news programs, including CNN and ABC-TV, where he spoke of "death camps" and "rape camps" and "children beheaded," with 128,000 people killed and 30,000 and sometimes as many as 40,000 women raped. "It is my duty and my job to say this," he told CNN. Over ABC-TV, Silajdzic emphasized that the litany of abuses he was citing provided "enough reason for all to intervene."²² In fact, as interested reporters might have confirmed with the International Committee of the Red Cross, the pris-

oners held by the Bosnian Serbs were overwhelmingly male and had numbered fewer than ten thousand at the peak of detention five months previously. Jerome Bony for the French program Envoye Special reported his experience in tracking the rape story: "When I was at 50 kilometers from Tuzla I was told, 'go to Tuzla high school ground (where) there are 4,000 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."²³

By 1993, following further investigation, the official number of rape victims, by all three sides, was revised downward to an estimated 2400 victims based on 119 documented cases of pregnancies due to rape, according to a report by UN Special Rapporteur Tadeusz Mazowiecki.²⁴ By then, however, public impressions had been established and corrective news accounts were given little prominence. Writing in October of 1995, Lt.-Col. John Sray, U.S. Army military analyst described a "prolific propaganda machine" made up of "public relations (PR) firms in the employ of the Bosniacs, media pundits, and sympathetic elements of the U.S. State Department, who have managed to manipulate illusions to further Muslim goals." Sray goes on to add:

Another persistent element of the propaganda onslaught involves legitimate ownership of land. The BSA [Bosnian Serb Army] could never have "overrun, seized, or captured" 70 percent of the country as Bosniac government verbal gimmicks state. While they controlled 70 percent of the territory during much of this conflict, the BSA certainly did not possess the military manpower to overrun, seize, or capture it. The media and PR firms employ these inflammatory words only to obfuscate the pre-war situation. Due to their agrarian way of life, the Serbs formed a plurality in 64 percent of the territory at the beginning of the war while the more urban Muslim business-oriented people resided in the cities.²⁵

There is substantial testimony from senior military and diplomatic officials that Muslim forces deliberately undertook operations that would portray themselves as victims. European Union negotiator Lord David Owen, who took over from Lord Peter Carrington following the London Conference in 1992, wrote that Muslim forces would from time to time shell the airport to stop relief flights and focus world at-

tention on the plight of Sarajevo. Owen also stated that UN observers noted that Bosnian Army forces fired mortar weapons from beside the Kosevo hospital to provoke retaliatory fire from Serbian forces, events which credulous reporters invariably described as Serb shelling of the Kosevo hospital.²⁶

A pattern of staged incidents to engage world sympathy was revealed in a classified UN report leaked to the London newspaper, *The Independent*, which reported: “United Nations officials and senior Western military officers believe some of the worst killings in Sarajevo, including the massacre of at least 16 people in a bread queue, were carried out by the city’s mainly Muslim defenders—not Serb besiegers—as a propaganda ploy to win world sympathy and military intervention. . . . Classified reports to the UN force commander [in Zagreb], General Satish Nambiar, concluded . . . that Bosnian forces loyal to President Alija Izetbegovic may have detonated a bomb. ‘We believe it was a command-detonated explosion, probably in a can,’ a UN official said then.”²⁷

The successful attempt by Muslim forces to cast suspicion on Serbs for a staged atrocity—which came to be known as the “breadline massacre” of May 27, 1992—seriously affected the development of the conflict, because it gave strong impetus to the passage three days later of Security Council Resolution 757, which placed international sanctions on Serbia, the most important ally of the Bosnian Serbs.²⁸ The sanctions were proposed by the U.S. to punish the remainder of Yugoslavia for the alleged presence of Yugoslav troops in Bosnia.

But in fact a UN report, also dated May 30, confirmed that, based on the best available evidence, “Most” of the JNA was “believed to have withdrawn already into Serbia and Montenegro,” as they were required to do under Security Council Resolution 752.²⁹ By contrast, the UN report noted that, “As regards the withdrawal of elements of the Croatian Army now in Bosnia and Herzegovina, no such withdrawal has occurred.”³⁰ The Chairman of the Security Council, Austria’s Ambassador Peter Hohenfellner, received the report two days before the vote on U.S. sponsored sanctions, but the report was kept from other members of the Security Council until one hour after the vote for sanctions against Yugoslavia.³¹ Several delegates complained to reporters that they had been misled, but the U.S. had prevailed in its efforts to target the Serbs indelibly as the villains and Muslims would be encouraged to con-

tinue the war as sanctions wore down the Serbs.

British diplomat Cedric Thornberry, Assistant UN Secretary General, who personally investigated atrocities committed by each of the warring sides, writes: “By early 1993, a consensus developed—especially in the United States, but also in some West European countries and prominently in parts of the international liberal media—that the Serbs were the only villains, all through Yugoslavia, and that the victims were overwhelmingly or even exclusively the Croats and Muslims. This view did not correspond to the perceptions of successive senior UN personnel in touch with daily events throughout the area; as a kindly soul at the UN headquarters in New York, ear to the diplomatic grapevine, warned me, take cover—the fix is on.”³² These observations describe the political and military climate that developed as events were unfolding in Eastern Bosnia when Srebrenica first gained international attention in 1993.

Naser Oric’s Reign of Terror

Most of the world first heard of Srebrenica in March of 1993, when UN Sarajevo Commander General Philippe Morillon, acting without the approval of his superiors, made a risky visit to open a humanitarian convoy route to the city in Eastern Bosnia where fierce fighting had been taking place between the predominantly Muslim forces of the BMA and the largely Serbian BSA.

Despite Morillon’s willingness to take risks to help the Muslim civilians who sought relief, the UN Commander was taken hostage by the Bosnian Muslims as a way of publicizing a humanitarian crisis to force Western military intervention. “The fact that they held me as a prisoner in Srebrenica was orchestrated in Sarajevo,” Morillon later stated in testimony at the ICTY.³³ It was Srebrenica warlord Naser Oric, Commander of the 28th Division of the BMA, who received the order to hold General Morillon as a hostage. “Naser Oric was a warlord who reigned by terror in this area and over the population itself,” Morillon observed, “[H]e could not allow himself to take prisoners. According to my recollection, he didn’t even look for an excuse.”³⁴

General Morillon understood clearly that Naser Oric’s murderous forays against Serbian villages and numerous civilian massacres since May, 1992 were the reason that Serb military forces had blockaded Sre-

brenica. “I wasn’t surprised when the Serbs took me to a village to show me the evacuation of the bodies of the inhabitants that had been thrown into a hole, a village close to Bratunac.”³⁵ Both Morillon and Lt. Col Thomas Karremans, who commanded the UN’s Dutch battalion at Srebrenica prior to its eventual capture, drew a very clear connection between the murderous attacks of Oric on civilian populations of Bratunac, Skelani, Kravica, Milici and numerous other towns and villages and the events of 1995. With unsubstantiated media accusations against the Serb forces around Srebrenica growing, Lt. Col Karremans reminded reporters at a news conference in Zagreb on July 23, 1995: “[W]e know that in the area surrounding the Srebrenica enclave alone, 192 villages were razed to the ground and all the inhabitants killed. This is what I mean when I say ‘no good guys, no bad guys’. As far as I’m concerned, they’re all the same.”³⁶ General Morillon was asked directly by Judge Patrick Robinson at the ICTY: “Are you saying, then, General, that what happened in 1995 was a direct reaction to what Naser Oric did to the Serbs two years before?” Morillon replied: “Yes. Yes, Your Honour. I am convinced of that.”³⁷

There is ample evidence that in fiercely contested Eastern Bosnia, both Serbian and Muslim forces engaged in serious abuses. But in a civil war where fear and revenge created a fertile climate for atrocities, the cruelty and scale of Naser Oric’s attacks became well known across Bosnia. By June 1993, a report by the Yugoslav State Commission on War Crimes, accepted as a UN document, detailed a pattern of attacks in which entire villages were burned and all civilians murdered.³⁸ Internationally recognized forensic pathologist Zoran Stankovic, formerly the Director of the Belgrade Military Hospital and a former Minister of Defense of Serbia and Montenegro, performed full autopsies and forensic reports on victims in a number of villages where Muslim troops led by Oric and his Deputy Zulfo Tursunovic massacred the towns’ inhabitants. Typical victims in Dr. Stankovic’s extensive files are elderly women and men born between 1915 and 1930. Photos accompanying these reports reveal throats slashed from ear to ear. Some of these (mostly) female corpses are pictured as they were found, dressed in military uniform jackets many sizes too large, a grotesque effort by their executioners to suggest that these elderly victims died actively defending their homes.³⁹

Writing in the London-based South Slav Journal, Joan Phillips reported that she visited the eastern Bosnian town of Fakovici a year after it had been attacked by Oric's Muslim forces for the first time on July 12, 1992. The same town had been razed to the ground in World War II and its inhabitants slaughtered by the Croatian-led Ustasha. "In this war, Fakovici was once again the scene of a terrible massacre, on October 5, 1992, in which a quarter of its inhabitants were killed... There used to be 115 people living in Fakovici before the war. By the time of the massacre, the number had dwindled. And then 25 or 26 were killed on the same day."⁴⁰

One survivor of the attack interviewed by Phillips was Andrija Markovic, whose grandfather had led the Partisan resistance to the Fascists from the hills around Fakovici in World War II. On the day of the attack, the Markovic family lost 57-year old Olga Markovic, 61 year old Slavka Markovic and 51 year old Radoje Markovic, 53 year old Radomir Markovic and several cousins. Having lost 16 members in the previous war, the Markovic family had now lost 10 more to the soldiers of the 28th Division of the Army of Bosnia-Herzegovina.

"Naser Oric's reign implied a thorough knowledge of the area held by his forces," Morillon testified. "It appeared to me that he was respecting political instructions coming from the Presidency" in Sarajevo.⁴¹ Oric and his Deputy Tursunovic were installed by the Izetbegovic government despite the wishes of Srebrenica's moderate Muslim leader Township Assembly President Besim Ibisevic, who was trying to reassure Serbs. Oric himself acknowledged to Olslobodjenje that he had to hide in forests together with his allies and obtain food secretly because most Muslim residents did not share the views of the extremists who would take over. Since the end of 1991, however, the Muslim National Council had been preparing armed insurgents with rifles and uniforms and began to deploy hardened criminals to serve as paramilitaries, a tactic later used by some Serb and Croat leaders.

Born in nearby Potocari, Oric had worked as a Belgrade policeman, and for two years as a bodyguard for Serbian President Milosevic, but had been fired for theft at the end of 1991 and returned to Bosnia. Tursunovic was in jail in Zenica, part way through a 15 year sentence for murdering three Muslims in 1986, when he was released from prison at the end of 1991 by President Izetbegovic and assigned to be Deputy

Commander in Srebrenica. He and Oric slipped into Srebrenica in the spring of 1992. The attacks on Serbs began almost immediately. On May 6, the nearby Serb villages of Gniona and Bljeceva were burnt and plundered. The following day, seven Serbs who tried to escape from Srebrenica were ambushed and killed. On May 8, Judge Goran Zekic, President of the Serbian SDS Party and representative to the Bosnian parliament was murdered, triggering a mass exodus of the 1500 remaining Serbs in Srebrenica. At this point, scarcely a day went by without scorched earth attacks on towns and villages such as Sikirici, Konjevic Polje, Glogova, Zalazje, Fakovici, Kaludra, Loznica, Fakovici, Agoni, Brezani, Krnica, Zagoni, Zelazije, Orlice, Jezhtica, Bijlaca, Crni Vhr, Milici, Kamenica, Bjelovac, Kravica, Skelani and Zabokvica.

The massacre of Serbs at Kravica, typical in most ways of these attacks, gained notoriety mainly because it occurred on Orthodox Christmas, January 7, 1993. The total number of those massacred is unknown, but Stankovic examined 48 corpses of people who had been murdered on their most important holiday. According to Joan Phillips, by March 31, 1993, 1200 Serbs had been killed and 3,000 wounded, adding: "Today, there are virtually no Serbs left in the entire Srebrenica municipality. Out of 9300 Serbs who used to live there, less than 900 remain. Out of the 11,500 Serbs who used to live in the Bratunac municipality, more than 6000 have fled. In the Srebrenica municipality, only three Serbian villages remain and around 26 have been destroyed; in the Bratunac municipality, about 24 Serbian villages have been razed. The last major Serbian villages in the vicinity of Bratunac and Skelani were attacked and destroyed on January 7, 1993."⁴²

While the U.S. State Department churned out press releases and briefings citing Muslim reports of abuses by Serbs, Naser Oric's reign-of-terror was almost entirely absent from press briefings and human rights reports. Similarly, Madeleine Albright, then U.S. Ambassador to the United Nations from 1993 through the end of the war in Bosnia, regularly sponsored resolutions and reports criticizing Serbian abuses, but used her veto power to block condemnation of Muslim abuses, according to U.K. representative Sir David Hannay and Russian representative Yuli Vorontsov.⁴³

Oric clearly understood that with uncritical U.S. support for the Izetbegovic government, he could act with impunity. He even video-

taped some of his butchery, including severed Serbian heads, and showed these videotapes to John Pomfret of the Washington Post and Bill Schiller of the Toronto Star. Schiller writes that Oric was “as blood-thirsty a warrior as ever crossed a battlefield,” 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 bulletmarked 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.⁴⁴

It speaks volumes that, despite massive and detailed evidence about the crimes of Naser Oric, Zulfo Tursunovic and other commanders of the 28th Division, the ICTY did not indict Naser Oric until 2003, and then only on relatively minor counts related to a few deaths, the mistreatment of prisoners, the destruction of physical property, and, above all, his failure to restrain the soldiers serving under his command.⁴⁵ That the systematic slaughter of the Serbian civilian population in the area west of the Drina by Oric’s forces did not qualify as a crime against humanity reflects the political agenda of the sponsors of the ICTY, most notably then U.S. Ambassador Madeleine Albright, who arranged the appointment of top prosecutors and other key figures linked to the Tribunal. M. Cherif Bassiouni, the head of the UN Commission of Experts, an Egyptian expert on Islamic law who taught at DePaul Law School in Chicago, did not even mention Oric’s murderous attacks on the surrounding population in the Final Report of the Commission of Experts which he chaired, though he had been provided the forensic evidence from Dr. Stankovic’s extensive files on crimes.⁴⁶

By contrast, the decision to charge the Bosnian Serbian leader Radovan Karadzic and General Ratko Mladic with genocide (among other counts) for events in Bosnia that dated back to 1992 was taken less than two weeks after the Bosnian Serbs captured Srebrenica,⁴⁷ and

served to diplomatically isolate the Bosnian Serbs. ICTY Chief Judge Antonio Cassese praised the speedy indictments as a “good political result” and noted that “these gentlemen will not be able to take part in peace negotiations”⁴⁸—a strictly political consideration that nonetheless has failed to discredit the ICTY in the world’s eyes. “I realized that the War Crimes Tribunal was a huge valuable tool,” the chief U.S. negotiator Richard Holbrooke told the BBC. “We used it to keep the two most wanted war criminals in Europe—Karadzic and Mladic—out of the Dayton peace process and we used it to justify everything that followed.”⁴⁹

The Bassiouni’s Commission’s silence on Oric and the pattern of the indictments by the Tribunal reflected the political goals of the U.S., which dominated the Security Council on the Bosnia issue, and which viewed the Tribunal as another weapon to be mobilized on behalf of the Bosnian government, rather than as an impartial judicial body. Because the U.S. and other permanent members of the Security Council had veto power, the work of the ICTY was inherently political and even the most brazen crimes by Muslim units were given a low priority. Similarly, officials of the Tribunal allowed investigations of Bosnian President Izetbegovic and Croatian President Franjo Tudjman to drag-on for years until their deaths by natural causes. Spokespersons for the Tribunal simply announced that no information would be made public about these investigations and imminent indictments, because the deceased were unable to defend themselves.

Oric’s destruction of Serbian villages created two major problems for those under his command in 1993. Srebrenica had depended on pillaging Serb villages for food, but these sources had been destroyed. Meanwhile Serbian survivors of the massacres along Muslim supply lines did their best to block international aid convoys. Muslim refugees inside Srebrenica complained that food was being diverted to Oric who set up a lucrative black market. International aid officials encouraged the refugees to elect one of their own to distribute foods, but a day after a man was elected to carry out this function, he was murdered.

The second problem for Oric developed following the massacre at Kravica on Orthodox Christmas 1993, when Bosnian Serbs formed the Drina Corp to protect surviving Serb inhabitants and to destroy Oric’s forces. After defeats in Cerska and Koljevic Polje, Oric was pushed back

to Srebrenica. “If not for the intercession of UN troops,” wrote John Pomfret in the *Washington Post*, “Oric would either be dead, in a prisoner of war camp or living in the hills.”⁵⁰ Instead, the warlord could now use the Srebrenica civilians that depended on him as a shield.

Manipulating the Safe Areas

Oric was allowed to remain in Srebrenica because, as Lord Owen states, “the Security Council fatefully decided to demand that Srebrenica and its surroundings be treated as a safe area to be free from armed attack, while neither demilitarizing nor demarcating the boundaries of the area.” He adds: “The main flaw to the concept of ‘safe areas’ from the perspective of the UN military, was that the UN Security Council were allowing the Muslims to evade any demilitarization provision. This made the whole concept unsafe.”⁵¹ The agreement, which preserved Muslim control of Srebrenica and enabled residents to receive humanitarian aid shipments, was immediately subverted by the government.

In excerpts from the Bosnian Muslim General Sefer Halilovic’s 1998 book *Lukava Strategija* (“A Cunning Strategy”) that were read during the trial of the Bosnian Serb General Radislav Krstic, we learn from Halilovic himself that he had “returned to headquarters and issued an order to Srebrenica and Zepa that not a single functional piece of weaponry should be handed over or a single usable bullet. After that, [he] went to see Izetbegovic and was given congratulations for success.”⁵² A separate statement from Naser Oric, also quoted during the same day’s testimony, corroborated this. “[W]hen the order on demilitarization of the town itself was issued,” Oric had stated, “the commander explained to me that we should hand over only non-functional and faulty weaponry, the ones that we could not hide, heavy weapons, which is what I did. We remained deployed along the lines and the weapons were still with us.”⁵³ Halilovic put the number of troops in the 28th division in Srebrenica at 5,803.⁵⁴

In testimony later that day, General Halilovic acknowledged using helicopters to re-supply and further militarize the supposed “safe area.” Reminded that the safe area agreement specifically prohibited flights from Tuzla to Srebrenica and Zepa to provide military supplies, Halilovic testified defiantly: “It is correct that I sent eight helicopters with ammunition, and if I could have, I would have sent 180.”⁵⁵

Despite the fact that Srebrenica was not successfully demilitarized, the Security Council extended the safe area concept to Sarajevo, Gorazde, Bihac, Zepa, and Tuzla and their surroundings. Of course, these “safe areas” had never been safe for the Serb residents. As UNHCR maps reveal, with the exception of Sarajevo, the majority of Serbs had been cleansed from these areas by the summer of 1992, much as Muslims were being expelled from towns with Serb and Croat majorities. Sarajevo-based Serbs, though their neighborhoods had been reduced by fighting with and the Muslim government, held sections of the city and survived until they were placed under government control, following the Dayton agreement.

The militarization of the safe areas—in violation of stated UN policy—would have been impossible without U.S. assistance. Newsweek’s military correspondent David Hackworth stated that the illegal supply of heavy weapons from Iran and other Islamic countries to the Tuzla airport by C-130 Hercules military transport aircraft had turned into “a regular shuttle” facilitated by the United States, which scheduled lapses in surveillance coverage by AWAC radar to coincide with the flights of illegal arms.⁵⁶ This increasing stream of sophisticated weapons, along with a clear grasp of U.S. policy, gave the Bosnian government confidence in their ability to prolong the war and prevail militarily with assistance from both the United States and their Islamic allies.

On February 5, 1994, another bloody staged incident in Sarajevo enabled the United States to pressure the UN to adopt a tripwire system in which a Serb attack on a safe zone would trigger a NATO airstrike against the perceived threat. This shift in policy occurred after a mortar shell had killed 49 people at the Markale marketplace and injured two hundred more. The State Department and U.S. Ambassador Madeleine Albright were quick to blame the Serbs for the mortar and the Muslim faction tried to break-off talks, but this time General Sir Michael Rose, then the UNPROFOR Commander in Sarajevo (Jan. 1994 - Jan. 1995), who had forwarded a technical report indicating that Muslims were responsible for the carnage, went to the office of the Bosnian President Izetbegovic and threatened to make the report public if Muslims did not return to negotiations. Lord Owen, who knew about the report, acknowledged that he helped suppress the report because “if the slightest hint that the Muslims were thought to be re-

sponsible” had emerged, the Bosnian Muslims would have cut-off the talks.⁵⁷

On February 7, 1994, UNPROFOR Commander Francis Briquemont (July 1993 - Jan. 1994) reported to the civilian head of the UN mission Yasushi Akashi that “in Sarajevo, the Bosnian Army provokes the Serbs on a daily basis. Since the middle of December, the Bosnian Army jumped another step by launching heavy infantry attacks from Sarajevo to the Serb held suburbs of the city.” Briquemont then describes a pattern of manipulation that would recur in Gorazde, Bihac and Srebrenica: “The Bosnian Army attacks the Serbs from a Safe Area, the Serb retaliate, mainly on the confrontation line, and the Bosnian Presidency accused UNPROFOR of not protecting them against Serb aggression and appeals for air strikes against the Serb gun positions.”⁵⁸

Two months later, following attacks by Muslim units from safe area Gorazde against nearby Serbian villages, the Bosnian Serbs began shelling Muslim units inside Goradze. Press reports quoted government claims that 700 people had been killed and up to 2,000 wounded, and that the hospital was being destroyed. U.S. officials demanded NATO airstrikes and General Rose ordered a pinprick attack on a Bosnian Serb position. When Rose arrived in Gorazde, however, he observed a very different reality. The New York Times reported that senior UN officials had found “the hospital, which had been described as being virtually destroyed, operative with just one shell through the roof. There was no evidence of 700 corpses.” In short, “Reports on Gorazde were deliberately exaggerated into order to shame the world into doing something....A dangerous overreaction was stirred up in international capitals. The talk of wider use of NATO power, hitting ammunition dumps and infrastructure went well across the line that would have turned the UN forces here into combatants.”⁵⁹

The senior official quoted in this unusually frank criticism of the manipulation of the UN and press by the Muslims and U.S. policymakers is almost certainly General Rose, who went on to make these same points to John Simpson of the BBC at the end of his term as UN Commander in Sarajevo. But Muslim government forces would be encouraged by their success in drawing NATO attacks, however limited, against the Serbs.

A similar strategy was employed in Bihac in November 1994, with

government forces using their “safe area” status as a staging area to attack and occupy the Serb inhabited Grabez plateau region. When Serbs responded by bringing their forces to the edge of the zone, Bosnian Foreign Minister Haris Silajdzic told a startled press conference in Sarajevo that “The situation in Bihac is dramatic,” and added that “Akashi and Rose are responsible for the deaths of 70,000 people.”⁶⁰ As fighting subsided and General Rose and UN officers journeyed to Bihac, the Bosnian government lowered their casualty count to 14,000. John Simpson of the BBC reported that Muslim forces threatened the lives of UN officials who used lower casualty figures, but that the UN estimated that “fewer than 1000” people had been killed in fighting around Bihac that had been initiated by the Muslim side.⁶¹

Preparing a Sacrifice

The failure of the safe area concept had become increasingly apparent to international officials involved in mediation efforts by the end of 1994. The crucial question was: Would the fate of these areas be resolved by diplomacy, or by military means? Because U.S. military and political support for the Muslim government had repeatedly undermined efforts to end the war through negotiations, the European Union and UN officials encouraged the United States to become more deeply involved in negotiations through the Contact Group, which also included Russia. Diplomacy, however, made little headway, despite the efforts of U.S. envoy Robert Frasure, because the Bosnian Muslim leaders were increasingly confident they could prevail militarily, thanks in large part to American support.

As early as 1993, in discussions with Bosnian President Alija Izetbegovic, Bosnian Serb leader Radovan Karadzic proposed the exchange of Serb-held Vogosca, a suburb of Sarajevo, for Srebrenica. Eventually, this idea was taken up by mediators. “There was a consensus amongst the negotiators (the U.S. administration, the UN and European governments) that it was impossible to maintain the three Muslim enclaves, and that they should be exchanged for territories in Central Bosnia,” writes Carlos Martin Branco who served with the UN Secretariat in Bosnia. He continued: “Madeleine Albright suggested this exchange on numerous occasions to Izetbegovic, based on the proposals of the Contact Group....The truth is that both the Americans and President

Izetbegovic had tacitly agreed that it made no sense to insist in maintaining these isolated enclaves in a divided Bosnia... In the month of June 1995, before the military operation in Srebrenica, Alexander Vershbow, Special Assistant to President Clinton stated that 'America should encourage the Bosnians to think in terms of territories with greater territorial coherence and compactness.'"⁶²

The problem for Alija Izetbegovic was that he felt that he could not publicly acknowledge these discussions or he would lose the hardline support that had brought him to power. In a 1998 interview with the Bosnian Muslim publication *Dani*, Hakija Meholic, an ally of Naser Oric and a former chief of police in Srebrenica, 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 the interview:

Meholjic: We were received there by President Izetbegovic, and immediately after the welcome he asked us: "What do you think about the swap 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."

Interviewer: So you rejected Izetbegovic's decision?

Meholjic: We rejected it without any discussion. Then he said: "You know, I was offered by Clinton in April 1993 that the Chetnik forces enter Srebrenica, carry out a slaughter of 5,000 Muslims, and then there will be a military intervention."⁶³

Meholjic subsequently gave an interview about Izetbegovic's startling statement to a Dutch documentary that was shown as evidence in the ICTY. Here, Meholjic explains that Izetbegovic told the Srebrenica delegation that he "had learned that a NATO intervention in Bosnia-Herzegovina was possible but could only occur if the Serbs would break into Srebrenica and kill at least 5,000 of its people."⁶⁴ According to the documentary, President Izetbegovic was questioned by UN investigators about these alleged statements which he denied making, while stating that he had accepted an opinion from the delegation on the exchange of territories.

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. Nor would it have been out of character for Izetbegovic to approve a plan that would sacrifice lives of his citizens for the cause or to inflate the number of casualties from a provoked engagement with Serbian forces. When it came to casualty counts, Deputy NATO Commander Boyd observed that “the Bosnian Government has an interest in portraying the number as high as possible.”⁶⁵ U.S. Army analyst Lt.-Col. John Sray noted that staged incidents such as the one at the Markale marketplace had approval at the highest level: “Given the proximity of the Markale Market Square to the Presidency (Bosniac White House), who granted permission to launch these brutal and insane attacks? Surely, it almost had to have been President Alija Izetbegovic or Vice President Ejup Ganic.”⁶⁶

Before his death in a road accident in Bosnia, U.S. envoy Robert Frasure worked on a diplomatic solution that would have traded the putative safe areas, Srebrenica, Zepa and Gorazde for the Serb-held suburbs of Sarajevo. But the same hardline U.S. faction that arranged illegal arms for Muslim forces, helped kill Frasure’s diplomatic solution in the spring of 1995. Thus, the United States “watched approvingly as Muslim offensives began,” according to General Boyd, “even though these attacks destroyed a cease-fire Washington has supported.”⁶⁷ As EU envoy Carl Bildt would later observe: “[T]here would be no peace in Washington until there was war in the Balkans.”⁶⁸

Instead of a diplomatic solution, the map changes sought by Washington for a settlement in both Croatia and Bosnia would be achieved by military means and the uprooting of hundreds of thousands turned into refugees. In November 1994, the United States had licensed a private military contract firm, Military Professional Resources, Inc. (MPRI), including “retired” four star generals, to prepare and organize the Croatian army for attacks on the UN Protected Areas of Croatia where some 250,000 predominantly ethnic Serbs lived.⁶⁹ Unlike the safe areas of Bosnia, which served as staging areas for attacks against surrounding territories, the UN Protected Areas remained quiet except for several attacks against them by Croatian forces in 1993. Restraint by the Krajina Serbs, however, would not save them from U.S.-sponsored Croatian military attacks, “Operation Flash” in May and “Operation

Storm” in August, the latter the largest ethnic cleansing campaign of the wars, producing more than 200,000 Serb refugees.⁷⁰

The effect of pressure from U.S. negotiators became clear to knowledgeable observers as summer approached, when the Bosnian Serb military withdrew troops from Western Bosnian towns such as Bosanki Grahovo and Glamoc, leaving Serb inhabited Western Bosnia vulnerable to Croatian and Muslim attacks. These places would soon become the staging area for “Operation Storm,” the Croatian assault on the adjacent Croatian Krajina region and the subsequent joint Croatian-Muslim military campaign to drive the Serbian population out of the Bosnian Krajina region.

At the same time, a month before the Serb capture of Srebrenica, the Bosnian government abruptly withdrew eighteen of their top commanders from Srebrenica. General Halilovic confirmed that President Izetbegovic himself persuaded Naser Oric to leave Srebrenica along with his fellow commanders, supposedly for training sessions in Zenica. But in testimony at the ICTY, Halilovic acknowledged that the government “should have been aware of the consequences of such a move, that is, that the combat readiness and...defence capability of Srebrenica would be significantly affected.”⁷¹ Had the Bosnian Government chosen to defend the town, the 5,500 armed troops would have been more than enough to repel the force of 200 Bosnian Serb troops supported by four tanks which were allowed to capture the town on July 11. According to British military analyst Tim Ripley, Dutch troops later “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.”⁷²

Following the departure of the 18 commanders, the General Staff of the Bosnian Army instructed the 28th division in Srebrenica to launch a series of actions to draw in Bosnian Serb forces. As General Halilovic testified: “In those days, there were a large number of orders for sabotage operations from the safe areas.”⁷³ This included a militarily meaningless attack on a strategically unimportant nearby Serb village of Visnica. The final operation was an attack on BSA units on the road south of Srebrenica, just days before the Serbs captured the nearly undefended town.

Ibran Mustafic, the head of the Muslim SDA party in Srebrenica, who had clashed with Naser Oric and was badly wounded in two assassination attempts, told Slobodna Bosna:

The scenario for the betrayal of Srebrenica was consciously prepared. Unfortunately the Bosnian presidency and the Army command were involved in this business....Had I received orders 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 let him stage attacks from the demilitarized zone. I knew that such shameful, calculated moves were leading my people to a catastrophe. The order came from Sarajevo and Kakanj.⁷⁴

As British Lt.-Col. Jim Baxter, assistant to UNPROFOR Commander Rupert Smith (Jan.-Dec. 1995), told Tim Ripley: "They [the Bosnian government] knew what was happening in Srebrenica. I am certain they decided it was worth the sacrifice."⁷⁵

Notes

- 1 See René Grémaux and Abe De Vries, "The Deconstruction of a Trauma," Trans. by Nico Varkevisser, *De Groene Amsterdammer*, March 13, 1996 (as posted to the *Emperor's Clothes* website, <<http://emperors-clothes.com/analysis/falsely.htm>>). Also see note 35, below.
- 2 UN Security Council Resolution 819 (S/RES/819), April 16, 1993.
- 3 David Owen, *Balkan Odyssey* (New York: Harcourt Brace and Company, 1995), p. 400.
- 4 Charles G. Boyd, "Making Peace with the Guilty," *Foreign Affairs*, Vol. 74, No. 50, September/October, 1995, pp. 22-23.
- 5 Susan Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War* (Washington, D.C.: The Brookings Institution), pp 395-396.
- 6 See the valuable treatment of the constitutional "logic" then gripping Bosnia and Herzegovina in Robert M. Hayden, *Blueprints for a House Divided: The Constitutional Logic of the Yugoslav Conflicts* (Ann Arbor, MI: The University of Michigan Press, 1999).
- 7 George Kenney, Interview, in George Bogdanich and Martin Lettmayer, *Yugoslavia: The Avoidable War* (New York: Frontier Theatre & Inc., 2000).
- 8 Roger Cohen, Interview, in Bogdanich and Lettmayer, *Yugoslavia: The Avoidable War*.
- 9 See *Oslobodjenje* (Sarajevo), March 29, 1992. For some contemporaneous Eng-

- lish sources, see Ivan Stefanovic, "Serbs in Bosnia Proclaim Own Constitution," March 27, 1992; Nesho Djuric, "Fresh ethnic violence in Bosnia-Herzegovina, leaders appeal to UN," United Press International, March 27, 1992; Slobodan Lekic, "Death visits Bosnian town," Associated Press, March 28, 1992; H. Evans Thomas, "Ethnic clashes involve federal army, Serbs, Croats and Muslims," United Press International, March 28, 1992; Slobodan Lekic, "Three killed in northern Bosnia, militiamen turn back refugees," Associated Press, March 29, 1992; and Nesho Djuric, "Sporadic ethnic violence despite truce in Bosnia-Herzegovina," United Press International, March 29, 1992.
- 10 Misha Glenny, *The Fall of Yugoslavia: The Third Balkan War* (New York: Penguin Books, 1992), p.146.
 - 11 Sefer Halilovic, *Lukava Strategija* ("The Cunning Strategy"—Sarajevo: Matica, 1998). Halilovic's exact words are: "Our forces are organized in the Patriotic League of Bosnia and Hercegovina in formation from the smallest military unit to a brigade strength of 120,000 men" (p. 222). Also see Steven L. Burg and Paul S. Shoup, *The War in Bosnia - Herzegovina: Ethnic Conflict and International Intervention* (Armonk, New York: M.E. Sharpe, 1999), pp. 74-75. For Burg and Shoup's source in Halilovic, see endnote #54, p. 427.
 - 12 Alija Izetbegovic, *Islamic Declaration: A Programme for the Islamization of Muslims and of Muslim Peoples* ("Islamska deklaracija"), no translator listed, 1970, 1990, p. 30 (as posted to the website of the Balkan Repository Project, <http://www.balkan-archive.org.yu/politics/papers/Islamic_Declaration_1990_reprint_English.pdf>).
 - 13 Yossef Bodansky and Vaughn S. Forrest, "Iran's European Springboard?" Task Force on Terrorism and Unconventional Warfare, House Republican Research Committee, September 1, 1992 (as posted to the website of the Balkan Repository Project, <http://www.balkan-archive.org.yu/politics/papers/civil_war/iran_springboard.html>).
 - 14 *Dani*, September 24, 1999. In testimony given late during the trial of Slobodan Milosevic, the British journalist Eve-Ann Prentice stated that while awaiting the start of scheduled appointment with Alija Izetbegovic around November, 1994, she witnessed an "Arabic looking" man ushered in to see Izetbegovic before her. One of the other journalists in her company at the time, *Der Spiegel's* Renate Flottau, later identified this man as Osama bin Laden. See Milosevic Trial Transcript, IT-02-54-T, February 3, 2006, pp. 47,949 - 47,950, <<http://www.un.org/icty/transe54/060203IT.htm>>.
 - 15 For a wealth of evidence about the illegal arms shipments to the Bosnian Muslims during the war, including essential sources, see 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; and Section 3, "Secret arms supplies to the ABiH: the Black Flights to Tuzla," pp. 177-198. Also see James Risen and Doyle McManus, "Clinton Secretly OKed Iran's Arms Shipments to Bosnia," *Los Angeles Times*, April 5, 1996. Most important, see the

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- massive investigative report by the House Committee on International Relations (a.k.a. the “Iranian Green Light Subcommittee”), *Final Report of the Select Subcommittee to Investigate the United States Role in Iranian Arms Transfers to Croatia and Bosnia*, U.S. House of Representatives, (Washington, D.C.: U.S. Government Printing Office, 1997); and the report by the Senate Select Committee on Intelligence, *U.S. Actions Regarding Iranian and Other Arms Transfers to the Bosnian Army, 1994-1995*, U.S. Senate, November 1996, <http://www.fas.org/irp/congress/1996_rpt/bosnia.htm>.
- 16 Boyd, “Making Peace with the Guilty.”
- 17 Milosevic Trial Transcript, February 12, 2004, p. 32,019, <<http://www.un.org/icty/transe54/040212ED.htm>>. Note that in this instance, Morillon’s earlier testimony before the Tribunal was being cited in court by Slobodan Milosevic during his cross-examination of Morillon.
- 18 Lewis MacKenzie, Interview, in Bogdanich, *Yugoslavia: The Avoidable War*.
- 19 Boyd, “Making Peace with the Guilty.”
- 20 James A. Baker, *The Politics of Diplomacy: Revolution, War and Peace, 1989-1992* (New York: Putnam Adult, 1995), pp. 643-644.
- 21 Kenney, Interview, in Bogdanich and Lettmayer, *Yugoslavia: The Avoidable War*.
- 22 See *The MacNeil/Lehrer Newshour*, PBS, December 18, 1992; “The Growing Tragedy in Bosnia-Herzegovina,” *Larry King Live*, CNN, December 18, 1992; and *This Week with David Brinkley*, ABC, December 20, 1992.
- 23 See Peter Brock, *Media Cleansing: Dirty Reporting. Journalism and Tragedy in Yugoslavia* (Los Angeles: GM Books, 2005), p. 66.
- 24 See Tadeusz Mazowiecki *et al.*, The Situation of human rights in the territory of the former Yugoslavia (E/CN.4/1993/50), UN Economic and Social Council, February 10, 1993, Annex II, Report of the team of experts on their mission to investigate allegations of rape in the territory of the former Yugoslavia from 12 to 23 January 1993, pp. 63-74; here p. 64 and n. 7, p. 75, <<http://unbisnet.un.org:8080/ipac20/ipac.jsp?session=1DS0V17804170.99964&profile=bib&uri=full=3100001-!401992-!28&ri=1&aspect=subtab124&menu=search&source=-!horizon#focus>>. In this report, we read: “Through interviews with physicians and a review of medical records from six major medical centres in Zagreb, Sarajevo, Zenica and Belgrade, the team of experts was able to identify 119 pregnancies resulting from rape during 1992 [p. 64]....If the documented cases of pregnancy due to rape represent one quarter of the actual number of rape-associated pregnancies in the populations served by the visited hospitals, and if each pregnant women experienced an average of 20 incidents of rape, then the 119 documented cases [of pregnancy due to rape] would reflect the experience of almost 2,400 women [p. 75].”
- 25 John E. Sray, “Selling the Bosnian Myth to America: Buyer Beware,” Foreign Military Studies Office, Fort Leavenworth, Kansas, October, 1995, <<http://fmso.leavenworth.army.mil/documents/bosnia2.htm>>.
- 26 David Owen, Interview, in Bogdanich and Lettmayer, *Yugoslavia: The Avoidable War*.

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- 27 Leonard Doyle, "Muslims 'slaughter their own people'," *The Independent*, August 22, 1992.
- 28 UN Security Council Resolution 757 (S/RES/757), May 30, 1992. This very comprehensive resolution demanded that all Member States prevent import from or export to what was then still referred to as the Socialist Federal Republic of Yugoslavia—the SFRY now explicitly defined as "Serbia and Montenegro," or the so-called "Rump" Yugoslavia.
- 29 UN Security Council Resolution 752 (S/RES/752), May 15, 1992, demanded that "all forms of interference from outside Bosnia and Herzegovina...cease immediately" (para. 3), including the withdrawal or demobilization of the armed forces of the Yugoslav People's Army, the Croatian Army, and various irregular units.
- 30 Report of the Secretary-General pursuant to paragraph 4 of Security Council resolution 752 (1992) (S/24049), May 30, 1992, para. 6; para. 10. Whereas Res. 757, adopted on May 30, expressed the Council's "*appreciation* for the report of the Secretary-General of 26 May 1992" (see S/24000), it made no mention of the Secretary-General's report of May 30 (S/24049).
- 31 Peter Hohenfellner, Interview, in Bogdanich, *Yugoslavia: The Avoidable War*.
- 32 Cedric Thornberry, "Bosnia—Problems of Peace: Saving the War Crimes Tribunal," *Foreign Policy*, Fall, 1996.
- 33 Milosevic Trial Transcript, February 12, 2004, p. 32,045, <<http://www.un.org/icty/transe54/040212ED.htm>>. Note that in this instance, Morillon's earlier testimony before the Tribunal was being cited in court by Branislav Tapuskovic during his cross-examination of Morillon. Tapuskovic was then one three *Amici Curiae* assigned by the Tribunal to the Milosevic case.
- 34 *Ibid*, p. 31,966.
- 36 Dutchbat Commander Thomas Karremans is quoted in *Srebrenica—A "Safe" Area: Reconstruction, background, consequences and analyses of the fall of a safe area*, Part IV, Ch. 6, Section 5, "The press conferences," Netherlands Institute for War Documentation, 2002, <<http://213.222.3.5/srebrenica/toc2.html>>.
- 37 Milosevic Trial Transcript, February 12, 2004, p. 31,975, <<http://www.un.org/icty/transe54/040212ED.htm>>.
- 38 In late May, 1993, the Federal Republic of Yugoslavia's *Chargé d'affaires* at the United Nations delivered extensive documentation of atrocities perpetrated against ethnic Serbs living in eastern Bosnia. See the 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, <<http://unbis-net.un.org:8080/ipac20/ipac.jsp?session=KE997922Q7026.88080&profile=bib&uri=full=3100001~!320302~!1&ri=3&aspect=subtab124&menu=search&source=~!horizon#focus>>. For additional documentation of the scale of these atrocities, also see the so-called Ivanisevic Collection at the *Centar za istrazivanje zlocina nad Srpskim narodom* in Belgrade. Specifically the book by Milovoje Ivanisevic,

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Expulsion of the Serbs from Bosnia and Herzegovina, 1992 – 1995, Zivka Novicic, Trans. (Belgrade: Hrišanska misao, 2nd. Ed., 2010).

- 39 The author reviewed Zoran Stankovic's files at the Belgrade Military Hospital. Evidence culled from the Stankovic files formed part of a document submitted to the UN on May 24, 1993 from the Yugoslav State Commission For War Crimes and Genocide. (See note 38.)
- 40 Joan Phillips, "Victims and Villains in Bosnia's War," *Southern Slav Journal*, Spring-Summer 1992.
- 41 Morillon, Milosevic Trial Transcript, February 12, 2004, p. 32,044, <<http://www.un.org/icty/transe54/040212ED.htm>>.
- 42 Phillips, "Victims and Villains in Bosnia's War."
- 43 On Madeleine Albright's record at the UN, see the interview with Greg Copley in Bogdanich and Lettmayer, *Yugoslavia: The Avoidable War*; therein, also see the interview with the U.K. envoy to the UN, David Hannay.
- 44 Bill Schiller, "Muslims' hero vows he'll fight to the last man," *Toronto Star*, January 31, 1994.
- 45 Neither the series of indictments of Naser Oric nor the eventual judgment against him come close to reflecting the true scope of his command responsibility for dozens of attacks on Serb villages outside the Srebrenica enclave. See Carla Del Ponte, *The Prosecutor of the Tribunal Against Naser Oric* (IT-03-68-I), March 28, 2003, pars. 22-38, <<http://www.icty.org/x/cases/oric/ind/en/ori-ii030328e.pdf>>; and Judge Carmel Agius *et al.*, *Prosecutor v. Naser Oric, Judgment*, IT-03-68-T, June 30, 2006, <<http://www.un.org/icty/oric/trialc/judgement/ori-jud060630e.pdf>>.
- 46 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, May 24, 1994, <<http://unbisnet.un.org:8080/ipac20/ipac.jsp?session=1299G107990HF.85918&profile=bib&uri=full=3100001~!346883~!7&ri=13&aspect=subtab124&menu=search&source=~!horizon#focus>>.
- 47 See Richard J. Goldstone, *The Prosecutor of the Tribunal Against Radovan Karadzic and Ratko Mladic*, IT-95-18, November 14, 1995, <<http://www.un.org/icty/indictment/english/kar-ii951116e.htm>>.
- 48 Paul Holmes, "Karadzic a pariah, says war crimes tribunal chief," Reuters, July 26, 1995. Also see below, George Szamuely, Ch. 5, "Securing Verdicts.",
- 49 Richard Holbrooke, "United Nations or not?," Interview with BBC Radio 4, September 9, 2003, <http://www.bbc.co.uk/radio4/news/un/transcripts/richard_holbrooke.shtml>.
- 50 John Pomfret, "Weapons, Cash and Chaos Lend Clout to Srebrenica's Tough Guy," *Washington Post*, February 16, 1994.
- 51 Owen, *Balkan Odyssey*, p.144; p. 214.
- 52 Krstic Trial Transcript, IT-98-33-T, April 5, 2001, p. 9467, <<http://www.un.org/icty/transe33/010405it.htm>>.
- 53 *Ibid*, p. 9466.
- 54 *Ibid*, p. 9514.

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- 55 *Ibid*, p. 9469.
- 56 David Hackworth, Interview, in Bogdanich, *Yugoslavia: The Avoidable War*. Also see Wiebes, *Intelligence and the War in Bosnia, 1992 – 1995*, Ch. 4, Sect. 3, “Secret arms supplies to the ABiH: the Black Flights to Tuzla,” pp. 177-198.
- 57 David Binder, “The Balkan Tragedy: Anatomy of a Massacre,” *Foreign Policy*, No. 97, Winter, 1994-1995.
- 58 Ian Black, “Despite the carnage, the West will shrink from military force to achieve peace in Bosnia,” *The Guardian*, February 7, 1994.
- 59 Roger Cohen, “U.N. Military Aide Says Plight of Gorazde Is Exaggerated,” *New York Times*, April 30, 1994.
- 60 “Bosnian PM blames UN envoy for probable death of 70,000 in Bihac,” Agence France Presse, November 26, 1994; Aida Cerkez, “Strains Between Bosnian Government, UN Explode At Meeting,” Associated Press, November 26, 1994.
- 61 John Simpson, “Rose’s War,” *Panorama*, BBC1, January 23, 1995.
- 62 Carlos Martins Branco, “Was Srebrenica a Hoax? Eye-Witness Account of a Former United Nations Military Observer in Bosnia,” 1998 (as posted to the website of the Centre for Research on Globalisation, <<http://globalresearch.ca/articles/BRA403A.html>>).
- 63 Hajka Meholic, Interview, in Hasan Hadzic, “5,000 Muslim Lives for Military Intervention,” *Dani* (Sarajevo), June 22 1998 (as posted to the website of the Centre for Peace in the Balkans, <<http://www.balkanpeace.org/cib/bos/boss/boss06.shtml>>).
- 64 Krstic Trial Transcript, April 5, 2001, p. 9480, <<http://www.un.org/icty/transe33/010405it.htm>>. Note that on this rare occasion, a videotape of a Dutch film that included an interview with Meholic was played before the Trial Chamber (pp. 9480-9485). Meholic’s words as recorded by the Dutch filmmaker were translated to the Chamber while the videotape played.
- 65 Boyd, “Making Peace with the Guilty.”
- 66 Sray, “Selling the Bosnian Myth to America: Buyer Beware.”
- 67 Boyd, “Making Peace with the Guilty.”
- 68 In Tim Ripley, *Operation Deliberate Force: The UN and NATO Campaign in Bosnia 1995*, (Lancaster: Centre for Defence and International Security, 1999), p. 147.
- 69 See Ken Silverstein, *Private Warriors* (New York: Verso, 2000), pp. 171-174.
- 70 David Binder uses the figure 170,000 refugees from Operation Storm “in the first few days.” (See the interview with Binder in Bogdanich and Lettmayer, *Yugoslavia: The Avoidable War*.) The BBC’s Matt Prodger uses the figure of 200,000 evicted in total from Operation Storm and follow up operations (August 5, 2005).
- 71 Krstic Trial Transcript, April 5, 2001, p. 9504, <<http://www.un.org/icty/transe33/010405it.htm>>.
- 72 Ripley, *Operation Deliberate Force*, p. 192.
- 73 Krstic Trial Transcript, April 5, 2001, p. 9471, <<http://www.un.org/icty/transe33/010405it.htm>>.

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- 74 *Slobodna Bosna* (Sarajevo), July 14, 1996 (as posted to the Srpska Mreza website, <<http://www.srpska-mreza.com/Bosnia/Srebrenica/lamb.html>>). For other contemporaneous reports about the Mustafic interview, see Edina Neretljak, "A year on Bosnians accuse one another for fall of Srebrenica," Agence France Presse, July 13, 1996; and Srečko Latal, "Lawmaker Accuses Government of Sacrificing Srebrenica," Associated Press, July 13, 1996.
- 75 Ripley, *Operation Deliberate Force*, p. 145.

CHAPTER 3

The Military Context of the Fall of Srebrenica

Tim Fenton

At the heart of the mass media's portrayal of the war in Bosnia-Herzegovina (hereafter Bosnia) lies a patent contradiction: Repeatedly we were told that the Bosnian Serbs had a mighty military machine bristling with heavy weapons while their Muslim opponents were depicted as helpless civilians with next to no weaponry. At the same time we were assured that the Serbs were absolutely ruthless, with a genocidal intent not seen since the Nazis, and who had no respect for civilians as non-combatants.

Had this description been remotely accurate the Bosnian Muslim population would have been wiped out in a matter of days with the Bosnian Serbs in control of the whole territory. In fact the war lasted three and a half years, with the front lines static for most of this period, and, using the official estimates by members of the Office of the Prosecutor at the UN War Crimes Tribunal in The Hague (ICTY), the Bosnian Muslim death toll was probably less than 70,000 of which 47% were soldiers.¹

Now, more than fifteen years later, references to the war in Bosnia are still common in the media and, almost always, mention is made of the fall of Srebrenica, as if this had been the climax or focus of the conflict. There is scarcely ever a word about the military context in which that episode took place. When one looks at the entire military picture, the capture of Srebrenica was not only unexpected, it was also clearly not a primary goal of the Bosnian Serbs, who faced much graver dangers elsewhere.

What follows sets out to describe briefly the Bosnian Serbs' actual military situation in Bosnia (and to a lesser degree in the Krajina region of Croatia), especially concentrating on the early months of 1995 leading up to the fall of Srebrenica in July.

The source material for the military events described here is largely derived from two valuable books that cover aspects paid scant attention in the vast acreage of work that the conflict has already generated. They are used solely as a record of military events and it is not suggested that any interpretation I have added is shared by the authors.

The first is *Crisis at Bihac*, by Brendan O'Shea,² who was a member of the European Community Monitoring Mission (ECMM) in Bihac, northwest Bosnia. O'Shea, an officer in the Irish army, had valuable prior experience of peacekeeping with the UN in Lebanon. The reader may be surprised that the UN and ECMM official monitors' reports were so much at odds with media coverage of the same events.

The second is *Operation Deliberate Force*, by Tim Ripley,³ a specialist military writer and researcher from the Centre for Defence and International Security Studies at Lancaster University, author of several books on modern warfare and secretary of the Independent Defence Media Association. His background and access to the relevant military personnel resulted in a fascinating account mostly from the western military viewpoint, but with useful and frank contributions from senior politicians and journalists.

The initial intense and widespread military activity of 1992 abated for most of 1993 and 1994,⁴ leaving most areas under the control of the ethnic group that had been the majority community before the outbreak of hostilities. Minorities were expelled in varying degrees by whichever ethnic group held the upper hand in a locality. In agricultural areas of Bosnia, some 60% of the total land area, the majority of the population was Serbian. From this initial advantage, together with the support of the Serbian members of the Yugoslav National Army (JNA) who were resident in Bosnia, it was relatively easy for the Bosnian Serbs to retain control of the countryside. From an early stage nearly 70% of the country measured by area was under Serbian control, but all of the major cities except Banja Luka and parts of Sarajevo were under Muslim or Croat control.

The town of Srebrenica was initially taken by the Serbs in April 1992, but the ruthless Muslim commander Naser Oric regained control over the town itself and proceeded to take-over the whole surrounding district and more than half of the neighbouring district of Bratunac. By December 1992, Oric and his forces had "conquered and ethnically cleansed a vast area,"⁵ linking up with Zepa and Cerska. In the process they killed, in the most bestial fashion, over 1,300 Serbian men, women and children. By the end of the war, over 3,000 Serbs had been killed by Muslim forces in the Srebrenica area.⁶

In January 1993, Oric launched a raid on the Serbian village of Krav-

ica, where local people were celebrating Christmas according to the Orthodox calendar. More than 100 were slaughtered. The village of Glogova, near Srebrenica, also was destroyed.⁷

Even Honig and Both, authors of the first book dealing with Srebrenica, who are evidently sympathetic to the Bosnian Muslims, recognised that the leaders of the Muslim Party of Democratic Action (SDA) in Sarajevo were cynically exploiting the eastern enclaves regardless of the consequences for the civilians living there.⁸ Despite the fact that the Serbs had just agreed to allow a UN aid delivery, the Srebrenica Muslims launched an attack as a diversionary action to tie down BSA troops while the main SDA Muslim forces in Tuzla attacked the Posavina corridor (running east and west, just south of Serb-held Brcko) in an effort to join up with supporting Croat troops in Orasje and thereby isolate the Serbs in western Bosnia and Krajina. Confounding their media image as helplessly outgunned underdogs, the Muslim troops succeeded in capturing this vital corridor on two occasions at the end of 1992, holding it for periods of fifteen and two days respectively.⁹

Looking at the territory of Bosnia as a whole, the most serious fighting of the 1993-4 period was largely between Bosnia's Muslims and Croats in the central region. Seemingly allowing policy to be determined by the highly partial media portrayal of the conflict, in which Bosnian Muslims were always innocent victims of the more powerful Bosnian Serb aggressors, the Clinton administration worked hard to defuse this Muslim-Croat conflict and bring about instead a united force that could either defeat the Bosnian Serbs or at least force them to sue for peace on U.S. terms.

This uneasy alliance was sealed in early 1994. No doubt the Americans had promised the Muslims and Croats that they stood to gain substantial military support if they co-operated. On February 28, NATO conducted its first-ever offensive military action by shooting down four Bosnian Serb planes—an action that few Cold War analysts ever would have predicted for NATO's initial military offensive.

By November 1994, it was becoming clear that the new alignment would make the Serbian position increasingly difficult. Once the Bosnian Croat and Muslim armies had stopped fighting each other, the flow of weapons to the Bosnian Muslims increased significantly. U.S. connivance in deliveries clearly contravened the UN sanctions in place

against all of the former Yugoslav republics. But the U.S. had announced in November 1994 that it was no longer going to allow the U.S. Navy to participate in the sea patrols in the Adriatic enforcing the arms embargo,¹⁰ and in the sky, the U.S. Air Force was in a position to “turn a blind eye,” since its AWACS and fighter aircraft played the main role in enforcing the “no-fly” zone.¹¹

During July 1994, the Bihac Pocket in far northwestern Bosnia was the focus of most of the fighting which had died down in other parts of the country. Bihac played a pivotal role in the outcome of the military struggle in both Bosnia and Croatia. The independent-minded commander, Atif Dudakovic, who headed the Bosnian Muslim Army (BMA) 5th Corps, was ringed by hostile forces. To the north, east and south, Dudakovic was faced by the Bosnian Serb Army (BSA). To the west, what had only three years before been an administrative boundary within Yugoslavia, was now, in theory at least, an “international” border between Bosnia and Croatia. In reality, the Army of the Krajina Serb Republic (KSA) did not recognise a border that represented the very separation they opposed, and so were quite happy to assist the BSA whenever the need arose. Indeed, since the KSA was formed to oppose the secession of Croatia from Yugoslavia and consequent relegation of Serbs to second-class citizens in an independent Croatia, it would have been contradictory for their army to respect it at all. However, the KSA was increasingly aware of the growing strength of the Croatian Army (CA), whose access to the sea made the import of heavy weaponry relatively easy, especially after the U.S. withdrawal from the naval patrols.

In addition to the well-publicized clashes between Serbs and Muslims in Bosnia, the Bihac Pocket was the setting for a phenomenon which the media largely ignored—a significant body of armed Bosnian Muslims opposed to the supposedly representative Sarajevo-based SDA regime. In Bosnia’s November 1990 elections, the Muslim politician and entrepreneur Fikret Abdic had received the biggest share of the Muslim vote,¹² but after being ousted by the Islamic fundamentalist, Alija Izetbegovic, he had drifted from political opposition to armed resistance. Abdic had declared the Autonomous Province of Western Bosnia, which consisted of the northern half of the Bihac Pocket, where most of his profitable businesses were based. He loosely allied himself and the 50,000 Muslims in the Autonomous Province with the Krajina

Serbs in both Croatia and Bosnia, but maintained reasonable relations with the Croats. The few commentators who have mentioned this at all have excused the fact that the media passed over this internecine struggle on the basis that it was “too complex.” A surprising argument, given that political differences amongst a people are regarded as the norm in the West. One suspects that the real reason was that it detracted from the carefully constructed picture of Muslims united against “aggressive” Serbs who were hell-bent on persecuting all Muslims and incapable of co-operating with them on principle.

By using agent provocateurs who pretended to be plotting against him, Dudakovic tricked Abdic into supplying weaponry which was straightaway turned against Abdic’s own forces. This ruse gave Dudakovic control of almost the entire Bihac Pocket by September 1994.

The confrontation died down into sporadic exchanges until October 26 1994, when, simultaneously with other joint Croat-Muslim offensives across Bosnia, Dudakovic launched an assault against the BSA to the south and southeast of the pocket aided by the Bosnian Croat Army (BCA). For three days Dudakovic’s forces drove the Serbs back with ease. Although initiated by the SDA Muslims, the media portrayed this not as an aggressive assault but a legitimate military action against “rebel Serbs.” The fact that the Bihac Safe Area was supposed to be demilitarized was never mentioned and certainly no one asked whether the Bosnian Serbs’ “mighty military machine” could be much less mighty than portrayed.

Carried away by his initial success, Dudakovic overextended himself and was in turn driven back by the BSA from all the territory he had seized, which also opened up two other fronts with assistance from Abdic’s troops in the north and the KSA in the west.

In contrast to the muted or even approving noises that greeted the initial BSA assault on Bosnian Serb territory, this reversal of fortunes for the belligerent 5th Corps was much lamented in Western media and political circles. It resulted in UN Resolution 958 on November 19, 1994, authorising airstrikes on the Krajina, from where KSA pilots were launching aerial attacks on Bihac. Accordingly, two days later, NATO launched heavy though ineffectual bombing raids on Udbina air field.

The Bosnian Serb leadership, furious at the double standards exhibited, accused the UN Protection Force (UNPROFOR) and NATO of

siding against them, and warned of the consequences if their own forces were to treat the UN staff as enemies rather than the neutral peacekeepers they purported to be.

The NATO air strikes prompted the Serbs to activate their air defences, which were then targeted by NATO missiles. Three Serbian anti-aircraft sites were destroyed in Bihac, Otoka and Dvor. In response, Bosnian Serbs intensified the barrage on Bihac, and military activity into Sarajevo increased. The potential consequences of losing their neutral status was further demonstrated to the UN as a UN Military Observer team near Brcko (northeast Bosnia) was driven out, 55 Canadian peacekeepers were taken hostage in Ilijas (west of Sarajevo) and 350 UNPROFOR troops from various countries were blockaded in a weapons collection centre in central Bosnia.

In Bihac, Dudakovic was sufficiently rattled to press for a ceasefire. He even suggested that he would negotiate a demilitarization of the "safe area," overlooking the fact that this was already meant to be the case. His appeal fell on deaf ears in BSA headquarters where memories of his recent deception of Abdic were still fresh. By November 25, reports were circulating that the 5th Corps might actually collapse; high-level meetings took place at Sarajevo airport trying to arrange a nationwide ceasefire.

UNPROFOR Commander, General Michael Rose, ordered further air strikes against BSA positions around Bihac but called them off at the last minute, even as the NATO planes were over the targets.

The battles around Bihac and Sarajevo, where the Bosnian Serbs were now gaining the upper hand, provided the images which filled the TV screens and news columns. But this was not the whole picture. In the northeast around Stolice and Sapna, the BMA had also initiated several offensives which were going much more favourably from their point of view, threatening to extend SDA Muslim control all the way east to the river Drina, bordering Serbia itself and splitting Republika Srpska in half. The media evidently did not wish to confuse their audience by showing the "victims" in any other light than in abject need of Western intervention, so these Muslim military successes went unreported.

On November 30 1994, UN Secretary-General Boutros Boutros-Ghali flew to Sarajevo to demonstrate the UN's concern at the escalating conflicts and to hear from the warring factions. In the event he only

met the SDA Muslim leader, Alija Izetbegovic. He refused to meet the Bosnian Serb leader, Radovan Karadzic, either in Pale, where the Republika Srpska assembly was based, or even across the river Miljacka in the Serbian part of Sarajevo. Whether a deliberate snub or mere incompetence, the result was to confirm to the Bosnian Serbs that the UN, the supposed “honest broker,” could not be trusted as impartial.

This conclusion also became clear to the Krajina Serbs when on December 9 1994, the UN General Assembly adopted a resolution which expressed its alarm that the “ongoing situation in the Serbian-controlled parts of Croatia is de facto allowing and promoting a state of occupation of parts of the sovereign Croatian territory,” and, even more incredibly, called upon the Federal Republic of Yugoslavia to cease its “activities aimed at achieving the integration of the occupied territories of Croatia” into the FRY.¹³ Brendan O’Shea describes well the shock that accompanied the Serbian reaction:

Of course the Krajina was occupied territory. It was ‘occupied’ by people whose ancestors had lived there for hundreds of years, and even the most basic examination of the 1991 Census, or any one of a plethora of maps illustrating ethnic distribution in the Balkans, would have left this matter in no doubt whatsoever.¹⁴

This motion came a week after the signing of the Zagreb Economic Agreement between the Krajina Serbs and Croats, aimed at increasing co-operation regarding utilities and transport. It clearly gave the upper hand to the Croats and had already caused divisions among the Krajina Serbs’ leaders over how far the Croats could be trusted. The UN vote now suggested that the Croats would be supported in their increasingly menacing threats to “reintegrate” the UN Protected Areas with or without Serbian consent and, by implication, with or without the Serbs who lived there.

At the same time, there were reports of Croat troops active within Bosnia, forcing the BSA up the Livno valley to open up an eastern approach to the Knin, the capital of the Croatian Serbs’ Autonomous Region from across the Bosnian border. No international rebuke was forthcoming.

On December 12, near Velika Kladusa, in far northwestern Bosnia, during fierce fighting, a UNPROFOR armoured personnel carrier was hit by a Serbian missile and four Bangladeshi peacekeepers were injured,

one fatally. The cry that “Something must be done!” was deafening.

Then on December 14, both Radovan Karadzic and the former U.S. President Jimmy Carter appeared via telephone on consecutive segments of the CNN nightly news. Karadzic declared that Carter had agreed to help in negotiating a comprehensive peace settlement for Bosnia, and would shortly be travelling there. As a demonstration of the Bosnian Serbs’ readiness to negotiate, Karadzic announced a series of unilateral concessions by the Bosnian Serbs effective within 24 hours.¹⁵

This took observers by surprise, but within days the Clinton White House was busy issuing statements minimising the impact of the initiative and even casting aspersions on Carter’s grasp of the situation. Even by the standards of the Balkans, it was an extraordinary situation in which a former Democratic U.S. President was putting his prestige and reputation behind a peace plan that at the same time was being undermined by the incumbent Democratic U.S. President. It later transpired that the irony was even darker: The Clinton administration was allowing a flood of arms to the SDA Muslims from Iran, the very country which had humiliated the United States during Carter’s term in office by holding its embassy staff hostage for 444 days.

Nevertheless, discussions went ahead under Jimmy Carter’s chairmanship and, on his departure from Bosnia, he announced a “complete ceasefire throughout Bosnia to be implemented on December 23.”¹⁶ Although not party to the Cessation of Hostilities Agreement (COHA), as the Carter Agreement was formally known, but in its spirit, the Krajina Serbs removed road blocks allowing the main Zagreb to Belgrade highway to reopen on December 21. By the same date, the BSA 5th Corps had withdrawn from Velika Kladusa in the Bihac pocket allowing Abdic to reoccupy his headquarters, albeit stripped of almost everything.

O’Shea describes the implementation of the agreement as follows:

[All] sides initially appeared to be committed to the process, notwithstanding yet another attack on Sarajevo’s market place in which two men died. Not for the first time there was no clear indication from where the shells had been fired but it is not unreasonable to suggest that whoever ordered the attack did so in the hope of scuttling the Carter Agreement, as well as exerting some influence on Akashi. He was at that very moment deep in

discussion with government ministers about the matter of the Armija's refusal to vacate the designated demilitarized area on Mount Igman. But in spite of several difficulties Akashi remained optimistic as he shuttled between Sarajevo and Pale, and at noon in Sarajevo, or 1100 hrs GMT, on Saturday 24 December, Jimmy Carter's cease fire came into effect, and to practically everyone's disbelief it was respected by all sides....

And the credit for all of this, whether the International Community liked it or not, went to Radovan Karadzic. If he had not approached former president Carter in the first instance none of this would have come about. It is very easy to argue that Karadzic had ulterior motives for making this move, and that had he not been under serious threat from Milosevic he would never have even considered it in the first place. Perhaps this is so but the inescapable truth remains that Karadzic set up the process, followed it through by offering a string of unsolicited concessions, managed amazingly to bring Mladic along with him, and in signing the COHA [Cessation of Hostilities Agreement] provided a very real opportunity for a lasting peace. Unfortunately neither Izetbegovic or Zubak [Bosnian Croat leader] were committed enough to take this opportunity at face value, or prepared in the longer term to set aside their own individual agendas. This would become apparent in the months ahead when it emerged who had broken the COHA first.¹⁷

In fact, preparations to resume hostilities, at least on the Croat and Muslim sides, took place from the very outset of the COHA. The Commander of UN troops based in Coralici near Bihac informed a French logistics convoy that almost every night helicopters with supplies for the 5th Corps were landing in the Bihac pocket. Although the Bosnian Croats were meant to be abiding by the terms of the COHA, the Croatian army was never withdrawn from Bosnia and indeed ECMM personnel witnessed additional troops being deployed in the Livno valley in west-central Bosnia during the period of the COHA.

In Tuzla, meanwhile, the SDA military commander objected to a BSA Liaison Officer being stationed in the UN local headquarters. When it was pointed out that the terms of the COHA specifically made provision for this, he took things further by trapping the UN and the

BSA officer in their quarters, effectively taking them hostage. The same thing happened in the central Bosnian city of Gornji Vakuf. This reflected a general desire on the part of the SDA Muslim side to ensure that the COHA didn't develop into a lasting peace. Their antagonism to the COHA arose partly from the fact that the Serbs had initiated it, but also because the SDA had, for a considerable time, been planning to achieve their goal by manoeuvring the "International Community" into intervening on their behalf, a strategy that was, as things turned out, only a matter of months from being achieved. Furthermore, the SDA Muslims saw a resumption in fighting as inevitable because they would not countenance an agreement which resembled any sort of partition of Bosnia. Less than one year later, with many more thousands of his people dead, Izetbegovic signed the Dayton Peace Agreement, which effectively partitioned Bosnia.

On January 12 1995, Franjo Tudjman, the nationalist leader of Croatia, announced that he was giving the UN forces in the UNPAs notice to quit the country by March 31. The next day, Foreign Minister Mate Granic claimed that the Croatian army was now strong enough to retake the Krajina by force. International reaction was muted, especially if one compared this to what an equivalent statement from Belgrade would have elicited. The U.S.- and German-approved flow of arms and training to the Croatian army had evidently yielded results.

In the first serious breach of the COHA, on January 13, the Bosnian Muslim 5th Corps, operating from within the Bihac "safe area," attacked Serb positions, inflicting 120 casualties and gaining significant ground. Nevertheless, Karadzic prevented BSA General Milovanovic from retaliating—presumably on the basis that the Serbs would gain credit for honouring the COHA. The general was reported to have attempted to resign because of the poor conditions that his troops were in but Mladic intervened to stop him—a clear indication that the BSA was already in a severely weakened state, even before the influx of new equipment to their foes.

On January 20, an Iranian cargo plane had to divert to Budapest due to bad weather in Zagreb. The cargo, labelled as "humanitarian aid," was almost certainly arms. Many such planes had been flying in and out of Croatia. Some of the arms were taken by Croatia itself but a large portion was flown-on into Bosnia.¹⁸ All this was specifically prohibited

under the UN sanctions supposedly in place at the time. The U.S. was also allowing semi-retired “private” army personnel to train the Croats and possibly the Muslims as well. Croatia’s investment in rearmament was staggering: In 1994 alone, Croatia spent almost U.S. \$1.4 billion, or 10% of its GDP, on arms.

On January 30, a group of diplomats known as the “Zagreb 4” drew up a proposal (the Z-4 Plan) which outlined the future status of the Krajina in a “normalised” Croatia.¹⁹ With demands such as the complete disarming of Serbs and Croatian government control of the border with Bosnia, it was a document anyone could have foreseen was going to be unacceptable to the Krajina authorities. As O’Shea writes:

By any objective standard Martić was correct not to entertain either Galbraith or the Z 4 Plan. It was an insult to the Krajina Serbs as a people and confirmed exactly what they feared life would become under Croatian rule. No self respecting Serb could accept these conditions, and none of them did, but in producing such an outrageous document in the first place the International Community and the United States in particular had now firmly nailed their colours to the mast, and the pity of it was that any kind of fair and reasonable approach might actually have worked at that time. The Z 4 Plan was neither fair nor reasonable ... This perception that the Serbs were exclusively responsible for the continuation of the problem gradually began to stick. Within a short few months this perception would be used against them with devastating effect.²⁰

Again we see actions initiated and supported by the U.S. which favoured one side at the expense of a negotiated peace.

The flow of weapons to the Bosnian Muslims continued unabated via Croatia, the only check being the residual Croatian mistrust of the Muslims whom they knew would eventually want to absorb the Croat-dominated area of Herzegovina around Mostar, in the recently proclaimed Republic of Herzeg-Bosna. In addition to covert supplies from outside, the Muslims were busily producing their own weapons and ammunition from factories within Bosnia on a much larger scale than media coverage suggested. The majority of the civilian population of the Muslim heartland of central Bosnia was judged to be employed in ammunition factories. On February 10, BMA General Ramiz Dreković stated: “The

army is becoming stronger every day. We are now better organized. There will be soon enough heavy weapons, and the production of weapons and ammunition is very high in our territories. The structure of the army is changed to reflect the different tasks. Morale and discipline is high and we now have something to fight for.”²¹

On February 20, an ECMM team saw hundreds of artillery shells ready for collection at a supposedly defunct steel factory in Zenica, central Bosnia. The same site was used as the base for a large contingent of Turkish soldiers supplied to UNPROFOR. The presence of the troops would complicate any attacks by Serbs, but it was clear that the Turkish forces must have known what was going on. This, to say the least, fundamentally compromised their neutrality.

During January and February 1995 alone, monitors estimated that between 800 and 1,000 tons of armaments had been brought into the Tuzla area. On February 11, a Norwegian UN Monitor witnessed a Hercules transport aircraft escorted by F-16s making an air drop. The UN staff went to investigate but were menaced by BMA troops and refused access. The matter escalated and UNPROFOR General Bertrand De Lapresle alerted UN headquarters in New York that he suspected the cargo had been the latest generation of anti-tank missiles. In the end, it emerged that there were gaping holes in the “no fly” zone enforcement which were being exploited by those wishing to supply the BMA. This seemed to include senior staff within the U.S. military and political establishment who were in an ideal position to know when aircraft over Bosnia would go undetected.²²

These supply flights were often piloted by recently retired U.S. Air Force pilots. Additionally, there were U.S. “special forces,” not attached to UNPROFOR, in Croatia and in Bosnia actively engaged in helping the Croats and Muslims. The BMA was being organised into a single chain of command with the assistance of U.S. “advisers.”

Unsurprisingly, the Serbs were also well aware that this massive rearmament was taking place and, from their perspective, the UN appeared to be doing nothing to prevent it; indeed, they seemed to be actively colluding with the process. In fact, the supply was probably organised by the U.S. without informing their European partners,²³ whose troops were in real danger of being caught in the crossfire when the arms were used in anger, which they were most certainly intended to be. However,

this was hardly of any comfort to the Bosnian Serbs whose own military supplies were not being replenished.

The ECMM reported on February 19 that in Bugojno, central Bosnia, the BMA was openly preparing for renewed conflict. In a gesture of senseless violence and pent-up aggression, they had destroyed graves of Partisan fighters from WWII regardless of whether a grave belonged to a Serb, Croat or Muslim fighter. This should not perhaps have come as any surprise, since the BMA clearly identified with the Partisans' war-time opponents, the pro-Nazi Ustashe and Muslim Handzar SS divisions.²⁴

On February 22, representatives of Krajina and Bosnian Serbs signed a mutual assistance agreement in Banja Luka. Two weeks later, on March 6, the Croats and SDA Muslims restated their commitments under earlier agreements to work together militarily under a single unified command.²⁵

It was also in March that Richard Holbrooke, former U.S. ambassador to Germany and now Assistant Secretary of State, arrived on the scene with an approach which rode roughshod over normal diplomatic conventions. He set to work immediately getting Tudjman to withdraw his threat to end the UN mandate. It was not clear how Tudjman had been persuaded, but immediately following the announced extension of the UN mandate in Croatia, there were a series of developments which could have been designed to unsettle the Krajina Serbs: The border crossing into Bosnia would be policed and the UN force numbers would be reduced and renamed UNCRO (United Nations Confidence Restoration Operation).²⁶

On March 5, Karadzic wrote a letter of protest to UN Special Envoy Yasushi Akashi concerning the lack of action—or even verbal rebuke—against the SDA Muslims for their continual breaches of the COHA. A subsequent trip by Akashi on March 12 to Sarajevo and Pale achieved little and could have been disastrous as his plane was hit by Muslim gunners in Butmir causing a hole in the fuselage.

In mid-March, Alija Izetbegovic travelled to Germany, where on consecutive days he vacillated between pledges of war and the promise to respect the COHA for its entire four-month duration, set to expire on May 1. Referring to the Contact Group's (the US, UK, France, Germany, and Russia) July 1994 proposal for a 51% - 49% division of

Bosnia into a Muslim - Croat Federation and a separate Bosnian Serb entity (ultimately, what was produced at Dayton in November 1995), Izetbegovic stated while in Bonn that "If the Serbs do not accept the [Contact Group] plan then we have no choice and must fight" (March 16). The next day, he reiterated this line ("We will not renew the truce unless there is a political solution") while adding that his SDA Muslims "do not plan to start an offensive."²⁷ At this very time, however, UN monitors were already reporting thousands of BMA forces moving into forward positions. On March 20, massed infantry attacks backed by artillery were launched in an attempt to push the Serbs out of artillery range of Tuzla, Zenica, and Travnik. Despite their new weaponry, the BMA appeared to run out of steam in only two days, as the Bosnian Serbs responded with volleys into all the towns. With these exchanges, the COHA was effectively terminated.²⁸ Incredibly there was no condemnation of the attacks from international politicians, even when it was revealed that the Bosnian Croat army had also been involved in the operation. The silence sent a clear signal to the Muslims and Croats that they could carry on with impunity.

As O'Shea explains:

In the context of everything else that subsequently happened in 1995 it is vital, if not in fact critical, to understand that it was the Muslims and *not* the Serbs who bore the responsibility for shattering the comparative peace which Karadzic and Carter had managed to cobble together less than three months previously....From the Muslim perspective the COHA was just an opportunity to regroup and rearm—nothing more, nothing less.²⁹

Indeed, an interview with the Bosnian Muslim General Rasim Delic published by the Sarajevo newspaper *Oslobodjenje* quoted him describing UNPROFOR as a "millstone around the neck" of the Bosnian Muslims.³⁰

The joint Bosnian Muslim - Bosnian Croat action went on for weeks with infantry assaults and artillery barrages which were compared to the tactics of the First World War, with similar casualty rates and relative lack of territorial gain. The exception was in the Travnik area where the BMA was driven back from 60 sq km. The BSA response was shelling of Gorazde, Mostar and Konjic on March 24 and 25.

The Bosnian Serbs were under great and increasing pressure across the country. This was compounded by rumours that the Muslims were liaising directly with Serbian President Slobodan Milosevic to recognise the independent state of Bosnia within the borders of the former republic in return for the lifting of the sanctions on Serbia. In the Krajina the Serbs were divided over how far to trust the Croats when considering the proposals for extending the UN mandate.

A Republika Srpska assembly at Sanski Most held over the weekend of April 15-17 saw a public spat between Karadzic and BSA Commander Ratko Mladic over the recent reversals suffered by the BSA. Mladic made it clear that he felt that the tide of war was flowing against them fast, but the politicians refused to accept this. There were reports that Mladic was influenced by the view from Belgrade where the population had been impoverished by the severe international sanctions causing one of the highest inflation rates ever recorded and fuel shortages that had reduced people to buying and selling petrol by the roadside from old plastic water bottles.³¹

At this assembly it was also agreed to move as quickly as possible to integrate the military and other resources of the Bosnian Serbs with those of the Krajina Serbs—to “draw up a plan for the unification of the two states,” as Karadzic expressed the decision at the conclusion of the assembly.³² The move was condemned by Croatia, the SDA Muslims and the “International Community.” O’Shea puts it clearly:

What none of these people made any attempt to understand was why the Serbs had found it necessary to band themselves together in this manner in the first place. No one had made any attempt to see the situation from the Serb perspective because had they done so they would immediately have recognized that the Serbs genuinely believed their backs were to the wall, and that the whole world was set against them. And there were compelling reasons for harbouring these beliefs....

The [BSA] were not the ones who broke the COHA, and they were not the ones in daily violation of what remained of it, but the Bosnian Serbs, both militarily and politically, continued to be painted as the villains. In this scenario it mattered little what Martić, Karadzic or any other Serb politician tried to say or do, and they were all acutely aware of this. They decided to band to-

gether in what really amounted to nothing more than a measure of mutual self defence, but the world condemned them for it.³³

Within one week of the conclusion of the Bosnian Serb assembly at Sanski Most, the International Criminal Tribunal for the Former Yugoslavia publicized via the *New York Times* the Tribunal's intention to issue a "formal request for deferral" to the Sarajevo-based Muslim government that would cede to the Tribunal the exclusive jurisdiction to bring indictments against Karadzic and Mladic, thus causing negotiators the "predicament of having to negotiate with two Bosnian Serb leaders identified by a United Nations court as suspected war criminals." The *Times* understood clearly that the "tribunal's decision suggested that it has concluded that a carefully planned campaign, prepared at the political level, existed in Bosnia to carry out this Serbian program of killing and eviction."³⁴ In Chief Prosecutor Richard Goldstone's words, "The deferral application reflects my strategy, which is to indict those in leadership positions, both civilian and military, who are responsible for serious violations of international law."³⁵ But already having indicted no fewer than 22 other Bosnian Serbs on a whole range of charges, the Goldstone decision was also widely understood as making it next-to-impossible for the Bosnian Serb leadership to trust the impartiality of the international actors, a point that many UN officials noted at the time.³⁶

The disagreements over policy and military strategy reflected the deteriorating position of the Serbs in both Krajina and Bosnia. The signs were that most of the world had decided to back their enemies, though the façade of neutrality was sufficiently presented via UNPROFOR to give the Serbs some glimmer of hope that it might not be as bad as they feared. Their only real hope lay in presenting a united front together with the Serbs of Yugoslavia, which just might make the West's military intervention too dangerous politically and too expensive in "blood and treasure." However, this scenario grew less and less likely as Milošević was manoeuvred, by threats and promises, into helping to weaken further the other Serbian entities.

In a blatant but typical example of double standards, while the alliance of Serbs was denounced not a word was uttered against the Croatian army, operating in Bosnia, as it continued to push the Bosnian

Serbs back up the Livno valley to open another front against Knin.

The Zagreb-Belgrade Highway (the opening of which had been a significant part of the economic agreement between Zagreb and Knin) became the means by which the Croats attempted to further provoke the Krajina Serbs. Serb vehicles were subjected to excruciatingly slow security checks causing queues of hundreds of cars. In response, on April 24, the Serb authorities said they would close the highway for 24 hours. This was presented by the Croats as a completely unwarranted unilateral action which would require them to use force to reopen it. Sensing the trap, the Krajina Serbs backed down and removed their blockade on April 25.

An ECMM report from the time confirms that the Croats were really just looking for an excuse to unleash its army on the UNPA Sector West:

The HV [Croatian Army] seems to be ready to take the northern part of the UNPA at any time. The overall picture of HV deployment shows the UNPA is completely surrounded from the east, west and north. The biggest strength is located exactly at Pivare for obvious reasons: to avoid any reinforcements from the [BSA] side.³⁷

On April 28, a Krajina Serb man was stabbed to death at a gas station along a Croat-controlled section of the same highway, near Nova Gradiska. His body was retained by the Croat police. Over the next two days, the murdered man's brother took some Croats hostage, later releasing them. After several Croat motorists were killed by Serb gunfire along the same highway, the UN ordered the highway closed again, pending and investigation.

Then at 5 AM on the first of May, the Croatian Army launched "Operation Flash," a 48-hour drive deep into the Serb-held territory of Western Slavonia—the "first serious fighting in the ex-Yugoslav republic since 1993," Reuters observed. This very large, very rapid, and very successful Croat military offensive involved artillery, tanks, aircraft, infantry battalions and "special" police forces. "We're trying to get elements of a ceasefire together," a UN spokesman told Reuters on the offensive's first day. "The Serbs seem ready to sign anything," he continued, "but the Croatians are quite unwilling, which is the problem."³⁸

O'Shea comments thus:

Whatever else this attack might have been it certainly was not a 'limited police action' [...]. This was a preplanned, premeditated, deliberate escalation of the conflict, which displayed no regard whatever for the plethora of international treaties and agreements into which the Croatian Government had supposedly entered in good faith. Now they reverted to nothing more than 'jack boot diplomacy' and 'negotiation at the point of a gun' on the very day that the COHA expired in Bosnia, and with a very real possibility of dragging the Bosnian Serbs into the fighting in Croatia as well. Once again the Croats had chosen to express their gratitude to the contributing countries of the United Nations by treating them with contempt, and by 0900 hrs the Jordanian battalion had begun taking casualties as Croatian artillery and small arms fire rained down on top of them. What this was supposed to achieve is anyone's guess but clearly the UN were no longer to be treated as the 'dear guests' Franjo Tudjman had been so keen to label them back in January.³⁹

The BSA artillery in Bosnia attempted to support their kinsmen on the north side of the River Sava, but the Croats had ensured that the north bank was swiftly secured, effectively encircling the Krajina Serbs of Western Slavonia. The effect on Serbs everywhere on hearing that Croat troops had retaken Jasenovac is impossible to exaggerate: This was the site of an infamous extermination camp run by Croats during World War II, where hundreds of thousands of Serbs, Gypsies and Jews were butchered, mostly by hammer and knife.

As the Croats continued to pound the enclave and the river bridges connecting it to Bosnia with artillery and aircraft, the Krajina Serbs in the Knin area launched improvised missiles at Zagreb. U.S. ambassador Galbraith went on TV live from the Zagreb hospitals to condemn the Serbian rocket attack in which perhaps ten died as an "outrageous and disproportionate response to the Croatian action, designed to kill as many civilians as possible,"⁴⁰ without even mentioning the blitzkrieg which Croatia had just unleashed against the Serbs of Western Slavonia.

On May 3, the Serbs negotiated the surrender and disarming of 600 troops as the main town, Pakrac, fell to the Croat army. Television showed dejected Serbs being led away. The towns supposedly being "lib-

erated” were strangely empty of anyone who had welcomed such “liberation.” The Croats, always more adept at P.R., ensured that the streets were hosed down of any evidence of blood before they let the TV crews enter the town.

In an eerie “prequel” to the disgraceful behavior of U.S. troops in Abu Ghraib prison in Iraq, “video footage was released that showed Serbian prisoners being publicly humiliated as they were forced to strip to their dirty soiled underwear and then remain standing for questioning by Croatian policewomen, who nonchalantly blew cigarette smoke into their faces while admiring their discomfort.”⁴¹ The only difference was that the watching-world had less compassion for Serb prisoners in 1995 than they did for Iraqis in 2004.

The lack of effective intervention by the Bosnian Serbs to prevent the Croatian seizure of Western Slavonia was widely interpreted as a sign of either military weakness or political division or both. The Serb anger at the lack of UN action or even condemnation of the Croat aggression rapidly spilled over into escalating violence all over Bosnia. In Sarajevo, mortar attacks on the Muslims’ “secret” supply tunnel under the airport killed several of the Muslim presidential bodyguards, prompting furious demands for UN airstrikes from the Izetbegovic Presidency. At the same time, the SDA Muslims managed to advance out from Sarajevo, putting their artillery within range of Pale, the Bosnian Serb political headquarters.

On May 10, the Posavina corridor in the north-east of the country saw an intense artillery duel between the Croat gunners in the Orasje pocket and their BSA opponents in Brcko. Although the Serb lines held, the Muslims piled on the pressure south of the corridor by pushing north from Tuzla in the areas of Gradacac and the Majevisa hills.

In Bihac, the BMA 5th corps had regained its strength to launch another attack to the southeast causing hundreds of Serb refugees to flee to Banja Luka and Sanski Most.

While the ECMM reported that increasing numbers of Americans—defence attaches, former US generals, “training” officers, CIA operatives, and FBI men—had been observed meeting with the Bosnian Muslim and Bosnian Croat military and civil organisations, UNPROFOR recorded 4,643 violations of the No-Fly Zone at the beginning of May. This was all evidence of the rapid rearming and training of the

Serbs' opponents which was undoubtedly watched with growing alarm in Knin, Pale, and for that matter in Belgrade.

The U.S. appeared to be unilaterally pressing ahead with its policy of lifting the arms embargo for the SDA Muslims and Croats and NATO air strikes against the Serbs, or "lift and strike" as it was known, which had been rejected by its partners in the Contact Group. The danger of course was that the Serbs would lash out before their enemies became too strong. It was a risky strategy, but one in which the risks all involved people on the ground getting killed, almost none of whom were American—Washington having steadfastly refused to contribute troops to the UN peacekeeping missions.

A few days later, UN Secretary-General Boutros Boutros-Ghali called senior UNPROFOR staff to address the UN Security Council. On May 24, the commander of UN peacekeeping forces in Bosnia, Croatia, and Macedonia, France's Lieut.-General Bernard Janvier, also briefed a closed-session of the Security Council, where he suggested that the UN forces should be withdrawn from the three eastern-most enclaves (i.e., Srebrenica, Zepa, and Gorazde) because they were impossible to protect and because he believed UNPROFOR should concentrate on areas where there was a "peace to keep."⁴² But this was a non-starter for the U.S. envoy to the UN, Madeleine Albright, who openly and passionately favored the SDA Muslim government's every demand. Janvier correctly pointed out that the SDA Muslims had been responsible for breaking the December 1994 Carter ceasefire agreement and were using the safe areas to attack the Serbs in the hope of provoking a sufficiently furious attack to trigger UN air strikes or even full-scale intervention.

After the closed-session of the Security Council ended, the Russian Ambassador Sergey Lavrov relayed through Associated Press that (to quote Lavrov's words) Janvier had told the Council the UN-designated "Safe Areas" were "systematically used by the [SDA] government forces for launching attacks and provoking Serbs," and UNPROFOR "cannot pretend that this is a situation where whenever you decide to be robust against the Serbs you solve the problem."⁴³

But the Security Council refused to alter the mission along the lines suggested by Janvier and so UNPROFOR had to watch as the exchanges across front-lines intensified. Already the day before, SDA Muslim and Serb forces had withdrawn their heavy weapons from the UN

supervised collection points which formed part of the heavy weapons exclusion regime negotiated in February 1994. At the same time British soldiers came under fire first from Serbs then Muslims as their convoy approached Gorazde.

Lieut.-General Rupert Smith, the taciturn UNPROFOR commander who had taken over from the more communicative and even-handed General Michael Rose, made a rare press appearance to announce that unless all heavy weapons were returned to collection points by midday, May 25, air-strikes would be ordered “against the guilty party.”⁴⁴ It beggars belief that NATO jets would ever be ordered to bomb Muslim positions in Sarajevo whatever they did, and so in effect this was a threat to one side only—the Bosnian Serbs.

Although the Bosnian Serbs had partially complied with the ultimatum, this was not judged sufficient and in due course two ammunition dumps near the Bosnian Serb headquarters in Pale were blown up by NATO jets on missions approved by UN Special Envoy Akashi. The BSA responded by shelling all six safe areas. In Tuzla, 70 people died and 130 were injured. A second wave of NATO bombing then destroyed another six BSA ammunition dumps. In Zagreb, the UN’s Akashi issued a justification for the bombing raids that sounded hauntingly Orwellian: “I decided I had no alternative but to respond to this dangerous situation that threatens the entire peace process,” his statement began.⁴⁵

Now the BSA’s response was to take UNPROFOR troops hostage and television pictures of “blue helmets” chained to strategic targets were soon flashed around the world.

As Tim Ripley writes:

It had all the hallmarks of a desperate last gasp by desperate men who knew the tide of war was turning against them. One UN intelligence officer called it an ‘expression of chaos’. The Croat attack in Western Slavonia and the perilous state of the [BSA] probably made Mladic desperate to try and keep NATO air-power from being unleashed against his army. Whatever the reason, the Bosnian Serbs played up the hostages for all they were worth, both politically and financially, but none of them were physically harmed. Indeed later it was learnt that many of the UN ‘human shield’ were only chained up for their video performances and Pale TV then made a small fortune selling the

video footage to the international media.⁴⁶

On May 27 in Sarajevo, Serb soldiers, dressed as UN peacekeepers, captured 12 French soldiers at a checkpoint. The French reacted with fury and counter-attacked, killing four Serbs and taking four more as counter-hostages. Events were in danger of deteriorating towards all-out hostility between UNPROFOR and the BSA.⁴⁷

Meanwhile, General Smith made preparations to put together an attacking force comprised mainly of British troops and artillery to break the Serb positions around Sarajevo.

In Gorazde, British troops, members of the Welch Fusiliers, were involved in a fire-fight with an advance party of the BSA in which 1,600 rounds were fired and casualties inflicted on the Serbs. Thirty-three British soldiers were captured but were treated well and came to no harm. By now, the British were openly co-operating with the BMA to prevent the BSA from gaining ground around the enclave. Gorazde was always bracketed with the other eastern “safe areas” of Srebrenica and Zepa but it never fell. Indeed, it is debatable whether it was ever as vulnerable as news coverage suggested.

A crisis meeting was held in Britain, where withdrawal was considered but rejected. It was decided to quietly withdraw the British garrison from Gorazde and the opinion was that the eastern enclaves were in reality untenable.⁴⁸ However, the decision was also made to deploy the 24 Airmobile Brigade along with heavy artillery to cover any future withdrawal or to defend UN troops subject to attacks. In fact, these decisions to reinforce force-levels paved the way for the Rapid Reaction Force (RRF) which played a critical role in September when UNPROFOR discarded all pretence of neutrality and blasted the Serbian positions around Sarajevo.⁴⁹ Lamenting the “dramatic developments” taking place on the ground in Bosnia, and how these events had overrun the UNPROFOR mandate, Secretary-General Boutros-Ghali stated that “international efforts to mediate a negotiated solution seem to have come close to a standstill...UNPROFOR remains deployed in a war situation where, after more than three years, there is still no peace to keep.”⁵⁰

Similarly, the senior officer of the British peacekeepers in Gorazde complained that, with hundreds of artillery shells flying over his company from both sides, he was in the contradictory position of being a

peacekeeper where there was no peace to keep, and he suggested the mission should be withdrawn. But he was told to stay put.

Exactly the same sort of request was being sent to the Dutch top brass in the Netherlands from Colonel Thom Karremans, then the commanding officer of the Dutch battalion serving in the role of UN Military Observers in charge of the Srebrenica safe area. The Dutch Ministry of Defense's reaction was to start negotiations to extend the Ukrainian military observer mission in Zepa to cover Srebrenica as well by some time in mid-July. But as it turned out, events moved too fast for this plan.

On June 2, U.S. Air Force pilot Scott O'Grady was shot down over northern Bosnia. Not only did he eject safely but, miraculously, managed to avoid capture until his rescue six days later by U.S. marines. Senior U.S. military figures wanted to bomb Banja Luka airfield in retaliation but, since hostage negotiations for the UNPROFOR prisoners were still under way, this was overruled. The downing of O'Grady had a profound effect on flights over Bosnia causing the risk averse U.S. Air Force to take much greater care when planning routes and sorties. A Serb air defence commander explained the attack saying that the U.S. was simply spying on them and not imposing the "no-fly zone," which was regularly being broken by supply flights into Bihac, Tuzla and elsewhere.

By June 7, a British Army artillery regiment was on the ground in Bosnia, and reconnaissance for its positioning on the strategic Mount Igman was underway in collaboration with the French, who also started flying-in heavy artillery for deployment on and around Igman. Located immediately southwest of Sarajevo and once used for competition when Yugoslavia hosted the 1984 Winter Olympics, Bosnian Serb forces had captured Igman from the Muslims in 1993 at considerable cost to themselves, but the UN insisted that control of Igman be turned over to the UN as a demilitarised zone. The UN then slowly allowed the Muslims to take it back under their control in yet another example of their lack of "neutrality." From Igman, the newly established British and French forces increased their attacks on Bosnian Serb forces, destroying several tanks and artillery pieces during June and early July.

General Smith had developed a plan to attempt a "break-in" to Sarajevo using the British force, an "extremely confrontational" plan, as one

UN source stated, the general wanting to “get tough with the Serbs,” had already been shelved,⁵¹ and the SDA Muslims, eager to use their newly supplied equipment, lost patience and started to blockade UN-PROFOR troops in their barracks and threats to request the withdrawal of UN troops became more common from the SDA leaders. These developments went largely unreported in news reports.

As Ripley describes them:

The international media never gave great prominence to Muslim and Bosnian Croat restrictions on freedom of movement and generally only reported Bosnian Serb harassment of the UN....Although the media made much of the threat to the enclaves during June 1995, within western governments there was no sense of crisis about their imminent fall. The [BSA] had yet to mount a determined attack on Srebrenica and Zepa as opposed to just randomly shelling them, actions that the Bosnians always ‘hyped up’ into acts of ‘genocide’ for the international media. The results may have been tragic, but in no way could they be termed significant military acts.⁵²

By June 18, all the hostages had been released unharmed and new convoy routes to Srebrenica, Zepa and Gorazde were opened up via Belgrade. On the very same day, the BMA launched its “Big Push” to break out of Sarajevo and link up its with territory in central Bosnia.

Ripley’s description of the operation is graphic, by far and away the most detailed and is quoted at length:

Tens of thousands of Bosnian troops were massed outside the city for the offensive, which began on 18th June. It included. 2nd, 3rd and 7th Corps troops, as well as units from inside Sarajevo. It is believed in excess of 10,000 troops were launched against the Serb minefields and trenches after a series of huge artillery barrages....

The Muslims pushed troops southwards to try to clear the Sarajevo Tuzla road from Olovo and Visoko. Other units, brought into the city through the airport tunnel, tried to push up the Pale road to cut the supply lines to the Bosnian Serb Army troops holding the outer siege lines opposite Visoko. Croat artillery in the Kiseljak pocket joined the offensive, but their support was distinctly lukewarm. The offensive around Sarajevo

coincided with a series of Muslim offensives around the Gorazde 'safe areas'. 'It was like the Somme, they just walked into mine-fields,' said BBC correspondent Martin Bell who watched the offensive from high ground inside Sarajevo. 'We filmed them [the Bosnians] taking the Pale road; then the Serbs counter attacked.'

Choosing their moment wisely, the Bosnian Serbs let the Muslims take some frontline positions and then hit their infantry with artillery as they crossed open ground. The casualties started to mount and the BMA could not hold their meagre gains from the inevitable counter attacks.

Thousands of Bosnians died or were injured in the offensive which ground to a halt after barely a week. Hospitals throughout central Bosnia were overwhelmed with casualties and the Sarajevo government had to stop newspapers printing the usual death notices to try to shore up morale. The Bosnian attacks in Gorazde were more successful and resulted in a number of tactical successes with little loss, which played an important part in securing the enclave from Serb attack during the summer.

UNPROFOR and UNPF intelligence officers were not really surprised at the defeat of the Sarajevo offensive. The 'H Hour' or starting time for the offensive had been widely leaked to the international press beforehand, so the Serbs had plenty of warning of the impending attack. Veterans of the Sarajevo press corps, such as the BBC's [Martin] Bell, and many senior UNPROFOR officers are convinced the attack was designed to fail, to show up the impotence of the UN and increase the pressure for US intervention. 'The ABiH [BMA] June offensive to break the Sarajevo siege was a glorious sacrifice to preserve Bosnia's victim status in the eyes of the world,' said Lieutenant Colonel Jim Baxter, General Smith's military assistant.⁵³

Despite the ultimate and costly failure of the Sarajevo offensive, the resurgent BMA was evidently growing in confidence and capability. The flow of arms and all the other evidence of support by the U.S. and other powerful countries clearly showed that the Bosnian Serbs were, and would remain, under enormous pressure. Fuel shortages were seriously hampering daily operations let alone their war fighting potential.

In late June, there were a series of attacks by the BMA 28th Division based in Srebrenica on opposing BSA units. In one of these attacks 40 BSA soldiers were killed. There were also a number of atrocities committed against Serbian civilians in villages near the “safe area”—a not uncommon event, it might be added. In each case the marauders would retire back to the “safe area,” no doubt believing that the BSA would eventually retaliate and face the real risk of UN air strikes. Either way the Srebrenica and Zepa area was tying down BSA troops who were sorely needed elsewhere in the Bosnian theatre.

We shall not go into great detail about the attack and fall of Srebrenica, which is beyond the scope of this chapter. Suffice to say that it is generally accepted that the force assembled was inadequate to the task, had the substantial numbers of BMA troops and able-bodied men in the town mounted a defence.⁵⁴ Instead the vast majority assembled in a column of 12,000 to 15,000 men and attempted to break through the Serb lines to reach Tuzla, north west of the enclave. The column inflicted heavy losses on the opposing Bosnian Serb forces but had serious numbers of their own killed in the fighting.

In the adjoining enclave of Zepa, with a population of 16,000, the BMA troops, though far fewer in number and resources, put up a stiff defence and resisted the BSA advance for twelve days (twice as long as Srebrenica) finally yielding on July 25. In marked contrast to Srebrenica, the Muslim fighters negotiated a surrender. Allegations of mass executions have never been made about Zepa, even though military aged men were detained as they had been in Srebrenica two weeks before. Again the women, children and wounded were safely transported by bus to Muslim areas. The men were either evacuated with the women and children or went via Serbia itself which lies just across the River Drina. The inhabitants of Zepa were effectively members of the same Muslim community as that in Srebrenica with much coming and going between the enclaves even during the war, the same Bosnian Serb commanders were involved, the same opportunities for the Bosnian Serbs to execute their captives existed and yet the “genocidal plan” was not applied. This anomaly is never addressed by those who allege that such a plan was in fact being carried out.

The safe area of Gorazde, which had been supposedly on the verge of collapse and of special concern to the British whose troops were sta-

tioned there, was attacked by the BSA but did not fall and the UN-PROFOR garrison was granted safe passage across Serbia to Belgrade even though they had actively helped the BSA soldiers in the town who remained fully armed.

Ten days after the fall of Zepa, on August 4, the Croatian army launched Operation Storm, by far the largest act of “ethnic cleansing” in the whole war, with 250,000 Serbs driven from their homes in an orgy of violence, rape and murder. The whole operation had been approved, aided and abetted by senior U.S. military and political leaders.

By the end of August, General Smith had completed the deployment of the RRF which was effectively a potent offensive artillery force targeted on the Bosnian Serb gun emplacements around Sarajevo. On August 28, right on cue, a shell, supposedly from a BSA mortar, fell on the Markale market place killing a number of people. As with similar incidents before there was considerable doubt as to who had actually fired the shell; based on a confidential interview with the sources, Cees Wiebes writes that “American intelligence officials admitted [to him] that the [Bosnian Muslim forces] had taken responsibility for this incident,” and that British intelligence also “came to the conclusion that the shelling of Sarajevo market was probably not the work of the [Bosnian Serb forces], but of the Bosnian Muslims.”⁵⁵ Yet, if there was any doubt who fired the shell, as usual there was no doubt who would be blamed for the incident, and the carefully planned NATO air strikes and RRF salvos that ensued crippled the BSA communication systems, ammunition dumps and fuel stores.

Under the coordinated and combined assault of Croatian, Bosnian Croat, and Bosnian Muslim forces, the rapid disintegration of the Bosnian Serb positions around Bihac and in the whole of western Bosnia raised the prospect of a collapse across the entire country. As Banja Luka, the refuge of hundreds of thousands of displaced people, appeared ready to fall and the possibility of a bloodbath became more likely, concern grew among the Western sponsors of these offensives that their “dogs” were off the leash and out of control.

By the end of September the fighting was all but over and the hundred thousand people living in the Serbian parts of Sarajevo, so long ignored by the media, were packing their belongings in preparation for a life as refugees in other parts of Bosnia, Serbia itself or even further afield.

From October on the focus was on agreeing to the terms of peace which led eventually to a signing in Paris via a U.S. military base in Dayton, Ohio, but even here, the Bosnian Serbs were humiliated. Their own leaders were not allowed to represent them, with Radovan Karadzic and Ratko Mladic having been indicted in late July for war crimes and even genocide, and they were replaced by Slobodan Milosevic, the president of a different country—a point that the West had been prepared to take up arms to uphold. Furthermore, when the chips were down, Milosevic had not come to the assistance of either the Krajina or the Bosnian Serbs.

Conclusions

Of necessity this has been a short review of the military events that structured and conditioned the end of the war in Bosnia, but it should hopefully have provided a context in which to place the fall of Srebrenica.

The tide of war was definitely already running against the Bosnian Serbs. The ceasefire negotiated in December 1994 by Jimmy Carter represented a good starting point to achieve peace. However, the Croatian and Bosnian SDA Muslim leaders were committed to pursuing military solutions whatever the costs to their own people—arguably slight for the Croats, but disastrous for the Bosnian Muslims.

Though misguided and deplorable, this is at least an understandable position for parties to a war. What is completely unpardonable is the role of the Western powers and of the United States in particular that, instead of being an “honest broker” supporting a negotiated peace, encouraged the escalation of military violence and for longer than three years actively undermined any peaceful solutions.

The double standards demonstrated by the West in their complete lack of response to the Croat attack on Western Slavonia in early May 1995, on the one hand, and the air strikes following a relatively minor infringement by Bosnian Serbs around Sarajevo in late May 1995, on the other, were bound to increase the likelihood that the Bosnian Serbs would see that only military “facts on the ground” would be recognised and that the West was acting in bad faith.

Despite these pressures, the BSA exercised restraint and did not unleash their weapons with the aim of causing maximum civilian casual-

ties, as they undoubtedly could have done given the heavy weaponry at their disposal. The UNPROFOR hostages were taken, but none were harmed.

The Bosnian Serbs' enemies were seemingly following a strategy of keeping the BSA engaged over as wide an area as possible to take advantage of its lack of manpower and to make the deployment of the BSA's heavy weaponry as difficult as possible. At the same time the increased supplies of arms was levelling the balance of power even in this area. The eastern "safe areas" in fact held considerable numbers of BMA troops and represented a heavy drain on defensive resources for the BSA. In a situation of all-out conflict, it was almost inevitable that the BSA would feel forced to "roll them up" rather than watch as their defenses weakened to the point of collapse elsewhere in the country.

Even in the exceptional case of Srebrenica, the women and children came to no harm and were transported to safety. The military-aged men of Srebrenica in the column had refused to surrender, and although not all were armed they were travelling as a band of armed men who had engaged Serb forces and indeed had successfully broken through to reach Tuzla. Such a column could only be viewed as combatants. The proportion of those who were executed after surrender as opposed to falling in combat situations is not known, but the commonly used figures make no distinction in this regard, treating all as executions. It is not clear what happened to the mostly older men who were taken prisoner at Potocari but in Zepa, the lives of the men who surrendered were spared.

In the end, only the commanders themselves could fully explain the motivations and plans lying behind the events in those closing days of the war in Bosnia. They are still largely unknown, and may well remain so. However, by looking at the military context one can at least hope to understand the positions of the opposing parties.

The name of Srebrenica seems destined to loom much larger in the historical record than its actual military significance would suggest.

Notes

- 1 See Ewa Tabeau and Jakub Bijak, "War-related Deaths in the 1992 - 1995 Armed Conflicts in Bosnia and Herzegovina: A Critique of Previous Estimates and Recent Results," *European Journal of Population*, Vol. 21, No. 2-3, June, 2005, pp. 187-215, <<http://www.springerlink.com/content/w288118j50758360/>>. The

figure is calculated by assuming that the proportion of Bosnian Muslims in the estimated overall total for all ethnic groups (102,622) is the same as for the proven death records (45,980 out of 67,530).

- 2 Brendan O'Shea, *Crisis At Bihac: Bosnia's Bloody Battlefield* (Gloucestershire: Sutton Publishing, 1998).
- 3 Tim Ripley, *Operation Deliberate Force: the UN and NATO Campaign in Bosnia 1995* (Lancaster: Centre for Defence and International Security Studies, 1999).
- 4 See Jan Willem Honig and Norbert Both, *Srebrenica: Record of a War Crime* (London: Penguin Books, 1996). "By the end of May 1992," they write, "the front-line stabilized and remained essentially unchanged until the summer of 1995" (p. 77).
- 5 Honig and Both, *Srebrenica*, p. 79.
- 6 These estimates are based on the work of Milivoje Ivanisevic, *Srebrenica July 1995—in search of truth*, Zivka Novicic, Trans. (Belgrade: Hrišanska misao, 2nd. Ed., 2010).
- 7 Honig and Both, *Srebrenica*, p. 81.
- 8 *Ibid*, p. 80.
- 9 *Ibid*, p. 80.
- 10 See Richard E. Hull, *Imposing International Sanctions: Legal Aspects and Enforcement by the Military*, (Washington, D.C.: National Defense University, March, 1997), esp. Chapter III, "Economic Sanctions against Former Yugoslavia (1991-1996)," <<http://www.ndu.edu/inss/books/Books%20-%201997/Imposing%20International%20Sanctions%20-%20March%2097/contents.html>>.
- 11 Sheena McDonald *et al.*, "Allies and Lies," BBC2 Documentary, June 22, 2001, <<http://news.bbc.co.uk/1/hi/programmes/correspondent/1390536.stm>>. For much interesting background material, also see David Hebditch, "Allies and Lies," Transcript (Harrogate, U.K.: SFI Production, 2001), <http://news.bbc.co.uk/hi/english/static/audio_video/programmes/correspondent/transcripts/1402591.txt>.
- 12 "The national parties have won a resounding victory over the parties of the so-called 'left-wing bloc' on all the lists," the Tanjug News Agency reported. "The future presidency of the [Socialist Republic] of Bosnia-Herzegovina will [be comprised] of Fikret Abdic with 1,010,618 votes and Alija Izetbegovic with 847,386—both Muslim candidates of the Party of Democratic Action. This party will also have another member in the presidency, Ejup Ganic (680,783 votes), who was nominated in the elections as a Yugoslav, and will therefore represent the other nations and nationalities in this republic. Biljana Plavsic (557,218 votes) and Nikola Koljevic (541,212 votes) will join the presidency as candidates of the Serbian Democratic Party. Stjepan Kljuic (464,174 votes) and Franjo Boras (408,750 votes) will join the new presidency as candidates of the Croatian Democratic Community." (See "Election Results in Bosnia-Herzegovina," BBC Summary of World Broadcasts, November 29, 1990.)
- 13 UN General Assembly Resolution 43 (A/RES/49/43), December 9, 1994, Preamble and para. 2, <<http://www.un.org/documents/ga/res/49/a49r043.htm>>.

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- 14 O'Shea, *Crisis At Bihac*, p. 123.
- 15 CNN, "Bosnian Serbs Agree to Release All U.N. Personnel," 6:08 PM ET, Transcript # 575-1, December 14, 1994; and CNN, "Carter Could Play Major Role as Peace Broker in Bosnia," 6:26 PM ET, Transcript # 575-2, December 14, 1994.
- 16 Laura Silber, "Truce agreed in Bosnia, says Carter," *Financial Times*, December 21, 1994. Finalized between December 20 and 31, the Cessation of Hostilities Agreement went into effect on January 1 of the new year, and called for a four-month "cessation of hostilities."
- 17 O'Shea, *Crisis At Bihac*, p. 142.
- 18 For a wealth of evidence about the illegal arms shipments to the Bosnian Muslims during the war, including essential sources, see 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, <http://213.222.3.5/srebrenica/toc/p6_c04_s002_b01.html>; and Section 3, "Secret arms supplies to the ABiH: the Black Flights to Tuzla," pp. 177-198, <http://213.222.3.5/srebrenica/toc/p6_c04_s003_b01.html>. Also see James Risen and Doyle McManus, "Clinton Secretly OKed Iran's Arms Shipments to Bosnia," *Los Angeles Times*, April 5, 1996, as posted to the website of *The Tech*, <<http://www-tech.mit.edu/V116/N17/clinton.17w.html>>. Most important, see the massive investigative report by the House Committee on International Relations (a.k.a. the "Iranian Green Light Subcommittee"), *Final Report of the Select Subcommittee to Investigate the United States Role in Iranian Arms Transfers to Croatia and Bosnia*, U.S. House of Representatives, Washington, D.C.: U.S. Government Printing Office, 1997; and the report by the Senate Select Committee on Intelligence, *U.S. Actions Regarding Iranian and Other Arms Transfers to the Bosnian Army, 1994-1995*, U.S. Senate, November 1996.
- 19 The "Zagreb 4" consisted of Peter Galbraith, the U.S. Ambassador to Croatia; Leonid Kerestedijanc, Russia's Ambassador to Croatia; and Geert Ahrens and Alfredo Cordella, both officials with the International Conference on the Former Yugoslavia. Eventually, a fifth member joined the group: Jean Jacques Gaillarde of the European Union. For some contemporaneous though limited accounts of what the Z-4 Plan entailed, see John Pomfret, "Plan Offers Self-Rule for Croatia Serbs," *Washington Post*, October 20, 1994; and Roger Cohen, "Plan for Croatia Would Give Serbs Autonomy in Some Areas," *New York Times*, January 30, 1995.
- 20 O'Shea, *Crisis At Bihac*, p. 155.
- 21 ECMM Weekly Information Analysis Summary, No. 114, February 10, 1995. Quoted in O'Shea, *Crisis At Bihac*, p. 152.
- 22 "Correspondent: Allies and Lies" covers this episode in detail. See n. 11 for details.
- 23 In 1996, the U.S. Senate's Select Committee on Intelligence confirmed that the Clinton administration had turned a blind eye to sanction busting arms deliveries from Iran and other countries. See *U.S. Actions Regarding Iranian and Other Arms Transfers to the Bosnian Army, 1994-1995*, U.S. Senate, November 1996 (as

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- posted to the website of the Federation of American Scientists, <http://www.fas.org/irp/congress/1996_rpt/bosnia.htm>).
- 24 UN G2, Sector SW, Special Report, February 19, 1995. Quoted in O'Shea, *Crisis At Bihac*, p. 194.
 - 25 See Branka Kostovska, "Croatia Forms Military Alliance with Bosnian Federation," Associated Press, March 6, 1995; Snjezana Vukic, "Armies of Croatia, Bosnian Federation Agree on Joint Command," Associated Press, March 6, 1995; Julian Borger, "Pact increases Balkan tension," *The Guardian*, March 7, 1995; Alan Cowell, "New Croat-Bosnian Link Worries U.N.," *New York Times*, March 8, 1995; and Tony Barber, "Anti-Serb alliance raises war fears," *The Independent*, March 8, 1995.
 - 26 See James Bone and Tom Rhodes, "Croats back down over threat to expel UN troops," *The Times*, March 10, 1995; Emma Daley, "UN deal averts threat of Croatian war," *The Independent*, March 13, 1995; Barbara Crossette, "Croatian Leader Agrees to Continuation of U.N. Force," *New York Times*, March 13, 1995.
 - 27 "Bosnian President Izetbegovic warns of war," Deutsche Presse-Agentur, March 16, 1995; "Izetbegovic says Bosnia has no plans for offensive," Deutsche Presse-Agentur, March 17, 1995.
 - 28 Emma Daley, "Truce crumbles as Bosnian factions gear up for war," *The Independent*, March 18, 1995; Julian Borger, "Bosnians launch new offensives," *The Guardian*, March 21, 1995; Roger Cohen, "Bosnian Army On the Attack, Breaking Truce," *New York Times*, March 21, 1995; David Crary, "Bosnian Government Surges On Battlefield, Opens New Diplomatic Front," Associated Press, March 24, 1995.
 - 29 O'Shea, *Crisis At Bihac*, p. 184.
 - 30 Quoted in "Convoy reaches Bosnian enclave - Moslem general criticises U.N.," Deutsche Presse-Agentur, March 17, 1995. DPA adds that in his *Oslobodjenje* interview, General Delic complained that instead of helping the Bosnian Muslims achieve full sovereignty, UNPROFOR was merely "preserving the status quo along the frontlines....Whenever we launch certain offensives, international mediators pop up and demand an immediate ceasefire." This, Delic believed, made UNPROFOR a "millstone" around the Muslims' necks. "Even when we are trying to bring about a turning point in this war, we have to ask for permission." Also see O'Shea, *Crisis At Bihac: Bosnia's Bloody Battlefield*, p. 188.
 - 31 In the English-language news media, this crucial April 1995 assembly of Bosnian Serbs passed virtually unreported. The sole contemporaneous print media report that mentioned the assembly was a brief, 120-word item by Laura Silber in the April 18, 1995 *Financial Times* which bore the all-too-characteristic title, "Bosnian Serb leader threatens new offensive." .
 - 32 "Serbs will fight on until 'the final victory' if peace impossible," Agence France Presse, April 17, 1995.
 - 33 O'Shea, *Crisis At Bihac*, pp. 192-193.
 - 34 Roger Cohen, "Tribunal To Cite Bosnian Serb Chief as War Criminal," *New York*

- Times*, April 24, 1995.
- 35 Emma Daley, "UN accuses Karadzic of war crimes," *The Independent*, April 25, 1995. Also see Press Release CC/PIO/006-E, ICTY, April 24, 1995, <<http://www.un.org/icty/pressreal/p006-e.htm>>; and Judge Karibi-Whyte *et al.*, *Trial Chamber Decision on the Bosnian Serb Leadership Deferral Proposal*, IT-95-5-D, May 16, 1995, <<http://www.un.org/icty/karadzic&mladic/trialc/decision-e/50516DF1.htm>>.
- 36 "UNPROFOR concerned at impact of war crimes move on flailing peace efforts," Agence France Presse, April 24, 1995; Abner Katzman, "Yugoslav Tribunal Names Bosnian Serb Leader As War Crimes Suspect," Associated Press, April 24, 1995; Clare Dyer and Christine Aziz, "Karadzic is war crimes suspect," *The Guardian*, April 25, 1995; Eve-Ann Prentice, "UN names Mladic and Karadzic as war crime suspects," *The Times*, April 25, 1995; Fred Barbash, "War Tribunal Targets Three Bosnian Serbs; Top Leaders Linked To 'Mass Killings'," *Washington Post*, April 25, 1995.
- 37 ECLC West, Special Report, April 24, 1994. Quoted in O'Shea, *Crisis At Bihac*, pp. 199.
- 38 Mark Heinrich, "Croatian army attacks Serbs to regain motorway," Reuters, May 1, 1995.
- 39 O'Shea, *Crisis At Bihac*, p. 201.
- 40 Emma Daley, "Serb rockets sow terror in streets of Zagreb," *The Independent*, May 3, 1995. As *The Times* of London described Galbraith's appearance at a "Zagreb children's hospital, where 200 young patients were huddled together shortly after the building took three rocket hits" on May 3: "'One should understand what has gone on cluster bombs [on the rockets] sent into the centre of a European capital are intended for one purpose and that is to kill lots of people', Mr Galbraith said. 'Furthermore, the timing of the attacks, not at night but right in the middle of the day, during the lunch hour, is further evidence that the sole single purpose was to kill as many people as possible. It's an utter outrage', the Ambassador added, his voice quivering with anger." Joel Brand, "Rockets strike at Zagreb innocents," May 4, 1995.
- 41 O'Shea, *Crisis At Bihac*, p. 207.
- 42 Because the UN Security Council's May 24, 1995 session was formally closed, no *public* record of it is available, and therefore a copy of the briefing by France's Lieut.-General Bernard Janvier is not readily accessible. In what follows, I am drawing on "US calls for more aggressive use of air strikes in Bosnia," Agence France Presse, May 24, 1995; Evelyn Leopold, "UN Council deliberates next moves on Yugoslavia," Reuters, May 24, 1995; and "US urges use of air power in Balkans," United Press International, May 24, 1995.
- 43 Louis Meixler, "U.S., Russia Divided On Bosnia Peacekeeping," Associated Press, May 24, 1995.
- 44 Joel Brand and Eve-Ann Prentice, "UN general threatens Sarajevo airstrikes," *The Times*, May 25, 1995.

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- 45 UN Special Envoy Yasushi Akashi's May 25 statement continued: "It is imperative that it be clearly understood that the purpose of these actions is to restore the integrity of the Sarajevo heavy weapons agreement and respect for the safety of civilians...Once again I remind the parties of the extreme gravity of the situation and the need to reject the military option and to resume peaceful dialogue." ("NATO strike destroyed six Serb bunkers: Akashi," Agence France Presse, May 26, 1995.) On the intense U.S. lobbying for military action over the entire month of May, 1995, see Allison Mitchell, "U.S. Lobbied Allies for Weeks Before NATO Attack on Serbs," *New York Times*, May 26, 1995.
- 46 Ripley, *Operation Deliberate Force*, p. 108.
- 47 Emma Daley, "West confronts futility of keeping peace in war zone," *The Independent*, May 28, 1995; Roger Cohen, "2 French Killed as Sarajevo Battle Takes New Course," *New York Times*, May 28, 1995; Steven Greenhouse, "Quandary Over U.S. Bosnia Policy: Crisis Exposes Contradictory Goals," *New York Times*, May 28, 1995; Craig R. Whitney, "Diplomatic Moves Pressed by Paris," *New York Times*, May 28, 1995; Julian Borger and Anthony Bevis, "UN crisis as Serbs kill French," *The Observer*, May 28, 1995; Charlotte Eagar, "How the West was chained," *The Observer*, May 28, 1995; Joel Brand, "French Units Attack Serbs In Sarajevo," *Washington Post*, May 28, 1995.
- 48 See Sarah Womack, "Major to recall Parliament after 33 British troops seized," Press Association, May 28, 1995; Christopher Bellamy, "Fusiliers' capture raises questions about British role," *The Independent*, May 29, 1995; Joel Brand and James Bone, "Serbs take 33 British soldiers hostage," *The Times*, May 29, 1995; Julian Borger *et al.*, "Major pledges 6,000 more Bosnia troops," *The Guardian*, May 29, 1995; Julian Borger, "Nervous fingertips clasp UN triggers," *The Guardian*, June 1, 1995; Alison Cameron *et al.*, "Nine ex-hostages handed back to Britain," Press Association, June 3, 1995; Maggie O'Kane, "Hostages had no idea of danger," *The Observer*, June 4, 1995; and Nicholas Wood and Joel Brand, "Serbs now in firing line, says Rifkind," *The Times*, June 5, 1995.
- 49 See Paul Beaver and Peter Beaumont, "Ready for rapid-reaction—but to what?" *The Observer*, June 4, 1995; John Pomfret, "New Arrivals Ready to Fight in Bosnia," *Washington Post*, June 4, 1995; John Palmer and Ian Black, "New Bosnia force is UN's 'Last chance'," *The Guardian*, June 9, 1995; Farhan Haq, "New rapid-reaction troops ready to go," Inter Press Service, June 9, 1995; "The UN's last chance in Bosnia," *The Economist*, June 10, 1995.
- 50 Boutros Boutros-Ghali, Report of the Secretary-General Pursuant to Security Council Resolution 982 (1995) and 987 (1995) (S/1995/444), May 30, 1995, pars. 67-68, <<http://www.undemocracy.com/S-1995-444.pdf>>.
- 51 Liam McDowall, "Risky U.N. Plan Would Open Sarajevo Lifeline," Associated Press, June 4, 1995.
- 52 Ripley, *Operation Deliberate Force*, p. 128.
- 53 *Ibid*, p. 140.
- 54 During cross-examination of the Bosnian Muslim General Sefer Halilovic, the

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Defense Counsel for Radislav Krstic, Nenad Petrusic, read a passage from Halilovic's 1997 book, *Lukava Strategija* ("A Cunning Strategy"). According to Halilovic's published account, "the Chetniks entered Srebrenica on the 11th of July, 1995, with three tanks, two transporters, APCs, and about 200 Chetniks"—'Chetnik' of course being a derogatory term for Serb fighters used by Muslims and Croats. In his own voice, Halilovic explained that his information was based on David Rohde's book, *Endgame*, an article from *Dani*, a Bosnian Muslim journal titled "How They Gave Over Srebrenica," and various interviews with people who had been in Srebrenica and Zepa. See Krstic Trial Transcript, IT-98-33-T, April 5, 2001, p. 9487, <<http://www.un.org/icty/transe33/010405it.htm>>.

55 Wiebes, *Intelligence and the War in Bosnia, 1992 – 1995*, p. 68.

CHAPTER 4

The Numbers Game

Jonathan Rooper

Anyone who raises doubts about the fate that allegedly befell the Srebrenica “safe area” population in July 1995 is invariably treated with withering scorn. At best they are characterized as “revisionists;” at worst, as “deniers” of a modern-day holocaust.

No serious analysis of events in and around Srebrenica in the summer of 1995 would be complete without a detailed examination of the numbers killed and their manner of death. But from the outset, both the number of Bosnian Muslim deaths and how these individuals actually died were exploited for a variety of political purposes.

There can be no clearer example of this than the 10,000 symbolic graves erected at the Srebrenica memorial in Potocari¹—a number which is 25% greater than the highest official estimate of those massacred.²

Before looking at the evolution of numbers in relation to Srebrenica, it will be helpful to look at the numbers in relation to the war as a whole.

For years the death toll quoted in almost every news story relating to the Bosnian war was 200,000 or 250,000 and sometimes even 300,000.³ Usage of these numbers was so ubiquitous that most people assumed they were as well founded as the six million Jews who died in the Holocaust.

In fact, the source for these figures was often the Bosnian Muslim regime in Sarajevo, including President Alija Izetbegovic, who by the start of 1993 was claiming that 200,000 Muslims were facing imminent death.⁴ This figure was quickly adopted by reporters who did not question whether it was likely that roughly 82 percent as many Bosnian Muslims had died during the first nine months of a civil war in a small Balkan country of 4 million people as the British armed forces lost during the whole of World War II (244,621⁵). Despite nearly three more years of conflict, the Bosnian total did not rise much beyond its 1992 level, though there was heavy fighting in the last year of the war. A few critics suggested that the 200,000 figure (or greater) was exaggeration and wartime propaganda, not rooted in facts; but such warnings received little attention, and those making them were often dismissed as “Serb apologists.”

However, in June 2005 the *European Journal of Population* published a paper by two demographers funded by the Office of the Prosecutor at the International Criminal Tribunal for Yugoslavia (ICTY), Eva Tabeau and Jakub Bijak, which showed that there was indeed no solid foundation for the commonly used figures.⁶ Using established demographic techniques, based on the best records available, and allowing missing persons to be counted among the dead, they estimated a total of 102,622 war-related deaths in Bosnia - Herzegovina for *all* sides.⁷

That the total number of victims in the wars of Bosnia-Herzegovina had previously been claimed to be more than double the total found by Tabeau-Bijak was startling, but the composition of the victims was also wildly misrepresented: Some 52% of the recorded Muslim fatalities were soldiers rather than civilians.⁸ The lasting impression of two and even three hundred thousand unarmed Muslim civilians being slaughtered by Serb soldiers and paramilitaries was just that: an impression established by the constant repetition of the larger numbers—and a misleading one.

In November 2005, Bosnian Muslim researcher Mirsad Tokaca of the Sarajevo-based Research and Documentation Centre let it be known that his group's work, funded by the Norwegian government, had determined that the overall total would be "100,000 give or take."⁹ By June 2007, Tokaca's RDC refined this number down to 96,895 deaths on all sides.¹⁰

As far as mainstream opinion is concerned, it is hard to imagine more authoritative sources for the new, dramatically reduced estimates. Nobody could credibly dismiss either members of the ICTY prosecution team or a Bosnian Muslim funded by the Norwegian government as "Serb apologists." Nor could anyone argue that these researchers did not have access to the relevant data, which is quoted chapter and verse by Tabeau - Bijak as well as Tokaca's RDC.

But the findings of Tabeau - Bijak and Tokaca did not cause the sort of stir that might have been expected from the discovery of one of the worst examples of sustained misreporting in recent times: These drastic downward-revisions in the Bosnian death toll passed almost unnoticed.

For sources such as these to be ignored and the media fail to acknowledge their 12-year-plus numbers-error, the commitment to the old, erroneous, inflated numbers must have been deeply rooted. The higher numbers (200,000, 250,000, 300,000) had always been cited as

proof of Serb evil and villainy; their constant repetition over many years reinforced this belief, and their downward-revision simply could not be reconciled with it.

Proper discussion of the motives for this refusal to admit a major error would fill many pages but can perhaps be summarized as a reluctance to equivocate on a cause which, for so many, had long provided a black-and-white moral compass during the first years of the post-Cold War world. For the purposes of this chapter, it is sufficient to note that there has been a noticeable lack of interest in accurate numbers about victims of the war in Bosnia in favor of a “good guys versus bad guys” war-story. This general tendency is greatly sharpened in the particular case of Srebrenica.

The current chapter looks closely at the numbers data and explores them against the backdrop of the official version of what happened in the weeks after the fall of the Srebrenica safe area. It will show that, rather than Srebrenica being the “worst atrocity in Europe since the Second World War,”¹¹ a “stain on our collective conscience” in which “8,000 men and boys were murdered,”¹² it is the official version that is at odds with key facts, and fails to provide a consistent and coherent representation of the relevant events in 1995.

Origins of the massacre allegations

The original ballpark estimates for the number of persons who might have died following the fall of Srebrenica corresponded closely to the list of some 8,000 “missing” persons compiled by the International Committee of the Red Cross (ICRC). (See the Preface and Chapter 1.) But this early figure was based on nothing more than the combination of an estimated 3,000 men last seen at the UN base at Potocari, plus an estimated 5,000 men reported “to have left the enclave before it fell.”¹³ Neither of these figures could be considered reliable: The estimate by the Dutch peacekeeping force in Srebrenica (Dutchbat) for the number of males at Potocari was far lower.¹⁴ As the British journalist Linda Ryan pointed out in 1996, the phrase “before it fell” could include people who left the enclave safely long before the Bosnian Serbs assumed control on July 11, 1995.¹⁵

Perhaps the most startling aspect of the 8,000 figure for persons *missing* is that it has always been used as synonymous with the number *ex-*

cuted. This was never a possibility: numerous contemporary accounts noted that UN and other independent observers had witnessed fierce fighting with significant casualties on both sides. It was also known that others had fled to Bosnian government-controlled territory around Tuzla and Zepa, that some had made their way westward and northward, and that some had fled into Serbia. Putting precise numbers to all these categories is not possible; but as we know that there were significant numbers in each category, this alone tells us that nowhere near the total number then listed as “missing” really were *missing*, let alone *executed*.

These are strong reasons for skepticism about the massacre claims. As further information has emerged over the years, the official version of events which was established in 1995 (and subtly modified since then) appears more and more unlikely. The most fundamental problem of all is that the math does not begin to add up.

The unchanging number total

The numbers listed as “missing” from Srebrenica are noteworthy precisely because they have not increased or decreased since the second-half of 1995. Military actions and terrorist incidents usually follow a very different pattern, as the 9/11 attacks on U.S. targets clearly demonstrates: The Office of the Medical Examiner of New York City reported in January 2004 that it had issued a total of 2,749 death certificates in connection with the hijacker attacks on the twin towers of the World Trade Center on September 11, 2001. “We believe this is the final number,” a spokesperson for the medical examiner said.

“Two weeks after the attack,” Associated Press reported, “the number of missing-person reports [filed with New York authorities] peaked at 6,886 amid confusion and calls from frantic relatives. The number stood at 2,792 from December 2002 until October [2003], when 40 unsolved cases were removed from the list.”¹⁶

This final 2,749 figure represents less than half (39.9 percent) of the peak-number of missing-person reports that were filed amid the anguish and confusion of the early days. The outrage took place in the richest city in the richest country in the world, with all of the resources necessary to get the body count right. Unlike Bosnia and Herzegovina, it was not a relatively impoverished, war-torn country with internally-displaced people scattered in all directions. Yet, once the ICRC had set-

tled on the figure 8,000 for persons “missing” from Srebrenica, in the second week of September 1995,¹⁷ this number has never changed.

The sums that don’t work

By mid-July 1995, 23,000 displaced Bosnian Muslim persons had been transferred from Potocari to Bosnian government-controlled ter18^{xviii} The ICRC reported that “several thousand” armed Muslim men from Srebrenica had passed safely behind Muslim lines to an area called the Sapna Finger, where they were redeployed to fight elsewhere “without their families being informed.”¹⁹ According to Amnesty International, a total of 35,632 persons from the Srebrenica safe area had registered as displaced persons with UN authorities by the first week of August—in other words, as *survivors* of the fall of Srebrenica. Additionally, a “total of 796 people who fled into the [Federal Republic of Yugoslavia] from Srebrenica and Zepa enclaves were registered by UNHCR (United Nations High Commissioner for Refugees) and ICRC and either resettled in third countries or were repatriated to Bosnia-Herzegovina (more may have entered the FRY without making their whereabouts known to the UNHCR).”²⁰ Some 700 soldiers and civilians from Srebrenica also made their way to Zepa, emerging safely from that town when it fell to the Serbs during the last week of July 1995.²¹ Indeed, the numbers may have been still greater. During the ICTY’s trial of Slobodan Milosevic it was claimed that between 840 and 950 Bosnian Muslims from Srebrenica and Zepa swam across the river Drina to find safety between July 11 and 13, 1995. These refugees—an entire brigade of the Bosnian Muslim Army (BMA)—were apprehended, processed and provided with accommodation and care (including visits by the Red Cross, which also delivered mail and cigarettes) by the Yugoslav authorities.²² In addition, several hundred Bosnian Muslim soldiers were held in Bosnian Serb prisons for periods of weeks or months before being handed over. So it is clear that there were in total at least (and probably rather more than) 38,000 to 39,000 documented survivors of the fall of Srebrenica—a figure that matches or exceeds the total pre-fall population estimates of the major aid agencies.

Reconciling the math becomes even more difficult when fatalities from the fighting between the Bosnian Serb Army (BSA) and the armed Bosnian Muslim column that left Srebrenica for Muslim-held territory

are taken into account. It is common ground in reports of what happened that there were significant casualties on both sides from these clashes.²³ A report published in September 2002 by Republika Srpska estimated 2,000 BMA combat deaths, in addition to some 500 BSA fatalities.²⁴ While some of the dead were from the BMA Tuzla brigade, which had come out in support, the vast majority were from the very large armed BMA column which had left Srebrenica.

It doesn't end there. Both Dutchbat and undercover British Special Air Service intelligence officers who were in Srebrenica when it fell said they had witnessed bitter fighting between Muslims shortly before Bosnian Serb forces entered the town. Descriptions suggest that around 100 may have died and that their bodies were left where they had fallen. There are also reports that considerable numbers of Muslims died when they crossed a minefield which had been laid by their own side.²⁵

Taking all these factors together, in order for 8,000 "men and boys" from the Srebrenica safe area to have been massacred or died during the population transfer that followed July 11, 1995, the population of this safe area before it fell would have had to be well over 46,000—a figure far in excess of any credible estimate put forward at any time.

There is in fact relatively little variation in the figures given in the accounts which presume that massacres took place. They agree that the majority of Srebrenica's population went to Potocari (estimates range from 24,000 to 27,000) and a minority went to the column that set off for Tuzla (estimates range from 10,000 to 15,000).²⁶ The consensus total for Srebrenica safe area inhabitants was approximately 37,000 persons in all, made up of some 25,000 who went to Potocari, and 12,000 who left in the column.

This ties in with remarks made by the Bosnian Muslim President Alija Izetbegovic when he was interviewed in Sarajevo by Belmin Karamehmedovic on August 13, 1995. Izetbegovic said that "35,000 to 36,000" persons were present in Srebrenica "at the time" it fell into the hands of the BSA.²⁷ It is also significant that Patricia Wald, one of the ICTY's judges in the case against the Bosnian Serb Army General Radislav Krstic, estimated the total pre-fall population of Srebrenica to have been 37,000 when she wrote her account of the case. According to Wald, "Prior to the attack, Srebrenica was a village of some 37,000 inhabitants."²⁸ Apparently, Wald was unaware that the figure 37,000

makes it mathematically impossible for the crimes to have taken place for which she had voted to convict General Krstic.

The under-playing of military casualties

From the beginning it was convenient in the orthodox account of the Srebrenica events to pretend that all the missing were executed, and the limited information on the battle deaths in the retreat from Srebrenica helped make this possible. But both Serb and Muslim authorities acknowledged at one time or another that between 2,000 and 3,000 Muslim soldiers were killed in those battles; in his testimony at trial of Radislav Krstic, the Bosnian Muslim Chief of the Supreme Command Staff General Enver Hadzihasanovic stated that he could “claim for certainty that 2,628 members, both soldiers and commanding officers, members of the 28th Division, were killed” during this retreat.²⁹

After studying a total of 3,568 autopsy reports produced by the Office of the Prosecutor at the ICTY between 1995 and 2002, the Serb forensic analyst Ljubisa Simic concluded that the number of actual sets of remains represented by these reports totaled less than 2,000, and probably between 1,919 and 1,923—not 3,568. Some 44.4 percent of autopsy reports (1,583 in all) consisted of “only a few body parts... often just a single bone,” Simic notes; in 92.4 percent of these cases, “no determination of the cause of death was made.” Overall, 442 bodies were associated with blindfolds and/or ligatures, indicating death by execution. Of the other approximately 1,480 bodies autopsied, it is impossible to conclude the cause of death for 1,066 of them (i.e., by execution or in combat), while for 477 of them, “it would be reasonable to conclude that they were not executed because of the presence of shrapnel and other metal fragments which are not bullet related,” suggesting death in combat, not execution.³⁰

In his 2009 book *Srebrenica—The History of Salon Racism*, the Swiss analyst Alexander Dorin also stresses the fact that the number of bodies found by ICTY investigators in graves in the Srebrenica vicinity—2,570 in the November 2003 testimony in the Milosevic trial of the ICTY investigator Dean Paul Manning³¹—were roughly the same as the numbers of Bosnian Muslims killed in the fighting (i.e., 2,628, according to Bosnian Muslim Chief of the Supreme Command Staff General Enver Hadzihasanovic³²). Stefan Karganovic of the Dutch-based

Srebrenica Historical Project has shown that the Srebrenica safe area and its surroundings had been heavily mined by both sides.³³ Knowledge of those minefields was sparse so that, when the column of perhaps 12,000 men left Srebrenica to trek through the forest to Muslim-controlled territory, the soldiers and other men repeatedly blundered into minefields they didn't know about. Simic found that quite a few of the Srebrenica area bodies had shrapnel and metal fragments in the feet and legs. These studies and their results are of course not reported in the Western mainstream media.

Unreliable witnesses

Witness evidence on executions has been equally insubstantial. With the exception of one execution at Potocari that was virtually witnessed by a UN soldier (though it did not quite occur within his sight), and a separate incident in which ten men were led behind a building and nine bodies were subsequently discovered, the main supporting evidence for summary executions comes from the handful of men who claim to be eyewitness survivors of mass executions, along with the very problematic testimony of one of the alleged executioners, Drazen Erdemovic (whose claims and record are discussed in detail in Chapter 5). It is on this flimsy basis that the crude 3,000-plus-5,000 sum is accepted as evidence for massacre estimates.

The very first claims that many thousands of people might have been massacred at Srebrenica began to be made by members of the Bosnian Muslim government *before* the enclave had even fallen. President Alija Izetbegovic and Foreign Minister Mohamed Sacirbey were on the telephone to world statesmen with a series of ominous warnings. In a letter dated July 9, 1995 to the heads of state of the United States, Britain, France, and Germany, Izetbegovic asked them to use their "influence that the international community may fulfill its obligations towards this UN protected zone and prevent an act of terrorism and genocide against the civilian population of Srebrenica."³⁴ Further allegations were made by refugees when they began to arrive at Tuzla a few days after Srebrenica had fallen. Such claims had by this time become a stock-in-trade of the Balkan conflicts.

Evidence of Bosnian Muslim stage-management of the aftermath of Srebrenica can be seen from their refusal to admit refugees into Tuzla for

the first 48 hours after they started arriving. UNPROFOR had warned on June 26 that Srebrenica would fall and said that all the measures necessary to house the refugees had been taken. An official from the Red Cross in Geneva, who was going to Tuzla on July 14, was asked by a BBC reporter whether she would bring in aid for the Tuzla refugees. She replied that this would be unnecessary: the Tuzla authorities had all the provisions they needed. The next day, under the revealing headline “Muslims manipulate refugees’ agony,” the *Daily Telegraph* reported that:

The Bosnian government deliberately increased the suffering of the Muslim refugees fleeing Srebrenica to put pressure on the international community, according to the documents made available to *The Daily Telegraph*. The papers include instructions to the United Nations from the government of Alija Izetbegovic in Sarajevo that the refugees must be taken in their thousands to a single location rather than being spread around the numerous available centres. The resulting television and media reports of chaos among aid workers overwhelmed when the refugees arrived at the UN base in Tuzla were intended to bring about a decisive international response.³⁵

Fuel continued to be added to the fire surrounding this story when on July 20, the Dutch Co-operation Minister Jan Pronk, who had been sent by his government to find out what had happened at Srebrenica, was quoted by the Dutch ANP News organization to have said that “Thousands had been murdered by the Serbs.” The article continued:

Pronk said the claims of widespread abuses by Bosnian Serbs against Muslims could not be dismissed on the grounds that they had not been confirmed by the UN. “They have been confirmed by those involved,” he said.

And he added that past experience of Bosnian Serb conduct did not inspire confidence. The Serbs had repeatedly violated human rights and committed war crimes in the last few years. The Muslims were justified in their fear of the Serbs because of these experiences, Pronk said. Thousands of people had been murdered, the minister added in a clearly emotional reaction to his three-day trip to refugee camps around Tuzla and to the Muslim-led Bosnian government in Sarajevo.³⁶

In common with many politicians and journalists, Pronk was pre-

pared to rush to judgment on the basis of uncorroborated accounts and unconfirmed past allegations. He apparently did so because they were graphic, emotionally compelling, and met his strong biases.

On July 27, 1995, the *Boston Globe* reported that atrocities were “unconfirmed so far”:

The Clinton administration has not obtained independent confirmation of reported atrocities by Bosnian Serbs but does not doubt that they have occurred, State Department and other administration officials said yesterday.

“The bottom line is that these guys have been indicted as war criminals,” said a State Department spokesman, referring to the Bosnian Serb leadership.

The official noted eyewitness accounts of arbitrary executions provided by Dutch UN troops, and credible reports of atrocities from the UN High Commissioner for Refugees and the International Committee of the Red Cross.

“These people are the experts, we trust them,” the official said.

But there are ways to confirm what witnesses say, he added. If massacres were large enough “and if the timing is right, the birds can take a picture,” he said, referring to spy satellites. So far, the official said, satellites have produced nothing.

Other sources with knowledge of the secretary of state’s daily intelligence briefing said that Warren M. Christopher has not been presented with any intelligence imagery that could confirm massacres.³⁷

This report is remarkable for its bland acceptance that there was at this stage no hard evidence to support the war crimes indictments issued against members of the Bosnian Serb leadership. If there was no evidence, what was the basis of the indictments? Although no further evidence was forthcoming in the following weeks, “eyewitness” accounts sustained the story—despite the fact, as described below, that international journalists had been given access to the area and had found nothing. Analysis of official reports and press coverage reveals that the same half-dozen or so individuals, all purporting to have survived massacres by playing dead, provided the narratives on the basis of which journalists strung-together tales of mass killings and reported these stories to the world. Little effort was made to test the credibility of these alleged sur-

vivors, even though one of the most articulate, Mevludin Oric,³⁸ turned out to be a cousin of Naser Oric, the Bosnian Army Commander of Srebrenica.

When asked several years later by journalism students at Columbia University how he knew which witnesses he could believe, David Rohde explained that his acid-test had been whether they presented themselves as heroes or terrified victims; if the latter, he found them credible.³⁹ Whether this can be considered a valid basis for judgment is a matter of opinion; it certainly made Rohde a potential victim of deception.

In “The Deconstruction of a Trauma,”⁴⁰ the Dutch anthropologist René Grémaux and the historian and journalist Abe de Vries drew attention to the inconsistencies in the accounts given by “survivors”:

Oric’s personal history is reason enough for doubt, but the inconsistencies in the accounts of Smail Hodzic and Hurem Suljic are obvious as well.

Smail Hodzic: A basketball stadium becomes a soccer stadium becomes a School.

Hodzic Story 1: Hodzic first said he witnessed ambushes by the Serbs on the road to Zvornik. He was captured and then moved to a “basketball stadium near Bratunac” and subsequently taken to the execution spot, “a large field not far from a forest,” he declared to Alexandra Stigmayer in *Die Woche* of July 28.

Hodzic Story 2: Soon thereafter, Hodzic told Roy Gutman (in *Die Tageszeitung* of August 11), that he was held at the “soccer stadium in Nova Kasaba,” from where he and others were moved to be killed, “probably in a town called Grbavce.”

Hodzic Story 3: In the third version, told on October 4 to Aida Cerkez of Associated Press, Hodzic went through the same experience as Oric, Suljic and Avdic. Now he was taken to “a school in Krizevci” and the executions now took place not far from Karakaj.

Hurem Suljic: Murder in a school becomes beatings in a department store

Murders were committed at this school according to Suljic as well. On February 16 1996, he spoke on BBC Newsnight. Footage of a not specified “school near Karakaj” indeed showed

bullet holes, one in the ceiling and one at the toilet. But in the elaborate coverage of Suljic in the *Washington Post* of 6 November 1995, there isn't a word about executions in a school; there is mention of beatings in a department store near Bratunac, a location where Suljic supposedly was kept prisoner.

Serbian woman: A school becomes a sports complex

Woman's Story# 1: Bratunac is the location of another school where massacres supposedly took place, according to Robert Block in *The Independent*, July, 1995. A woman is quoted. She is supposedly an inhabitant of Serbia who recently visited her brother-in-law, a soldier in the Bosnian Serb Army: "He and his friends are quite open-hearted about what happened over there," she said. "They are killing Muslim soldiers. They said that only yesterday (note: Monday, July 17) they killed one thousand six hundred, and they estimate to have killed about four thousand in total. They said to be in great hurry, and therefore shot most of them."

Woman's Story# 2: A few days later, Block's colleague Louise Branson of *The Sunday Times* brought the Serbian woman into the spotlight. Her husband, also fighting in the Bosnian Serb Army, mentioned mass shootings with more than three thousand dead. But not in a school in Bratunac. In a sports complex.

Up to this moment, human rights groups such as Human Rights Watch have not been able to trace survivors of this crime. "There has to be a more detailed investigation, in order to establish the scale of violation of human rights that have taken place in the area of Bratunac," says their respective report."

Grémaux and de Vries went on to comment on and quote from an interview given by a Dutch soldier, Captain Schouten:

It is noticeable that little attention has been paid to the account of Captain Schouten, although this Dutchman was the only UN military officer in Bratunac, where he stayed for several days, at the time the alleged bloodbath took place, Schouten, quoted in *Het Parool* of July 27, 1995:

"Everybody is parroting everybody, but nobody shows hard evidence. I notice that in the Netherlands people want to prove at all costs that genocide has been committed.... If executions

have taken place, the Serbs have been hiding it damn well. Thus, I don't believe any of it. The day after the collapse of Srebrenica, July 13, I arrived in Bratunac and stayed there for eight days. I was able to go wherever I wanted to. I was granted all possible assistance; nowhere was I stopped."

So the official version of what happened in and around Srebrenica in July 1995 rests heavily on the testimony of a small number of individuals who have regularly contradicted themselves. Others who have spoken to the media have also given accounts that test credibility to the limits—for example, a report for BBC Newsnight in 1999 included this "witness" narrative:

This mother she fell on the side of the truck and broke her neck [demonstrates bringing both hands to her neck]. But as she slid down she grabbed my legs asking me to help her. I could not help her. I was holding my own child. She had a baby and I just managed to lift the baby with my leg to save her baby. My son was saying "Mum, I will die do not let go of me, hold me with both your hands". I said, "Son, let me save this tiny baby as well. Its mother is dead". When we finally reached Tuzla I handed the baby to the Red Cross and told them his mother is dead. I bathed that baby in Coca Cola.⁴¹

Despite spending five days at the Tuzla airport refugee camp, where well over 20,000 Srebrenica survivors were gathered, the UN chief investigator into human rights abuses could find no eyewitnesses to atrocities:

After five days of interviews the United Nations chief investigator into alleged human rights abuses during the fall of Srebrenica has not found any first hand witnesses of atrocities... [UN High Commissioner for Human Rights] Mr Hubert Wieland said yesterday "we have not found anyone who saw with their own eyes an atrocity taking place."...Mr Wieland travelled to Tuzla, the Bosnian city where almost all of the Srebrenica refugees were taken, with a team of investigators to gather evidence of human rights abuses....He said his team had spoken to scores of Muslims at the main refugee camp at Tuzla airfield and at other collective centres but no first hand witnesses had been found.⁴²

The Dutch authors of the most comprehensive report on Srebrenica

were also unable to find any eyewitnesses. Dr. Dick Schoonoord of the Netherlands Institute for War Documentation (NIOD) confirmed at the beginning of 2005: “It has been impossible during our investigations in Bosnia to find any people who witnessed the mass murder or would talk about the fate of the missing men.”⁴³

There was also, of course, the testimony of Drazen Erdemovic, who not only allegedly witnessed but participated in a mass killing episode in July 1995. His claims and role are discussed at length in Chapter 5.

There were other indications from an early stage that the massacre claims were unreliable. A former U.S. State Department official, who remained in close contact with past colleagues at very senior levels, wrote in 1997 that he had been told that the South Central Europe section in the State Department’s Bureau of Intelligence and Research “saw nothing, repeat nothing, that had substantiated claims in the press.” He added that the individual who had told him this had security clearances to the highest level, and “would have had to know about it” had any such information existed.⁴⁴

Recent decades have been littered with instances where strong and specific allegations have been made—most notoriously about the existence of “weapons of mass destruction” in Iraq before the 2003 war—which later have been proven false. In 1999, NATO countries claimed that thousands—one U.S. official claim reached a total of 500,000—of Kosovo Albanians had been summarily executed by the Serbs. When the post-war body hunt in Kosovo produced fewer than 4,000 bodies in total from all sides and all causes of death,⁴⁵ stories began to emerge of a huge cover-up involving the mass transportation of bodies to burial sites in Serbia. These stories gained widespread coverage, even though they were implausible and have never been confirmed. Indeed, one of the most prominent, the so-called “Freezer Truck” claim, was entirely discredited during an ICTY trial when the local police chief said that there was no evidence whatsoever to link bodies taken from the truck with Kosovo.⁴⁶ The parallels between these stories and some of the Srebrenica allegations are obvious.

The role of Madeleine Albright: Strong claims, link to Operation Storm, lack of confirmation

International outrage over Srebrenica was first provoked by claims

made by the U.S. Ambassador to the UN, Madeleine Albright, on August 10, 1995.⁴⁷ Albright displayed U.S. surveillance photographs to a closed-session of the UN Security Council, maintaining that they revealed mass executions and grave sites. Following the Dayton peace agreement in November 1995, the presumption was that these sites, and the rest of the surrounding area, would be fully investigated as soon as the winter was over. Albright added that the U.S. would keep careful watch to ensure any attempt at a cover up was detected—“We will keep watching to see if the Bosnian Serbs try to erase the evidence of what they have done,” Albright pledged.⁴⁸

Albright’s UN performance took place during a meeting that was supposed to be about the previous week’s invasion of the Serbian Krajina by the Croatian army (with massive US assistance⁴⁹). Some 200,000 or more Serbian people had been displaced from their homeland of 400 years’ standing. Many believe that the Srebrenica massacre claims provided a vital distraction from the greatest act of ethnic cleansing of the 1990s Balkan wars. Albright never again showed much interest in establishing what had happened at Srebrenica.⁵⁰

The facts here are remarkable. Albright, as U.S. Ambassador to the UN, had told the world that the sites around Nova Kasaba, shown on the satellite images she had brandished at the UN, might contain 2,700 bodies. Nova Kasaba also was the site on the basis of which the *Christian Science Monitor’s* David Rohde won a Pulitzer Prize in 1996 for allegedly confirming the truth of Albright’s claim:

U.S. officials first made public charges about alleged atrocities by Bosnian Serbs in this area on Aug. 10. In a closed session of the UN Security Council, US ambassador to the UN Madeleine Albright said that as many as 2,700 Bosnian Muslims might have been hastily executed and buried in shallow graves. In a dramatic presentation of evidence, Ms. Albright displayed spy plane and satellite photos of an area in the small farming village of Nova Kasaba, about 14 miles west of Srebrenica. “Before” photos showed prisoners crowded into a soccer field and undisturbed earth in an empty field a half mile away. “After” photos from a few days later show no prisoners and three areas of disturbed earth in outlying fields that resemble mass graves.⁵¹

Nova Kasaba was the site where Rohde discovered “a decomposing human leg protruding from the freshly turned dirt”—proof-positive that Albright’s charges, “based on spy-satellite photos,” were truthful.

Eventually, just 33 bodies were discovered at Nova Kasaba, at four different sites, and no detailed information was issued about who they were and the circumstances of death (i.e., whether or not there was evidence of execution). As Nova Kasaba is an isolated hamlet in the mountains, 19 kilometers from Srebrenica, and accessible only by a single-track, unpaved road, it is difficult to imagine that anyone would have chosen it as a mass execution site—particularly as there was a chronic shortage of gasoline. Many lorries and journeys would have been required to transport 2,700 prisoners there. Such an exercise would have been highly conspicuous and easily captured by aerial and satellite photography since, despite the dry summer weather, the necessary levels of traffic would have been likely to cause considerable and readily visible damage to the road. There would also have been eyewitnesses. None have ever materialized.

International journalism fails to report negative findings

In March 1996, the UK magazine *Living Marxism* reported: “Many [international TV] crews did not even bother to search out the site shown on the CIA satellite photograph because it had generally been agreed in media circles that it was not a mass grave.”⁵²

This probably reflected the fact that some 30 international journalists had visited the Srebrenica area soon after it fell. Only one (the aforementioned David Rohde) published any kind of confirmation of mass slaughter allegations; and one, Jacques Merlino of the French Antenne 2 station, broadcast a story acknowledging that he had found nothing.

Miroslav Deronjic, the civilian commissioner for the Srebrenica-Skelani municipality, was reported by the Tanjug news agency in December 1995 as saying that on August 25, 1995, he received a group of 10 correspondents from the USA, Great Britain and Austria, led by Mike Wallace, the anchor and co-editor of CBS - TV’s *60 Minutes* programme. They brought with them many photographs of alleged mass graves of Muslim victims taken from an AWACS surveillance aircraft. According to Deronjic:

They insisted that we should take them to the sites in the

photographs so that they could assess for themselves the truth of the Muslim allegations. Without hesitation, in other words immediately, although I had not seen the photographs, I agreed to take them personally to every place in which they were interested. They showed me photographs in the region of Hrnčići, K[oljević] Polje and [Nova] Kasaba, and asked to be taken to these places. I got into the car with Wallace and immediately took the whole group to these locations. I spent 44 hours with them driving around the area, and allowed them to see for themselves...after the investigation, Mike Wallace personally thanked me and expressed his belief that the allegations were completely unfounded, and that the entire international public had been manipulated.⁵³

It is worth noting that their apparent finding of nothing to confirm the claims of mass killings was never reported to the U.S. or British publics, and seems to have been disappeared by them and others supposedly interested in the massacre claims.

Journalists who visited the warehouse in Kravica, where U.S. Human Rights Envoy John Shattuck suggested that two thousand Bosnian Muslim men had been executed, could find no evidence to support the allegation. Dutch television journalist Rolf Hartzuiker went there in February 1996, a week after Shattuck, and concluded: "It is a complete fake. The story about the warehouse is really bullshit. It was shot at from the road, with a heavy machine gun. The wall around the entrance is full of bullet holes, as is part of the inside wall behind the entrance. The rest of the room is more or less undamaged. Inside never have exploded grenades or rockets, as was claimed by Shattuck and others."⁵⁴

Again, these negative findings also seem to have been expunged from the record and discourse on the massacres.

Little appetite for investigation despite repeated proof of false claims

Scrutiny of media coverage of the Srebrenica massacre over many years suggests that, once made, the massacre claims were treated as established fact by politicians and journalists. There is no indication of any "rational skepticism." This is surprising on two counts. First, natural justice demands that indictments for appalling crimes should be made

only on the basis of very strong evidence. Second, where there is a history of false accusations, fresh allegations should be treated with the greatest caution. By 1995 the wars in the Balkans had generated repeated massacre claims. One of the most notorious was the charge—delivered in live television broadcasts by the Bosnian Muslim Prime Minister Haris Silajdzic—that Serbs had massacred 70,000 Muslims after capturing Bihac. It turned out that this was completely untrue—Bihac had not been captured by the Serbs and there had been no massacre.⁵⁵ Of the allegations involving significant numbers, none has subsequently been proven. (For some history of false accusations, see elsewhere in this chapter and Chapter 1.)

Veteran journalist John Pilger, in a December 2004 piece for the *New Statesman* magazine, noted a similar phenomenon during the Kosovo crisis of 1999:

Like the build-up to the invasion of Iraq, the media coverage in the spring of 1999 was a series of fraudulent justifications, beginning with US Defence Secretary William Cohen's claim that "we've now seen about 100,000 military-aged [Albanian] men missing... they may have been murdered." David Scheffer, the US ambassador at large for war crimes, announced that as many as "225,000 ethnic Albanian men aged between 14 and 59" may have been killed. Blair invoked the Holocaust and "the spirit of the Second World War". The British press took its cue. "Flight from genocide," said the Daily Mail. "Echoes of the Holocaust," chorused the Sun and the Mirror.

By June 1999, with the bombardment over, international forensic teams began subjecting Kosovo to minute examination. The American FBI arrived to investigate what was called "the largest crime scene in the FBI's forensic history". Several weeks later, having not found a single mass grave, the FBI went home. The Spanish forensic team also returned home, its leader complaining angrily that he and his colleagues had become part of "a semantic pirouette by the war propaganda machines, because we did not find one - not one - mass grave." ...

In November 1999, the *Wall Street Journal* published the results of its own investigation, dismissing "the mass grave obsession". Instead of "the huge killing fields some investigators were

led to expect ... the pattern is of scattered killings [mostly] in areas where the separatist Kosovo Liberation Army had been active.” The Journal concluded that Nato stepped up its claims about Serb killing fields when it “saw a fatigued press corps drifting toward the contrarian story: civilians killed by Nato’s bombs The war in Kosovo was “cruel, bitter, savage; genocide it wasn’t.”⁵⁶

In sum, repeated falsification of evidence on Balkans-related issues has not registered with the media and humanitarian intellectuals. Their critical capabilities have disappeared in dealing with this area.

The search for explanations of the missing bodies: The cover-up theory

Four months after Srebrenica fell to the Serbs, the Dayton agreement brought an end to the wars in Bosnia-Herzegovina. The cold Balkan winter made it impracticable to search for mass graves until spring, but the international community showed little urgency in getting the process underway. It was not until July 1996 that the Boston-based organization Physicians for Human Rights began work in the area around Srebrenica. When they halted operations in the late autumn they had recovered a total of around 200 bodies from 20 separate sites. Notwithstanding hawkish comments by their leader William Haglund, this was clearly regarded as a very disappointing result.

This led quickly to a number of “explanations” for the small number of bodies found, most of them implausible, none compelling. One possible explanation, regularly ignored, was that the initial claims of Bosnian Muslim deaths had been greatly inflated. Instead, one of the earlier establishment versions, suggested in the *New York Times*, was that the Serbs had destroyed the corpses with a corrosive agent:

American officials said today that they suspect Bosnian Serb soldiers may have tried to destroy evidence that they killed thousands of Muslim men seized in and around the town of Srebrenica in July. The Serbs are suspected of pouring corrosive chemicals on the bodies and scattering corpses that had been buried in mass graves, the officials said. The suspicions first arose in early August, after Central Intelligence Agency experts analyzed pictures of the area taken in July by reconnaissance

satellites and U-2 planes.⁵⁷

Later, in *The Sunday Times*, Jon Swain hypothesized:

In several months of digging at mass graves in the macabre hinterland around Srebrenica, the investigators recovered far fewer bodies than they had expected. Of the thousands of men and boys from the UN safe area who were executed by Bosnian Serbs in July 1995, only a few hundred—less than 10% of the 7,000 Muslims missing—have been dug up.

The empty graves speak volumes about the conspiracy by Bosnian Serbs to cover up the massacre at Srebrenica. Their leadership claims that few bodies have been found because the stories of atrocities there were exaggerated. The more plausible theory is that bodies have been made to “disappear.”⁵⁸

Swain’s “less than 10%” was actually a mere 3.5%, but more significant is that he simply takes it as a premise that 7,000 allegedly missing were executed. If they aren’t in graves there must be a cover-up. This is standard procedure.

It is not at all clear when the first serious, detailed claims were made that the Bosnian Serbs had sought to “cover-up” massacres at Srebrenica. All the indications are that when Physicians for Human Rights began their investigation of suspected mass grave sites in the summer of 1996, they started work in the sure belief that they would find the bodies in the sites identified by the U.S. surveillance photographs which Madeleine Albright had shown to the UN in August 1995. This is consistent with the fact that in April 1996, a senior US military spokesman, Colonel John Batiste, publicly confirmed that U.S. satellite, aerial, and on-the-ground surveillance had not given any indication that the suspected mass grave sites had been tampered with.⁵⁹

Despite Colonel Batiste’s remarks and a categorical denial from the UN Peacekeeping Force, IFOR,⁶⁰ a small group of “International Investigators” who visited the Srebrenica area in April 1996 suggested in press interviews that tampering had taken place. But the accounts were confused and sometimes contradictory. The *Boston Globe* reported, on April 22, 1996, that “IFOR officials say there is no evidence that any of the mass graves have been disturbed since NATO troops arrived last December. Sources have told the *Boston Globe* that US satellite imagery reveals that tampering occurred at two sites last September and Octo-

ber.” But on April 3, 1996, David Rohde asserted that “Two key mass graves [five miles west of the town of Karakaj] in Bosnian Serb territory—that American forces were assigned to safeguard—have been tampered with,” and “dozens or more bodies of slaughtered Muslims may have been removed from the site.” And the April 3, 1996 *New York Times* had claimed that “Clinging to chunks of dirt, some piled in mounds three feet high, are pieces of sod and delicate yellow flowers growing at unnatural angles, suggesting that the dirt was broken and piled up after it was covered by new spring plants.” The *Times* article continued: “The strongest evidence that the site has been extensively disturbed comes from the testimony of a reporter who visited the site today. The reporter, David Rohde of the *Christian Science Monitor*, also inspected the area in October, and said the ground covering about 70 percent of the area had been dug up since he had seen it last. ‘This is what the whole place looked like in October’, he said as he pointed to a nearly flat corner of the field covered with grass. ‘These dirt mounds were not here. These deep tire ruts are new. All this broken dirt was not here’.”⁶¹

If this was the first serious statement of the cover-up hypothesis, it is hardly convincing. Nor, as noted above, does it seem to have had any influence on the locations chosen for the first meaningful forensic investigations carried out by Physicians for Human Rights later in the summer of 1996. Indeed, the PHR exhumation teams gave no indication at any time during their work that they believed wide-scale tampering had taken place.

The speculative reports by Jon Swain and others that were published during the winter of 1996 - 1997 did not prompt any further disclosures. Nor was there any enthusiasm to resume the search for bodies in the spring and summer of 1997. The international community seemed to have lost heart and was not forthcoming with funding for further investigations—which they surely would have been if they had evidence that a massive cover-up had taken place. It seems fair to conclude that the “cover-up” hypothesis—or the propagation of the belief that the absence of bodies can only be explained as the result of systematic tampering with mass grave-sites, and the ethnic Serbs’ removal of mortal remains from “primary” mass graves to “secondary” and even “tertiary” mass graves with the intent of concealing their crimes—was not taken

very seriously at this stage.

Although seldom remembered, when the International Commission on Missing Persons (ICMP) was first established by the U.S. government in late 1996, its full title included the phrase “in the Former Yugoslavia.” The new ICMP was headed by former U.S. Secretary of State Cyrus Vance (who was succeeded by former U.S. Senator Bob Dole), and it was openly described as a “pressure group” that will “make clear to authorities on the ground that they have to cooperate in the process of identifying missing persons, opening up mass graves and clearing the sites of mortal remains,” in the words of Michael Steiner, a deputy U.S. representative for Yugoslavia.⁶²

Beyond serving this high-publicity role, the ICMP also assumed the partisan functions of the Sarajevo Muslims’ old wartime Commission for Missing Persons, with the addition of an international supervisory board and a few international forensic scientists and technicians to foster an air of independence, integrity, and professionalism. Nevertheless, the ICMP’s chief purpose was, and to this day remains, the discovery, exhumation, and positive identification of Bosnian Muslim victims of the war, and of Srebrenica “safe area” victims specifically.⁶³ Scrutiny of published information suggests that it was the ICMP, during 1997 - 1998, that defined and publicized the cover-up hypothesis, mainly through briefings given to journalists whenever the location of a mass grave was announced.⁶⁴ Some three years after the Dayton accords, with only 400 or so bodies recovered, some kind of explanation for the lack of progress was needed. The convenience of the cover-up or exhumation-and-reburial theory was that it bought time and enabled the ICTY and ICMP to greatly extend the catchment area for the officially-designated “Srebrenica-related” graves. The whole concept of “primary,” “secondary,” and “tertiary” mass graves thus gave investigators the rationale they needed to make the ultimate body-count the function of an open-ended, potentially limitless search process, and to increase the body-count from the “Srebrenica Massacre” to whichever total they desire.

Perhaps the most glaring inconsistency revealed by a close study of the evolution of the cover-up theory is that, while it was clearly not part of the official view during 1996, the orthodox account of Srebrenica now maintains that the cover-up was known from the start. This is certainly not the impression given in Eric Stover and Gilles Peress’ 1998 book,

The Graves, which includes a lengthy and detailed account of the 1996 investigations. These authors make no mention of any suspicion of grave tampering. Indeed, their account of the analysis made by William Haglund and his PHR team of the low numbers of bodies recovered from one grave demonstrates that the early investigators did not suspect tampering at all:

Only thirty six bodies were removed from four graves—many fewer than expected. Based on the satellite photographs, the CIA had predicted that the graves could contain as many as 600 bodies. But they had misread the “surface smear” caused by the bulldozers, which made the graves look much bigger than they really were.⁶⁵

It is also noteworthy that John Shattuck, the Assistant US Secretary of State, made a second visit to Srebrenica in January 1996. He had visited a number of suspected mass grave sites, along with two investigators from the ICTY. On several occasions during his interview with Charlayne Hunter-Gault on the U.S. Public Broadcasting System, he made a point of saying that there had been little or no “tampering” with the sites.⁶⁶

Surveillance and the cover-up theory: Imagery intelligence

The reality is that a Bosnian Serb cover-up of their massacre of some 8,000 men and boys from the Srebrenica safe area during the six-month period between Srebrenica’s July 11, 1995 occupation by the Bosnian Serb Army and the signing of the Dayton Peace Agreement and introduction of the UN’s IFOR troops in late December 1995 would almost certainly have been impossible in the manner suggested. The area was under aerial, satellite, and on-the-ground surveillance in 1995, and according to Cees Wiebes in his study *Intelligence and the War in Bosnia, 1992 - 1995*, the imagery-intelligence tools available to the United States in 1995 “included satellites, U-2 planes and Unmanned Aerial Vehicles...such as the Predator.” At the time, these surveillance instruments were sufficiently powerful that analysts could “determine with a reasonable degree of accuracy whether a pit has been dug at a specific location for an execution and filled up again later as loose earth holds the radar beam slightly longer than compact earth. This brief absorption is enough to indicate whether the soil has been disturbed. Also, interred

bodies cause a difference in ground temperature that can be picked up by infra-red sensors. This is how satellites discovered disturbed soil along a road near Srebrenica, which later turned out to contain a mass grave. Other locations identified in the same way, incidentally, later turned out (through air and ground inspections) to be loading sites for timber transport.”⁶⁷

A report in late July 1995 on the subject of imagery intelligence explained that:

US satellites make at least eight passes over Bosnia daily, according to John Pike, an expert on satellites at the Federation of American Scientists. These include Keyhole satellites, which can detect object as small as four inches but which cannot see through clouds, and Lacrosse satellites, which can see through clouds but cannot focus enough to detect something the size of a human being. Then there are the Predators, known technically as Unmanned Aerial Vehicles, commonly referred to as drones. Built by General Atomics, these small, remote controlled vehicles can hover over targets for more than 24 hours at a time. Four of the latest versions are thought to operate from a base in Albania. Designed to provide “round-the-clock” coverage, the Predators are almost invisible to the naked eye and difficult to pick up on radar. They can fly at up to 25,000 feet, have infrared detectors for night vision and can purportedly relay video footage back to the Pentagon in real time.⁶⁸

If numerous mass executions were carried out and, crucially, if the Bosnian Serbs later dug-up the original (or “primary”) mass graves, re-located and then reburied thousands of bodies in “secondary” and even “tertiary” mass graves, this should have been observed and recorded somewhere in the imagery intelligence records. Yet, with respect to alleged executions, Wiebes’ study of the extant imagery intelligence concludes:

[T]he Americans only had images of the location [of the alleged executions] before and after the executions and no images of the execution itself. . . . As the researcher for the Yugoslavia Tribunal, [Jean-René] Ruez, testified to the French Parliamentary Inquiry in Paris, there were no such photos. Hence, the Yugoslavia Tribunal only had photos of before and after the exe-

cutions.... Summarizing, it can safely be said that US spy satellites, U-2s and UAVs collected a lot of [imagery intelligence] showing buses, trucks, tanks, male prisoners, corpses and disturbed ground where the executed men could have been buried....[But] [t]he general picture that emerges from the currently available information indicates that the eastern enclaves were not (high) priority for [imagery intelligence] analysis. Executions on such a large scale were totally unexpected. Although it must be said that some analysts in Zagreb anticipated executions, the eventual scale of thousands of dead was far beyond expectations....There was...no [imagery intelligence] on the executions; but there was [imagery intelligence] on the ABiH prisoners and on the start of the journey to Tuzla."⁶⁹

We may note that in this account, large-scale executions were simply premised, but there is no claim that they were ever seen in the aerial and satellite photographs taken of the region, nor was the digging up of bodies, the loading of bodies onto trucks, the movement of trucks, or the unloading and reburial of bodies ever shown on one of these photos—although as reported in the June 2010 Srebrenica-related *Judgment* in the trial of Vujadin Popovic and six other Bosnian Serbs, “everything was done openly and publicly and required the involvement of a lot of people, resources, assets, and vehicles.”⁷⁰

Surveillance and the cover-up theory: The Office of the Prosecutor

The cover-up theory is also unlikely for a host of low-tech reasons. The BSA was widely reported to be exhausted and running low on arms and supplies by the summer and fall of 1995. It was reeling from the effects of intensive NATO bombing under “Operation Deliberate Force” during September 1995, and it was combating determined offensives in several areas and defending a front line almost one thousand miles long (see chapter 3). It is scarcely credible that the BSA could have spared either the men or the equipment necessary for an exhumation and reburial operation. It is also unlikely that they could have found the necessary gasoline—the BSA’s supplies were so low that they had been reduced to buying fuel from Bosnian Muslims on the black market. The excavation, removal, transportation and reburial of some 7,000 bodies—around 500 tons in total weight excluding soil—could hardly have

escaped normal human detection as there were many UN personnel in Bosnia throughout the autumn and winter of 1995 - 1996.

In evidence given to the ICTY, Dean Paul Manning (a former Australian policeman, working for the Office of the Prosecutor as an investigator) sought to explain the cover-up theory, which has become a core element of the official version of events at Srebrenica. He referred at length to aerial photographs provided to the ICTY by the U.S. government. These photographs were shown as exhibits in the court, but have not otherwise been made public. These images, claimed to have been taken by satellites and other forms of electronic surveillance during October 1995, were alleged to indicate a cover-up operation and they guided much of the subsequent investigation work carried out on behalf of the ICTY. However, as noted by Wiebes in his summary of the imagery evidence, it seems that these photographs showed only gatherings of men and the presence of equipment, such as trucks and bulldozers, that might be used for mass burials.⁷¹ Such photographic information might be related to cover-up operations—but might equally show nothing more than normal wartime military activities. Trucks and bulldozers are nowadays fairly routine equipment.

There are a number of fundamental problems with this section of Manning's evidence. First, the U.S. government has been inconsistent in its use of surveillance data. As noted earlier, Madeleine Albright inflamed feelings at the UN on August 10, 1995 by brandishing photographs which, she claimed, proved that there had been massacres at Srebrenica. Date and time-code information had been removed from the photographs, and they were not released to the media, were subsequently classified, and, when requested by the ICTY investigation team, were not provided to them. Although it is perhaps understandable that a government might be cautious about revealing its intelligence-gathering techniques and sources, such reluctance can also serve as an excuse for covering-up intelligence-claims that have been doctored and even fabricated for political purposes, as the monumental deceptions by U.S. and U.K. "intelligence" agencies prior to their 2003 invasion of Iraq attest.⁷² As George Pumphrey asked back in 1998: "By what right does the U.S. classify, as a 'national security secret', evidence that it claims to possess, concerning what is often referred to as 'the worst war crime committed in Europe since World War II'?...Is the U.S. administration

hiding proof of a crime or proof that it has no proof of a crime?”⁷³

As she made her accusations of massacres at Srebrenica, Madeleine Albright issued an explicit warning to the Bosnian Serbs that U.S. intelligence would be looking for any indications of a cover-up of the massacre. “We will be watching,” she said. Even allowing for the fact that it can take some time for satellite and other intelligence imagery to be fed back and analyzed by experts, it seems inconceivable that images indicating a massive cover-up operation by the Bosnian Serbs, taken during the period from August through October or November 1995, would not have led to relatively prompt public accusations against them. Yet, despite the fact that there were a few tentative claims of grave “tampering” and cover-up in 1996, there was no serious suggestion that such a thing had happened until much later.

Dean Paul Manning’s testimony appears to be based on the premise that any disturbance of grave sites must be linked to a cover-up operation. This is a fallacy. It is commonplace in areas of conflict for graves to be disturbed for a variety of reasons. The most obvious is that the initial burial of casualties is often done hastily and the burial site is never intended to be a permanent grave.

The false nature of Manning’s premise was most clearly exposed following the revelation in March 2003 of a large grave at Crni Vrh (“Black Peak”) in eastern Bosnia, near the town of Zvornik—“just days before a historic ceremony [nearby], when the first of hundreds of reburials of Srebrenica victims will take place at a new cemetery and memorial in the village of Potocari,” the BBC noted.⁷⁴ At the beginning of this site’s exhumation in late July of that year, the site was heralded as perhaps the “largest mass grave ever found in Bosnia,” in the words of Amor Masovic, the head of the Bosnian Muslim Commission for Missing Persons; Masovic and others also speculated that Crni Vrh was a “secondary” grave that interred the remains of Muslims killed after the fall of Srebrenica, but who were originally buried elsewhere. “It could be both,” he added.⁷⁵

But this line had to be revised almost as quickly as it was suggested, when it turned out that documents recovered from the site along with the bodies showed that their deaths dated from the spring of 1992, with Murtic admitting that the “evidence so far tells us that these victims were Bosnian Muslims killed by local Serb troops between April and

June 1992.”⁷⁶ Curiously, although it became clear the grave did not contain the remains of persons from Srebrenica killed in July 1995, no questions were raised about the basis on which the original speculation had been publicized. It is also striking that, although the discoveries at Crni Vrh had nothing whatsoever to do with Srebrenica—and therefore could not have been part of any post-war cover-up plan—journalists continued to be assured that the Crni Vrh site had been filled with bodies moved there from other mass graves as part of a cover-up. “We believe this is a secondary mass grave,” a member of the ICMP told the *Christian Science Monitor* as late as September 2003, long after any Srebrenica-connection had been discarded.⁷⁷ Since hindsight demonstrates this claim was entirely baseless, this error must cast grave doubt on the conclusion that there was a massive Srebrenica cover-up.

There are further problems with Manning’s account. For example, the cover-up hypothesis fails to explain why the Bosnian Serbs would choose “secondary” grave sites that were scarcely more likely to escape detection than the “primary” sites (indeed, some were actually closer to Srebrenica than the alleged “primary” sites), and then failed to ensure that incriminating evidence such as blindfolds and ligatures was not reburied with the body parts.

What has also been evident during the years in which exhumations have taken place (1996-) is that the ICTY was never concerned to establish whether a massacre had actually befallen the Srebrenica “safe area” population. Instead, the ICTY always worked on the basis that there *had been* a large-scale massacre and that its task was to collect the evidence that would convict those responsible. There can be little doubt that Dean Paul Manning and his colleagues carried out their work for the Office of the Prosecutor on this basis.

The hunt for mass graves

During the first five years after Dayton, relatively few discoveries of actual mass graves were reported. It sometimes seemed, in fact, that the hunt had been quietly abandoned—an impression disturbed only by infrequent news items.⁷⁸

But starting in 2000 - 2001 there was a sea-change, with regular mass-grave reports in the international media. Some were prompted by actual mass grave discoveries; others claimed progress in identification,

although how limited that was may be seen in the fact that in April 2002—nearly seven years after Srebrenica fell—the BBC’s Alix Kroeger reported that only 200 bodies had been identified.⁷⁹

However, based on a new DNA testing technique, in June 2005 the ICMP stated on its website that “One month before the 10th anniversary of the fall of Srebrenica in 1995, the International Commission on Missing Persons...has completed identifications of more than 2,000 of the Srebrenica victims.”⁸⁰ Were they killed in July 1995? Were they executed? Whatever the meaning and truth of this claim, one thing is clear: At the time in November 1995 when the ICTY issued indictments for “genocide” (among other charges) against Radovan Karadzic and Ratko Mladic for “acts and omissions in relation” to the summary execution of Bosnian Muslims following the fall of Srebrenica, the ICTY had no hard evidence to support the Srebrenica-related charges.⁸¹ It had, in other words, issued indictments without having the beginnings of a case and without even clear proof that a crime of this gravity had taken place.

A further statement on the strength of the mass graves evidence assembled by the ICTY came in an update to the case involving the Bosnian Serb Army General Radislav Krstic on July 8, 2005. The crucial passage reads:

Although forensic experts were not able to conclude with certainty how many bodies were in the mass-graves, they were able to conservatively estimate that a minimum of 2,028 separate bodies were exhumed from the mass-graves. Only one of the 1,843 bodies for which sex could be determined was female. The Trial Chamber could not rule out the possibility that a percentage of the bodies in the gravesites examined may have been killed in combat. Overall, however, the forensic and demographic evidence presented by the Prosecution was consistent with the testimony of witnesses who appeared before the Trial Chamber and recounted the mass execution of thousands of Bosnian Muslim men at Èerska Valley, Kravica warehouse, Orahovac, Branjevo Farm, Petkovci Dam and Kozluk. The Trial Chamber was satisfied that the total number of executed men was likely to be within the range of 7,000 and 8,000.⁸²

This is conspicuously non-specific on the forensic findings. The ar-

gument it appears to advance is that 2,028 bodies had been found, some kind of DNA link has been established with some names on the ICRC's missing-persons list, some materials (blindfolds, ligatures, etc.) which might have been associated with mass executions had been discovered in the grave sites, and that—because there were no significant inconsistencies between the evidence, the demographic information from the ICRC's missing-persons list and the accounts of the small number of claimed massacre eyewitnesses (whose accounts are deeply problematic, as described above and in Chapter 5)—the forensic and demographic evidence could be seen as mutually supportive and provided solid corroboration of the massacre theory. How many criminal justice systems around the world would accept this kind of logic?

No adequate control of grave excavations and body storage

From the outset ICTY prosecutors and investigators made repeated public pronouncements that the Serbs had massacred thousands of Muslim men from Srebrenica, even though initially the only evidence that such crimes had taken place was uncorroborated and suspect witness testimony. There was some respectability attaching to the search for mass graves when it was in the hands of an apparently independent organization, Physicians for Human Rights; but the process became fatally compromised when, from 1997 onwards, this work was carried out by the ICMP, an organization originally created by the Clinton administration, centered in Sarajevo, and effectively merged with the Bosnian Commission for Missing Persons and under Bosnian Muslim management and control.

In their book, *The Graves*, Eric Stover and Gilles Peress reveal the inadequate nature of the ICMP's forensic work.⁸³ But the much more serious problem is the ICMP's obvious vested interest in sustaining the massacre claims and the substantial evidence that the Bosnian Muslim leadership has never refrained from bending facts to produce the desired results (see Chapter 1). Yet it is the ICMP that has emerged as the chief institutional supporter of the massacre allegations. In particular, it has created and fostered the belief that the Serbs had mounted a major cover-up operation in the late months of 1995 in which mass graves close to Srebrenica had been dug up and the bodies removed for reburial at more distant sites along the Drina valley.-

As noted above, once the cover-up theory had been widely reported, mass grave discoveries began to be announced on a regular basis. When details were given, it was evident that many of these sites were far removed from Srebrenica—often fifty or sixty miles away. Although it was unlikely that graves so far from the enclave were associated with the Srebrenica events of July 1995, their discovery was invariably heralded as confirming the cover-up thesis. However, no specific evidence to support the hypothesis was made public until the ICTY trials of Drazen Erdemovic and General Radislav Krstic. This consisted of confessional evidence from Erdemovic, a Croatian whose mental health had given cause for serious concern and whose motivation was open to doubt, and anecdotal evidence from other witnesses who claimed to have taken part in massacres. As with other ICTY cases, the testimony often appeared to be part of a plea-bargaining process (see Chapter 5). So far as the mass grave discoveries were concerned, the fact that the work had been carried out by organizations that had assumed the wartime partisan functions of the Bosnian Muslim government would, under almost any accepted rules of evidence, be considered to have fatally compromised the value of the data gathered.

By mid-2010, the ICMP was reporting that upwards of 6,500 sets of remains had been positively identified as former members of the Srebrenica “safe area” population.⁸⁴ But there has been no serious explanation of how these DNA-identifications have been tied to Srebrenica in July 1995 and how the bodies can be linked to execution as the manner of death. Nor has the ICTY or ICMP explained how the search for Srebrenica bodies has been kept separate from the parallel search for the many thousands of others who died in the civil wars throughout Bosnia between 1992-95.

A seminal moment occurred in 1999 when the authorities in Tuzla announced that thousands of Srebrenica bodies had been collected in the town’s morgue. Once again, no detailed information was given about the chain of custody of the bodies, but Srebrenica relatives were requested to visit the morgue to see if they could identify their loved ones. It became a major media opportunity. Typical of the coverage was a report by David Sells of BBC Newsnight:

In Tuzla there is a funeral parlour, called the Memorial Centre, a grim spot. Stored there, topsy-turvy, are 3,000 bodies.

Some are kept refrigerated, most are not. They are victims of the Srebrenica massacre. Almost all are unidentified.

Why, still, four years on? The process of identification is painfully slow. A foreign pathologist told the Women of Srebrenica at a special Tuzla meeting: “This work is going to go on for many years.” And there are thousands more Srebrenica citizens still unaccounted for.

.. Investigators from the Hague Tribunal, seeking to document the Srebrenica massacre, have exhumed dozens of mass graves, but their interest ends there. They are not concerned to identify individual bodies they dig up.⁸⁵

It is very clear from this description that the bodies were stored chaotically at the Tuzla morgue and that few measures, if indeed any, had been taken to ensure the integrity of the evidence. How David Sells could assert that they “are victims of the Srebrenica massacre” is unclear; other than the fact that this is what authorities in Tuzla or elsewhere had told him, he did not offer any explanation. As none of the Tuzla bodies had by then been positively identified, how could anyone be sure that they were connected with the fall of Srebrenica? And, once again, there is no reference to evidence indicating that these bodies had shown signs of execution. In any case, as Sells noted, the ICTY “are not concerned to identify individual bodies they dig up.” Unidentified bodies were apparently more useful for ICTY purposes.

Further light was shed on the methodologies used in the search for mass graves in the broadcast version of the report that Sells made at this time for the BBC Newsnight programme. The report revealed that the quality of evidence-gathering was amateurish in the extreme. It was also clear that Sells was not able to establish from his expert interviewee how, without having made any identifications, she could be sure that the bodies were those of people from Srebrenica who had died in 1995. Given the fighting that had gone on in the area from 1992-95 (not to mention fierce engagements there during the Second World War), that all of the bodies then collected in Tuzla had perished after the fall of Srebrenica in July 1995 is a startling assumption. Nor did Sells’s 1999 report raise any question about the “secondary” grave theory, although as already noted such an operation would have been exceedingly difficult for the Bosnian Serbs to carry out without detection. As is so com-

mon in the Srebrenica investigations and media treatment, the conclusions were assumed in advance and the problem of validating claims set aside.

No reliable population records

The lack of relevant records for the 1995 population of the Srebrenica safe area is a compelling reason to doubt all the Srebrenica-related identifications made by the ICMP. The ICRC's list of missing persons from Srebrenica was drawn-up in the turbulent aftermath of the fall of the enclave, following public appeals for relatives and friends to report missing persons. Izetbegovic, realizing that massacre claims would likely become a subject of scrutiny and could be politically helpful, carried out a publicity campaign that encouraged people to "come forward." Inevitably, this created an enormous potential for both deliberate and unintentional misinformation. Without population records for the Srebrenica safe area in 1995, the ICRC had no control-data against which it could verify missing-persons lists as they developed. The most recent population records for Srebrenica were from 1991, when the municipality of Srebrenica (the town and the many villages in the surrounding area) had 37,211 inhabitants, of which 27,118 were Muslims (72.8 percent) and 9,381 Serbs (25.2 percent). Almost all the Serbs had left at the beginning of the war in the spring of 1992. It is also clear that many Muslim members of the 1991 population, were no longer living there in 1995. Large numbers of those there at the beginning of July 1995 were displaced persons from other areas in Bosnia who had been arriving in Srebrenica since the spring of 1992.

As Serbian historian Milivoje Ivanisevic has concluded:

Anybody could add a disappeared person to the list, without any elementary check of the person doing this. ICRC should not be criticized for this. Notifications were often made by individuals who presented themselves without any proof as family members, colleagues, co-combatants, neighbors. This list, without any further actions and checking was declared and transformed into the list of Srebrenica victims, and still later this went further, and the list was transformed into the list of massacred Muslim civilians.

Ivanisevic noted a series of further points concerning the list. In ad-

dition to Muslims, it included “persons of other nationalities and faiths,” some individuals who were known to be still alive, people who had never existed, as well as “many that committed crimes in this region and in whose interest it is that they are listed as ‘disappeared’. They change names and under other identity continue living in [Bosnia and Herzegovina] or in foreign countries as refugees.”⁸⁶ We return to some of these topics below.

Dead people who vote in elections

There has also been a conspicuous lack of interest on the part of the international community in following up indications that the “missing” from Srebrenica might not even be dead at all. As noted earlier, in July and August 1995 the Bosnian Muslim government was unwilling to disclose the names of the Bosnian Muslim soldiers evacuating Srebrenica who had reached Tuzla and elsewhere behind Bosnian Muslim lines. And the non-trivial numbers who reached Serbia and were eventually released, or used in prisoner exchanges, or repatriated to settle in other countries, have always been ignored; or treated in a low key.

There is also the evidence of post-1995 electoral rolls and voting. Thus, in 1997 the Bosnian Serbs claimed that more than 3,000 of the names of people who voted in the 1996 elections in Bosnia were on the list of 7,300 missing from Srebrenica drawn up by the Red Cross. While working as a journalist for BBC News at the time, the author of this chapter contacted the Organisation for Security and Co-operation in Europe (OSCE), which had overseen the elections, to ask if they could investigate a problem on numbers. I pointed out that either some 3,000 persons on the missing list were still alive, or there had been massive election fraud. The OSCE were not very interested, and promises by OSCE officials to look into this matter ultimately went nowhere. As the OSCE’s David Foley explained to this author, the electoral records from 1996 had been locked away in warehouses around Bosnia and the OSCE allegedly did not have the resources to recover them and cross reference the names that appeared on both the electoral roll and the ICRC missing list. Nothing further seems to have been done after 1996.⁸⁷

Separately, this author also was sent a very small sample of the 1996 voting list and was able to cross-reference more than 100 names be-

tween the Red Cross's missing persons list and voting list. Serb analyst Milivoje Ivanisevic has said that he acquired the final voting lists illegally in 1996. As Ivanisevic writes, "I have these lists and the number of [supposedly massacred] voters for both of these municipalities [Bratunac and Srebrenica] could be even bigger."⁸⁸

The problematic numbers at Potocari

Previously, to cement the massacre theory more firmly still, Paddy Ashdown, the EU's High Representative for Bosnia and Herzegovina (2002-2006), had commissioned an extremely expensive memorial at Potocari, complete with 10,000 symbolic gravestones (a number exceeding the alleged number of "massacre" victims by 25%), which was publicly inaugurated with a speech by former U.S. President Bill Clinton in September 2003.

In his detailed study of the individuals buried at the Memorial Center-Mezarje in Potocari, all supposedly victims of the Srebrenica massacre of July 1995, Milivoje Ivanisevic not only found a large number of names of people who registered to vote in the 1996 election, he also found the names of five individuals who court rulings show died from natural causes at some time *after* July 1995. Beyond this, Ivanisevic found the names of 23 Muslim soldiers who died *before* July 1995 but were later reburied at Potocari; and he found several dozen additional names of Muslim soldiers who died *before* March 7, 1994, but are now buried at Potocari.⁸⁹ Ivanisevic also gives a long list of names of Bosnian Muslim soldiers who *were* killed in July 1995, some unknown number undoubtedly executed, but who he shows participated in expeditions that devastated many Serb villages and killed or injured a large number of Serb civilians. He estimates that these Muslim forces killed 3,262 Serbs, of which 2,382 (73 percent) were civilians.⁹⁰

We may also note that during a talk delivered in Banja Luka on March 31, 2010, Mirsad Tokaca, the Muslim head of the Sarajevo-based Research and Documentation Center, stated that over the course of its research, the RDC had "found about 500 living Srebrenica persons" among the list of those reported missing from Srebrenica and presumed dead; he added that the RDC had "registered 70 persons who were buried in the Potocari Memorial Centre, but who were not killed in Srebrenica."⁹¹ Ignored by the Western media, we believe that admis-

sions such as these are parts of a far-reaching misapprehension.

It is a significant and enduring feature of the Western treatment of Srebrenica that there is a simultaneous uncritical acceptance and inflation of evidence of Serb executions in July 1995, suppression and denial of the prior Serb victims in the area, and ignoring of questions related to the real identity, the actual manner of death, and the chain-of-custody of the mortal remains of some of the Bosnian Muslim soldiers buried at Potocari.

The DNA evidence

If details of the mass grave excavations were few and far between, so was information about the breakthrough DNA technique, developed in Bosnia, which had suddenly allowed identifications to be made at the claimed rate of three a day—something of an improvement on the total of three managed during the entire first year of investigations. Until recently, this excerpt from an article in *Science* magazine on August 24, 2001 was the most detailed explanation of the new technique:

The ICMP project got going last year, when it began dispatching teams to collect blood from relatives of the missing persons. So far the ICMP has amassed more than 12,000 samples, with some relatives coming here from as far away as Australia. On average, it requires 2.5 donors to identify a body.... The ICMP has 100,000 blood kits in hand, enough in principle to identify 40,000 bodies. "Once we have 100,000 samples, then we can expect that almost every body we find can be identified," says Amor Masovic, director of the Bosnian Muslims' missing persons commission.⁹²

We may note the assumption by Masovic that all the bodies found correspond to persons missing from Srebrenica and on the official missing-persons list. This is far from certain. For example, we have no means of knowing the origin and chain-of-custody of the several thousand bodies put on display at Tuzla in 1999 by the Bosnian Muslim authorities. These bodies may have come from literally anywhere in Bosnia. They may even have had little or nothing to do with the 1992-1995 civil war. Some, perhaps many, may have been non-Muslims. Over 3,000 Serbs living in the area were reported killed between 1992 and 1995 by Naser Oric and his 28th division of the Bosnian Muslim Army.

More than 600 detailed autopsies of Serbs were carried out before 1995 by a team led by the eminent forensic investigator Dr Zoran Stankovic. These bodies were buried locally. Furthermore, the approximately 6,500 identifications claimed by the ICMP through the middle of 2010, even if 100 percent accurate, also fail to make the crucial distinction between deaths from executions, combat, and other causes. There were many combat deaths.

DNA identification has come to be seen, in much the same way as fingerprint technology, as a gold standard. The perception is that, if there is a DNA match, it constitutes unassailable evidence. This may be the case for matches made on the basis of readily available samples of uncontaminated DNA from recently deceased bodies; but whether it applies to DNA recovered in circumstances such as those associated with the ICMP's work is very much a matter of conjecture.

The ICMP claim to be using DNA profiles retrieved from bones, not only for identification of remains by comparing them to samples provided by living relatives of the missing, but also to assemble disarticulated skeletons where bones have ended up in different graves. But elsewhere it is stated that viable DNA profiles are usually obtained only from teeth or femurs. The potential for questionable identification and multiple counting under these conditions would seem great. An ICMP official has mentioned that a single disarticulated body's traces have been found in four separate graves, but she never suggests the possibility that this might show a defective methodology.⁹³

Phrases such as "based upon DNA analysis" appear throughout the ICTY's Srebrenica-related judgments, giving these judgments and the evidence upon which they allegedly rest the air of scientific authority. So do phrases like "DNA connections" that are alleged to link "secondary" graves to "primary" graves, and even "secondary" graves to other "secondary" graves, and so on. But as the Trial Chamber explained in its 2010 Judgment in the *Popovic* case (to date, the latest of the ICTY's Srebrenica-related judgments), the "ICMP Standard Operating Procedures for statistical calculations of DNA-based identification lists anybody with a biological blood relationship to a missing individual as a potential [DNA] donor," and not strictly one or both parents.⁹⁴ This makes the process of finding DNA donors as *open-ended* as is the cover-up theory's notion of "primary," "secondary," and "tertiary" graves. The

effect is to extend greatly the total of Srebrenica-related DNA matches, and, like the exhumation-and-reburial theory, provides the ICMP with the rationale needed to make the total of positive DNA matches the function of its potentially limitless DNA-sampling process. In this way, the ultimate number of claimed DNA matches may be increased to whichever total they desire.

Despite the fact that DNA evidence has been crucial to the convictions handed down in the ICTY's Srebrenica trials, it has now been confirmed that the ICMP has never given the Tribunal any of the DNA evidence allegedly assembled by the ICMP. Radovan Karadzic's defense team has been unable to gain access to the ICMP's DNA evidence, and even ICTY prosecutor Hildegard Uertz-Retzlaff has acknowledged to the court that "The ICMP did also not provide the DNA to us."⁹⁵ This is a remarkable admission: that the ICTY has neither seen nor tested the quality of the evidence on DNA provided by an interested party, the Bosnian Muslim-controlled ICMP, in coming to serious decisions on claims of "genocide."

Reports and Serb "confessions"

During recent years the international community has appeared anxious to solidify the official version of events at Srebrenica. Paddy Ashdown, the longest-serving High Representative for Bosnia and Herzegovina, equipped with draconian powers, required the government of Republika Srpska to produce a report in which the Bosnian Serbs admitted that massacres had been carried out by their army during the war. The original report, produced in September 2002, was a detailed and thorough account. It concluded that there had been a few hundred executions, but also that some 2,000 Bosnian Muslims and 500 Serbs had been killed in fighting in the forests as the column of Bosnian Muslim men from Srebrenica made its way towards Muslim-controlled territory.⁹⁶

Ashdown was infuriated by this first report, which he called "tendentious, preposterous, and inflammatory," and an "insult to people of all ethnic groups in Bosnia and Herzegovina;"

Ashdown ordered Republika Srpska to revise its report according to his own prescription on pain of drastic penalties if they did not cooperate.⁹⁷ When the RS government sought to approach the task with a

degree of independence, he sacked several members of the committee producing the report, replacing them with his own placemen, including one Muslim. This individual is believed to have largely drafted the report which Ashdown published in 2004.⁹⁸ The mainstream media of the West took the second report as a serious Bosnian Serb confession, even misrepresenting its content, which did not unqualifiedly admit the 8,000 executions.⁹⁹

In October 2005, a week after Ashdown had been forced to issue an embarrassing clarification regarding evidence he had given earlier in the year at the Milosevic trial, the Office of the High Representative announced that the government of Republika Srpska had provided details of 19,473 people who had been involved in the massacres at Srebrenica.¹⁰⁰ Once again this “information” had clearly been extracted under extreme duress (Ashdown’s powers as High Representative enabled him to carry out virtually any economic or political sanction against Republika Srpska).¹⁰¹ No doubt the purpose of this exercise was to support claims that Srebrenica had been a meticulously planned genocide, a criminal conspiracy organizationally comparable to the Holocaust. But, typically, no explanation of this huge and precise figure has been offered. The implication is that all 19,473 actively participated in massacres—some 3 people for every alleged massacre victim. It was a meaningless statistic to deflect attention from the complete absence of reliable evidence. It was also in conflict with the well-established finding that the Bosnian Serb decision literally to capture Srebrenica was not taken until as late as July 9, as the expected armed resistance by the Bosnian Muslim 28th Division never materialized, with their leaders either having been pulled from the enclave or striking out from the enclave to reach Bosnian Muslim-controlled territory.¹⁰²

The Skorpions Video

As the 10th anniversary of the fall of Srebrenica approached, attempts to publicize the massacre story intensified. In both the U.S. and the U.K., newspapers carried lengthy features a full two months before the anniversary date. On the legal side, ICTY Chief Prosecutor Carla Del Ponte redoubled her media campaign for the arrest of Radovan Karadzic and Ratko Mladic, timing a visit to Belgrade to coincide with the

screening during the Milosevic trial of a video purporting to show the execution of young Muslim men from Srebrenica by a special Serb unit called the Skorpions.

This development, eagerly seized on by the world's media as "final proof" of the Srebrenica massacres, was no more than a bizarre stunt. Geoffrey Nice, the ICTY prosecutor in the Milosevic case, was clearly under instruction to use the video in his cross-examination of a Serbian military commander who was a Defence witness. Nice had not been able to work out any coherent legal basis for showing the video, but was nevertheless allowed to do so. Nor did he disclose this new evidence to the defence, although he was required to do this. The witness was asked to comment on video extracts which had nothing to do with the evidence he had given, were of very poor technical quality in their original form (consumer-quality video, badly shot), and had been further degraded by heavy compression to streaming video format. The Court was given nothing more than Nice's assurance that the video related to Srebrenica—and even Nice admitted that it had been shot at a place near Sarajevo, almost 200 kilometers from Srebrenica.

The formal justification for the use of this material was that it established a link between Milosevic and the events in Srebrenica because, Nice claimed, the Skorpions were a special unit of the Serbian police. Within a week of the screening of the video in Court, it had emerged that the Skorpions were a group of mercenaries who, briefly it appears, had some relationship with the forces of Republika Srpska Krajina, but no relationship with the Serbian police.

Examination of the video demonstrated that both the pictures and sound had been doctored. There were indications that it had been edited together from tapes shot at different times and in different places. The weight of clothing worn by both soldiers and prisoners did not appear consistent with weather conditions around Srebrenica in July 1995, which were extremely hot. Subsequently further versions of the video appeared on the Internet: These included footage showing the apparent victims getting back up, unharmed, after their "execution."¹⁰³

The chain-of-custody of the video was also highly suspect. According to official statements, it had been provided to the ICTY by Natasa Kandic, usually described as a Serbian civil rights activist. Kandic, who is reported to receive funding from a number of national governments

and George Soros' Open Society Foundation, had several times previously been instrumental in providing timely support for the official line when it was coming under question—for example, she was the source of the “freezer truck” allegations which had it that the Serbs had disposed of thousands of massacred Kosovo Albanians by removing them to gravesites in Serbia in refrigerated trucks.¹⁰⁴

Even if authentic, the introduction of this video, by the ICTY prosecution, but with the cooperation of the judges, without authentication, notice to the defense, or relevance to the ongoing witness' testimony, is compelling evidence of the political basis and corruption of the Milosevic trial. And the extent to which the mainstream media played this up, and allowed this presumed killing of six prisoners, to be used to support the 8,000 execution narrative, is strong evidence of their supportive role in this travesty of justice.¹⁰⁵

Concluding Note

In its August 2001 decision in the trial of the Bosnian Serb General Radislav Krstic, the ICTY's Judge Almiro Rodrigues announced to the court that the “crime of genocide was committed in Srebrenica,” and on this most grave charge, pronounced Krstic criminally responsible, given his role as a commander in the Bosnian Serb Army's Drina Corps.¹⁰⁶ Although the Krstic Judgment was recognized by astute critics to be a radical re-definition of the concept of genocide,¹⁰⁷ this genocide-finding was endorsed six years later by the International Court of Justice.¹⁰⁸ A number of Bosnian Serbs are now and soon will be serving lengthy prison terms, some even life-sentences, following their Srebrenica-related convictions at the ICTY.

The drumbeat of “8,000 men and boys” massacred at Srebrenica may never have ceased, but independent researchers from many different backgrounds and parts of the world have cast doubts on the evidence put forward by the ICTY's prosecutors, and accepted by its judges and Western media. Much of that evidence was shaky and problematic from the beginning, and its shakiness has become increasingly clear as time has elapsed.

Those who look without prejudice at the available data on Srebrenica will conclude that the orthodox version of what happened, and notably the claim of 8,000 executions, is extremely hard to reconcile with the

known facts. We have spelled out many of those conflicting facts in this chapter. We believe that the survival of this narrative on Srebrenica rests heavily on political interests. There are many clear indications that complex political strategies were being followed by Alija Izetbegovic, the U.S., the U.K., and other powers, and that Srebrenica played a crucial part in the development of these strategies.

From Dayton to the present, the Srebrenica massacre has been an extremely useful symbol of Serb villainy and evil. It helped justify NATO's 1999 "humanitarian" war against Yugoslavia and the indictments and trials of Serb military personnel and leaders; and under the "Never again" pretext, NATO and the advocates of a "responsibility to protect" defenseless civilians inside sovereign states continue to use the alleged "failure" to intervene to stop the Srebrenica massacre as a way of selling Western military power and intervention more broadly. We believe that these exceptional and valuable purposes have made the belief in "8,000 men and boys" murdered after the fall of Srebrenica sacrosanct within the Western establishment.

Notes

- 1 A predecessor to The Center for the Srebrenica-Potocari Memorial and Cemetery for the Victims of the 1995 Genocide was established in May 2001 by an act of the High Representative for Bosnia and Herzegovina, and first commemorated in its current form on September 20, 2003. See Paddy Ashdown, Office of the High Representative, March 25, 2003, <http://www.ohr.int/print/?content_id=29527>; and Christian Schwarz-Schilling, Office of the High Representative, June 25, 2007, <http://www.ohr.int/print/?content_id=40028>.
- 2 For what I here refer to as the "highest official estimate," see the analysis conducted by Helge Brunborg, Torkild Hodve Lyngstad, and Henrick Urdal on behalf of the Office of the Prosecutor at the International Criminal Tribunal for Yugoslavia, "Accounting for Genocide: How Many Were Killed in Srebrenica?" *European Journal of Population*, Volume 19, 2003, pp. 229-248. These authors write: "The study concludes that at least 7,475 persons have been reported as missing and are presumed dead after the fall of the Srebrenica enclave on 11 July 1995....Also, an unknown number of persons probably were not reported as missing, for various reasons. Our estimate is lower than the commonly referred to range of 8-10,000 killed persons. As previously stated, ours is a conservative estimate based on highly reliable data. The actual number of genocide victims is likely to be higher than 7,475 and this, this figure should be considered a minimum estimate. By using multiple systems estimation we found the likely esti-

- mate for the total number of victims to be only slightly higher, 7,536” (p. 244).
- 3 As recently as the July 2008 arrest of former Bosnian Serb President Radovan Karadzic in Belgrade, the U.K. media especially resorted to the 250,000 figure. See, e.g., Shan Ross, “Serb leader Karadzic held after more than a decade on the run,” *The Scotsman*, July 22, 2008; Janine di Giovanni, “Spectres of Sarajevo: News of the arrest conjures memories of those dreadful days of death. Next, for Mladic,” *The Guardian*, July 23, 2008; Ian Bruce, “Ultra-nationalist beginnings that led to a brutal and disastrous conflict,” *The Herald*, July 23, 2008; and “Genocide’s legacy in Bosnia, Darfur,” Editorial, *Toronto Star*, July 23, 2008. Richard Holbrooke, the former lead U.S. negotiator for Bosnia - Herzegovina in 1995, used the phrase “nearly 300,000” in a commentary he wrote at the same time: “The Face of Evil,” *Washington Post*, July 23, 2008.
 - 4 As early as the negotiations that began in Geneva on January 2, 1993, the Bosnian Muslim President Alija Izetbegovic warned of 200,000 dead (and tens-of-thousands of women raped); several days later, speaking outside the United Nations in New York, Izetbegovic repeated this warning. See Juliajana Mojsilovic, “Peace Talks Recessed; Mediators Say Serbs Hold Up Deal,” Associated Press, January 4, 1993; Anthony Goodman, “Bosnian leader evokes memories of Munich appeasement,” Reuters, January 7, 1993; and Barry Schweid, “Bosnian Leader Appeals for U.S. Support,” Associated Press, January 8, 1993.
 - 5 See the entry for “United Kingdom and Colonies,” the “1939-1945 War,” in “Breakdown of Numbers of War Dead by Forces,” a PDF maintained by the Commonwealth War Graves Commission, United Kingdom, <<http://www.cwgc.org/admin/files/Finances.%20Statistics%20and%20Service.pdf>>.
 - 6 Ewa Tabeau and Jakub Bijak, “War-related Deaths in the 1992-1995 Armed Conflicts in Bosnia and Herzegovina: A Critique of Previous Estimates and Recent Results,” *European Journal of Population*, Volume 21, 2005, pp. 187-215; here p. 207. At the time, Tabeau - Bijak worked for the Demographic Unit of the Office of the Prosecutor, the International Criminal Tribunal for the former Yugoslavia (ICTY).
 - 7 *Ibid.* Using the data in Tabeau - Bijak, it seems the ethnic breakdown of the estimated total is 60% Muslims, 29% Serbs, 7% Croats and 4% “others” (comprising mostly Roma and those who declared themselves to be “Yugoslavs”). One should bear in mind that, despite being almost entirely ignored in the standard version of events, a significant number of Muslims in the Bihac area of western Bosnia followed the leadership of the independent Bosnian Muslim Fikret Abdic, and his force of 5,000 fought against the Sarajevo-controlled Bosnian Muslim Army.
 - 8 *Ibid.* See Table 5, “Minimum war-related deaths by ethnicity, status as of mid-2003,” p. 204. Out of a minimum 45,980 war-related Bosnian Muslim deaths, 23,755 (51.66 percent) were soldiers at the time of death, and 22,225 (48.33 percent) civilians.

- 9 "Research halves Bosnia war death toll to 100,000," Reuters, November 23, 2005, <<http://www.alertnet.org/thenews/newsdesk/L23677389.htm>>.
- 10 See Patrick Ball *et al.*, *Bosnian Book of the Dead: Assessment of the Database*, Research and Documentation Center, Sarajevo, June 17, 2007, Table 23a, p. 30, and p. 40, <http://www.hicn.org/research_design/rdn5.pdf>. These researchers estimate 96,895 deaths in all for the period of the war in Bosnia - Herzegovina, of which 57,696 (59.6%) were military and 39,199 (40.5%) were civilian.
- 11 "Barack Obama demands justice 15 years after Srebrenica," BBC News, July 11, 2010, <<http://news.bbc.co.uk/2/hi/world/europe/10593799.stm>>.
- 12 "Statement by the [U.S.] President on the 15th anniversary of the genocide at Srebrenica," White House Office of the Press Secretary, July 11, 2010, <<http://www.whitehouse.gov/the-press-office/statement-president-15th-anniversary-genocide-srebrenica>>.
- 13 Michael Evans and Michael Kallenbach, "'Missing' Enclave Troops Found," *The Times* (UK.), August 2, 1995. *The Times* went on to report that the ICRC in Geneva "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'." *The Times* added that the Bosnian Muslim government was probably keeping the presence of these troops secret "for military reasons."
- 14 According to Dutch army commander in chief General Hans Couzy and Dutchbat commander Colonel Thomas Karremans, "there were at most 5 percent of men in the Srebrenica population [which gathered at Potocari]." ("Dutch colonel praises Bosnian Serb capture of Srebrenica," HINA News Agency (Croatia), July 23, 1995, as translated by BBC Summary of World Broadcasts, July 25, 1995.) Five percent of the 25,000 estimated to be gathered at Potocari is 1,250—well short of the claimed 3,000.
- 15 Linda Ryan, "What's in a 'mass grave'?" *Living Marxism*, Issue 88, March 1996, <<http://www.balkanpeace.org/content/balkans/bosnia/srebrenica/boss11.incl>>.
- 16 Ula Ilnytzky, "Report drops trade center death toll by three, to 2,749; may be final adjustment," Associated Press, January 23, 2004. Also see David Peterson, "Counting Bodies at the World Trade Center," ZNet, June 14, 2004, <<http://web.archive.org/web/20041101065722/blog.zmag.org/rocinante/archive/s/000614.html>>.
- 17 See "Former Yugoslavia: Srebrenica: help for families still awaiting news," News Release 37, ICRC, September 13, 1995, <<http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/57jml?opendocument>>.
- 18 Julian Borger, "More Atrocities Feared in Zepa Attack," *The Guardian*, July 17, 1995; "Fate of thousands in Serb-controlled areas said uncertain," Deutsche Presse-Agentur, July 17, 1995.
- 19 See, e.g., Michael Evans and Michael Kallenbach, "'Missing' enclave troops found," *The Times*, August 2, 1995. This report stated: "Thousands of the 'missing' Bosnian Muslim soldiers from Srebrenica who have been at the centre of re-

- ports of possible mass executions by the Serbs, are believed to be safe to the north-east of Tuzla. Monitoring the safe escape of Muslim soldiers and civilians from...Srebrenica and Zepa has proved a nightmare for the United Nations and the International Committee of the Red Cross. 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."
- 20 See "*To bury my brothers' bones*", Amnesty International, July, 1996 (as archived by the Forced Migration Online website, <http://repository.forcedmigration.org/show_metadata.jsp?pid=fmo:3905>).
 - 21 See Darko Trifunovic *et al.*, *Report about Case Srebrenica*, Documentation Centre of Republic of Srpska, Bureau of Government of RS for Relation with ICTY, Banja Luka, September, 2002, <<http://www.slobodan-milosevic.org/documents/srebrenica.pdf>>. As this report stated: "201 soldiers (very exhausted and many of them easily wounded) came to Zepa on 17 July 1995. Another 500 people arrived to Zepa from Srebrenica till 28 July 1995."
 - 22 See Slobodan Milosevic's cross-examination of Witness B-1770, Milosevic Trial Transcript, IT-02-54-T, December 10, 2003, pp. 30329-30330, and p. 30340, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/031210ED.htm>.
 - 23 Typical of assessments made at the time was one from Human Rights Watch: "At the time of the offensive, 38,000 to 39,000 people were living in the enclave. These figures are lower than the UN High-Commissioner for Refugees' estimated population of approximately 42,000, because the UNHCR's numbers are based on the amount of food being delivered; the UNHCR overestimated the number of people in the enclave, because a portion of all food delivered had to be handed to the Bosnian Serb authorities surrounding the enclave." See *The Fall of Srebrenica and the Failure of U.N. Peacekeeping*, Human Rights Watch, October, 1995, Vol. 7, No. 13, n. 9, pp. 6-7, <<http://www.hrw.org/en/node/85087/section/1>>.
 - 24 Trifunovic *et al.*, *Report about Case Srebrenica*, <<http://www.slobodan-milosevic.org/documents/srebrenica.pdf>>. "Yet, Bosnian Serb forces lost the fight at several places, such as Baljkovica, Krizevac, etc. and suffered the loss of 300-500 soldiers because Bosnian Serb soldiers, being inferior in number, could not fight with hundreds or thousands of Muslim soldiers that crossed roads at a time even by heavy artillery...it must be estimated that Muslim forces must have suffered the loss of nearly 2,000 soldiers from military perspectives."
 - 25 See Stephen Karganovic, "Analysis of Moslem Column Losses due to Minefields and Combat Activity, and Other Causes," in Stephen Karganovic, Ed., *Deconstruction of a Virtual Genocide: An Intelligent Person's Guide To Srebrenica* (Belgrade: Srebrenica Historical Project, 2011), pp. 105-116.
 - 26 According to Amnesty International, "at least 13,000 men [from Srebrenica] suc-

- cessfully made their way through the forest” to the immediate safety of Bosnian government-controlled territory. *“To bury my brothers’ bones”*, <http://repository.forcedmigration.org/show_metadata.jsp?pid=fmo:3905>.
- 27 “President on the war and the prospects for peace,” Radio Bosnia-Herzegovina, Sarajevo, August 13, 1995; BBC Summary of World Broadcasts, August 16, 1995.
 - 28 Patricia M. Wald, “General Radislav Krstic: A war crimes case study,” *Georgetown Journal of Legal Ethics*, Spring 2003, Vol. 16, No. 3, p. 445.
 - 29 See Krstic Trial Transcript, IT-98-33-T, April 6, 2001, p. 9532, lines 20-21, <<http://www.icty.org/x/cases/krstic/trans/en/010406ed.htm>>. Hadzihasanovic also testified that the “accurate number of the members of the 28th Division who managed to get through [to Bosnian government-controlled territory] was 3,175” (p. 9532, lines 15-16).
 - 30 Ljubisa Simic, “Analysis of Srebrenica Forensic Reports Prepared by ICTY Prosecution Experts,” and Simic, “Presentation and Interpretation of Forensic Data (Pattern of Injury Breakdown),” in Karganovic, Ed., *Deconstruction of a Virtual Genocide*, pp. 69-88, and pp. 89-104.
 - 31 See Dean Paul Manning, Witness Statement, *Prosecutor v. Slobodan Milosevic*, IT-02-54-T, November 24, 2003, para.59, <http://www.domovina.net/archive/2003/20031124_manning.pdf>.
 - 32 See *The Prosecutor of the Tribunal Against Radislav Krstic*, IT-98-33-T, Transcript, April 6, 2001, 9532, lines 20-21, <<http://www.icty.org/x/cases/krstic/trans/en/010406ed.htm>>. Hadzihasanovic also testified that the “accurate number of the members of the 28th Division who managed to get through [to Bosnian Muslim territory] was 3,175” (9532, lines 15-16).
 - 33 See Karganovic, “Analysis of Moslem Column Losses due to Minefields and Combat Activity, and Other Causes.”
 - 34 “President asks Clinton, Major and others to help Srebrenica,” Radio Bosnia-Herzegovina, Sarajevo, July 9, 1995, as translated by BBC Summary of World Broadcasts, July 11, 1995. The *Washington Post* later reported that “The United States was first alerted to the possibility of mass killings in the area only a day or two after Srebrenica fell, in a phone call from Bosnian Foreign Minister Mohamed Sacirbey to US Ambassador to the United Nations Madeleine K Albright.” (Michael Dobbs *et al.*, “New Proof Offered Of Serb Atrocities; U.S. Analysts Identify More Mass Graves,” October 29, 1995.)
 - 35 Paul Koring, “Muslims manipulate refugees’ agony,” *Daily Telegraph*, July 15, 1995.
 - 36 “Pronk Breaks Official Silence On Genocide In Srebrenica,” ANP English News Bulletin, July 20, 1995, which reports Pronk’s interview with the Dutch current affairs television program *Nova*.
 - 37 Paul Quinn-Judge, “Reports of atrocities unconfirmed so far; US aerial surveillance reveals little,” *Boston Globe*, July 27, 1995.
 - 38 For an account of Mevludin Oric, see René Grémaux and Abe de Vries, “Sre-

- brenica...The Deconstruction of a Trauma,”* Trans. Nico Varkevisser, *De Groene Amsterdammer*, March 13, 1996 (as posted to the *Emperor's Clothes* website, <<http://emperors-clothes.com/analysis/falsey.htm>>).
- 39 See Anne Nelson *et al.*, “The Rohde to Srebrenica: A Case Study of Human Rights Reporting,” Columbia University School of Journalism, 2001, <<http://www.columbia.edu/itc/journalism/nelson/rohde/>>.
- 40 Grémaux and de Vries, “The Deconstruction of a Trauma,” <<http://www.emperors-clothes.com/analysis/falsey.htm>>.
- 41 See David Sells, Newsnight BBC2, June 30, 1999, <http://news.bbc.co.uk/ol-media/375000/video/376122_sells_movie_vi.ram>.
- 42 Tim Butcher, “Serb Atrocities In Srebrenica Are Unproved,” *Daily Telegraph*, July 24, 1995.
- 43 Private email correspondence between Dr Dick Schoonord and Tim Fenton, January 17, 2005.
- 44 Private email correspondence between George Kenney and Tim Fenton, June, 1997. To reproduce a part of this correspondence here, Kenney wrote: “One source...often remarked to me at that time and later that he saw nothing, repeat nothing, that had substantiated claims in the press. Without going into all the boring details of security clearances, it is enough that you know if, in fact, there had been any such evidence xx would have had to know about it.” Also see George Kenney, “The Bosnia Calculation: How many have died? Not nearly as many as some would have you think,” *New York Times Magazine*, April 23, 1995.
- 45 See Edward S. Herman and David Peterson, “The Dismantling of Yugoslavia,” *Monthly Review*, Vol. 59, No. 5, October, 2007, pp. 41-42, and n. 162, p. 56, <<http://www.monthlyreview.org/1007herman-peterson1.php>>.
- 46 Under cross-examination during the Milosevic trial, Dragan Karleusa, the policeman in charge of the investigation concerning one freezer truck recovered from the Danube river, answered a question from the Presiding Judge Richard May: “We did not make any judgements about the origins of the corpses...In the communiqués, we said we had no basis for concluding that the corpses belonged to people who came from Kosovo....[W]e do not know where these bodies actually come from.” Milosevic Trial Transcript, July 22, 2002, p. 8413, line 5 - p. 8414, line 9, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/020722ED.htm>.
- 47 See “The situation in the Republic of Bosnia and Herzegovina” (S/PV.3564), UN Security Council, August 10, 1995, pp. 6-7.
- 48 Tim Weiner, “U.S. Says Serbs May Have Tried To Destroy Massacre Evidence,” *New York Times*, October 30, 1995.
- 49 See, e.g., Ken Silverstein, *Private Warriors* (New York: Verso, 2000), pp. 171-174.
- 50 As David Rohde wrote: “U.S. interest has waned. UN officials have long accused the Clinton administration of releasing the Nova Kasaba photos to deflect criticism from its tacit approval of the Croatian army’s forced removal of 150,000 Serbs from the formerly Serb-held Krajina region of Croatia in early August. The

- issue of Srebrenica has been dropped, they say, because it no longer fits the administration's agenda." ("Eyewitnesses Confirm Massacres in Bosnia," *Christian Science Monitor*, October 5, 1995.)
- 51 David Rohde, "Evidence Indicates Bosnia Massacre Eyewitness report supports charges by U.S. of killings," *Christian Science Monitor*, August 18, 1995.
 - 52 Ryan, "What's in a 'mass grave'?" <<http://www.balkanpeace.org/content/balkans/bosnia/srebrenica/boss11.incl>>.
 - 53 "Bosnian Serb Official Denies Existence of Mass Graves around Srebrenica," BBC Monitoring Central Europe & Balkans, December 22, 1995.
 - 54 Private email correspondence between Rolf Hartzuiker and Jonathan Rooper, June 26, 1997.
 - 55 See Edward Pearce, "Lies, Damned Lies, and Statistics," *The Guardian*, January 28, 1995, reporting on BBC *Panorama* host John Simpson's ("as scrupulous a journalist as there is," in Pearce's words) January 23, 1995 report revealing Haris Silajdzic's "thorough-paced lie," namely, that "[t]here were not 70,000 deaths" in Bihac, as Silajdzic claimed, "but around 1,000, and not women and children, but mostly troops defending it. And Bihac when reached, and its citizens talked to, proved not conquered."
 - 56 John Pilger, "Kosovo—the site of a genocide that never was...", *New Statesman*, December 13, 2004.
 - 57 Tim Weiner, "U.S. Says Serbs May Have Tried To Destroy Massacre Evidence," *New York Times*, October 30, 1995.
 - 58 Jon Swain, "Empty Bosnian Graves baffle UN," *The Sunday Times*, November 3, 1996.
 - 59 Mike O'Connor, "In Bosnia Field, Changes Refuel Talk of Graves," *New York Times*, April 3, 1996.
 - 60 See Emma Daly, "It is a crime too great to hide, but do we have the stomach to bring the killers to trial?" *The Independent*, April 3, 1996.
 - 61 Elizabeth Neuffer, "NATO puts grave sites in Balkans on watch," *Boston Globe*, April 22, 1996; David Rohde, "Bosnian Massacre Sites Swept of Key Evidence," *Christian Science Monitor*, April 3, 1996; and Mike O'Connor, "In Bosnia Field, Changes Refuel Talk of Graves," *New York Times*, April 3, 1996.
 - 62 "Mission launched to trace missing in ex-Yugoslavia," Reuters, November 25, 1996. The establishment of the ICMP was first announced by President Bill Clinton at the Group of Seven summit held that year in Lyon, France. At this time, Clinton referred to it as "an international commission on the missing in the Former Yugoslavia to be chaired by former Secretary of State Cy Vance." ("Transcript of the President's Press Conference in France," U.S. Newswire, June 29, 1996.)
 - 63 Indeed, the ICMP's actual purpose as positively identifying Bosnian Muslim victims of the war can be seen by the fact that in 2005, the ICMP began returning its responsibilities to the Missing Persons Institute of Bosnia - Herzegovina, a new state-level institution that operates under the Council of Ministers of Bosnia

- Herzegovina. See “Missing Persons Institute of Bosnia-Herzegovina Excavates Key Mass Grave Sites in Herzegovina,” ICMP, June 24, 2009, <<http://www.icmp.org/press-releases/missing-persons-institute-of-bosnia-herzegovina-excavates-key-mass-grave-sites-in-herzegovina>[institut-za-nestale-osobe-bosne-i-hercegovine-iskopava-kljucne-masovne-grobnice-u-hercegovini-2/](http://www.institut-za-nestale-osobe-bosne-i-hercegovine-iskopava-kljucne-masovne-grobnice-u-hercegovini-2/)>.
- 64 In the words of U.K. Channel 4 News’s Sheena Macdonald: “This is called a secondary grave because it contains bodies removed from the original mass graves near the execution sites by the culprits in an attempt to conceal the evidence. Well it didn’t work.” (Channel 4 News, U.K., N.D., August, 1998.)
- 65 Eric Stover and Gilles Peress, *The Graves: Srebrenica and Vukovar* (Zurich: Scalo Publishers, 1998), p. 150.
- 66 Charlayne Hunter-Gault, interview with U.S. Assistant Secretary of State John Shattuck, *The NewsHour with Jim Lehrer*, PBS - TV, January 25, 1996. Asked by Hunter-Gault about the “mass grave at Glogova,” and later “where are the bodies?,” Shattuck responded: “We visited one mass grave, the site at Glogova, which again appeared on your film footage here, and there we could see, indeed, pieces of clothing, a shoe, a human bone that was sticking out of the ground, and there was very little evidence of any—that any tampering of this site had occurred, except for the fact that clearly at some point within the last six months, presumably six months ago, there was a mass grave that was dug.”
- 67 Cees Wiebes, *Intelligence and the War in Bosnia, 1992 - 1995* (London: Lit Verlag, 2003), esp. Ch. 7, “Imagery Intelligence in Bosnia,” pp. 313-353; here pp. 315-316.
- 68 Paul Quinn-Judge, “Reports of atrocities unconfirmed so far US aerial surveillance reveals little,” *Boston Globe*, July 27, 1995.
- 69 Wiebes, *Intelligence and the War in Bosnia, 1992 - 1995*, pp. 347-350.
- 70 See Judge Carmel Agius *et al.*, *Judgment, The Prosecutor v. Vujadin Popovic et al.*, IT-05-88-T, ICTY, June 10, 2010, para. 603, <<http://www.icty.org/x/cases/popovic/tjug/en/100610judgement.pdf>>.
- 71 Wiebes, *Intelligence and the War in Bosnia, 1992 - 1995*, pp. 313-353.
- 72 See, e.g., John Prados, *Hoodwinked: The Documents That Reveal How Bush Sold Us a War* (New York: The New Press, 2004). Also see John Prados, “PR Push for Iraq War Preceded Intelligence Findings,” National Security Archive (George Washington University), August 22, 2008, <<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB254/index.htm>>.
- 73 See George Pumphrey, “*The Srebrenica Massacre*”—A Hoax? Part 2 (Bonn, Germany: November, 1998), <http://www.ocf.berkeley.edu/~bip/docs/kosovo_polje/srebrenica_hoax_a.html>.
- 74 Nick Hawton, “‘Largest’ Bosnian grave found,” BBC News, March 28, 2003, <<http://news.bbc.co.uk/2/hi/europe/2895801.stm>>.
- 75 Hrvoje Polan, “Bosnian experts start exhuming ‘largest ever’ mass war grave,” Agence France Presse, July 28, 2003; “New mass grave could be Bosnia’s biggest,” *The Australian*, July 30, 2003; and Nick Hawton, “Bosnia’s largest mass grave,”

- BBC News, July 30, 2003, <<http://news.bbc.co.uk/2/hi/europe/3111189.stm>>.
- 76 Alexander S. Dragicevic, “Forensic experts continue excavating largest mass grave, plan to begin removing remains Wednesday,” Associated Press, August 5, 2003.
- 77 Russ Baker, “Grisly clues in Bosnia’s largest mass grave,” *Christian Science Monitor*, September 8, 2003.
- 78 See, for example, Mike O’Connor, “In Bosnia Field, Changes Refuel Talk of Graves,” *New York Times*, April 3, 1996.
- 79 Alix Kroeger, “Identifying Srebrenica’s victims,” BBC News, April 10, 2002, <<http://news.bbc.co.uk/2/hi/europe/1920825.stm>>.
- 80 “Identification of Srebrenica Victims Passes 2000,” ICMP, June 10, 2005, <<http://www.ic-mp.org/press-releases/identification-of-srebrenica-victims-passes-2000/>>.
- 81 See Richard J. Goldstone, *The Prosecutor of the Tribunal Against Radovan Karadzic, Ratko Mladic* (IT-95-18-I), November 14, 1995, Count 1, para. 47-51, <<http://www.icty.org/x/cases/karadzic/ind/en/kar-ii951116e.pdf>>.
- 82 See Radislav Krstic, “*Srebrenica-Drina Corps*” (IT-98-33), *Case Information Sheet*, ICTY, July 8, 2005, pp. 6-7, <<http://www.un.org/icty/glance/krstic.htm>>.
- 83 Stover and Peress, *The Graves*, p. 174.
- 84 According to an ICMP press release, by the start of July 2010, the ICMP had identified “6,481 persons missing from the July 1995 fall of Srebrenica.” See “DNA Results of the International Commission on Missing Persons Reveal the Identity of 6,481 Srebrenica Victims,” July 9, 2010, <<http://www.ic-mp.org/press-releases/dna-results-reveal-6481-srebrenica-victims/>>.
- 85 David Sells, “Seeking the truth in Srebrenica,” BBC Newsnight, June 30, 1999, <http://news.bbc.co.uk/2/hi/special_report/1998/kosovo/376122.stm>.
- 86 Milivoje Ivanisevic, *Srebrenica July 1995—in search of truth*, Zivka Novicic, Trans. (Belgrade: Hrišanska misao, 2nd. Ed., 2010), pp. 76-78.
- 87 Private email correspondence and phone conversations between the OSCE’s David Foley and Jonathan Rooper, July 1997 and thereafter.
- 88 Private email correspondence between Milivoje Ivanisevic and Edward S. Herman, November, 2008.
- 89 Milivoje Ivanisevic, *Srebrenica July 1995—in search of truth*, Zivka Novicic, Trans. (Belgrade: Hrišanska misao, 2nd. Ed., 2010), pp. 78-82.
- 90 *Ibid*, pp. 93-169.
- 91 See “Bosnian research centre says 500 Srebrenica victims still alive,” SRNA, March 31, 2010, as translated by BBC Monitoring Europe, April 2, 2010; and “Bosnian Serb government seeks additional report on Srebrenica victim numbers,” FENA (Federation News Agency, Sarajevo), April 8, 2010, as translated by BBC Monitoring Europe, April 8, 2010. The latter of these quoted RDC Director Mirsad Tokaca as follows: “In the course of our research project on human casualties we found about 500 living Srebrenica persons. We also have the information that just over 7,000 people were killed in this area, although not all are from Srebrenica. Therefore, there are people from Vlasenica, Zvornik, Bratunac,

- Visegrad, Rogatica which is shown by the fact that we registered 70 persons who were buried in the Potocari Memorial Centre, but who were not killed in Srebrenica.”
- 92 Susan Ladika, “Laying Ghosts To Rest In Bosnia,” *Science*, August 24, 2001, <http://susanladika.com/freelance_journalist_susan_ladika_science_writing_bosnian_massacre_1995.html>. How 5,800 unidentified bodies could be definitely linked to Srebrenica was not explained. Nor did the journalist appear to be aware that the 200 identified bodies were not those of people who were definitely in Srebrenica when it fell, just 200 people whose names were on the list of missing persons compiled by the ICRC.
- 93 “DNA Results of the International Commission on Missing Persons Reveal the Identity of 6,481 Srebrenica Victims,” July 9, 2010, <<http://www.ic-mp.org/press-releases/dna-results-reveal-6481-srebrenica-victims/>>.
- 94 See Judge Carmel Agius *et al.*, *Judgment, The Prosecutor v. Vujadin Popovic et al.*, IT-05-88-T, ICTY, June 10, 2010, Sect. III(J)5, “ICMP Data on Deceased Persons,” para. 638-649; here note 2329, p. 258, <<http://www.icty.org/x/cases/popovic/tjug/en/100610judgement.pdf>>. In pointing this out, the Trial Chamber was rejecting the criticisms of ICMP methodology by Defense expert-witness Debra Komar, who, according to the Trial Chamber, had testified that “in an ideal situation, samples would be taken from both parents of a missing individual and used to identify the individual in question, as a person’s DNA is a combination of the DNA of each parent.” But, as the Trial Chamber then admitted, “In many situations, including those at the ICMP, the DNA of one or both parents is not available, and thus samples from more distant relatives are used” (para. 643).
- 95 See Karadzic Trial Transcript, IT-95-5/18-I, July 23, 2009, p. 365, lines 21-22, <<http://www.icty.org/x/cases/karadzic/trans/en/090723SE.htm>>. Also see Andy Wilcoxon, “Radovan Karadzic Previews Srebrenica Genocide Defense,” *Balkan Report*, August 6, 2009, <<http://www.nolanchart.com/article6706.html>>.
- 96 Trifunovic *et al.*, *Report about Case Srebrenica*, <<http://www.slobodan-milosevic.org/documents/srebrenica.pdf>>.
- 97 Dragana Dardic, “Serb denial of Srebrenica massacre sparks outrage,” Reuters, September 3, 2002. Also see “Official Bosnian Serb report on Srebrenica provokes outrage,” Agence France Presse, September 3, 2002; Irena Gajic, “Bosnian Serb government report: Few Muslims killed in Srebrenica massacre,” Associated Press, September 3, 2002; “High Representative Slams Bosnian Serb Report on Srebrenica,” HINA-Croatian News Agency, September 4, 2002; “EU, US condemn Bosnian Serb report on Srebrenica massacre,” Agence France Presse, September 5, 2002; and “Missing persons group slams Bosnian Serb report on Srebrenica,” Agence France Presse, September 5, 2002.
- 98 See *The Events in and around Srebrenica between 10th and 19th July 1995*, Commission for Investigation of the Events in and around Srebrenica between 10 and 19 July 1995, Banja Luka, June 2004.

- 99 See, e.g., Nicholas Wood, “Bosnian Serbs Admit Responsibility for the Massacre of 7,000,” *New York Times*, June 12, 2004. “Nearly nine years after the event, Bosnia’s Serbian leadership has admitted responsibility for the massacre of at least 7,000 Muslim men and boys in the town of Srebrenica,” Wood reported. The “42-page report...admits for the first time that police and army units under the government’s control ‘participated’ in the massacre, which took place in July 1995....It also states that ‘the executioner undertook all measures to hide the crime by removing bodies’,” and “includes the locations of 32 mass graves, 28 of which were ‘secondary’, containing bodies that had been removed from other sites in order to hide them from international investigators.”
- 100 Nicholas Wood, “More Prosecutions Likely to Stem From New Srebrenica Report,” *New York Times*, October 6, 2005.
- 101 Ian Traynor, “Ashdown ‘running Bosnia like a Raj’,” *The Guardian*, July 5, 2003.
- 102 See Wiebes, *Intelligence and the War in Bosnia, 1992 - 1995*, Ch. 8, “Was ‘Srebrenica’ an intelligence failure?” pp. 355-421; esp. pp. 370-371.
- 103 For a publicly accessible copy of the alleged Skorpion’s execution video, see, e.g., “Srebrenica July 1995 ‘Execution’ Total Version,” as posted to *YouTube* by “san-imideg,” <<http://www.youtube.com/watch?v=VvuwIba8Sck>>. Also see the additional treatment of this video in Chapter 5.
- 104 See n. 46, above.
- 105 Tim Judah and Daniel Sunter called the video the “smoking gun” —“the final, incontrovertible proof of Serbia’s part in the Srebrenica massacres in which more than 7,500 Bosnian Muslim men and boys were murdered.” (“How the video that put Serbia in dock was brought to light,” *The Observer*, June 5, 2005.) Nicholas Wood and Marlise Simons wrote that “Analysts say the cassette is the most significant piece of evidence to shape Serbian public opinion since the end of the Balkan wars of the 1990’s.” (“Videotape of Serbian Police Killing 6 Muslims From Srebrenica Grips Balkans,” *New York Times*, June 12, 2005.)
- 106 Judge Almiro Rodrigues *et al.*, Oral Statement, *Prosecutor versus Radislav Krstic*, OF/P.I.S./609e, August 2, 2001, p. 7, <http://www.icty.org/x/cases/krstic/tjug/en/010802_Krstic_summary_en.pdf>; and Judge Almiro Rodrigues *et al.*, *Judgment, Prosecutor versus Radislav Krstic*, IT-98-33-T, August 2, 2001, Section G, “Genocide,” para. 539-599; para. 653-654, <<http://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf>>.
- 107 See Michael Mandel, *How America Gets Away With Murder: Illegal Wars, Collateral Damage, and Crimes Against Humanity* (Ann Arbor, MI: Pluto Press, 2004), pp. 152-160. Also see Chapter 6 in the present volume.
- 108 See *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (or *Bosnia and Herzegovina v. Serbia and Montenegro*), International Court of Justice, February 26, 2007, <<http://www.icj-cij.org/docket/files/91/7349.pdf>>.

CHAPTER 5

Securing Verdicts: The Misuse of Witness Testimony at The Hague

George Szamuely

The International Criminal Tribunal for the Former Yugoslavia (ICTY) has played a crucial role in enshrining the official orthodoxy on Srebrenica. The ICTY's operating assumptions are those of the NATO countries and institutions that provide most of its funding, in particular the U.S. government which chose most of its original staff. According to these assumptions, established long before any meaningful assessment of the causes and conduct of the wars in the former Yugoslavia could take place, the Serbs were the instigators of these wars; Serbs perpetrated genocide; Serbs, unlike any other ethnic group in the wars, committed atrocities as a matter of state policy; Serbs were criminals carrying out criminal orders issued by a criminal leadership; and Serbs must be made to acknowledge their guilt to expiate their sins. Indeed, one of the architects of the tribunal, former State Department official Michael P. Scharf, wrote candidly of the mission of the ICTY in the *Washington Post*.¹

In creating the Yugoslavia tribunal statute, the U.N. Security Council set three objectives: first, to educate the Serbian people, who were long misled by Milosevic's propaganda, about the acts of aggression, war crimes and crimes against humanity committed by his regime; second, to facilitate national reconciliation by pinning prime responsibility on Milosevic and other top leaders and disclosing the ways in which the Milosevic regime had induced ordinary Serbs to commit atrocities; and third, to promote political catharsis while enabling Serbia's newly elected leaders to distance themselves from the repressive policies of the past.

The words "justice" and "fairness" and "international law" are not found in these three *raisons d'etres*, and, indeed, the ICTY has pursued openly political objectives at the expense of legal procedures adopted long ago by the very Western nations that created and funded this ad hoc tribunal.

The ICTY and Justice

Though the ICTY claims that it is following in the great tradition of moral accountability and individual responsibility established by Nuremberg, one principle that guides the tribunal violates that Nuremberg tradition. According to that tradition, following a superior official's orders does not justify a subordinate's war crimes. The ICTY, on the other hand, is generally not very interested in the crimes of the relatively low-level people who directly committed them. As they are assumed to have been following orders, their crimes are understandable—even forgivable. Often, those committing them are not even indicted, and, if they are, their punishment is fairly lenient. The ICTY refuses to accept that war crimes take place in the heat of battle; that they may be motivated by fear, revenge, vendettas and criminal behavior—the kinds of things that happen once law-governed human existence collapses. Instead, the crimes are presented as the consequence of a genocidal plan hatched by political leaders.

To be sure, it was Nazi leaders rather than Nazi rank-and-while that were on trial at Nuremberg. However, that made sense given that the charter of the International Military Tribunal stipulated that the first and most important crime was the crime against peace, “namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances.” “War crimes” and “crimes against humanity” were taken to be the consequences of that basic crime. They were lesser crimes that flowed directly from that first, most important crime—the crime of destroying law-governed human existence. Count One of the indictment of the Nazi leaders, for instance stated that “All the defendants...participated as leaders, organizers, instigators, or accomplices in the formulation or execution of a common plan or conspiracy to commit, or which involved the commission of Crimes against Peace, War Crimes, and Crimes against Humanity.” Count Two focused exclusively on crimes against peace. War crimes were the subject of Count Three, and crimes against humanity of Count Four.

The ICTY statute, by contrast, following U.S. diktats, says nothing about crimes against peace or wars of aggression. The statute lists as crimes violations of international humanitarian law; grave breaches of the Geneva Conventions of 1949 (the only one that the United States

ratified; the U.S. did not ratify the 1977 Protocols I and II Additional to the Geneva Conventions of 1949); violations of the laws or customs of war; genocide; and crimes against humanity.

However, without recognizing crimes against peace as the most important crime, it is not easy to see how ICTY prosecutors can put political leaders on trial unless they are able to produce evidence that the leaders either directly committed the crimes themselves or that they ordered, or condoned, these crimes. ICTY prosecutors have been singularly unsuccessful in unearthing such evidence. Fumbling around for some grand theory or conspiracy to tie political leaders to individual crimes that took place hundreds of miles away, the ICTY came up with dubious and nebulous notions like the “joint criminal enterprise” or the plan to create a Greater Serbia.²

As for evidence, the ICTY downgrades forensic findings, preferring to focus instead on eyewitness testimony. This is the most unreliable form of evidence, because memories are often clouded by partisan agendas, not to mention the passage of time. In addition, witnesses can often be persuaded or manipulated to recall whatever prosecutors want them to recall. Eyewitnesses are also ideal from the ICTY’s point of view because they add drama to the proceedings, particularly if they choose, as they often do, to testify anonymously, and thereby to contribute to the tribunal’s aura of avenging terrible wrongs and delivering justice on behalf of the victims.

Moreover, witnesses are particularly hard to refute in ICTY proceedings. Should defense counsel point to contradictions in a witness’s various statements he may be reprimanded by the judges for badgering a witness who had endured terrible ordeals (see below). Should counsel point out the inherent unlikelihood of an event taking place as the witness describes it, the judges may admonish him to stop arguing with the witness and move on (see below). Unable to refute a witness, and given the structure and purpose of the tribunal, a defendant’s—notably a Serb defendant’s—chance of acquittal is virtually zero. Consequently, a defendant’s best route to lenient treatment is to confess generously in line with the ICTY narrative of recent Balkans history. A “confession” not only provides apparently irrefutable evidence of terrible crimes, it also dispenses with any need for a proper trial and the presentation of forensic evidence to corroborate confessed crimes. It also dispenses with

any need for rigorous cross-examination. Why challenge someone who is giving evidence against himself?

The focus of the ICTY has been to issue—and subsequently to look for evidence to justify—indictments of political and military leaders that NATO, or rather the United States, had chosen to target as adversaries. The original genocide indictments against Bosnian Serb leader Radovan Karadzic and his commander General Ratko Mladic were announced on July 27, 1995, and were based on alleged Bosnian Serb actions that dated from as early as 1992; released barely two weeks after the capture of Srebrenica, before an investigation of the Srebrenica events had taken place, and while refugees from Srebrenica were still arriving at Muslim held territory near Tuzla, it wasn't until four months later that a "genocide" count for "Safe Area Srebrenica" was added to this indictment.³ ICTY President Antonio Cassese exultantly told reporters, "The indictment means that these gentlemen [Mladic and Karadzic] will not be able to take part in peace negotiations.... I challenge anyone to sit down at the negotiating table with someone accused of genocide."⁴ It also cleared the way for NATO's long-planned heavy bombing of Bosnian Serb targets, known as Operation Deliberate Force. Cassese's comments are all the more extraordinary given that Karadzic and Mladic had as yet not been tried or convicted and that, as chief judge, he would at some point likely preside over their cases.

Tiers of Culpability

The ICTY has operated on the basis of three tiers of theoretical culpability. First, there is NATO, which gets a free pass. In June 2000, chief prosecutor Carla Del Ponte announced that there were no grounds even for opening an investigation of possible NATO war crimes committed during the 1999 bombing campaign against Yugoslavia—a conclusion disputed by Amnesty International in its detailed report on the subject and numerous legal groups as well.⁵ According to the ICTY, neither NATO leaders, nor NATO rank-and-file, committed any war crimes. Subsequently, during the Milosevic trial, the ICTY refused to subpoena as defense witnesses two of the 1999 NATO leaders—British Prime Minister Tony Blair and former German Chancellor Gerhard Schroeder. The tribunal deemed as irrelevant their testimony regarding the (planned) failure of the Rambouillet negotiations, the collaboration be-

tween NATO and the Kosovo Liberation Army (KLA), the long-hatched plans to bomb Yugoslavia, the deliberate deceptions about Kosovo casualty figures in order to justify NATO's attacks as well as the plan to launch a ground invasion of Yugoslavia:

General references to the policy of the governments of the UK or Germany regarding Kosovo, and to the alleged policy regarding the 'diminution of the State of Serbia' in particular, do not constitute "necessary" information for the defence of any of the charges in the Kosovo indictment. Nor, more specifically, have the Assigned Counsel shown that the prospective witnesses' "awareness" of such policies is something which, if proved, would affect the Accused's defence case in relation to any particular charge....Mr. Blair and Mr. Schröder's "awareness" of a UK or NATO policy to support the KLA or NATO would not, even if proved, buttress the Accused's arguments on any matter relevant to a determination of his guilt or innocence in relation to these allegations.⁶

The decision is patently absurd in light of the ICTY's ceaselessly repeated accusation that Serbia had for years pursued a policy of ethnic cleansing in Kosovo to "ensure continued Serb control over the province." The Kosovo indictment against Milosevic declares: "Forces of the FRY and Serbia undertook the operations targeting the Kosovo Albanians with the objective of expelling a substantial portion of the Kosovo Albanian population from Kosovo in an effort to ensure continued Serbian control over the province. To achieve this objective, forces of the FRY and Serbia, acting in concert, engaged in well-planned and coordinated operations."⁷ How does one refute such an accusation other than by evidence that Serbia's objective was to defend itself against a long-planned NATO-KLA attack?

The Culpability of Non-Serbs

Then there are the Croats, the Bosnian Muslims and the Kosovo Liberation Army—NATO's de facto allies. In contrast to its pursuit of high-ranking Serbs, the ICTY's focus here is almost exclusively on the crimes of mid-level or low-level fighters. To be sure, to demonstrate its evenhandedness, the ICTY did launch—secret—investigations of Bosnian President Alija Izetbegovic and Croatian President Franjo Tudjman.

However, the investigations dragged on for years—their existence acknowledged only after these leaders had died of natural causes.

With Tudjman safely dead, the ICTY did finally get around to indicting Croatian General Ante Gotovina, charging him with crimes against humanity and violations of the laws of war perpetrated during Operation Storm in 1995, when Croatia seized the Krajina area and expelled 250,000 Serbs. Significantly, he is the only high-ranking Croatian official to have been indicted in connection with Operation Storm. In addition, unlike Mladic and Karadzic, indicted within days of the capture of Srebrenica, and Milosevic, indicted while NATO was still bombing Yugoslavia, Gotovina wasn't indicted until July 2001, six years after the conclusion of the military campaign and more than 18 months after the death of Tudjman, the man who instigated Operation Storm. And it came more than two years after the appearance of the March 21, 1999, *New York Times* story,⁸ based on leaks from the tribunal, stating that ICTY investigators had concluded that the "Croatian Army carried out summary executions, indiscriminate shelling of civilian populations and 'ethnic cleansing' during Operation Storm." Furthermore, the investigators "have recommended that three Croatian generals be indicted, and an American official said this week that the indictments could come within a few weeks." One of the generals named in the story was Ante Gotovina. The wording of the indictment was also rather peculiar. There were, for instance, repeated references to the "re-taking of the Krajina region"⁹—a wording that already betrays prejudgment of the issue. Moreover, Gotovina's indictment, coming as it did, a few days after Milosevic's transfer to The Hague, looked like a crude attempt to suggest ICTY evenhandedness.

Contrary to her routine references to Karadzic, Mladic and Milosevic as the instigators of genocide, Carla Del Ponte was fulsome in her generous characterization of Gotovina. In a speech in London, she described Gotovina's crimes as having been "committed in the course of a military operation, undoubtedly legitimate as such, aimed at re-taking the part of the Croatian territory which was occupied by Serb forces. The operation was a success, and Croatians remember it as one of their finest hours. Gotovina was one of the commanders and, quite naturally, he is revered as a hero."¹⁰ The "success" involved the ethnic cleansing of 250,000 civilians and the killing of several thousand, including over

three hundred women and children, all from territory where they and their ancestors had lived for hundreds of years.

As for the Bosnian Muslims or the Kosovo Albanians, true to their NATO-ICTY-assigned role of victims, few of their officials have been indicted. To be sure, the ICTY did put on trial Sefer Halilovic, the chief of staff of the Bosnian Muslim army, but only on charges of violations of the laws or customs of war, and only for alleged crimes committed against Bosnian Croats. However, the ICTY did something unusual: It acquitted him. Similarly friendly treatment is accorded to the Kosovo Liberation Army (KLA). Of three Kosovo Albanians brought to trial so far, two—Fatmir Limaj and Isak Musliu—were acquitted of crimes against humanity and violations of the laws and customs of war, while one—Haradin Bala—was acquitted of crimes against humanity but convicted of violations of the laws of war, and sentenced to 13 years' imprisonment. (Acquittal of crimes against humanity is significant, for it means that the crimes of which Bala was convicted are held by the ICTY to have been committed, not as part of a widespread and systematic attack against the civilian population, but in the course of a conflict against other armed forces.)

In February 2005, the ICTY indicted Kosovo Prime Minister Ramush Haradinaj. Haradinaj resigned, went to The Hague and was released pending trial. The ICTY subsequently ruled that he was free to take part in political activities while he was awaiting trial (in dramatic contrast to their refusal to allow Milosevic to be sent to Moscow for urgent medical treatment). In his subsequent trial, charging him with crimes against humanity and violations of the laws and customs of war, ICTY prosecutors alleged that Haradinaj had been a member of a joint criminal enterprise, the purpose of which was to secure KLA control of Dukagjin “by attacking and persecuting certain sections of the civilian population there: namely the unlawful removal of Serb civilians from that area, and the forcible, violent suppression of any real or perceived form of collaboration with the Serbs by Albanian or Roma civilians there.” But, not surprisingly, nothing was to come of this. He was a U.S. ally and client.

The United States had long had a special attachment to Haradinaj. In July 2000, Haradinaj was wounded in a mysterious shooting. The Americans immediately flew the injured Haradinaj by helicopter to the mili-

tary hospital inside Camp Bondsteel, headquarters of the U.S. forces in Kosovo. He was then flown to a military hospital in Germany. This solicitude was extraordinary in light of the story that emerged within days of the shooting, namely, that Haradinaj had sustained his injuries during an attack on a rival KLA leader's home. According to AFP, Haradinaj, after being "implicated in an alleged gun and grenade attack on a family home," had now "been evacuated from the province for medical treatment." He was flown out of the province before the U.N. police had had a chance to interview him about the incident.¹¹ Resentment over U.S. protection of Haradinaj continued to rankle. In September 2000, the *Observer* reported U.N. police complaints about the U.S. military withholding evidence from them about the Haradinaj gunfight. They alleged that the Americans had "removed forensic evidence from the scene of the gun battle, including bullets retrieved from walls."¹² Remarkably, the scene of the gunfight was "well out of the U.S. Army's area of responsibility, in the south-east Kosovo." By September, Haradinaj was in Washington to discuss the future of Kosovo at a meeting organized by the U.S. State Department and to do some fundraising.

Even the media seemed to think that Haradinaj was unlikely to be convicted. The *Los Angeles Times* noted that U.S. and U.N. officials were openly rooting for him. Soren Jessen-Petersen, the former UNMIK chief, described Haradinaj as his "friend." Haradinaj, he said, was a man of "dynamic leadership, strong commitment and vision." U.N. and U.S. officials told the reporter that "Haradinaj commands respect and authority precisely because of his role as a feared fighter, making him a key to maintaining stability as Kosovo moves toward independence." He was said to be "favored by U.S. allies because of logistical assistance he reportedly provided" to NATO in 1999.¹³

The trial began with a startling opening statement by Carla Del Ponte in which she bemoaned the weakness of her case as a result of witness intimidation:

[T]his will not be an easy prosecution. It is a prosecution, frankly, that some did not want to see brought, and that few supported by their cooperation at both international and local level. But I insisted on this prosecution, and I bring it with the confidence that the Trial Chamber will find the Prosecution evidence compelling and convincing. The protection of witnesses

who have had the courage to come forward has been, and will continue to be, of critical importance. You know that many witnesses are reluctant to testify. Some are even terrified. The intimidation and threats suffered by witnesses in this case has been a serious ongoing problem for the individuals concerned and for this Prosecution. This problem has not gone away. Witnesses continue to receive threats, both veiled and direct. . . . Mr. President, if I have no witnesses appearing in court, I will be obliged to withdraw this indictment.¹⁴

Del Ponte's admission raised a number of issues. First, if the extent of the witness intimidation was this intense, why had Haradinaj been allowed to return to Kosovo and indeed continue his political activities? Second, the ICTY had had no trouble indicting, trying and convicting Serbs who had occupied the highest levels of government: Slobodan Milosevic (former president of Serbia and Yugoslavia), Milan Milutinovic (former president of Serbia), Milan Babic and Milan Martić (both former presidents of the Croatian Serb Republic), Radovan Karadzic (former president of the Bosnian Serb Republic), Momcilo Krajisnik (former speaker of the Bosnian Serb National Assembly and Serb representative on the Bosnian presidency). The ICTY had had no problems finding witnesses to testify against these Serb officials and providing them with extensive protections. That leads to two possible conclusions: The Kosovo Albanians are far more adept and ruthless at using terror and violence than the Serbs. In which case, why has the ICTY focused almost exclusively on the Serbs, charging them with genocide and crimes against humanity and sending them away for decades? Alternatively, del Ponte was putting forward an alibi to explain the inevitable acquittal that the ICTY would eventually award Haradinaj. In other words, there was no serious intent to convict Haradinaj, merely to demonstrate a supposed evenhandedness and confirm Serb culpability. Another possibility: The Great Powers didn't support this prosecution and wouldn't collaborate in carrying it through, a view flowing through to the judges in the trial chamber—but that the naïve Del Ponte insisted on pushing ahead even though she could see that it would go nowhere.¹⁵

On April 3, 2008, the ICTY did indeed acquit the Kosovo prime minister, confessing sheepishly that it had "encountered significant dif-

difficulties in securing the testimony of a large number of witnesses. Many witnesses cited fear as a prominent reason for not wishing to appear before the Trial Chamber to give evidence. The Trial Chamber gained a strong impression that the trial was being held in an atmosphere where witnesses felt unsafe....The difficulty in obtaining evidence was a prominent feature of this trial and a few witnesses who were expected to give evidence on central aspects of the case were never heard.”¹⁶ What a shock! Curiously enough, following the acquittal, Geoffrey Nice wrote a gleeful letter to the Kosovo newspaper, *Koha Ditore*, in which he disclosed that three prosecution lawyers had advised Del Ponte against indicting Haradinaj because his guilt could never be proven. According to Nice, one omission of Del Ponte’s that her colleagues cited as dooming the Haradinaj prosecution was her refusal to call as witness Yugoslav General Bozidar Delic.¹⁷

The Haradinaj judges followed the practice that is de rigueur whenever defendants are not Serbs. They acknowledged that attacks against civilians had taken place. However, invariably, such attacks never seem to reach the intensity or frequency necessary to merit being called systematic. The evidence, the judges complained, was “often insufficiently precise to conclude who was or were responsible for the incidents and whether they formed part of a larger attack against a civilian population.”¹⁸ Unlike the Kosovo Albanians who left Kosovo because the Serbs drove them out, the reason why Kosovo Serbs left their homes remains shrouded in mystery. “[M]any Serbs left their homes out of fear, grounded or not, of being deliberately attacked by the KLA but there were also those who fled out of general fear of being caught up in the armed conflict between Serbian forces and the KLA. This is further confirmed by the fact that Kosovo Albanians fled from their homes during the indictment period as well. The Trial Chamber can therefore not draw any general conclusion with regard to the alleged attack against a civilian population from the mere fact that many Serbian civilians left their homes during this period.”¹⁹ Such broadminded understanding is of course never extended to the Serbs.

The Haradinaj judges concluded that civilians as such were not targeted; only individuals were. After carefully sifting the evidence they decided that the “the ill-treatment, forcible transfer, and killings of Serbian and Roma civilians, as well as Kosovar Albanian civilians perceived

to be collaborators or perceived not supporting the KLA (whether taking these groups separately or as a whole), was not on a scale or frequency that would allow for a conclusion that there was an attack against a civilian population. The Trial Chamber also finds that some of the victims were singled out primarily for reasons pertaining to them individually, such as their real or perceived connection with the Serbian authorities or for other reasons, rather than being members of the civilian population.”²⁰

That took care of the crimes against humanity charges. All that was needed now was to deal with each allegation on a case-by-case basis. It isn't hard to win if you're playing with a stacked deck. When the ICTY deals with Serbs, the existence of a conspiracy reaching the highest levels of government is assumed. Therefore, every crime had to have been willed at the highest levels. When it comes to non-Serbs, chaos and uncertainty prevail. It's impossible to draw any conclusions about anything. The evidence is always insufficient: Witnesses are unreliable, the circumstances of a crime are ambiguous, the forensics are contaminated or lost. Suddenly, hearsay is suspect (the word “hearsay” is mentioned 37 times in the judgment, always in a negative, disparaging sense). Gone are the certitude and categorical assertions that feature so prominently in most ICTY judgments.

Unless a witness actually sees a KLA killing the circumstances of a victim's death remain mysterious. Even witnessing a KLA killing doesn't suffice because it is always possible that the killer may not, or may no longer, be a member of the KLA. There were “only a few alleged murders for which the evidence allows identification of a perpetrator or perpetrators,” the judges wrote. “Even for those few, the evidence does not consistently support KLA involvement as alleged.”²¹ Discussing one case, the judges found the evidence “with regard to perpetrators and circumstances of many of the alleged murders is vague, inconclusive, or simply non-existent. Often the evidence stops where the person disappears under suspicious circumstances and resumes where the bodily remains are found with signs of a violent death and are identified. What has happened to the individual in the meantime usually remains unclear.”²² The judges found themselves unable to conclude that anyone was murdered or killed in combat or, if murdered, by whom and for what reason.

Not only are witnesses unreliable, evasive or lacking credibility, their accounts are invariably inconsistent, incoherent, vague or in need of corroboration. Sometimes the motives of witnesses are suspect. The Haradinaj judgment is replete with statements like: “The Trial Chamber can therefore not conclude beyond a reasonable doubt that the two men were murdered, or exclude that the two men took an active part in the hostilities at the time of their death”; “the Trial Chamber is not able to conclude beyond a reasonable doubt that he was murdered”; “the Trial Chamber finds that the evidence before it does not allow for a conclusion beyond a reasonable doubt as to who committed the murders, with which group, if any, the perpetrator was affiliated, or whether the murders occurred in KLA custody.”

“Greater Serbia”

A very different kind of treatment is meted out to Serbs: According to the ICTY, their crimes were of Hitlerian proportions. Not only are they the only ethnic group taking part in the wars to be charged with genocide, their crimes are alleged to have been perpetrated not by lowly officials, but by the entire Serbian political and military leadership, in Belgrade, in Pale, in Banja Luka, in Knin. The Serbs alone committed crimes not as incidental by-products of legitimate war objectives but as a consequence of war objectives that were themselves criminal. The Serbs’ objective was ethnic cleansing in order to create a Greater Serbia.

ICTY prosecutors left vague what they meant by Greater Serbia, making it almost impossible for defendants to refute the charge. The concept was also continually altered to suit prosecutors’ changing needs. For example, in 2001, during hearings on a prosecution motion to join the Croatia and Bosnia indictments against Slobodan Milosevic to the Kosovo indictment, which the ICTY had first issued in May 1999, prosecutor Geoffrey Nice urged the joinder because

The three indictments concern the same transaction, in the sense of a common scheme, strategy or plan, namely the accused Milosevic’s overall conduct in attempting to create a—in quotation marks—“Greater Serbia,” a centralised Serbian state encompassing the Serb-populated areas of Croatia and Bosnia and Herzegovina and all of Kosovo. This was to be achieved primarily by forcibly removing non-Serbs from large geographical

areas of the territory of the former Yugoslavia through the commission of crimes, in violation of Articles 2 to 5 of the Statute of the Tribunal.²³

Nice took up this theme in February 2002, during his opening address at the start of the Milosevic trial. “The army,” Nice declared, “was no better, it having committed itself to the accused’s programme. Officers, being instilled with the ideology of brotherhood and unity, totally abandoned everything—in it in favour of a Greater Serbia. They shared the arrogance, as did the army of the civilian leaders, and saw no reason to confer.”²⁴ That the Milosevic trial judges themselves assumed the truth of the ICTY prosecution case—that Milosevic committed his alleged crimes in pursuit of his goal of creating a Greater Serbia—was clear from their dismissal, in June 2004, of the court-appointed *amicus* acquittal motion. The judges declared:

On the basis of the inference that may be drawn from the evidence... a Trial Chamber could be satisfied beyond reasonable doubt that the Accused was a participant in the joint criminal enterprise, found by the Trial Chamber... to include the Bosnian Serb leadership, and that he shared with its participants the aim and intention to destroy a part of the Bosnian Muslims as a group... On the basis of the evidence as to—(1) the overall leadership position of the Accused among the Serbian people, including the Bosnian Serbs in Bosnia and Herzegovina; (2) the Accused’s advocacy of and support for the concept of a Greater Serbia; (3) the logistical and financial support from Serbia to the Bosnian Serbs, which it is reasonable to infer was provided with the knowledge and support of the Accused; the logistical support is illustrated by the close relationship of VJ personnel with the VRS; (4) the nature of the Accused’s relationship and involvement with the Bosnian Serb political and military leadership.²⁵

However, in August 2005, much to the judges’ apparent astonishment, prosecutor Nice announced, during the testimony of Serb Radical Party leader, Vojislav Seselj, that not only had Milosevic not advocated and supported the concept of a Greater Serbia, but that the prosecution had never even claimed that he had. “We’ve always accepted,” Nice said, “that the accused has either never used the words

Greater Serbia himself or has only ever used them in attribution to others but that others...have used the term, and we've always distinguished... between the words used by others and our case which is that this accused was motivated by the desire to have all Serbs live in one state....Now, it may be at the end of the day that there is little or no difference between the practical realities of one and another."²⁶

In this new assessment of Milosevic and Greater Serbia, Nice accepted that Milosevic publicly sought to preserve Yugoslavia. However, as Nice explained:

Once the former Yugoslavia breaks up, the Prosecution case is the only way you can achieve the desire that all Serbs should live in the same state is by doing the various things that happened in the three different territories....We analyse it in the terms of [Milosevic's] desire or his expressed desire that all Serbs should live in one state, accepting that at the end of the exercise the factual position may be little different from that which would have been wanted by this particular witness [Vojislav Seselj] under his long-term historical concept of Greater Serbia.²⁷

Of course, all Serbs had lived in one state prior to the dismantlement of Yugoslavia with the powerful assist of outside Great Powers, so he could be said to be trying to allow them to *remain* in one state. It should be noted, also, that Milosevic's desire to help Serbs to live in one state was entirely in keeping with the Yugoslav Constitution, which guaranteed the Yugoslav "nations" (meaning peoples like the Serbs, Croats and Muslims) the right to leave Yugoslavia and establish their own states. But by the diktat of the NATO powers, not only was Yugoslavia dismantled without agreement of those nations, the almost two million Serbs in the seceding states were not permitted to peacefully withdraw, but would now have to live as minorities in lands where, only a few decades earlier, they had been slaughtered by the hundreds of thousands. By refusing to accept all of this without any resistance, Milosevic was allegedly advocating the creation of a Greater Serbia.

Beyond this, it wasn't even true that Milosevic actively supported the right of the stranded Serb minorities to live in one state. Milosevic supported the Belgrade initiative, intended to prevent Bosnia from seceding, by making Izetbegovic the President of Yugoslavia; the 1992

Serbian Constitution made no claim to jurisdiction over neighboring Serb-populated territories; Milosevic signed on to every single international peace plan put forward during the 1990s; Milosevic supported the withdrawal of Yugoslav armed forces from Croatia and Bosnia, and he did nothing to protect the Krajina Serbs in Bosnia from the massive ethnic cleansing they suffered in August 1995. All of these actions were incompatible with support for a single unified Serbian state.

In fact, during Milosevic's trial, Seselj made it very clear what the concept of Greater Serbia means: "The concept of Greater Serbia implies a unified Serbian state including all Serbian lands where Serbs are a majority population. However, it is opposed to century-long Vatican, Austrian and other attempts to reduce the Serbian people only to members of the Orthodox Christian religion because the Serbian people in its ethnic being includes Orthodox, Catholic, and Muslim Serbs equally....And what is defined as a Serbian land, where Serbian language is spoken....An overwhelming majority of today's Croats are Serb Catholics, Catholic Serbs. All Muslims in Bosnia and Herzegovina and the area of Raska are Muslim Serbs."²⁸ Milosevic, as Seselj pointed out, not only did not support such a concept, he actively opposed it.

The trial judges' June 2004 dismissal of the acquittal motion had been explicit about "the accused's advocacy of and support for the *concept* of a Greater Serbia" (emphasis added), and its open abandonment by the prosecution should have been the death knell of the case. But it wasn't—this was a political trial, not a real judicial proceeding.

Lurid Tales of Genocidal Plans

In constructing its Srebrenica narrative, the ICTY simply ignored evidence that pointed the wrong way, such as written orders issued by the Bosnian Serb President Radovan Karadzic that unambiguously forbade executions, or indeed any war crimes.²⁹ In keeping with its purposes, the ICTY encouraged witnesses to come forward with lurid tales of genocidal plans, orders to carry out ethnic cleansing and secret plots to destroy evidence and to bury and rebury bodies. Many of these stories came from the mouths of witnesses who claimed to have overheard conversations to which only they can attest. Thus, Miroslav Deronjic, the civilian commissioner of Srebrenica and another key Srebrenica witness, claims that Bosnian Serb President Radovan Karadzic told him during

a conversation between the two men in Pale on July 9, 1995, that the Muslims had to be slaughtered. “Miroslav,” he alleges Karadzic said, “all of them need to be killed.”³⁰ Momir Nikolic, another key Srebrenica witness, described a conversation with Ratko Mladic in which the general made a graphic gesture to indicate his intent to slaughter the Muslims.³¹ There was no corroboration provided for the claims of either of these plea-bargain witnesses.

During the Milosevic trial, prosecutors put forward a manager of a casino in Vojvodina, a province in northern Serbia, who recounted how Serbian government officials, within his earshot, boasted of having armed the Krajina Serbs. The witness, identified only as C-48, also claimed to have overheard Milosevic talking about the need to create a Greater Serbia. Allegedly, Milosevic said that “a united Serbian state must be made comprising the Republic of Serbia, Montenegro, Republic of Srpska, and the Republic of Srpska Krajina.”³² C-48 claimed to have a diary in which he recorded all the things he overheard at the casino. There were a couple of problems though. First, he never bothered to record the dates on which he allegedly overheard conversations—dates are usually an integral part of a diary. Worse still, he arrived in court armed not with his actual diary, but with extracts that he had copied from it. For some reason, he had destroyed the original diary. As evidence of truthfulness, C-48 claimed that the OTP investigator who interviewed him had seen the original diary lying on his desk and had apparently assured him that he didn’t need to bring it to court.³³

Expanding “Command Responsibility”

Another tactic to which the ICTY resorted was to expand the notion of “command responsibility” to encompass not only the ordering or instigation of crimes by subordinates, knowledge or lack of knowledge of the crimes of subordinates, and failure to prevent or punish the crimes of subordinates, but also the failure to *foresee* the perpetration of crimes and recognize that certain crimes might lead to other crimes. Such notions arguably have a place in civil law in the determination and allocation of liability; but they have no place in criminal law, which is based on the presence or absence of a high degree of intent—the so-called *mens rea*. To the tribunal, however, a commander’s “reason to know” about the commission of war crimes is sufficient to prove criminal intent.

To be sure, Article 7(3) of the ICTY statute is based on Article 86(2) of the Protocols I Additional to the Geneva Conventions, but there are significant differences. Protocol I states, “The fact that a breach of the Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal disciplinary responsibility...if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.” The ICTY statute states, “The fact that any of the acts referred to in...the present Statute was committed by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.” The ICTY statute replaces “penal disciplinary responsibility” with “criminal responsibility.” And “information which should have enabled them to conclude in the circumstances at the time” is replaced by the much vaguer, all-embracing, “had reason to know.” And “feasible measures within their power to prevent or repress the breach” that superiors are expected to take is replaced by “necessary and reasonable measures.” Through this change of wording, the burden of proof clearly shifts from prosecutor to defendant. It is the difference between a prosecutor having to prove a superior’s knowledge of crimes and his power to prevent them, to a superior having to prove his lack of knowledge of crimes and/or lack of power to prevent them. According to Protocol I, effective command has to be proved; according to the ICTY statute, effective command is presumed.

Through such nebulous notions as “complicity,” “aiding and abetting” and “complicity by aiding and abetting,” the ICTY is able to convict whomever it likes, despite the absence of any evidence of involvement in war crimes. In effect, whoever is in command is responsible for every crime committed by anyone who is under his command. Needless to say, such an expansive reading of command responsibility only applies to adversaries of the United States, never to the United States itself. No one dreamed of assigning responsibility for My Lai to President Lyndon B. Johnson; or the infamous “turkey shoot” at Rumaila during Gulf War I to President George H.W. Bush; or Abu

Ghraib, Falluja and the slaughter of more than 1000 prisoners at Mazar-e-Sharif in Afghanistan to President George W. Bush. Responsibility never goes higher than a Lieutenant William Calley or privates Charles A. Graner Jr. and Lynndie R. England.

With the help of such elastic notions as “joint criminal enterprise,” whose existence and purpose can simply be imputed by the ICTY without its having to bother about the intentions of its alleged individual members, who may have had no idea that they belonged to any such collective enterprise, or that it even existed, the ICTY is able to get around the strict formulation of the 1948 Genocide Convention, which specifically refers to “intent to destroy, in whole or in part, a national, ethnical, racial or religious group.” To prove genocide a prosecutor must prove that a perpetrator acted with genocidal intent.

Not at the ICTY, though. As defined by the ICTY, the first category of “joint criminal enterprise” describes a situation where “all co-defendants, acting pursuant to a common design, possess the same criminal intention; for instance, the formulation of a plan among the co-perpetrators to kill, where, in effecting this common design (and even if each co-perpetrator carries out a different role within it), they nevertheless all possess the intent to kill.”³⁴ This “common design,” supposedly inferred from the circumstances, is in reality a speculative construct of the prosecutors. The “joint criminal enterprise” freed prosecutors from the tedious burden of having to prove individual criminal responsibility, individual criminal intent or even direct command responsibility, whether through commission or omission. Prosecutors could impute whatever common criminal purpose they wanted to a random collection of individuals, and then declare of anyone they targeted as possessing the intent of everyone else in this group, even if such intent had never been established. For example, the Croatia indictment against Slobodan Milosevic asserted that the former Yugoslav president was a member of a joint criminal enterprise, the purpose of which was

the forcible removal of the majority of the Croat and other non-Serb population from the approximately one-third of the territory of the Republic of Croatia that he planned to become part of a new Serb-dominated state.... In order for the joint criminal enterprise to succeed in its objective, Slobodan Milosevic worked in concert with or through several individuals in the

joint criminal enterprise. Each participant or co-perpetrator within the joint criminal enterprise played his own role or roles that significantly contributed to the overall objective of the enterprise.³⁵

Now the prosecutors have presented no evidence whatsoever that Milosevic ever pursued, ordered, instigated or intended the “forcible removal of the majority of the Croat and other non-Serb population from the approximately one-third of the territory of the Republic of Croatia that he planned to become part of a new Serb-dominated state.” There is no proof other than prosecutorial assertions that others pursued it, and since Milosevic was part of this group, he himself must have intended it. As noted earlier, Milosevic provided no support whatever to the Krajina Serbs while they were being ethnically cleansed by Croatian forces in operations “Flash” and “Storm.” But it is clear that those ethnic cleansings, helped along by the U.S. and tacitly by the UN and ICTY, were the *real* “forcible removals”—in the interest of creating the Croat-dominated state that resulted from these actions.

The ICTY’s most notorious innovation was the so-called third category “joint criminal enterprise.” According to this category, someone could be guilty of a crime even if he neither committed it, nor intended it, nor intended that anyone else commit it. The ICTY refers to

a common design to pursue one course of conduct where one of the perpetrators commits an act which, while outside the common design, was nevertheless a natural and foreseeable consequence of the effecting of that common purpose. An example of this would be a common, shared intention on the part of a group to forcibly remove members of one ethnicity from their town, village or region (to effect “ethnic cleansing”) with the consequence that, in the course of doing so, one or more of the victims is shot and killed. While murder may not have been explicitly acknowledged to be part of the common design, it was nevertheless foreseeable that the forcible removal of civilians at gunpoint might well result in the deaths of one or more of those civilians. Criminal responsibility may be imputed to all participants within the common enterprise where the risk of death occurring was both a predictable consequence of the execution of the common design and the accused was either reckless or

indifferent to that risk.³⁶

Apart from the fact that what is and what isn't foreseeable is a subjective question, and that criminal law is based on one's intending a specific crime, what the court is saying is utterly absurd. There may be any number of good reasons forcibly to remove civilians from a war zone: to get civilians out of harm's way, to deploy armed forces to defend a piece of territory, to exchange populations preliminary to a cessation of hostilities, to return a population that had originally been driven out of its homes. A perfectly legitimate military operation is thus dubbed "ethnic cleansing" of which murder becomes the entirely foreseeable consequence. Thus the commanders of this military operation become guilty of this crime.

The ICTY broadened this responsibility even further. It declared that to establish criminal responsibility "for a crime other than the one agreed upon in the common plan arises only if, under the circumstances of the case, (i) it was foreseeable that such a crime might be perpetrated by one or other members of the group and (ii) the accused willingly took that risk."³⁷ Foreseeable that a crime "might" be perpetrated by someone else! The reasoning not only makes people guilty of crimes that they didn't commit, but of crimes that they didn't want anyone else to commit, that they may have tried to stop people from committing and that they may not even have known had been committed.

If a defendant enters into a joint criminal enterprise to transfer population by the use of force, then he shares the intent of the direct perpetrators to commit that crime. However, if those perpetrators also commit genocide, then that defendant will become guilty of genocide if it can be shown that he was aware that genocide was a foreseeable consequence of the forcible transfer of population. With responsibility for genocide treated with this kind of flexibility, and the term itself treated loosely as was displayed by the ICTY in the *Krstic* case (as described in Chapter 6), and with the joint criminal enterprise treated with similar flexibility and opportunism, prosecution success in going after whomever it chooses is virtually assured.

Different Standards for Different Groups

It should be noted, however, that the ICTY's expansive views of command responsibility and the joint criminal enterprise apply only to

Serbs. Different standards of evidence and liability apply when it comes to the crimes of non-Serbs. Gone are the sweeping judgments, the imaginative hypotheses taken as accepted fact, the unshakable faith in the veracity of witness testimony. Their place is taken by skepticism and nitpicking. Rather than cherry-pick the facts to confirm prosecution theories about criminality and liability, the judges hunt for facts to refute prosecution theories. For example, in its acquittal of the Bosnian Muslim Army's Chief of Staff Sefer Halilovic, the court concluded that, despite his senior rank, despite his physical presence at the site of the atrocities, despite his involvement in the planning and implementation of the Muslim plan to attack two Croat villages, despite his issuing orders to his troops and his being treated as a commander by them, Halilovic could not be held responsible for any of the crimes with which he was charged because it could not be proved that he really possessed command authority. He was not part of any "joint criminal conspiracy," a concept only very rarely applied to any but Serb cases. Halilovic, said the court, was "Team Leader of an Inspection Team," entrusted not "with command authority, but with coordinating and monitoring functions."³⁸ That Halilovic did nothing to stop crimes and ordered no criminal investigation or punishment of criminals did not trouble the ICTY judges. Indeed, in its exoneration of Halilovic, the court rhapsodized about his virtues. Noting that "some of the lower-ranking soldiers who testified before the Trial Chamber considered Sefer Halilovi to be commander of "Operation Neretva," the court declared that their testimony is only indicative of the respect which Sefer Halilovic enjoyed with low-ranking troops as a senior officer and one of the founders of the [BSA]."³⁹

In its acquittal of KLA leader Fatmir Limaj, alleged to be the commander of a KLA-run prison camp in the village of Lapusnik in which murder and torture took place on a daily basis, the ICTY judges were suddenly overcome by skepticism about the motives of witnesses and concern about inconsistencies in the evidence and the possibility that eyewitness testimony may have been prompted by extraneous factors:

[T]he Chamber is very conscious that an identification of an Accused in a courtroom may well have been unduly and unconsciously influenced by the physical placement of the Accused and the other factors which make an Accused a focus of atten-

tion in a courtroom.⁴⁰

Mitigating concerns such as these are not to be found in the judgment the ICTY delivered against Drina Corps commander Radislav Krstic, though eyewitness testimony placing him at relevant locations was far more dubious. Unlike most ICTY judgments, the *Limaj* decision is painstaking in its attention to detail and in its concern about the need for certitude. Most interesting of all was the ICTY's treatment of the criminal culpability of the KLA. The court announced that, while KLA policy was "to target perceived Kosovo Albanian collaborators who were believed to be or suspected of associating with Serbian authorities and interests," there was no evidence to suggest that the KLA had "a general policy of targeting civilians as such, whether Serbian or Kosovo Albanian."⁴¹ The KLA attacks thus could not be "considered to have been directed against a civilian population."⁴² The judges then declared that the smallness of the scale of the abductions and killings relative to the total Kosovo population militated against a finding that the civilian population was under systematic attack. The abductions, the judges declared, occurred in diverse geographic locations, were relatively limited in number and involved relatively few abductees in comparison to the civilian population of Kosovo, such that it is not possible to discern from them that the civilian population itself was the subject of an attack, or that Kosovo Albanian collaborators and perceived or suspected collaborators and other abductees were of a class or category so numerous and widespread that they themselves constituted a 'population' in the relevant sense.⁴³

The smallness of the total number of Muslim men allegedly executed at Srebrenica relative to the total Muslim population of Bosnia did not stop the ICTY judges from handing down genocide convictions against Radislav Krstic and Vidoje Blagojevic. Attacks on individuals suspected of being "collaborators"—an anodyne term to refer to law-abiding officials—serves the strategic purpose of terrorizing the civilian population into not cooperating with legitimate government authorities. However, upon reaching their conclusion, the ICTY judges threw out all of the crimes against humanity charges against Limaj. All that was left was the relatively simple task of discrediting the witnesses arrayed against him.

One witness after another was found to be deficient in some way. The testimony of KLA leaders such as Shukri Buja concerning Limaj's

command authority was dismissed for being no more than evidence of the respect in which Limaj was held. “The notion of ‘commander’ itself may have been understood loosely by some KLA personnel at the time as some purport to have used the term merely as a mark of respect or to acknowledge influence.”⁴⁴ Prosecution witness L96 was dismissed as a “Serbian collaborator”: “The Chamber notes that L96 may have been motivated by a desire to protect himself and his family by maintaining that he did not willingly provide information to the Serbian authorities. Nevertheless, the Chamber is left with the distinct impression that L96 did indeed give false testimony on this issue. His willingness to do so instills in the Chamber a general distrust of the credibility of this witness.”⁴⁵ Witness L64 was dismissed because his “prior criminal record, criminal conduct and history of personal drug use, weigh very negatively in an assessment of [his] trustworthiness.”⁴⁶ Prosecution witness Policeman Dragan Jasovic was dismissed because of “allegations of detention, interrogation, mistreatment and torture at the police station where [he] served.”⁴⁷ Interestingly, one of the allegations concerned the supposed presence of “baseball bats” in the police station, even though baseball had not hitherto been known as a popular pastime in the former Yugoslavia.

As in its acquittal of Halilovic, the ICTY trial chamber, having satisfied itself that sufficient evidence was lacking to prove that Limaj was in overall command of the area that contained the prison camp, did not bother to address the issue of whether Limaj, as a senior KLA official, ever called for an investigation of what went on at Lapusnik or ever sought to punish the perpetrators of the crimes at Lapusnik. The conclusion is inescapable that, in putting on trial non-Serbs, especially leaders of NATO-sanctioned victims like Bosnian Muslims or Kosovo Albanians, the ICTY is merely going through a public relations charade, chiefly for the purpose of demonstrating even-handedness, even as it applies wholly different standards of forensic reliability and criminal liability.

All Prosecution, All the Time

The ICTY’s uniquely successful conviction rate (for Serb defendants) is obviously bound up with its being trial court, appellate court, judge, jury, prosecutor, defense counsel, *amicus curiae* and court of last resort

at one and the same time. Consequently, whomever the ICTY targets, has very little chance of escaping its clutches. In its statute, its rules of procedure, evidence, and in the countless proclamations of its officials, the ICTY purports to adhere strictly to the rigid norms of Western jurisprudence: defendants are entitled to the presumption of innocence, the burden of proof is on the prosecution, guilt must be proven beyond all reasonable doubt, defendants are entitled to speedy and public trials, there has to be equality of arms between prosecution and defense, defendants have the right to confront their accusers. In practice, however, the ICTY makes very little pretense of adhering to these norms.

For example, there's no mention of "joint criminal enterprise" anywhere in the ICTY statute. There's nothing about plea bargaining and its use. The ICTY claims to be following both common law and civil law traditions. In reality, the ICTY merely takes from each tradition whatever it needs to strengthen the power of prosecutors and weaken the rights of defendants. Prosecutors make sweeping allegations, charging vast conspiracies but presenting very little in the way of supporting evidence, questionable forensics, lots of hearsay, dubious eyewitness testimony that is rarely cross-examined rigorously, "experts" who, in reality, are tribunal employees,⁴⁸ and self-serving witnesses with political axes to grind. The burden is usually on the defendant to prove that the allegations are untrue—an impossible task, given the ICTY's *modus operandi*.

Rather than act as impartial referees and ensure fair play to both sides, ICTY judges act as members of the prosecution team. Their passivity during the presentation of the prosecution's case stands in stark contrast to their aggressive, hostile cross-examinations when it comes time for the defense. More troubling still, defense counsel whom the ICTY had at one time imposed on unwilling defendants, such as attorney Alphons Orié on defendant Dusko Tadić, end up appointed as tribunal judges, and thus as prosecutors.

The ICTY is essentially all prosecution all the time. The rationale is that it is supposedly delivering victims' justice. Evidence is not necessary—only predetermined judicial outcomes—or rather political outcomes. So long as witness testimony follows the ICTY narrative of the breakup of Yugoslavia and the wars in the Balkans, the ICTY and, of course, its paymasters, can pretend that the tribunal is a court of law like any other, in the service of honest citizens seeking to right wrongs and

deliver justice and reconciliation. It enables the ICTY to pretend that the witnesses it calls proffer truthful testimony and to ignore their obvious partisanship and political agendas.

Moreover, thanks to the symbiotic relationship between the ICTY and the media, the tribunal can count on wide dissemination of its daily sensational charges, however poorly supported by the evidence. Of course, this only applies to prosecution witnesses. The ICTY subjects defense witnesses, or prosecution witnesses who deviate from the ICTY narrative, to vicious attack, character assassination and threats of indictment, while the media ignore defense testimony altogether.

Dubious Evidence

A dramatic illustration of the ICTY judges willingness to accept dubious evidence was the June 2005 introduction during the Milosevic trial of a videotape purporting to show the execution of six Muslim men some 150 kilometers from Srebrenica. The court permitted the prosecution to introduce the tape during the cross-examination of a defense witness, a former assistant interior minister, General Obrad Stevanovic. Until that moment, the media had studiously ignored his lengthy and important testimony. The tape had nothing whatever to do with his examination-in-chief; it had never been authenticated; nothing had been disclosed about its provenance. Yet ICTY prosecutors knew that they could count on the court permitting this snuff-film sensationalism without their having to adduce the tape as serious evidence, and on uncritical media to publicize the tape in the appropriate manner—definitive proof, as if any more was needed, of Serb genocide at Srebrenica.

Prosecution witness testimony often has a dreary predictability about it. Whether the tribunal is hearing testimony on Srebrenica, Bijeljina, Racak, or anywhere else, witnesses recount the same story: The Serbs allegedly surround a village with tanks, armored vehicles and mortars and then proceed to pound it with heavy artillery shells for several days. The Serbs enter the village, kill and rape at random, and loot and set fire to the houses. The villagers possess no weapons except hunting rifles. Then they order all of the inhabitants from their homes, separate the men from the women and children, pack the women and children on buses, march the men to some field or forest clearing and then set about killing them using machine guns, rifles or hand-grenades. The testifying wit-

ness invariably makes a miraculous escape by pretending to be dead or having bodies falling on top of him. Occasionally, rather than escape, a witness hides and observes the proceedings. Given the straightforward basic storyline, the extreme protectiveness of the ICTY judges, the limited time for cross-examination and the reluctance of defense attorneys to appear to be harassing people who, allegedly, survived terrible ordeals, witnesses can expect a relatively smooth passage.

To anyone who has read genuine accounts of killings and torture, much of this eyewitness testimony sounds highly unlikely. A typical example is that of Agim Jemini, a Kosovo Albanian engineer who testified during the Milosevic trial to having hidden in the attic of his house while Serb forces were rampaging through his village⁴⁹. He claimed to have been able to overhear radio conversations of Serb soldiers who were in the house opposite. Milosevic asked how he could have overheard conversations, given that the house opposite didn't have windows facing him. Moreover, wouldn't all those Serbs shooting indiscriminately, breaking into houses, yelling and looting have been making an awful lot of noise? The ICTY judges swiftly ended the cross-examination.

Then there was Milazim Thaqi, a Kosovo Albanian who, during the Milosevic trial, claimed that Serbs came to his village, rounded up the men, and took Thaqi's group, comprising about 33 men, to the woods under the escort of one police officer armed with a machine-gun.⁵⁰ The men were ordered to kneel, and the police officer opened fire from about eight meters' distance. Two people fell against the witness and knocked him to the ground. He lay still until the shooting was over; later he discovered that bullets had penetrated his jacket, his jersey and his shirt, without harming him. The prosecutor duly showed the court three photographs, one depicting a shirt with bullet holes in the back, another depicting a jumper with bullet holes in the back and a third depicting a jacket with bullet holes in the back. How there could be bullet holes in the back, while the witness himself was unharmed, remained unexplained. The ICTY seemed satisfied though.

Labyrinthine Rules

The ICTY has put in place a mass of rules and regulations ostensibly to ensure that witnesses are protected from persecution, but which in reality serve to protect them from serious cross-examination. According

to Rule 69, “the Prosecutor may apply to a Judge or Trial Chamber to order the non-disclosure of the identity of a victim or witness who may be in danger or at risk until such person is brought under the protection of the Tribunal.” Non-disclosure of a witness’s identity protects the ICTY more than the witness. Cross-examination becomes extremely difficult when any question threatens to disclose a witness’s identity, and the ICTY punishes such disclosure severely. Defendants find it hard to investigate a witness’s background. The public is unable to judge the credibility of a witness if all information about his or her background or motives is kept secret. Moreover, ICTY prosecutors frequently introduce as evidence in one trial witness evidence from another trial, wholesale and without cross-examination.

In addition, the ICTY offers witnesses the option of testifying anonymously. In any trial, witnesses with pseudonyms easily outnumber named witnesses. Pages and pages of transcripts are redacted, allegedly to conceal the identity of a witness or the identity of people named during testimony. Significantly, witnesses are actually encouraged to testify anonymously. Captain Dragan Vasiljkovic, a Serbian expatriate living in Australia who had trained the forces of the Republika Srpska Krajina in the early 1990s and a prosecution witness in the Milosevic trial—he was originally listed as witness B-073—revealed that he explicitly had to ask not to testify anonymously. Dragan also revealed that the Office of the Prosecutor (OTP) had asked him to sign a paper “to confirm a commitment of the part of a Prosecutor that any conversation or statement you will make during the course of your preparation to testify as a witness in the case of Prosecutor versus Milosevic will not be used against you.”⁵¹ An agreement like this is tantamount to an encouragement of perjury.

Witnesses also have the luxury of revealing their identity in one trial, but testifying anonymously in another trial. Former Croatian President Stjepan Mesic, for instance, has testified both anonymously and non-anonymously. Mesic—a man instrumental in the breakup of Yugoslavia, who, several weeks after resigning as the last president of the unitary Socialist Federal Republic of Yugoslavia in October 1991, famously boasted before the Croatian Assembly in Zagreb, “I have fulfilled my duty. Yugoslavia no longer exists.”⁵²—is a regular ICTY prosecution standby. In addition, prosecution witnesses are permitted to impose re-

strictions in advance about what they can and cannot be asked. A case in point was the testimony of former NATO Supreme Commander Wesley Clark during the Milosevic trial in December 2003. The U.S. government demanded that Clark not be questioned about NATO's war on Yugoslavia. The ICTY complied, permitting Clark to pontificate about the alleged crimes committed by the Serbs, but restricting Milosevic's cross-examination to Clark's account of his meetings with him and ruling out any discussion of NATO crimes.

In addition, defense attorneys who do not accord prosecution witnesses due deference face censure by the court. Judges come down very hard on defense attorneys who probe witnesses too vigorously. For example, witness B-1054, a Bosnian Muslim woman, testified in the Milosevic trial that she had been among a group of Muslims burnt alive by Bosnian Serbs. It was soon clear that she was having difficulties keeping her story straight. First, she claimed, "some oil or fuel had been poured on the carpets. And that is when they set fire to us."

However, she also referred to a bomb being thrown into the house. She also mentioned gas. After cross-examining the woman for a while, Milosevic finally declared, "I have to say to you that this sounds rather confusing to me because in your statement to the investigators...you say that [redacted] jumped out of the window just when the bomb exploded....So there was an explosion, not just burning but also a bomb that exploded?....So was there a bomb that exploded, or was there a gas, or was there carpet soaked and sprinkled with a liquid? What was it?"⁵³

At this point, the prosecutor jumped up indignant that Milosevic expected the witness to remember every single detail of this traumatic event. Then it was the turn of Branislav Tapuskovic, a court appointed *amicus*, to cross-examine her. Within minutes of his starting, Judge Richard May interrupted. "What is the point?" he bellowed. "You pointed out some discrepancies in the witness's account....The overall account that this happened has not been challenged by the accused, that these people were in the house, it was set fire to, they were burned. Now, the precise detail of how that happened does not appear at the moment to matter very much."⁵⁴ The details don't matter, just the accusation.

Witnesses as Prosecutor Conveyor Belts

Prosecutors use witnesses as conveyor belts to put out stories they

want put out. The role of witnesses is to confirm conclusions the prosecutors had already reached. Under a system like that of the ICTY, which permits hearsay, the recounting of tales that prosecutors may believe to be true but for which there is no corroborating evidence is quite easy. Witnesses can say what prosecutors want them to say, and then explain that they heard it from someone else. The tribunal rules of evidence as well as its practice enable prosecutors to present witness evidence themselves without the witness being present. Moreover, the ICTY has mechanisms in place that severely restrict the possibility of cross-examination. Rule 89(F) says that the “Chamber may receive the evidence of a witness orally or, where the interests of justice allow, in written form”; and Rule 92b states that a “Trial Chamber may admit, in whole or in part, the evidence of a witness in the form of a written statement in lieu of oral testimony which goes to proof of a matter other than the acts and conduct of the accused as charged in the indictment.” As if that were not enough, the ICTY appeals chamber ruled on September 30, 2003, that written statements can be presented as evidence-in-chief which do go to “the acts and conduct of the accused as charged in the indictment.” All a witness has to do is show up and attest to his being the true author of the statement.

While cross-examination is permitted, it is severely limited, both in terms of time and subject-matter. In eliminating oral testimony altogether, a defendant is severely restricted in his ability to confront his accusers since it is the contradictions between a witness’s oral and written statements, revealed through cross-examination, that can challenge the credibility of a witness. As trials at the ICTY reveal, contradictions between a witness’s oral and written statements, not to mention those between the various written statements, can be quite dramatic. These ICTY rules are a huge boon to prosecutors: They reduce the possibility of a defendant’s being able to distinguish how much of the “statement” taken by the prosecutor is direct witness testimony and how much OTP-constructed narrative.

Not surprisingly, then, witnesses frequently arrive in court with written statements that display remarkable knowledge of highly intricate issues. For example, witness B-129, the part-time administrative clerk who allegedly worked at Arkan’s SDG appeared to know an extraordinary amount about the organization. It was particularly extraordinary,

given that she had only started to work for Arkan in November 1994, yet here she was testifying about things that happened in 1991 and 1992. Milosevic asked, “[S]ince you are testifying here about events covering a period of almost four years before you started working, can you tell me who assisted you in presenting all these facts in such—with such apparent precision when you weren’t working for those four years?”

The woman replied: “No one assisted me. I think I was intelligent enough, and if I was working for two years and if I had documents in front of me that I had access to, I can put them in chronological order myself in my mind.”⁵⁵ Yet the judges took this witness seriously, so seriously in fact that in their rejection of the *amicus curiae* motion for partial acquittal of Milosevic in 2004, they cited her as a key witness in helping to build the prosecution’s case: “B-129 testified that, through the DB [Serbia’s state security service], the Accused controlled and supported the Red Berets and Arkan’s Tigers and knew of their activities in Bosnia and Herzegovina.”⁵⁶

Another witness demonstrating extraordinary knowledge of specialized matters was Xhevahire Sylja, a Kosovo Albanian woman brought forward during the Milosevic trial to testify that the refugee convoy that NATO was eventually forced to admit to having bombed, had actually been bombed by the Yugoslav air force! Yet, despite the embarrassing admission by NATO, here she was bizarrely asserting that NATO’s original falsehood was true. The obviously coached witness had amazingly detailed technical knowledge at her fingertips: She mentioned that the Yugoslav army was equipped with Gulinov automatic rifles. She also had remarkable eyesight: She claimed that she knew that the planes bombing the column belonged to the Yugoslav air force because they had the Yugoslav flag, the tricolor painted on them. “This was the entire plan of the accused,” she continued, “to do this sort of thing and blame NATO.”⁵⁷

Another instance of a prosecution-suggested narrative was the testimony of Ali Gjogaj, a Kosovo Albanian gravedigger. His testimony during the Milosevic trial afforded fascinating insight into the amount of protection judges extend to prosecution witnesses who have trouble keeping their stories straight. Gjogaj had made two statements, one in February 2000 and one in June 2000. In his first statement, he recounted that in April or May 1999, Serb police had forced him to exhume bodies in Pusto Selo and to rebury them elsewhere in Kosovo. In

his second statement, he spoke about Serbs taking him to a military firing range in April 2000, his carrying out exhumations there and loading some 80 or 90 dead bodies onto a freezer truck. Milosevic asked the obvious question: Why did he forget to mention the events at the firing range in his first statement? At this point, Judge Richard May, at that time the presiding judge at the Milosevic trial, intervened to explain irritably that, since in his June 2000 statement he was describing an event that took place in April 2000, it's scarcely surprising that Gjogaj had failed to mention this event in his February 2000 statement. Milosevic pointed out that in April 2000 "there were no Serb authorities or Serb police in Kosovo." However, in the face of Milosevic's questions, the witness continued to insist that the exhumations at the firing range took place in April 2000, and May continued to support him.⁵⁸

The next day, prosecutor Christina Romano explained that she had made a mistake in referring to the events at the firing range as having taken place in April 2000. She meant to say April 1999. However, that still left unanswered why the gravedigger had insisted on April 2000. Milosevic turned to the witness: "Mr. Gjogaj, please, yesterday you stated here under oath...that the exhumations at the firing range that you refer to when you mentioned refrigerator truck, et cetera, did all this happen in the spring of 2000?"⁵⁹ May did not permit Milosevic to ask this question, and instead asked, why had Gjogaj made no mention of the exhumations at the firing range in his February 2000 statement? The witness explained that the prosecutors who interviewed him had made no mention of the firing range in the first interview, and only brought it up in the second interview. The witness now insisted that the events at the firing range took place in April 1999. Milosevic wondered what made the gravedigger change his testimony overnight. He asked if he had talked to anyone after the end of the previous day's proceedings. May jumped in, "That is far too general a question." May then reformulated the question: "Did you talk to anybody from the Prosecution during the adjournment? That means overnight, since we were last in court together." The gravedigger was ready for that question, and he unhesitatingly replied "No."

Pressure Applied to Witnesses

The ICTY is not above using coerced confessions, as in the case of

Radomir Markovic, the former chief of Serbian state security (listed originally as K-34). Markovic had been arrested in Belgrade and held in prison for several months during which time, as he explained, representatives of the Serbian authorities would periodically meet with him, and promise him freedom, a new identity and life abroad in exchange for false testimony against Milosevic. To this astonishing revelation, the tribunal expressed indifference, claiming that this was a purely internal Belgrade matter. It obviously wasn't.

The OTP had called Markovic as a witness based on the statement he had made to the Belgrade authorities about freezer trucks, the concealing of crimes in Kosovo and the burying and reburying of bodies. In open court, Markovic renounced the Belgrade statement, declaring that he had made it under duress The Hague tribunal,⁶⁰ but the trial chamber took this disclosure of possible witness abuse very lightly. Since there had obviously been extensive cooperation between Hague and the Belgrade authorities, the tribunal was, at best, indifferent to, and, at worst, an active participant, in witness coercion and/or bribery.

Prosecutors subject witnesses who fail to deliver the required testimony to hostile attack. For example, Dragan Vasiljevic, the Serbian-Australian, had been expected to testify that Serbian armed operation in the Krajina were under the control of the Serbian interior ministry. He testified to the opposite, namely, that the Serbian government was not involved in Krajina's affairs. Subjected to attack by the prosecution, Vasiljevic declared that the statement attributed to him by the OTP had little connection with what he had actually said: "I do not accept this statement."⁶¹ The prosecutors attacked him ferociously in re-examination and, according to Dragan, didn't pay his airfare home.

Three Key Insider Witnesses

When it comes to the Serb small fry—some the actual perpetrators of war crimes—the ICTY encourages them to point fingers at their superiors and to work closely with prosecutors to construct the appropriate narrative in return for lenient treatment. At the ICTY, the most effective way of getting witnesses to cooperate with prosecutors is to indict and then engage in plea-bargain negotiations. Since at the ICTY conviction is a near-certainty, anyone under indictment has every incentive to cooperate with prosecutors in constructing the appropriate

narrative. Thus, for example, someone like Drazen Erdemovic, a lynchpin Srebrenica witness, who claimed to have taken part in the mass killing of more than 1000 Bosnian Muslim men at Branjevo military farm, and to have personally executed some 100 men, walked away with a 5-year sentence, which, in any case, he didn't fully serve. Indeed, the ICTY's treatment of three key alleged insider witnesses (Erdemovic, Miroslav Deronjic, and Momir Nikolic) will illustrate the way this court uses questionable testimony to construct the favored Srebrenica narrative. These three witnesses are pretty much the only witnesses the ICTY has to the alleged planned mass executions at Srebrenica.

Drazen Erdemovic

Since as early as 1996, Drazen Erdemovic's testimony has been at the heart of the ICTY's case on Srebrenica. The court apparently had in its custody a former soldier in the army of the Republika Srpska who had confessed to having taken part in the cold-blooded execution of 1,200 unarmed Muslim men and boys in Bosnia. If Erdemovic was telling the truth, then the case against the Serbs for mass executions and major war crimes was irrefutable.

However, if Erdemovic was lying with the knowledge and even coaching of the ICTY, and the horrific acts that he claims took place are a fabrication or greatly inflated, and/or if he was a mercenary killing on a contract basis for some party other than the Bosnian Serb leadership, then the ICTY has colluded in his lies, suborned his perjury, fabricated evidence, obstructed justice, and indicted, detained, and imprisoned individuals it knows to be innocent. The ICTY would then fit its own definition of the kind of "joint criminal enterprise" in which it accuses others of participating.

According to Erdemovic's testimony, he was a Bosnian Croat born in Tuzla who served, successively, in the Yugoslav People's Army (JNA), Alija Izetbegovic's BMA, the Bosnian Croats' Defense Council (CDC) and, finally, in the Bosnian Serb Army (BSA). He claims that on July 10, 1995, his unit, the 10th Sabotage Detachment, entered Srebrenica and helped to assemble the town's population in the soccer stadium. On July 16, his unit, consisting of eight to 10 soldiers, most of whom were Croats, was ordered by a still-unidentified lieutenant colonel from the army of Republika Srpska to go to Branjevo military farm, near Pilica,

to execute Muslim prisoners of war. Over a period of about four hours, starting at 10 a.m., Erdemovic and members of his unit allegedly shot in cold blood some 1,200 unarmed Muslims bussed-in from Srebrenica. According to Erdemovic, only eight members of his unit initially carried out the executions, though later on men from Bratunac who were not members of his unit arrived to finish the job.

Erdemovic described men being taken off the buses 10 at a time. They turned their backs, and Erdemovic and his seven fellow members of the 10th Sabotage Detachment shot them. The executions were allegedly carried out in a sequential way, starting at one end of the field and moving toward the farm. After the conclusion of these killings, the lieutenant colonel returned and ordered the 10th Sabotage Detachment and the men from Bratunac to go to Pilica and kill some more Muslim prisoners of war who were locked in a public building. Erdemovic and the members of the 10th Sabotage Detachment refused to engage in any more killings. Instead, they went to Pilica, sat in a café and listened as the men from Bratunac killed the locked-up Muslims. A few days later, a member of Erdemovic's unit, in somewhat mysterious circumstances, shot and seriously wounded him. He spent a month in a Belgrade military hospital where he learnt various details about the Srebrenica operation. Upon his release, he returned to the Republika Srpska. Visiting Belgrade in February 1996, he made contact with a freelance correspondent of ABC News, Vanessa Vasic-Janekovic, who at the time was also working as "coordinator of the Tribunal Monitoring Project" of the Institute for War and Peace Reporting⁶² In his filmed interview with her and with the French newspaper *Le Figaro*, Erdemovic confessed to carrying out executions of Muslims fleeing Srebrenica. Almost immediately, Serbian police arrested him and charged him with war crimes. But before they could adjudicate his case, under strong pressure from U.S. officials, the Belgrade authorities allowed him to be transferred The Hague.

This then, in rough outline, is Erdemovic's account of how he ended up charged as a war criminal in The Hague.⁶³ Though he had confessed to having taken part in an extraordinary bloodbath, he never faced trial. On May 22, 1996, the ICTY indicted him for crimes against humanity, though not genocide. On May 31, he pleaded guilty to one crime against humanity. On June 27, a commission of experts concluded that

Erdemovic's mental condition did not permit his standing trial. The commission stated that it "is of the opinion that, in his current condition, the accused Drazen Erdemovic, because of the severity of the post-traumatic stress disorder . . . can be regarded as insufficiently able to stand trial at this moment."

However, this finding did not stop Erdemovic from testifying a few days later, on July 5, in Rule 61 hearings against Karadzic and Mladic. A Rule 61 hearing is a mechanism devised by the ICTY to deal with cases where arrest warrants have not as yet been executed. The assets of these individuals so charged can be frozen, if, as the ICTY trial chamber declared in this case, it "is satisfied on that evidence, together with such additional evidence as the Prosecutor may tender, that there are reasonable grounds for believing that the accused has committed all or any of the crimes charged in the indictment."

Erdemovic Sentenced

On November 29, 1996, the ICTY sentenced Erdemovic to 10 years imprisonment—a remarkably lenient sentence for a court that regularly doles out 39 and 40 year terms for much less grave crimes. For example, Goran Jelusic, who in 1998 pleaded guilty to violations of the laws or customs of war and crimes against humanity for crimes committed in Brcko in 1992, received a sentence of 40 years in prison for the murder of 12 people.⁶⁴ Nonetheless, the sentence did not satisfy Erdemovic, who appealed, claiming that he had committed his offences under duress and "without the possibility of another moral choice, that is, in extreme necessity, and on the grounds that he was not accountable for his acts at the time of the offence, nor was the offence premeditated." In addition, Erdemovic charged the trial court with inconsistency for accepting as true certain parts of his statements but not others. The trial court, he argued, had "erred in requiring corroboration of the Appellant's assertion that he was acting under duress, although it accepted his uncorroborated statement that he participated in the shooting of Muslims." The court's assessment of Erdemovic's testimony was thus "both inconsistent and unfair." On October 7, 1997, the appeals court decided that Erdemovic's guilty plea was, indeed, "not informed" and remitted his case back to the trial court.

On January 14, 1998, the trial court reconvened, and Erdemovic,

with the consent of the prosecutor, withdrew his guilty plea to crimes against humanity and, instead, pleaded guilty to violation of the laws or customs of war. In the subsequent pre-sentence hearing, the prosecutor appeared extraordinarily anxious to show leniency toward Erdemovic. As witness, the prosecutor called Jean-Rene Ruez, a French judicial police superintendent who had worked as an investigator for the OTP since April 1995, to attest “to the significant co-operation that has been provided to the Office of the Prosecutor by Mr. Erdemovic.”⁶⁵ The trial court, with the approval of the prosecutor, reduced Erdemovic’s sentence to five years.

The ICTY hasn’t seen fit to reveal how much time he actually served, but it clearly fell somewhat short of five years. By the time Erdemovic came to testify in the *Krstic* trial on May 22, 2000, he admitted that his prison term was already at an end.⁶⁶

Inexplicable Circumstances

It is clear that the ICTY conducted no serious investigation to discover whether or not Erdemovic was telling the truth. The OTP has little evidence other than Erdemovic’s own accounts to show that the massacres he recounted ever took place. No one has come forward to corroborate his accounts of the killings at Branjevo farm or at the Pilica public building. No other participant in the killings has confessed or been arrested or charged or even been interviewed.⁶⁷ To this day, the lieutenant colonel who allegedly issued the horrific orders remains unidentified. This is strange. There couldn’t have been that many lieutenant colonels in the army of the Republika Srpska, and the ICTY must surely have photographs of all of them. A lieutenant colonel shouldn’t be that hard to track down.⁶⁸

From the start, there were too many inexplicable circumstances surrounding Erdemovic’s case:

First, it’s not at all clear why a Bosnian Croat would join the army of the Republika Srpska for the reasons offered by Erdemovic. Nor is it even remotely likely that the Bosnian Serbs would entrust the carrying out of executions, particularly if they wanted to keep them secret, to Croats. Erdemovic declared that most of the members of the unit were Croats. He said that he had no interest in politics and detested all nationalisms. Erdemovic “has professed pacifist beliefs and claims to have

been against the war and nationalism. He claims that he had to join the BSA in order to feed his family,” in the reassuring words of the second trial court.⁶⁹ So this pacifist successively joins the armies of each of the protagonists in the Bosnian civil war. He claimed that he had to join the Bosnian Serb army because he feared for his life, but he offered no evidence to show that such threats were real. So he talked pacifism but acted like a mercenary, as did his killer colleagues who later fought for the French in the Congo.⁷⁰ But his claims satisfied the ICTY judges.

Second, it is hard to understand how the Bosnian Serbs would in any way benefit from such mass executions, which raises the question: For whom was Drazen Erdemovic really working? In the aftermath of the capture of Srebrenica, worldwide attention focused on the region with crucial territorial negotiations lying ahead. Executions were sure to be discovered, and such discoveries would inevitably serve the interests of the Bosnian Muslim leadership in Sarajevo that was seeking NATO intervention, not the Serbs who were expecting to obtain Srebrenica as part of an exchange for Serb-held Vogosca, a subject of negotiation for more than two years. Srebrenica’s police chief, Hakija Meholic, testified that in 1993, Bosnian President Alija Izetbegovic told him and other astonished delegates to a Bosnian Muslim convention that he and President Clinton had discussed a scenario in which “Chetniks” (a derisory term for Serbs by Muslims) would kill 5000 Muslims at Srebrenica and then NATO would intervene on their behalf.⁷¹ Erdemovic testified that his unit was paid lavishly to participate in crimes at Srebrenica, but could not say who made the actual payment to the mercenary group. To ABC’s Vanessa Vasic-Janekovic, he had claimed that his unit had been promised 12 kilograms of gold.⁷² Was Erdemovic’s mercenary group being paid to provide an additional pretext for NATO intervention? Why the vagueness about the source of the money if it was Bosnian Serb officials? Is it likely that the Bosnian Serb army would make payment in gold? Why didn’t the ICTY carry out a serious inquiry on this matter?

Indulgent ICTY

Erdemovic, thanks to the indulgence of the ICTY, provided very few details about the massacre itself. Having first been ordered not to harm civilians, his unit, without any explanation, is ordered to slaughter un-

armed prisoners. Despite the order's extraordinary brutality and its conflict with all previous orders, Erdemovic and his seven colleagues unquestioningly carry out the killings. Details of the execution, however, remain vague. The killings at Branjevo farm, according to Erdemovic, went on for four hours. Since he and his colleagues supposedly killed 1,200 men, they would have had to kill about 300 every hour—or about five every minute. That is surely an enormous undertaking for eight men. So many questions cry out for answers and remain unasked. Were the unarmed Muslims shot at close range? What happened to the wounded? How did the people who were taken off the bus respond to the sight of so many dead bodies, not to mention the sound of the gunshots? Did anyone try to resist or escape? What happened to the bodies while all this was going on? What happened to the bodies after the killings were over? When Milosevic tried to probe him for details, Erdemovic refused to answer and the judges would not allow him to be pressed.

In addition to his vagueness about the mechanics of the killings, Erdemovic was also hazy about the sequence of events. At times, he claimed that the sinister lieutenant colonel appeared out of nowhere. At other times, he claimed that he had been ordered to report to that lieutenant colonel. Initially, he even gave different dates for when the massacre supposedly took place. During his Hague appearances, he claimed that he was ordered to carry out the killings on July 16. However, earlier he had said it was July 20. Milosevic pointed to these obvious contradictions during his cross-examination:

Milosevic: Then you have another statement that you gave on the 6th....And you say there: "On the 20th of July, 1995, in the morning we received orders from the commander, Lieutenant Milorad Pelemis to go to Zvornik and to report to a lieutenant colonel of the military police whose name I don't know." So again this differs from what you stated, because you stated that you—that a lieutenant colonel came to you with two men, and here you say that you were ordered to go to Zvornik to report to a colonel of the military police, and again the date given is the 20th of July, 1995.⁷³

In his interview with *Le Figaro*, Erdemovic had claimed that the bus drivers helped carry out the executions: "Some of the bus drivers were

enlisted to shoot too, and they did.”⁷⁴ At one stage, however, Erdemovic claimed that the bus drivers who were transporting the Muslim men didn’t know that they were taking them to be killed, believing instead that they were carrying out an exchange of prisoners. That they would then be prepared to participate in the killings seems far-fetched. Milosevic was quick to seize on these points:

Milosevic. If the bus drivers didn’t know that they were taking the Muslims to an execution site, how could Erdemovic know that the people who had dispatched the Muslims intended to deliver them into the hands of murderers? If the bus drivers weren’t aware of what was going on, how could Erdemovic be certain that the execution orders came from the Republika Srpska high command?⁷⁵

From the beginning, the ICTY showed little interest in establishing the truth of Erdemovic’s claims, but sought to use him for its own purposes. Indeed, even before Erdemovic was in their custody and thus before they could evaluate the truthfulness of his testimony, ICTY prosecutors were promising him extreme leniency. “It would be far more preferable and more acceptable by the public for such persons to receive the benefit for their cooperation in terms of reduced sentences,” Deputy Prosecutor Graham Blewitt was quoted as saying. “There’s certainly an option which is open to the prosecutor to grant immunity in particular cases.”⁷⁶ The OTP let the cat out of the bag early on. On November 20, 1996, a prosecutor declared proudly that Erdemovic’s testimony “at the Rule 61 hearing influenced, in a positive sense, the public clamour to arrest Radovan Karadzic and Ratko Mladic.”⁷⁷ Erdemovic became the vehicle for the ICTY’s key claim, namely, that the Republika Srpska high command had ordered the massacre of Muslim civilians.

Enter Inspector Ruez

The prosecutors didn’t fare too well when trying to boost Erdemovic’s credibility. On November 19, 1996, they introduced satellite pictures in order to corroborate Erdemovic’s story. French investigator Jean-Rene Ruez pointed to several of these showing a

bird eye’s view of the farm, and you can see a number of bodies scattered over the field and there is a probable mass grave there in the process of being dug...[W]e were also able to find some

traces of what is an attempt to destroy evidence at the Branjevo farm. Now, this is a photo dated 27th September 1995 and there are some traces of work underway at the site...Now, the acts as reported by Drazen Erdemovic are confirmed by the findings here, in particular, by the shell cases where they were found.⁷⁸

So, for confirmation of Erdemovic's tale, Ruez refers particularly to the shell cases, but he goes on:

Now, when we went here near the site we found some clothing, shoes, human debris, in other words, things indicating that a mass grave might be located nearby. Now, a subsequent mission enabled U.S. to gather from the field where the execution took place a number of cartridges. Only 61 cartridges were found...but that certainly does not indicate that not many more were fired than that.

Note the vagueness: A "probable mass grave...in the process of being dug;" "some traces of what is an attempt to destroy evidence;" a "mass grave might be located nearby." Cartridges are supposedly the key evidence, yet only 61 were found. And where is the mass grave that was in the process of being dug? And the 1,200 bodies? And the corroboration by somebody besides this "star witness" that this story is true?

The OTP claims to have gone to Branjevo farm and the Pilica public building to check out Erdemovic's story and to carry out exhumations at the sites. During the January 14, 1998, pre-sentence proceedings, the prosecutor announced that an exhumation was "carried out at that site where the victims were uncovered. Not all of the victims were uncovered, but it would seem that a large number of them may have been removed." The prosecutor did not say how many bodies were uncovered, nor did he give a list of names, nor the results of any post-mortems. This is not serious forensic work and it does not provide serious evidence to corroborate Erdemovic's claims, but it is as far as the ICTY went to validate those claims.

That day also provided a vivid example of the ICTY's lack of interest in anything other than the assigning of guilt. Erdemovic's attorney asked Ruez if he had "talked to witnesses who knew about the crime from a direct testimony in Pilica, and if there have been such witnesses, can he tell US their names?" The prosecutor immediately jumped to

his feet to object. The names of witnesses had to be kept secret. The mere assertion of the existence of such witnesses would have to suffice. Even the presiding judge was a little taken aback. Did the prosecutor intend to present the testimonies of these witnesses to the tribunal? “We were not intending to do so, your Honour,” the prosecutor answered.⁷⁹

The judge was stunned: Surely, the tribunal knows how to handle witness testimony without revealing the identity of witnesses. After all, “[T]he Tribunal cannot judge a man about whom it is said that in the Prosecutor’s case files there are testimonies which are significant, and which the Tribunal is not aware of.” A perfectly reasonable point, but the judge knew better than to question prosecutors and promptly dropped the matter.

Erdemovic’s Co-Perpetrators

In short, the ICTY has never conducted a proper investigation of this massacre OR of this key witness’ testimony. The narrative it constructed was simply too politically useful to require any corroborating evidence. To confirm Erdemovic’s account, ICTY investigators would go to a warehouse, find bullet-holes in the wall and declare that this confirmed that it was an execution site. Yet Erdemovic’s most important evidence was his naming of the fellow-members of the 10th Sabotage Detachment who, he claimed, took part in the executions with him. The ICTY made no effort to track them down. This was very strange, for at least two reasons. First, the ICTY operates in accordance with the civil-law system. This means an investigation into a crime doesn’t stop merely because a suspect has confessed. Second, the ICTY had within its grasp at least two of Erdemovic’s named co-killers, yet elected not to take them into custody.

Erdemovic claimed repeatedly that the commander of the 10th Sabotage Detachment was one Milorad Pelemis. In 2000, the Serbian authorities arrested Pelemis charging him with spying for France (the Spider group). In November 2000, one month after the coup against Milosevic, Pelemis and the rest of his group were acquitted on all charges. At no time during his imprisonment did the ICTY seek to extradite Pelemis, or even to interview him. The ICTY’s lack of curiosity was remarkable. According to its statute, it is supposed to try and convict anyone who committed war crimes. Pelemis, had seniority over

Erdemovic, and according to Erdemovic issued orders in the massacre case. If Erdemovic had served time for crimes of war Pelemis was a likely candidate as well. And he should have been in a position to provide more details and name more names.

Then there is the odd case of Marko Boskic, yet another Bosnian Croat member of the 10th Sabotage Detachment who took part in the Branjevo farm killings. ICTY “investigator” Jean-Rene Ruez had testified at The Hague on Nov. 19, 1996, that Erdemovic had named the members of the unit: “The officer in charge of the Unit who ordered the murder, Srebrenica is Lieutenant Pelemis who is in charge of the 10th Sabotage Unit. The members of the execution group who were involved...their names were also given by Mr. Erdemovic; the head of that group being Brano Gojkovic. The other members being Aleksandar Cvetkovic, Marko Boskic, Zoran Goranja, Stanko Savanovic, Vlastimir Golijan, Franc Kos.”⁸⁰

So, in 1996 then, it was public knowledge that Marko Boskic had been named as one of the killers at Branjevo farm. Yet, in 2000, Boskic was able to enter the United States without any trouble at all. In May 1996, the *Boston Globe* had even run an article on Boskic (at that time residing in Bosnia).⁸¹ During his sojourn in the United States, Boskic had repeated run-ins with the law, which led to numerous arrests on charges of drunken driving and serious assaults. Finally, in August 2004, he was arrested and charged with having lied on his immigration application, specifically for having failed to disclose that he had been a member of the 10th Sabotage Detachment and a participant in the Branjevo farm massacre.

The ICTY announced immediately that it had no interest in seeking Boskic’s extradition. A spokesman claimed that the tribunal only had resources to go after the big fish. “We are a small institution with a limited capacity,” said Anton Nikiforov, an adviser to Carla Del Ponte. “We go after the main players, those who planned and ordered the killings.”⁸² He didn’t explain how the ICTY could go after those who “planned and ordered the killings” without obtaining first the evidence and testimony of those who actually carried out the killings. In 2006, a Massachusetts federal court convicted Boskic on two counts of immigration document fraud and sentenced him to five years in prison. There is nothing to indicate that the ICTY will seek his arrest when he comes out.

Although the contradictions in Erdemovic's various testimonies abound, the truth of his key claims beg for corroboration, and the funder and organizer of this massacre remain unclear, the ICTY prosecution and court have never called any of the seven other members of his death unit to testify, nor the lieutenant in charge of this unit. This was the key witness in the July 1996 Rule 61 hearing *in absentia* of Karadzic and Mladic, and the main witness to the overall claim of a Srebrenica massacre. It seems that as Erdemovic was prepared to say what the ICTY and its sponsors wanted said, nothing more was required for this faux judicial process. The search for truth was not on the agenda.

Miroslav Deronjic and Momir Nikolic

There are two other so-called insiders whose self-serving confessions the ICTY has touted as proof of Serb genocidal plans. Momir Nikolic, former chief of security and intelligence of the BSA's Bratunac Brigade, and Miroslav Deronjic, former civilian commissioner of Srebrenica, both gave lengthy witness statements and testified numerous times at the ICTY claiming to have taken part in, and known about, an alleged Serbian plan to execute the male Muslim population of Srebrenica. Both men pleaded guilty and both managed, after hundreds of hours of negotiations with prosecutors, to come up with stories very much in accord with the official ICTY Srebrenica narrative. Both men unreservedly ascribed responsibility for the alleged massacre to Radovan Karadzic and Ratko Mladic.

The most striking aspects of the two men's testimony was the fact that neither was present at any killing and, as with Erdemovic, both failed to produce any supporting evidence—either documentary evidence or corroborating testimony—to support their claims. For example, though Karadzic supposedly uttered his threatening words —“Miroslav, those people there must be killed....Whatever you can, you have to kill”—in the presence of Momcilo Krajisnik and Jovica Stanisic, conveniently both men were out of earshot when he spoke to Deronjic.⁸³

Reading the trial testimonies of Nikolic and Deronjic is a bizarre experience. Not only do the two men continually contradict themselves and provide evasive answers when pressed, neither man ever saw any killings himself nor witnessed any of the alleged burials and re-burials.

On the one hand, Nikolic and Deronjic freely admit that written orders unambiguously stipulated that captured Muslim men were to be considered prisoners of war, and thus treated in accordance with the Geneva Conventions. On the other hand, they claim to have received oral commands ordering the execution of Muslim men. At no point did either man, by his account, query this inconsistency. Nor did they express astonishment that anyone would undertake large-scale executions with DutchBat and UNPROFOR nearby and NATO looking for an excuse to escalate their actions against the Bosnian Serbs.

Nikolic and Deronjic had every incentive to come up with their stories. For instance, according to Deronjic's plea agreement, he was free of all responsibility for Srebrenica. His culpability was limited to "criminal acts in the village of Glogova" in 1992. Moreover, the plea agreement that he signed with prosecutors stated that "based on complete and significant cooperation of Mr. Deronjic with the Prosecution, the Prosecution will recommend to the Chamber to determine a sentence of ten years."⁸⁴ And 10 years is all that he received—a remarkably lenient sentence for a man appointed by President Radovan Karadzic to be civilian commissioner of newly-captured Srebrenica which he managed through the period of an alleged 7,000 - 8,000 executions.

Miroslav Deronjic

Deronjic's accounts, under a plea-bargain arrangement, differ drastically from his earlier claims. Back in 1995 and 1996, Deronjic was leading journalists and U.N. representatives around Srebrenica, challenging them to find evidence of massacres or mass graves. A February 4, 1996, report by SRNA, a Bosnian Serb news agency, quoted Deronjic as explaining that Muslim civilians had left Srebrenica in "complete safety accompanied by the U.N. Protection Force," but that "a large number of Muslim soldiers, as well as Serb soldiers, were killed in clashes around the town." He explained that Muslim soldiers had decided to force their way from Srebrenica to Tuzla.

"On that road, which is more than 100 kilometres long, they passed through mine fields and Serb lines. Fighting, in which a large number of Muslim soldiers were killed, continued for over ten days," he asserted.⁸⁵ Deronjic also recounted how, on August 25, 1995, he received a group of 10 foreign journalists, including Mike Wallace of CBS News,

who brought with them “photographs taken from an AWACS of alleged mass graves of Muslim victims. They insisted that we should take them to the sites in the photographs so that they could assess for themselves the truth of the Muslim allegations. Without hesitation...I agreed to take them personally to every place in which they were interested....I spent 44 hours with them driving round the area and allowed them to see for themselves whether the alleged mass graves existed, allowing them to move around freely and investigate the whole area, and I also expressed willingness to take them to other places, if they had information of large Muslim graves there.” Deronjic boasted that “Wallace personally thanked me and expressed his belief that the allegations were completely unfounded and that the entire international public had been manipulated, and he promised that he would put his view objectively in the world media.”⁸⁶ Whether Wallace made this promise to Deronjic or not, that *60 Minutes* report never saw the light of day.

As an ICTY witness, however, Deronjic tells a very different tale. At Momir Nikolic’s sentencing hearing, Deronjic claimed that, as the newly appointed civilian commissioner of Srebrenica, he had a phone conversation on the evening of July 13, 1995, with Karadzic, who told him that someone would come with instructions about how to deal with the Muslim prisoners in Bratunac. Later that evening, a drunken Colonel Ljubisa Beara arrived at Deronjic’s office. According to Deronjic, he told Beara that Karadzic’s orders were that the prisoners were to be “transferred towards Bijeljina and Zvornik, and...Batkovici.” Beara allegedly replied, “I have orders instructing these prisoners to be killed in Bratunac.”⁸⁷ Deronjic understood him to be referring to Karadzic as the source of the order. Deronjic also claims that on July 13 he learned that some buses with Muslim prisoners had left Bratunac in the direction of Zvornik. However, under questioning, Deronjic admitted that the first time he had ever mentioned Beara’s nighttime visit and the order to kill Muslim prisoners was just prior to his guilty plea.

By Deronjic’s own account, the order to kill the prisoners was at odds with every other order that Karadzic had previously issued. During his testimony at the Milosevic trial, Deronjic claimed that Karadzic, on appointing him to the civilian commissioner position, had suggested three alternatives for the Muslim population of Srebrenica. First, the Muslims could continue living in Srebrenica. Second, they could go where

the army of Bosnia-Herzegovina was in control, in the direction of Kladanj. And, third, they could go wherever they wished to go, perhaps to other countries. An incredulous Milosevic asked Deronjic:

So Radovan Karadzic, this same person who is telling you that everybody should be killed, all the Muslims in Srebrenica, later on insists that you meet in your capacity as new civilian commissioner with the Muslims, with Mladic and UNPROFOR, that you present these three options. That you present these three options and also you try to identify war criminals in the ranks of the Muslims. Mr. Deronjic, isn't that quite contradictory in relation to what you asserted before, that he had said to you that all the Muslims should be killed?⁸⁸

Deronjic responded, "Do you think that in public directly he would tell me of any other intentions that possibly—and I'm not claiming anything—he or somebody else might have had and that these intentions could be carried through in Potocari with the presence of the international forces, notably UNPROFOR?" But the instructions were not made in public, any more than the alleged instructions to kill were. So why did he give them? Could the murder plan be carried out with any hope of escaping observation? And for what purpose?

This was not the only incoherence that Milosevic identified in Deronjic's testimony. At one point, during Milosevic's cross-examination, Deronjic said that at that meeting with Beara on July 13, he had told Beara, "What you are conveying to me as orders does not coincide with the instructions I received from President Karadzic'. And then we had a confrontation." However, if that was the case, Milosevic pointed out, why did he assume that Beara was the man Karadzic had sent as his emissary to deal with the Muslim prisoner issue? "So according to you, Beara told you that people needed to be killed, people should be killed, and you replied that that was not in accordance with Karadzic's instructions.... And an hour or two ago you explained that it was Karadzic who told you that...everyone should be killed. Is it now clear that Karadzic did not tell you that everyone needed to be killed, and it is questionable even what Beara told you if he was so drunk as you say?"⁸⁹

Moreover, Milosevic went on, Deronjic, far from taking orders from Beara, had told the colonel that the Muslim prisoners needed to be transferred to a military prison in order to establish whether there were

any war criminals among them. Milosevic asked, "So your interpretation of his instructions was that the prisoners...should be taken to the military prison...Not killed; right?" "That's right," Deronjic replied. So what remains of Deronjic's claim to have heard orders from Karadzic to execute the Muslims of Srebrenica? Precious little. It can't be stressed often enough that the supposed Serbian plan to execute the Muslims rests entirely on shaky evidence like this.

Momir Nikolic

When we come to Captain Momir Nikolic, the discrepancies in his testimonies are even greater. The former chief of security and intelligence with the BSA's Bratunac Brigade was indicted on six counts, including one of genocide, four of crimes against humanity, and one of violations of the laws or customs of war. He was jointly indicted with fellow BSA officers Colonel Vidoje Blagojevic, a former commander of the Bratunac Brigade, and Lieutenant Colonel Dragan Jokic, chief of engineering of the Zvornik Brigade, along with whom Nikolic was to be tried.

But with Nikolic's guilty plea on the eve of trial, the prosecutors withdrew *all* but one charge against him; Nikolic was allowed to plead guilty to persecutions on political, racial and religious grounds, a crime against humanity according to the ICTY statute.

Nikolic's May 2003 plea agreement stated that prosecutors would seek a prison sentence for him of between 15 and 20 years. In turn, Nikolic would "co-operate with" and "provide truthful and complete information to the Office of the Prosecutor whenever requested," and "meet as often as necessary with members of the Office of the Prosecutor in order to provide them with full and complete information and evidence that is known to him regarding the events surrounding the attack and fall of the Srebrenica enclave July 1995."⁹⁰

Unlike Miroslav Deronjic, another plea-bargained Bosnian Serb who received the sentence the prosecutors promised, the Tribunal sentenced Nikolic to 27 years. For the ICTY to renege on its promise and impose such a stiff sentence on Nikolic, something must have gone seriously wrong with his testimony. And it had. In what became the *Blagojevic-Jokic* case, the trial chamber literally caught Nikolic lying about crimes he did not commit, lying about having been present in locations where

he never had been, and lying about having appeared in photographs in which he didn't. Yet in its January 2005 *Judgment* in the *Blagojevic-Jokic* trial, the ICTY still relied on major components of his plea agreement and testimony. (Just as it continued to rely on Nikolic for a subsequent Srebrenica-related case: The June 2009 *Judgment* in the trial of Vujadin Popovic and his six co-defendants.⁹¹)

In his plea agreement, Nikolic claims knowledge of BSA executions of Muslim prisoners. Far more central to Nikolic's role within the Office of the Prosecutor's overall strategy, however, Nikolic also claims to have directly participated in BSA exhumation and reburial operations—the second-half of the ICTY's strategy to account for the 8,000 Bosnian Muslim males alleged to have been massacred following the fall of Srebrenica. Hence, in his plea agreement, Nikolic states that:

From July 14 through October 1995, Bratunac Brigade forces, working with the MUP and other [BSA] forces continued to capture and execute Muslim prisoners attempting to escape from the Srebrenica and Zepa areas. From September through October 1995 the Bratunac Brigade, working with the civilian authorities, exhumed the mass grave at Glogova and other mass graves of Muslim victims of the murder operation, and reburied them in individual mass graves throughout the greater Srebrenica area.⁹²

Peter McCloskey, the prosecutor who negotiated Nikolic's plea agreement, also negotiated Erdemovic's plea agreement seven years earlier. The significance of this fact should not be minimized: Just as the ICTY has used the Erdemovic plea and the perjury-apparatus surrounding him to officially recognize evidence related to one or more alleged mass executions of Bosnian Muslim prisoners of war in which Erdemovic claims to have participated, so the ICTY has used the Nikolic plea and the perjury-apparatus surrounding him to officially recognize evidence related to the alleged exhumation-and-reburial operations in which Nikolic claims to have participated.

During Nikolic's plea hearing, Presiding Judge Liu Daqun wondered what could stop a defendant from embellishing his story in the hope of making the prosecution happy and thus receiving a lighter sentence. The "practice of the Tribunal... is to sentence the accused before he gives any evidence," Judge Liu stated. "This avoids any suggestion that he's

inflated or invented his evidence which is given in order to obtain a great reduction for mitigation of his sentence.”⁹³ Yet Nikolic’s sentencing was conditioned on his future performance as a witness for the prosecution: The plea agreement stipulates that the “Prosecution and Mr. Nikolic...agree that they will jointly recommend to the Trial Chamber that sentencing of Mr. Nikolic in this matter not be set until after Mr. Nikolic has testified in the upcoming trial.”⁹⁴

Prosecutor McCloskey responded to Judge Liu that “if an accused is sentenced prior to giving testimony, the accused may feel that he can say anything he wants afterward and there is...nothing to make him live up to his agreement.” But Judge Liu was unconvinced. “What’s the criteria for you to judge whether the accused gives truthful testimony?” he asked. McCloskey replied: “[W]e’ll be going on our knowledge of the written investigation and what other people say and our knowledge of the case to determine whether we believe he is in fact telling the truth.”⁹⁵ In circumstances such as these, a defendant’s only hope for leniency rests in telling the prosecutor the story he wants to hear.

Nikolic’s guilty plea removed him as co-defendant in what would have been a joint trial of three Bosnian Serbs, along with Vidoje Blagojevic and Dragan Jokic. Instead, Nikolic would now testify as a witness for the prosecution *against* Blagojevic and Jokic at their trial.

But just before Nikolic was scheduled to take the stand, the prosecutors “unsealed” a statement he had made months earlier in which he had falsely claimed responsibility for having ordered executions at Sandici and at the Kravica warehouse on July 13, 1995. In fact, Nikolic wasn’t in Kravica when the executions allegedly took place. This shows that Judge Liu’s fears were warranted, and that Nikolic was inventing evidence or inflating his role in order to provide the prosecutors with what they wanted to hear.

Confronted with this falsification by Michael Karnavas, Blagojevic’s assigned counsel, Nikolic attempted to explain himself: “Our agreement...could have fallen through,” he said. “And so I wanted at all costs to have this agreement between myself and the OTP stand....I took on more than was my share and what I actually had done.”⁹⁶

Karnavas then asked: “How is it that you thought that by admitting...to one of the most horrendous executions that had ever taken place in this area, that that would help you with the Prosecution and

with the Trial Chamber in getting the kind of sentence that you're hoping and praying for?" Nikolic answered: "[I]t was my assessment that everything that took place in Srebrenica, the crime that took place there, that nobody, including myself, could avoid responsibility and their guilt."⁹⁷

Karnavas also referred to a report prepared by the OTP's investigator Bruce Bursik which states: "Nikolic states that he was at the Kravica warehouse on the 13th July...and ordered the execution there.... [Ljubomir] Borovcanin arrived whilst the execution was underway, and they spoke about what they should do about the bodies of those executed."⁹⁸

During his cross-examination, Nikolic denied that this was what he had told Bursik. Now he stated that Borovcanin knew about everything that was going on. "I spoke about the reasons for the execution, why it took place, and the other details that I learned about after everything that had happened." His alleged participation in and consequently his possession of firsthand knowledge of executions was in fact only hearsay—something that he learned from other persons much later.

Karnavas now asked: "Well, but you're saying that... 'Borovcanin did nothing to stop the shooting while he was there'. You've included him into your story through this line, that he was there with you, and he did nothing to stop the execution. Right?"

Nikolic responded: "[A]part from my involvement, the rest is true. He was there, and he did nothing. And I know that on the basis of information I collected later, after the execution. So I know that he did nothing to stop it."⁹⁹

From Karnavas' cross-examination of Nikolic, it appears that Nikolic made up his story out of the whole cloth. A serious court of law, therefore, would have disqualified Nikolic as a witness and thrown out his plea agreement. Instead, the ICTY embraced Nikolic. From the *Blagojevic-Jokic* case onward, whenever the ICTY has issued Srebrenica-related judgments, each successive trial chamber has relied on pick-and-choose combinations from both Nikolic's plea agreement and his courtroom testimonies. Although the January 2005 *Judgment* in the *Blagojevic-Jokic* trial took note of problems associated with "discrepancies between the evidence of various witnesses, or between the evidence of a particular witness and a statement previously made by that wit-

ness,” it only mentioned such discrepancies in passing, and it did not focus on Nikolic as a prime example. In a single sentence, this trial chamber also stated that it regarded the notes taken by the prosecution prior to drafting its plea agreement for Nikolic as “privileged,” and even asserted that it is “in the public interest that plea negotiations be protected from disclosure to third parties.”¹⁰⁰

By the time of the June 2009 *Judgment* in *Popovic et al.*, a different trial chamber found it necessary to devote a section of its *Judgment* to Nikolic, where it briefly discussed the “concerns” that had been raised “about his credibility.” Nevertheless, this trial chamber reiterated the pick-and-choose philosophy that guides ICTY jurisprudence when it concluded that “[Nikolic’s] evidence has probative value and merits consideration where relevant.”¹⁰¹ Seldom has the principle of *Falsus in uno, falsus in omnibus* (“False in one thing, false in everything”) been rejected with more candor.

Thus, consecutive trial chambers at the ICTY have entertained the possibility that Nikolic is not a credible witness on Srebrenica-related matters, and several judges have made *pro forma* declarations from the bench that they would treat with caution anything Nikolic says—or, perhaps, reject it out-of-hand. Yet, in the end, his testimony, like that of Erdemovic, was too useful to dispense with and was of central importance in building a case that remained so thin on forensic evidence and logic itself.

Concluding Note

Thanks to its rules of procedure and evidence, its *sui generis* jurisprudence, its freedom from oversight, timid defense attorneys and a compliant media that serve as its effective P.R. agents, the ICTY has been able over the course of many witness testimonials, indictments, plea bargains, trials, and convictions to construct what is widely regarded as a credible official history of the breakup of Yugoslavia.

Most of the witnesses brought before the Tribunal merely testified to wartime abuses that could be duplicated in any war zone, but these have been used by the ICTY to create a proper atmosphere for the advancement of “international humanitarian law” in which the theaters of armed conflict within the context of multiple and sometimes overlapping bloody civil wars were to be treated as crime scenes, with an al-

most exclusive and oftentimes microscopic focus on Serb conduct. Within the same framework, a major effort was made to link these to alleged policy decisions, plans, and conspiratorial behavior by Serb leaders in Belgrade and Pale. Toward this end, the ICTY coerces and cajoles witnesses as it builds the historical record. It threatens to indict. It exploits witness fears of reprisals. Above all, it uses the plea-bargain process to impel witnesses-for-the-prosecution to internalize and then recite its historically-correct scripts back to it.

For those who genuinely believe in the importance of the rule of law and justice in international affairs, the ICTY provides a depressing and cautionary spectacle. The use of hearsay, even double and triple hearsay, not only is permitted but encouraged for prosecution witnesses. Perjury is suborned from frightened defendants who understand that the likelihood of their acquittal is virtually nil.

Meanwhile, the larger political issues that arose during the violent break up of Yugoslavia—the covert arming of U.N.-protected “safe areas” by the United States and its sometime allies, the introduction of foreign Islamic jihadists into the Bosnian civil war with tacit U.S. approval, NATO’s collaboration with the terrorist Kosovo Liberation Army, and the launching of a war of aggression against a sovereign country in the name of “human rights” and propagandistic claims about preventing “genocide”—are never addressed by the Tribunal.

The victims of the wars in Yugoslavia, whom the ICTY supposedly represents, have been very badly served by this political inquisition masquerading as a court of law.

Notes

- 1 Michael Scharf, “Making a Spectacle of Himself; Milosevic Wants a Stage, Not the Right to Provide His Own Defense,” *Washington Post*, August 29, 2004.
- 2 See, e.g., Michael Mandel, *How America Gets Away With Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity* (Ann Arbor, MI: Pluto Press, 2004); John Laughland, *Travesty: The Trial of Slobodan Milosevic and the Corruption of International Justice* (Ann Arbor, MI: Pluto Press, 2007); and Edward S. Herman and David Peterson, “The Dismantling of Yugoslavia,” *Monthly Review*, October, 2007, <<http://www.monthlyreview.org/1007herman-peterson1.php>>.
- 3 For the original, pre-Srebrenica-related indictment, see Richard J. Goldstone, *The Prosecutor of the Tribunal against Radovan Karadzic, Ratko Mladic*, IT-95-5-

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- I, July 24, 1995, para. 17-33, <<http://www.icty.org/x/cases/karadzic/ind/en/kar-ii950724e.pdf>>. For the subsequent "'Safe Area' of Srebrenica' indictment, see Richard J. Goldstone, *The Prosecutor of the Tribunal against Radovan Karadzic, Ratko Mladic*, IT-95-18-I, November 14, 1995, <<http://www.icty.org/x/cases/karadzic/ind/en/kar-ii951116e.pdf>>.
- 4 Paul Holmes, "Karadzic a pariah, says war crimes tribunal chief," Reuters, July 26, 1995.
 - 5 For a crushing analysis of the ICTY's basis for exempting NATO, see Mandel, *How America Gets Away With Murder*, Ch. 6, "America Gets Away With Murder," pp. 176-206.
 - 6 *Prosecutor v. Slobodan Milosevic*, IT-02-54-T, Decision on Assigned Counsel Application for Interview and Testimony of Tony Blair and Gerhard Schroeder, December 9, 2005, para. 58 and 62, <http://www.icty.org/x/cases/slobodan_milosevic/tdec/en/051209.htm>.
 - 7 *Prosecutor v. Slobodan Milosevic et al.*, IT-99-37-PT, Second Amended Kosovo Indictment, October 16, 2001, para. 54, <http://www.icty.org/x/cases/slobodan_milosevic/ind/en/mil-2ai011029e.htm>.
 - 8 Raymond Bonner, "War Crimes Panel Finds Croat Troops 'Cleansed' the Serbs," *New York Times*, March 21, 1999.
 - 9 *Prosecutor v. Ante Gotovina*, IT-01-45-I, Indictment, May 21, 2001, <<http://www.icty.org/x/cases/gotovina/ind/en/got-ii010608e.htm>>.
 - 10 Carla Del Ponte, "Address to Goldman Sachs," London, ICTY, October 6, 2005, <<http://www.un.org/icty/pressreal/2005/speech/cdp-goldmansachs-050610-e.htm>>.
 - 11 "Kosovo Albanian Politician Implicated in Attack Evacuated to Germany," Agence France Presse, July 9, 2000.
 - 12 "America 'Covered Up' for KLA Ally," *The Observer*, September 10, 2000.
 - 13 "Kosovo War Crimes Suspect Is No Pariah," *Los Angeles Times*, July 12, 2007.
 - 14 Haradinaj Trial Transcript, IT-04-84-PT, March 5, 2007, p. 359, <<http://www.icty.org/x/cases/haradinaj/trans/en/070305ED.htm>>.
 - 15 Del Ponte showed considerable naiveté in her role as prosecutor of the ICTR, where she thought she could pursue an investigation of the Kagame faction's involvement in the April 6, 1994 shooting down of the jet carrying both Rwanda's Hutu President Juvenal Habyarimana and Burundi's Hutu President Cyprien Ntaryamira, killing all passengers aboard. But as Kagame was under U.S. protection, this was naïve of Del Ponte, and she soon was removed from office. See, e.g., Peter Erlinder, "Juridically-Constructed 'Victor's Impunity?'" *DePaul Journal for Social Justice*, Vo. 4, No. 1, Fall, 2010, pp. 131-214. Also see Edward S. Herman and David Peterson, *The Politics of Genocide* (New York: Monthly Review Press, 2010), Ch. 2.4, "Rwanda and the Democratic Republic of Congo," pp. 51-68.
 - 16 *Prosecutor v. Haradinaj*, IT-04-84-PT, *Judgment*, April 3, 2008, para. 6 and para. 28, <<http://www.icty.org/x/cases/haradinaj/tjug/en/080403.pdf>>.

- 17 See “Del Ponte almost dropped charges against Milosevic,” B92, April 10, 2008, <http://www.b92.net/eng/news/crimes-article.php?yyyy=2008&mm=04&dd=10&nav_id=49282>.
- 18 Haradinaj *Judgment*, para. 118.
- 19 *Ibid*, para. 120.
- 20 *Ibid*, para. 122.
- 21 *Ibid*, para. 162.
- 22 *Ibid*, para. 147.
- 23 Milosevic Trial Transcript, December 11, 2001, pp. 71-72, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/011211MH.htm>.
- 24 Milosevic Trial Transcript February 12, 2002, p. 82, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/020212IT.htm>.
- 25 *Prosecutor v. Slobodan Milosevic*, IT-02-54-T, Decision on Motion for Judgment of Acquittal, June 16, 2004, para. 288, <http://www.icty.org/x/cases/slobodan_milosevic/tdec/en/040616.htm>.
- 26 Milosevic Trial Transcript, August 25, 2005, pp. 43218-43219, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/050825IT.htm>.
- 27 *Ibid*, pp. 43227-43228.
- 28 *Ibid*, p. 43220.
- 29 A partial list of some of the orders issued by President Radovan Karadzic regarding the conduct of military operations can be found at “Orders, Directives, and Other Acts of Dr. Radovan Karadzic,” as archived on the webpage “The Case of Dr. Radovan Karadzic,” Centar Za Srpske Studije, Belgrade, 1997, <<http://www.srpska-mreza.com/library/hague/hague-vs-justice.html>>.
- 30 Milosevic Trial Transcript, November 26, 2003, p. 29675, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/031126IT.htm>..
- 31 Blagojevic Trial Transcript, IT-02-60-T, p. 1718, <http://www.icty.org/x/cases/blagojevic_jokic/trans/en/030922IT.htm>.
- 32 Milosevic Trial Transcript, April 28, 2003, pp. 19689-19690, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030428ED.htm>.
- 33 Milosevic Trial Transcript, April 29, 2003, pp. 19768-19771, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030429ED.htm>.
- 34 *Prosecutor v. Dusko Tadic*, Appeals *Judgment*, July 15, 1999, para. 196, <<http://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf>>.
- 35 *Prosecutor v. Milosevic*, First Amended Indictment, Croatia, IT-02-54-T, October 23, 2002, <http://www.icty.org/x/cases/slobodan_milosevic/ind/en/mil-ai021023.htm>.
- 36 *Prosecutor v. Tadic*, Appeals *Judgment*, para. 204.
- 37 *Ibid*, paragraph 228.
- 38 *Prosecutor v. Halilovic*, IT-01-48, *Judgment*, November 16, 2005, para. 364, <<http://www.icty.org/x/cases/halilovic/tjug/en/tcj051116e.pdf>>.
- 39 *Ibid*, para. 366.
- 40 *Prosecutor v. Fatmir Limaj et al.*, IT-03-66-T, *Judgment*, November 30, 2005,

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- para. 18 and 19, <<http://www.icty.org/x/cases/limaj/tjug/en/lim-tj051130-e.pdf>>.
- 41 *ibid*, para. 215 and 216.
- 42 *Ibid*, para. 225.
- 43 *Ibid*, para. 226.
- 44 *Ibid*, para. 568.
- 45 *Ibid*, para. 26.
- 46 *Ibid*, para. 28.
- 47 *Ibid*, para. 27.
- 48 In the Milosevic trial alone, among the many experts testifying who, at one time or another, were on the ICTY's payroll, these include: Forensic pathologist Eric Baccard, Barney Kelly, Fred Abrahams of Human Rights Watch, Philip Coe, Morten Torkildsen, Reynaud J.M. Theunens, and Ewa Tabeau.
- 49 Milosevic Trial Transcript, June 7, 2002, p. 6540, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/020607ED.htm> .
- 50 Milosevic Trial Transcript, June 14, 2002, p. 7129, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/020614ED.htm>.
- 51 Milosevic Trial Transcript, February 20, 2003, p. 16570, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030220IT.htm>.
- 52 "Croatian Assembly Recalls Stipe Mesic from Post of President of SFRY," *Tanjug* (Zagreb), December 5, 1991; BBC Summary of World Broadcasts, December 7, 1991. According to *Tanjug*, in response to Mesic's "I have fulfilled my duty," the President of the Croatian Assembly, Zarko Domljan, "thanked Mesic for the completion of his work, during which he always took into account the fact that he was representing the interests of Croatia. 'Mesic has kept his promise that he would be the last President of Yugoslavia', Domljan said in conclusion."
- 53 Milosevic Trial Transcript, August 29, 2003, p. 25635, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030829ED.htm>.
- 54 *Ibid*, p. 25650.
- 55 Milosevic Trial Transcript, April 17, 2003, p. 19508, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030417ED.htm>.
- 56 *Prosecutor v. Slobodan Milosevic*, IT-02-54-T, Decision on Motion for Judgment of Acquittal, June 16, 2004, para. 306.
- 57 Milosevic Trial Transcript, July 17, 2002, p. 8209, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/020717ED.htm>.
- 58 Milosevic Trial Transcript, July 3, 2002, pp. 7411-7419, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/020702ED.htm>.
- 59 Milosevic Trial Transcript, July 4, 2002, pp. 7421-7427, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/020704ED.htm>.
- 60 Milosevic Trial Transcript, July 26, 2002, pp. 8762-8767, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/020726IT.htm>.
- 61 Milosevic Trial Transcript, February 21, 2003, p. 16736, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030221IT.htm>.
- 62 Michael Dobbs, "Serb Ex-Officer Sought By War Crimes Tribunal," *Washington*

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Post, March 8, 1996.

- 63 Also see the account in Germinal Civikov, *Srebrenica: The Star Witness*, Trans. John Laughland (Belgrade: NGO Srebrenica Historical Project, 2010), Ch. 3, "Capture and transfer," pp. 28-32.
- 64 *Prosecutor v. Goran Jelusic*, IT-95-10, *Judgment*, December 14, 1999, <<http://www.icty.org/x/cases/jelusic/tjug/en/jel-tj991214e.pdf>>.
- 65 *Prosecutor v. Drazen Erdemovic*, IT-96-22, January 14, 1998, p.32. The transcript for the hearing on this day is very hard to find on the ICTY Web site. However, the url <<http://www.icty.org/x/cases/erdemovic/trans/en/980114it.htm>> should get one there.
- 66 Krstic Trial Transcript, May 22, 2000, p. 3068, <<http://www.icty.org/x/cases/krstic/trans/en/000522it.htm>>.
- 67 See Civikov, *Srebrenica: The Star Witness*, Ch. 1, "'We weren't mercenaries, we were professionals,'" pp. 20-23.
- 68 See Civikov, *Srebrenica: The Star Witness*, pp. 26-27, p. 48, pp. 57-58, pp. 59-61, p. 108, pp. 121-122, and p. 130. Throughout, Civikov emphasizes how this "anonymous" and "mysterious" lieutenant colonel happens to "pop up" in the Erdemovic testimonies whenever Erdemovic and the prosecution need him. Nevertheless, he remains unidentified.
- 69 *Prosecutor v. Drazen Erdemovic*, Sentencing Judgment, March 5, 1998, para. 16, <<http://www.icty.org/x/cases/erdemovic/tjug/en/erd-ts980305e.pdf>>.
- 70 See Civikov, *Srebrenica: The Star Witness*, Ch. 27, "The French Connection," pp. 111-114. Therein, we read: "Jugoslav Petru, also known as 'Colonel Yugo Dominik', is a former member of the French Foreign Legion with dual French and Yugoslav citizenship. Petru claims to be working for the French *Direction generale de la securite exterieure* (DGSE) which is very probably true but which is not confirmed officially by France. As [former Serbian Minister of Information Goran] Matic further indicates, in 1996, i.e. after the end of the war in Bosnia, Petru had, together with Milorad Pelemic, recruited some 180 mercenaries for the French secret service and taken them to Zaire (Congo) to fight in the civil war there on the side of President Mobutu. The whole affair was financed by the French telecommunications company 'Geolink', for which the government in Belgrade says it has proof" (pp. 112-113).
- 71 Interview with Hakija Meholic, *Dani* (Sarajevo), June 22, 1998.
- 72 Milosevic Trial Transcript, August 25, 2003, pp. 25210-25212, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/030825ED.htm>.
- 73 *Ibid*, p. 25233.
- 74 Quoted in Louise Branson, "Serbian Killer Turned Away by U.S. Embassy," *The Sunday Times* (London), March 17, 1996.
- 75 Milosevic Trial Transcript, August 25, 2003, pp. 25223-25225.
- 76 Dusan Stojanovic, N.T., Associated Press Worldstream, March 14, 1996.
- 77 Erdemovic Trial Transcript, November 20, 1996, p. 318, <<http://www.icty.org/x/cases/erdemovic/trans/en/961120ED.htm>>.

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- 78 Erdemovic Trial Transcript, November 19, 1996, p. 134, <<http://www.icty.org/x/cases/erdemovic/trans/en/961119IT.htm>>.
- 79 *Ibid*, pp. 141-145.
- 80 *Ibid*, November 19, 1996, p. 210.
- 81 “The Ghosts of Srebrenica,” *Boston Globe*, May 19, 1996.
- 82 “Peabody Man Won’t Face Tribunal,” *Boston Globe*, August 28, 2004.
- 83 *Prosecutor v. Momir Nikolic*, IT-02-60/1-S, Sentencing Proceeding, October 28, 2003, p. 1565, <<http://www.icty.org/x/cases/nikolic/trans/en/031028ED.htm>>.
- 84 Milosevic Trial Transcript, November 26, 2003, p. 29641, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/031126IT.htm>.
- 85 BBC Summary of World Broadcasts, February 5, 1996; source: Bosnian Serb News Agency SRNA.
- 86 BBC Summary of World Broadcasts, December 21, 1995; source: Tanjug News Agency.
- 87 *Prosecutor v. Nikolic*, October 28, 2003, p. 1550.
- 88 Milosevic Trial Transcript, November 26, 2003, p. 29688.
- 89 *ibid*, pp. 29706-29707.
- 90 See *Joint Motion for Consideration of Plea Agreement Between Momir Nikolic and the Office of the Prosecutor, Amended Plea Agreement*, IT-02-60-PT, May 7, 2003, para. 9, <<http://www.un.org/icty/mnikolic/trialc/plea030507e.htm>>.
- 91 See Judge Carmel Agius *et al.*, *Prosecutor v. Vujadin Popovic et al.*, IT-05-88-T, *Judgment*, June 10, 2009, specifically “Momir Nikolic,” para. 48-53, <<http://www.icty.org/x/cases/popovic/tjug/en/100610judgement.pdf>>.
- 92 *Statement of Facts and Acceptance of Responsibility*, Tab A to Annex A to the *Joint Motion for Consideration of Plea Agreement Between Momir Nikolic and the Office of the Prosecutor*, <<http://www.un.org/icty/mnikolic/trialc/facts030506.htm>>.
- 93 Nikolic Trial Transcript, IT-02-60-PT, May 6, 2003, pp. 269-270, <<http://www.icty.org/x/cases/blagojevic/trans/en/030506MH.htm>>.
- 94 *Joint Motion for Consideration of Plea Agreement Between Momir Nikolic and the Office of the Prosecutor, Amended Plea Agreement*, Annex A, IT-02-60-PT, May 7, 2003, para. 10, <<http://www.un.org/icty/mnikolic/trialc/plea030507e.htm>>.
- 95 Nikolic Trial Transcript, May 6, 2003, pp. 283-284, <<http://www.icty.org/x/cases/blagojevic/trans/en/030506MH.htm>>.
- 96 Blagojevic- Jokic Trial Transcript, IT-02-60-T, September 29, 2003, pp. 2126-2127, <http://www.icty.org/x/cases/blagojevic_jokic/trans/en/030929IT.htm>.
- 97 *Ibid*, p. 2133.
- 98 *Ibid*, p. 2138.
- 99 *Ibid*, p. 2141.
- 100 Judge Liu Daqun *et al.*, *Prosecutor v. Vidoje Blagojevic and Dragan Jokic*, IT-02-60-T, *Judgment*, January 17, 2005, para. 21-24; para. 876, <http://www.icty.org/x/cases/blagojevic_jokic/tjug/en/bla-050117e.pdf>. In handing down its sentence to Nikolic, the trial chamber already had noted: “Apart from his initial false comments in relation to the Kravica warehouse killings, which he subsequently ex-

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plained, the Prosecution is unaware of any other false statements made by Momir Nikolic. The Prosecution submits that the testimony of Momir Nikolic is credible as it is supported by documentary as well as witness testimony, in relation to the [BSA] offensive in Srebrenica, Nikolic's role in co-ordination of the separation, detention, execution, burial and reburial of the Muslim prisoners." See *Prosecutor v. Momir Nikolic*, IT-02-60/1-S, Sentencing Judgment, December 2, 2003, para. 153, <<http://www.un.org/icty/mnikolic/trialc/judgement/mnik-sj031202e.htm>>.

101 Judge Carmel Agius *et al.*, *Prosecutor v. Vujadin Popovic et al.*, IT-05-88-T, *Judgment*, para. 53, <<http://www.icty.org/x/cases/popovic/tjug/en/100610judgement.pdf>>.

CHAPTER 6

The ICTY Calls It “Genocide”

Michael Mandel

On August 2, 2001, Trial Chamber I of the International Criminal Tribunal for the Former Yugoslavia (ICTY) ruled that the events at Srebrenica in July 1995 constituted “genocide.”¹ For this and other crimes they sentenced General Radovan Krstic, in charge of one of the corps involved in the operation, to imprisonment for 46 years. On April 19, 2004, the ICTY Appeals Chamber reduced Krstic’s conviction to one of “aiding and abetting” and his sentence to 35 years imprisonment, while re-affirming the legal characterization of Srebrenica as genocide.²

But if the *Krstic* case stands for anything, it stands for the fact that genocide did *not* occur at Srebrenica. And the Court’s conclusion that it did can only be considered a legal form of propaganda, and another contribution to the impression of the Tribunal as more a “political tool” than a “juridical institution,” to paraphrase its most famous defendant.³

The Tribunal’s claim that genocide occurred at Srebrenica was not supported by the facts it found or by the law it cited. Even the Trial Chamber’s conclusion that “Bosnian Serb forces executed several thousand Bosnian Muslim men [with the] total number of victims...likely to be within the range of 7,000 - 8,000 men” was not supported by its explicit findings.⁴ The number of bodies exhumed amounted to only 2,028, and the Chamber conceded that even a number of these had died in combat, in fact going so far as to say that the evidence only “suggested” that “the majority” of those killed had not been killed in combat: “The results of the forensic investigations *suggest* that the *majority* of bodies exhumed were not killed in combat; they were killed in mass executions.”⁵ The highest expert estimate before the court of those who went *missing* after the takeover of the enclave, and had not yet been accounted for was 7,475, and the Trial Chamber found that the evidence as a whole only “*strongly suggests* that well in excess of 7,000 people went missing following the take-over of Srebrenica.” The evidence was found only to “support the proposition that *the majority* of missing people were, in fact, executed and buried in the mass graves.”⁶ A *majority* of a *maximum* of 7,000 - 8000 would put the *maximum* executed closer to 4,000.

Of course the execution of even 4,000 or 2,000 or 200 men would have been a horrible crime, mass murder in fact, so on a purely legal basis it would be hard to understand the Trial Chamber’s stretching of the numbers so far past what had been proved “beyond a reasonable doubt.” It is a lot easier to understand as propaganda, though, because the high-end figure had the benefit of matching the official story both in quantity and, most importantly, in quality, with the horrifying qualification of “genocide”

Literally, morally and in everyday usage, “genocide” is to a people what homicide is to a person. The term was coined to mean precisely that by the Polish Jew Raphael Lemkin, who had in mind the Holocaust he had just escaped:

By ‘genocide’ we mean the destruction of a nation or of an ethnic group. This new word, coined by the author to denote an old practice in its modern development, is made from the ancient Greek work *genos* (race, tribe) and the Latin *cide* (killing), thus corresponding in its formation to such words as tyrannicide, homicide, infanticide, etc.... It is intended ... to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves.⁷

The literal and everyday meaning of the term are also the same, as witness the opposition to its use of even so ardent an advocate of NATO’s military interventions in the Balkans as Elie Wiesel:

In my view genocide is the intent and desire to annihilate a people.... The Holocaust was conceived to annihilate the last Jew on the planet. Does anyone believe that Milosevic and his accomplices seriously planned to exterminate all the Bosnians, all the Albanians, all the Muslims in the world?⁸

The Trial Chamber in *Krstic* actually determined the opposite of this, namely that the killing of the men of Srebrenica was *not* part of a plan to kill even all the Muslims of *Srebrenica*. Despite the sinister connotations of separating the men from the women, the children and the elderly, the Trial Chamber confirmed that this was done (see below) *so that the women, the children and the elderly could be removed to safety*. In other words, the opposite of Auschwitz-Birkenau, not a repeat of it. Similarly, the Trial Chamber found that the “plan” to kill the men did not even

pre-exist the takeover of the enclave (three years into the Bosnian civil war) and was only “devised” and implemented in the few days after the fall of Srebrenica: “Following the take-over of Srebrenica, in July 1995, Bosnian Serb forces devised and implemented a plan to execute as many as possible of the military aged Bosnian Muslim men present in the enclave.”⁹

It’s true that the definition of “genocide” in the statute of the ICTY (which merely repeats the terms of the UN *Genocide Convention* of 1948) is much looser than the literal or ordinary meaning of the term and includes killing or even “causing serious bodily or mental harm to members of the group” when this is done “with intent to destroy, in whole *or in part*, a national, ethnical, racial or religious group, as such.”¹⁰ Literally, this could mean any racist killing, and the American Senate feared in 1950 that it would cover “casual” Southern lynchings.¹¹ But there was a long-standing legal understanding, accepted by the ICTY, that the definition was not to be applied literally, and the word “part” was to be modified by “significant” or “substantial.” Naturally this left some room for equivocation, but the traditional line of thinking was that, in line with the original and ordinary meaning of the concept, the part destroyed would have to be significant enough to mean the effective destruction the whole. Lemkin put it this way to the American Senate to help it solve its doubts about lynchings:

The emphasis is on destruction, which means that the destruction must be of such a kind as to affect the entirety. Let us compare the destruction of a race with the destruction of a house. To destroy a house means to effect such changes in the house that it can no longer be considered as a house. This is the meaning of the words ‘as such’ in the convention. When the 1,200,000 Armenians were destroyed in Turkey in 1915, not all Armenians living in Turkey were killed, but this great destruction affected the very existence of the Armenian religious groups. The same applies to the Jews in Germany and other parts of Europe.¹²

Now nobody even argued that the (improvised) plan to kill all the men of Srebrenica (vigorously denied by the Defence) was part of a plan to kill all the Muslims of Bosnia. And everybody agreed that it was the Muslims of *Bosnia* who were the “group” for the purposes of the law.

Nobody argued that the Muslims of *Srebrenica* constituted an entire “national, ethnical, racial or religious group, as such.” The Trial Chamber just ignored this problem and decided that an intent to destroy the military-aged Muslim males of Srebrenica was an intent to destroy a significant part of the Bosnian Muslims as a whole, without any attempt whatever to demonstrate the impact this would have on the whole group.

But that was not even the biggest hole in the Trial Chamber’s reasoning, because there was also no evidence that the killing of the men was part of an attempt to physically annihilate even all 40,000 people of Srebrenica. Hence the removal of the women and children to safety. The Trial Chamber’s solution was to substitute real destruction of the community for its *geographical* “destruction,” that is, its *displacement* from Srebrenica—which equates “ethnic cleansing” with genocide, precisely the way the Western propagandists had done. (“As a result, there are obvious similarities between a genocidal policy and the policy commonly known as ‘ethnic cleansing’.”¹³)

According to the Tribunal, there was sufficient genocidal intent if what was sought was to kill all the people of a given group *in one area*, even though it wasn’t part of any plan to kill them all elsewhere. For this they relied mainly on their own dubious previous judgments and—something not likely to please the Israeli leadership—a 1982 UN General Assembly Resolution that the murder of at least 800 Palestinians in the Sabra and Shatila refugee camps in Beirut that year was “an act of genocide.”¹⁴ According to the Tribunal,

... the killing of all members of the part of a group located within a small geographical area ... would qualify as genocide if carried out with the intent to destroy the part of the group as such located in this small geographical area. Indeed, the physical destruction may target only a part of the geographically limited part of the larger group because the perpetrators of the genocide regard the intended destruction as sufficient to annihilate the group as a distinct entity in the geographic area at issue.¹⁵

The court then went the final step and dispensed with the “annihilation” element altogether, finding genocidal intent in killing to achieve the permanent removal of a group *from one area to another*. To link this

to the killing of the men (“killing ... with intent to destroy ... a group”) and not just the removal of the women and children, the Court relied partly on the patriarchal nature of Bosnian Muslim society and the ancient ideology of patriarchy, which made men more important than women. But the Serbs weren’t found to have been trying to kill all the males, only the military aged ones; so the court was driven to a *military* rationale, which was the precise argument made by the defence to deny genocide: military-aged men were a *military threat* because they might re-take the area.

Granted, only the men of military age were systematically massacred, but it is significant that these massacres occurred at a time when the forcible transfer of the rest of the Bosnian Muslim population was well under way. The Bosnian Serb forces could not have failed to know, by the time they decided to kill all the men, that this selective destruction of the group would have a lasting impact upon the entire group. *Their death precluded any effective attempt by the Bosnian Muslims to recapture the territory.* Furthermore, the Bosnian Serb forces had to be aware of the catastrophic impact that the disappearance of two or three generations of men would have on the survival of a traditionally patriarchal society, an impact the Chamber has previously described in detail. The Bosnian Serb forces knew, by the time they decided to kill all of the military aged men, that the combination of those killings with the forcible transfer of the women, children and elderly would inevitably result in the physical disappearance of the Bosnian Muslim population *at Srebrenica...*¹⁶

In other words, genocide is “ethnic cleansing”—but only, it seems, if it’s committed by Serbs, because genocide was the one count conspicuously missing from the ICTY’s belated indictment for “Operation Storm,” the massive ethnic cleansing by Croatian forces of Serbs in the Krajina region of Croatia in August 1995. The Operation Storm indictment was already suspect because of its tardiness. The American ally, Croatian President Franjo Tudjman, named in the indictment, had conveniently died before it was issued in 2001 and the indictment had been kept conveniently secret until 2004. It wasn’t as if this made it easier to catch the indictee, Ante Gotovina, who, according to press reports, had

been tipped off as soon as it was issued and who remained at large until December 2005, when Croatia turned him in as a *quid pro quo* for its European Union ambitions.¹⁷ The lack of mention in the indictment of any American leaders or generals for their well-known role in Operation Storm was merely par for the course for the Tribunal.¹⁸ But how, consistent with the finding of “genocide” in the *Krstic* case, could a count related to “genocide” have been left out of an indictment that included the following charges?

Deportation/Forced Displacement

27. Between 4 August 1995 and 15 November 1995, Croatian forces directed violent and intimidating acts against Krajina Serbs, including the plunder and destruction of their property, thereby forcing them to flee the southern portion of the Krajina region.
28. These acts were intended to discourage or prevent those who had already fled the area, either immediately before or during Operation Storm in anticipation of an armed conflict, from returning to their homes. The effect of these violent and intimidating acts was a deportation and/or displacement of tens of thousands of Krajina Serbs to Bosnia and Herzegovina and Serbia.

The Prosecution alleges that the following two acts were natural and foreseeable consequences of the joint criminal enterprise, and on that basis also contributed to the offence of persecutions.

Murder

29. Between 4 August 1995 and 15 November 1995, Croatian forces murdered at least 150 Krajina Serbs. Specifically referred to in this Amended Indictment are the murders of 1 person in the Benkovac Municipality, 30 persons in the Knin Municipality, and 1 person in the Korenica Municipality.

Other Inhumane Acts

30. Between 4 August 1995 and 15 November 1995, large numbers of Krajina Serbs were subjected to inhumane treatment, humiliation and degradation by Croatian forces beating and assaulting them.¹⁹

Now the *Krstic* Appeals Chamber—led by American Judge Theodor Meron (presiding over a court composed of the nominees of four NATO countries, one of which was Muslim Turkey, and one Muslim judge from predominantly Christian Guyana)²⁰—was clearly embarrassed by the findings of the Trial Chamber: “It must be acknowledged that in portions of its Judgment, the Trial Chamber used imprecise language which lends support to the Defence’s argument. The Trial Chamber should have expressed its reasoning more carefully.”²¹ So they set about rescuing the genocide designation by seriously massaging the findings of the Trial Chamber.

Naturally, all qualms about the number of victims had to be buried once and for all. Now it was simply: “between 7,000-8,000 Bosnian Muslim men were systematically murdered.”²² The focus of the Trial Chamber had to be redirected from displacement to destruction: “The Genocide Convention, and customary international law in general, prohibit only the physical or biological destruction of a human group.”²³ And the military motive had to be suppressed: “the extermination of these men was not driven *solely* by a military rationale.”²⁴

But the only other “rationale” available to rescue the genocide verdict was the one about patriarchy. So the task was somehow to weave this into something affecting not merely the Muslim presence *in Srebrenica* but the existence of the group:

The Trial Chamber was also entitled to consider the long-term impact that the elimination of seven to eight thousand men from Srebrenica would have on the survival of that community. In examining these consequences, the Trial Chamber properly focused on the likelihood of the community’s physical survival. As the Trial Chamber found, the massacred men amounted to about one fifth of the overall Srebrenica community. The Trial Chamber found that, given the patriarchal character of the Bosnian Muslim society in Srebrenica, the destruction of such a sizeable number of men would ‘inevitably result in the physical disappearance of the Bosnian Muslim population at Srebrenica.’²⁵

By itself this wouldn’t go beyond displacement (“*at Srebrenica*”) so the Appeals Chamber now deployed the fact, elsewhere suppressed, that proof of death of those listed as missing was inconclusive, in fact evi-

dently not strong enough to convince the community itself:

Evidence introduced at trial supported this finding, by showing that, with the majority of the men killed officially listed as missing, their spouses are unable to remarry and, consequently, to have new children. The physical destruction of the men therefore had severe procreative implications for the Srebrenica Muslim community, potentially consigning the community to extinction.²⁶

Of course, what was going to be (potentially) “extinguished” was not the actually existing 80% of the inhabitants of Srebrenica who survived the genocide—note this wasn’t even said to be an *attempted* genocide, but an actual one—or even the future offspring of the survivors. Do the math: A lot fewer than another 20% of the inhabitants would have been dead men’s spouses with children yet to bear. The community that would be extinguished was a virtual one, an abstraction that by convenient definition included the dead men and their unborn children.

This bizarre rationale had many problems of its own. In the first place, according to the jurisprudence, genocide required a “specific intent,” that is this very complicated goal had to be the conscious object of the killers. It wasn’t enough that they killed the men for military advantage (after three years of civil war), for reprisal, for terror or out of sheer hatred. It had to be for reasons of extinction of the community itself. Now the Trial Chamber had only gone so far as to conclude that those responsible *knew* this would be the result. And even that was purely inferential, based not on any direct testimony, but a deduction that, since this highly complicated result would be only too obvious to anyone, the killers had to be aware and therefore *were* aware: “...the Bosnian Serb forces *had to be aware* of the catastrophic impact... The Bosnian Serb forces *knew*,...”²⁷

But knowledge is still short of purpose, the “specific intent” of genocide, so the Appeals Chamber had to stretch things out a bit more and claim that it was a fair inference from their (presumed) knowledge that this was their purpose:

The Trial Chamber found that the Bosnian Serb forces were aware of these consequences when they decided to systematically eliminate the captured Muslim men. The finding that some members of the VRS Main Staff devised the killing of the

male prisoners with full knowledge of the detrimental consequences it would have for the physical survival of the Bosnian Muslim community in Srebrenica further supports the Trial Chamber’s conclusion that the instigators of that operation had the requisite genocidal intent.²⁸

Another intent problem was the one raised by the Defense at trial: if they meant to physically destroy the community, why not kill the women, children and elderly too? The Court of Appeal sought to counter any suggestion of humanity in this by turning it into a cynical public relations ploy:

The decision not to kill the women or children may be explained by the Bosnian Serbs’ sensitivity to public opinion. In contrast to the killing of the captured military men, such an action could not easily be kept secret, or disguised as a military operation, and so carried an increased risk of attracting international censure. . . . The international attention focused on Srebrenica, combined with the presence of the UN troops in the area, prevented those members of the VRS Main Staff who devised the genocidal plan from putting it into action in the most direct and efficient way. Constrained by the circumstances, they adopted the method that would allow them to implement the genocidal design while minimizing the risk of retribution.²⁹

But this proves just a little too much as they used to say at Oxford (and maybe still do), because the way they were forced to implement the plan (that they were *deemed* to have devised) was a way that did not amount to genocide. Which only amounts to saying (not, naturally, proving beyond a reasonable doubt) no more than that they would have done it, or tried to do it, if they thought they could get away with it. But you know what it’s called when you don’t even try to commit a crime—even one that you want very badly to commit—because you don’t think you can get away with it? It’s called *not committing the crime*.

The Appeals Chamber had still more work to do, because it remembered what the Trial Chamber had forgotten: that somehow, the genocide had to be aimed at the destruction of the group as a whole: “The aim of the Genocide Convention is to prevent the intentional destruction of entire human groups, and the part targeted must be significant enough to have an impact on the group as a whole . . . the act must be di-

rected toward the destruction of a group.”³⁰ But, once again, everybody admitted that the Muslims of Srebrenica did not constitute an entire “national, ethnical, racial or religious group”: “The targeted group identified in the Indictment, and accepted by the Trial Chamber, was that of the Bosnian Muslims.”³¹ How could even the actual (let alone “potential”) destruction of the Muslims of Srebrenica, let alone their displacement—be aimed at the destruction of the Bosnian Muslims as a whole?

Here the court relied on a political version of the military rationale it rejected elsewhere in the judgment, emphasizing the strategic importance of Srebrenica to a viable Bosnian Serb state.

Although this population constituted only a small percentage of the overall Muslim population of Bosnia and Herzegovina at the time, the importance of the Muslim community of Srebrenica is not captured solely by its size. As the Trial Chamber explained, Srebrenica (and the surrounding Central Podrinje region) were of immense strategic importance to the Bosnian Serb leadership. Without Srebrenica, the ethnically Serb state of Republika Srpska they sought to create would remain divided into two disconnected parts, and its access to Serbia proper would be disrupted. The capture and ethnic purification of Srebrenica would therefore severely undermine the military efforts of the Bosnian Muslim state to ensure its viability, a consequence the Muslim leadership fully realized and strove to prevent. Control over the Srebrenica region was consequently essential to the goal of some Bosnian Serb leaders of forming a viable political entity in Bosnia, as well as to the continued survival of the Bosnian Muslim people. Because most of the Muslim inhabitants of the region had, by 1995, sought refuge within the Srebrenica enclave, the elimination of that enclave would have accomplished the goal of purifying the entire region of its Muslim population.³²

Why an ethnically cleansed Srebrenica should be a threat to the very existence of the Bosnian Muslims, as opposed to their territorial ambitions, is impossible to understand. It’s as if any gain by the Serbs was not only a loss to the Muslims, but the death knell of their entire community. In fact the semi-autonomous Serb Republic that came out of Day-

ton includes Srebrenica, and the Bosnia Muslims have neither disappeared from the face of the earth nor from Muslim Bosnia.

Similarly with the Court’s final rationale: that Srebrenica would be a lesson to all Muslims and therefore ‘emblematic’ of their fate:

In addition, Srebrenica was important due to its prominence in the eyes of both the Bosnian Muslims and the international community. The town of Srebrenica was the most visible of the ‘safe areas’ established by the UN Security Council in Bosnia. By 1995 it had received significant attention in the international media. In its resolution declaring Srebrenica a safe area, the Security Council announced that it ‘should be free from armed attack or any other hostile act.’ This guarantee of protection was re-affirmed by the commander of the UN Protection Force in Bosnia (UNPROFOR) and reinforced with the deployment of UN troops. The elimination of the Muslim population of Srebrenica, despite the assurances given by the international community, would serve as a potent example to all Bosnian Muslims of their vulnerability and defenselessness in the face of Serb military forces. The fate of the Bosnian Muslims of Srebrenica would be emblematic of that of all Bosnian Muslims.³³

“Emblematic” of what fate, though? It was conceded in the same breath that the Bosnian Serbs did not want to kill all the Muslims of Bosnia. The Muslims of Srebrenica were sure emblematic in this sense, because the Serbs didn’t want to kill all of them either. What they were emblematic of was the fact that this was a brutal struggle over territory, and Srebrenica was right in the middle of it. But there was no evidence inside or outside the court that the Bosnian Serbs had any designs on the survival of the Bosnian Muslims in any other part of Bosnia. According to the “genocidal plan” they would remain physically and culturally intact, in most of their traditional homeland, very much the way the Dayton Agreement imposed by the Americans provided.

In the end this tangled web of argument could serve only to underline the fact that no genocide, not even any acts of genocide, took place at Srebrenica. What took place were horrible acts of war, no more or less horrible for being legal or illegal. But for these the responsibility has to be spread around a lot more widely than the court wanted to suggest by the notion of genocide, well beyond the immediate perpetrators and

indeed all the local actors, to include the others responsible for the war in Bosnia: the Europeans who for reasons of pure self-interest lit the match to the “former Yugoslavia” by underwriting its dissolution and the Americans who for similar reasons fanned the flames and made sure that nobody was allowed to put out the fire until their bombers could do the job. And as aiders and abettors we should not leave out the ICTY itself for providing the propaganda cover for all this violence in cases like *Krstic* and the many that preceded and followed it.

Notes

- 1 *Prosecutor v. Radislav Krstic*, IT-98-33-T, “Srebrenica-Drina Corps,” Trial Chamber *Judgment*, August 2, 2001, <<http://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf>>.
- 2 *Prosecutor v. Radislav Krstic*, IT-98-33-A, Appeals Chamber *Judgment*, April 19, 2004, <<http://www.icty.org/x/cases/krstic/acjug/en/krs-aj040419e.pdf>>.
- 3 *Prosecutor v. Slobodan Milosevic*, IT-02-54, “Kosovo, Croatia And Bosnia Herzegovina,” Transcript, August 30, 2001, p. 25 <www.un.org/icty/transe54/020830IT.htm>.
- 4 *Krstic*, Trial Chamber, *Judgment*, para. 84 and 426.
- 5 *Ibid*, para. 75 (emphasis added). See also para. 76: “Certainly, at those sites where no blindfolds or ligatures were found during exhumations, the evidence that the victims were not killed in combat was less compelling. Significantly, some of the gravesites located in the Nova Kasaba and Konjevic Polje area, where intense fighting took place between the Bosnian Serb and Bosnian Muslim forces, on 12 and 13 July 1995, were amongst those where very few blindfolds and ligatures were uncovered.”
- 6 *Ibid*, para. 81 and 82, emphasis added.
- 7 Raphael Lemkin, *Axis rule in occupied Europe: laws of occupation, analysis of government, proposals for redress* (New York: H. Fertig, 1973 [originally published 1944]), p. 79.
- 8 Elie Wiesel, “The Question of Genocide,” *Newsweek*, April 12, 1999, p. 37.
- 9 *Krstic*, Trial Chamber, *Judgment*, para. 87.
- 10 Statute of the International Criminal Tribunal for the Former Yugoslavia, May 23, 1993, as last amended on September 29, 2008, Article 4, “Genocide.”
- 11 United States Senate, Committee on Foreign Relations, Subcommittee on Genocide Convention, April 12, 1950, in *Executive Sessions of the Senate Foreign Relations Committee, Historical Series* (1976), Vol. 2, p. 361.
- 12 *Ibid*, p. 370.
- 13 *Krstic*, Trial Chamber, *Judgment*, para. 562.
- 14 *Ibid*, para. 589, n. 1,306, citing UN General Assembly Resolution AG/

Res.37/123D, December 16, 1982.

- 15 *Ibid*, para. 590.
- 16 *Ibid*, paras. 593, 595, emphasis added.
- 17 Ian Traynor Zagreb and Giles Tremlett, “Capture of war crimes suspect paves Croatia’s way to EU entry,” *The Guardian*, December 9, 2005.
- 18 Carlotta Gall with Marlise Simons, “Croatia in Turmoil After Agreeing to Send Two to Tribunal,” *New York Times*, July 8, 2001, p. A3. Also see Michael Mandel, *How America Gets Away With Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity* (Ann Arbor, MI: Pluto Press, 2004), Chapter 6, pp. “America Gets Away with Murder,” pp. 176-206.
- 19 *Prosecutor v. Ante Gotovina*, IT-01-45, Amended Indictment, February 19, 2004, <<http://www.un.org/icty/indictment/english/got-ai040224e.htm>>.
- 20 In the *Krstic* case, the Trial Chamber judges were from two NATO countries (Presiding Judge Almiro Rodrigues and Judge Patricia Wald) and one Muslim country (Judge Fouad Riad).
- 21 *Krstic*, Appeals Chamber, *Judgment*, para. 22.
- 22 *Ibid*, para. 2.
- 23 *Ibid*, para. 25.
- 24 *Ibid*, para. 26.
- 25 *Ibid*, para. 28.
- 26 *Ibid*.
- 27 *Krstic*, Trial Chamber, *Judgment*, para. 595, quoted in full above.
- 28 *Krstic*, Appeals Chamber, *Judgment*, para. 29.
- 29 *Ibid*, para. 31 and 32.
- 30 *Ibid*, para. 8.
- 31 *Ibid*, para. 6.
- 32 *Ibid*, para. 15.
- 33 *Ibid*, para. 16.

CHAPTER 7

UN Report on Srebrenica— A Distorted Picture of Events

By George Bogdanich

In November 1999, the United Nations issued a report titled *The Fall of Srebrenica*.¹ Commissioned by the UN General Assembly 12 months before, *The Fall of Srebrenica* purports to explain “why the United Nations failed to deter the Serb attack on Srebrenica and the appalling events that followed” (para. 3). As UN Secretary-General Kofi Annan announced with some pride in its Introduction, “having failed to act decisively during all of these events, the international community found a new will after the fall of Srebrenica,” as a “concerted military operation was launched to ensure that no such attacks would take place again” (para. 4).

Despite the fact that this UN report was widely received as a serious, fact-based assessment of the “appalling events” conveyed by its title, it is deeply flawed—in its allegations, its research, its analysis, and its conclusions. This follows from the fact that *The Fall of Srebrenica* is first and last a *political* document rather than an unbiased search for truth. As with the work of the eminently political International Criminal Tribunal for the Former Yugoslavia (ICTY), the real purpose of *The Fall of Srebrenica* was to place the decade-long (and still ongoing) dismantling of Yugoslavia in a doctrinally acceptable light.²

The Fall of Srebrenica enshrines the famous “lesson of Srebrenica,”³ another iteration of the “responsibility to protect”—allegedly, the principle that any “deliberate and systematic attempt to terrorize, expel or murder an entire people must be met decisively with all necessary means, and with the political will to carry the policy through to its logical conclusion” (para. 502). The “concerted military operation” to which Kofi Annan refers was known as Operation Deliberate Force, a UN-approved but NATO-executed bombing campaign against Bosnian Serb targets that began on August 30, 1995, and lasted until September 14.⁴ But, contrary to Annan’s tracing of Operation Deliberate Force back to Srebrenica, the incident that triggered NATO’s bombing campaign was the August 28 shelling of a crowded public marketplace in Sarajevo, killing 37, later shown to have been carried out by Bosnian

Muslim agents against their own people.⁵ Also well after Srebrenica, Operation Storm, by far the single largest ethnic cleansing campaign of the Balkan wars, was carried out jointly by the U.S.-trained armies of Croatia and Bosnia against the Serb inhabitants of the Krajina region (see below), making it clear not only that not all “deliberate and systematic attempt[s] to terrorize, expel or murder” would be countered by NATO, but that in certain cases they would be aided and abetted by NATO.

Thus, in reality, NATO’s use of “punishing force against the Bosnian Serbs,” as the *New York Times* described the operation,⁶ was undertaken to show both the Bosnian Serbs and the rest of the world that NATO had taken sides in these wars, and to compel the surrender of the Serbs of Bosnia as well as Croatia—not only a far cry from the humanitarian motive trumpeted by the UN report, but in fact its negation. Although U.S. and NATO-bloc planners had used humanitarian rhetoric in early 1999 when launching their 78-day war against the Federal Republic of Yugoslavia and in support of rebel Kosovo Albanian forces, and though this war violated both the UN Charter and international law, causing yet another massive humanitarian crisis in the region,⁷ it was for the sake of legitimating more wars like it that the political project behind *The Fall of Srebrenica* must be understood.

Because this UN report was published more than four years after the events of July 1995, it could have benefited from a range of articles and books by well-placed individuals inside and outside the UN who had challenged the official view that portrayed the Bosnian Muslims and Croats as innocent victims, and Serbs as aggressors in a region they have inhabited since the seventh century. The writings of UN Commanders General Philippe Morillon of France, General Lewis MacKenzie of Canada, and General Sir Michael Rose of Great Britain, offer far more knowledgeable and balanced accounts of the actions of the warring sides than the author of *The Fall of Srebrenica*. In a war where brutality by all sides is well documented elsewhere, the UN report misses few opportunities to downplay abuses by Bosnian Croats and Muslims, or to endorse highly inflated reports of abuses by Bosnian Serbs.

The list of those interviewed for the UN report⁸ includes Bianca Jagger, a former rock star wife turned celebrity activist, but does not include Deputy NATO Commander U.S. General Charles Boyd, whose role as

head of intelligence for NATO gave him an unparalleled vantage point to assess events on the ground in Bosnia. Nor does the report include the views of UN Assistant Secretary-General Cedric Thornberry, who personally investigated reported wartime abuses by all sides prior to the capture of Srebrenica. Also not interviewed was Phillip Corwin, a Civil Affairs Coordinator for Bosnia, the senior UN civilian official in Bosnia at the time of the capture of Srebrenica, and author of a book about this crucial period in Bosnia,⁹ which had been provided previously to the Secretariat, and was on sale in the UN bookstore. It is hard to imagine that the avoidance of contact with those who might have given an alternative view of the events at Srebrenica was accidental.

Writing in *Foreign Affairs*, General Boyd observes that the results of the capture of Srebrenica were comparable with the Croatian attack “Operation Flash” two months earlier, where “more than 90 percent of the Serbs of Western Slavonia were ethnically cleansed when Croatian troops overran that UN protected area in May.... This operation appears to differ from Serbian actions around the UN safe areas of Srebrenica and Zepa only in the degree of Western hand-wringing and CNN footage the latter have elicited. Ethnic cleansing evokes condemnation only when it is committed by Serbs, not against them.”¹⁰

One important difference between these Croat and Serb military campaigns was the fact that the lightning Croat attack on ethnic Serbs did not include an offer of safe passage for vulnerable unarmed civilians, unlike the UN-supervised convoy of thousands from Srebrenica, mostly women and children whom the Bosnian Serbs transported by bus to the edge of Muslim-held territory near Tuzla. By contrast, Croatian forces carrying out “Operation Flash” attacked a large column of civilians including women and children. (The same kind of treatment of women and children applies to Croatia’s “Operation Storm,” discussed below.) Describing Operation Flash, *New York Times* reporter Roger Cohen wrote: “Many Serbs perished in heavy Croatian tank, artillery and aerial bombardments... as they tried to flee southward toward the Sava River bridge into Bosnia. The estimate of 450 Serbian dead given by Gojko Susak, the Croatian Defense Minister appears to be conservative.”¹¹

Quite conservative, according to Serbian Orthodox Church officials from Western Slavonia, who stated that the death toll was in the thou-

sands. Meanwhile, no condemnation was heard from the U.S. government, which supported the “Operation Flash” effort to redraw the Balkan map, and discouraged the UN and the Contact Group, composed of major powers, from condemning abuses against Serbs. In his book *Balkan Odyssey*, Lord David Owen, European envoy to Bosnia during the conflict, observes that “By acquiescing to the Croatian government’s seizure of Western Slavonia the [U.S.-dominated] Contact Group had in effect given the green light to the Bosnian Serbs to attack Srebrenica and Zepa.”¹²

By far the largest attack on a UN-protected zone was “Operation Storm,” a massive Croatian army assault on the Serb populations of UN Protected Area Sectors North and South, which expelled some 250,000 civilians in a matter of four days in August 1995, forever altering the ethnic makeup of the region known as the Krajina where Serbs had lived for centuries. Operation Storm, which was launched less than a month after the capture of Srebrenica, was U.S.-sponsored and carried out by Croatian troops trained and equipped by U.S. military experts from Military Professional Resources Inc. (MPRI), a private military contractor.¹³ “Retired” U.S. generals such as Carl Vuono and Richard Griffiths were deeply involved in the planning of the operation, and MPRI received air support from the U.S. naval fliers from Aviano air base, who knocked out the Serbs electronic defense communications at a crucial point early in what turned out to be the largest ethnic cleansing of the entire war.

Why then, some three years after these events, was a UN report commissioned on the capture of Srebrenica, but not on the expulsion of the Serbs from Western Slavonia or the truly massive expulsion of Serb civilians from the Krajina region in August of 1995? Why does the UN report call military actions by the Serbs—including the capture of Srebrenica—“ethnic cleansing,” but studiously avoids this terminology in describing Croatian and Muslim campaigns targeting Serbian civilians in Western Slavonia, the Krajina, and Western Bosnia?

Women and children were “deported” from Srebrenica, but the Serbs driven out of Krajina only “fled their homes.” Serbs in Western Bosnia were only “displaced,” not “ethnically cleansed” or “deported.” Croatia’s Operation Flash precipitated the “expulsion and flight of several thousand Croatian Serbs across the border into Serb-held territory in the

Republic of Bosnia and Herzegovina,” with this operation merely “triggering a new wave of ‘ethnic cleansing’ in western Bosnia, where Bosniacs and Croats were evicted to make way for the influx of displaced Serbs” (para. 183). Here, in the very same paragraph of the UN report, we find what was essentially the same kind of military operations described very differently, with word usage adjusted to meet the UN’s and NATO’s political agenda, depending on whether the Serbs carried out the operation (“ethnic cleansing”) or were the victims of the operation (“expulsion and flight”). Similarly, the report makes the forced expulsion of Croats and Muslims “genocide,” while the forced expulsion of Serbs is taken as “retribution.” Words like “abhorrent,” “horrifying,” “savage,” “implacable,” “horror,” and “mass murder” are used only in reference to Serb conduct, never to Croats or Bosnian Muslims (or their imported Mujahadeen fighters). Such word-usage and double standards is compelling evidence of the report’s deep biases and NATO-war-supportive role.

The Fall of Srebrenica was championed by Secretary-General Kofi Annan, who, according to Richard Holbrooke,¹⁴ owed his elevation to the post of Secretary-General to the United States, and specifically for his service in advancing the U.S. agenda in Bosnia several years back. The threat of a U.S. veto prevented Annan’s predecessor, UN Secretary-General Boutros Boutros-Ghali, from being reappointed to another term, despite near unanimous support from other member nations of the UN. Boutros-Ghali’s attempt to keep UN policies consistent with their non-interventionist official mandates during the Bosnian war had created domestic problems for U.S. President Bill Clinton, whose opponent in the upcoming U.S. Presidential election, Senator Robert Dole, had championed military support for Bosnian Muslims at the expense of a negotiated settlement.

Equally important, the UN’s policies prior to Annan’s elevation clashed with NATO’s effort to justify its continued existence following the collapse of the Soviet Union. “Out of area, or out of business,”¹⁵ became the slogan of those who sought a reason to preserve an alliance which had lost its basic mission with the end of the Cold War. Talk of Europeans taking over their own defense, through a new alliance as NATO’s founders, was anathema to U.S. policy-makers who saw NATO as a means of keeping a dominant U.S. presence in Europe.

Veteran *New York Times* reporter David Binder, who covered the Balkans for three decades, observed that “the logic is that you’ve got to expand NATO and the only reason to expand NATO is you’ve got to have a mission. Where’s a mission? Bosnia, the Balkans. So the Balkans have become hostage to an American power concept which is to keep Europe down and America up.”¹⁶

Finally, *The Fall of Srebrenica* was used to justify and provide support to another UN agency, the controversial *ad hoc* ICTY, which has been accused by critics of pursuing an “indict now and investigate later” policy while the conflict still raged. The very first page of the UN report quotes ICTY Judge Fouad Riad referring to “men and women mutilated and slaughtered, children killed before their mother’s eyes, a grandfather forced to eat the liver of his own grandson” (para. 2). Judge Riad’s swallowing these stories whole and the UN report’s quoting Riad’s language on its first page tells us a lot about the bias and quality of both judge and UN report.

A report on Srebrenica sponsored by the government of the Netherlands was released in 2002.¹⁷ Questions had been raised about the performance of the Dutch military contingent in UNPROFOR, known as “Dutchbat,” which had been assigned to keep the peace in Srebrenica, and was present during the time of its fall to the Bosnian Serb Army. Unlike the UN report, which singles out Serbs for blame, the Dutch report, whose authors had unparalleled access to intelligence files of all the main actors in Bosnia, states that UNPROFOR was “caught between two fires”—the Bosnian Muslim Army and the Bosnian Serb Army. The Bosnian Muslim Army “had no qualms about breaking all the rules in skirmishes with the [Bosnian Serb Army].” They “provoked fire by the Bosnian Serbs and sought cover with a Dutchbat unit...”¹⁸

Also, unlike the UN report, the Dutch report’s intelligence section, written by Cees Wiebes, details the role of the U.S. in the secret supplying of arms to radical Islamists through the Pentagon’s Defense Intelligence Agency, which successfully transformed Srebrenica and other Muslim “safe areas” into staging areas for military attacks against surrounding Serb inhabited territories.¹⁹

The Dutch report finds no proof of a link to Belgrade in the capture of Srebrenica, and notes that “the involvement of Serb President Radovan Karadzic (Republika Srpska) is unclear,” since the latter had

been isolated from decision-making and supplanted in decision-making by General Mladic. The Dutch report states that the central role of General Mladic in the capture of Srebrenica “was unmistakable and beyond doubt.”²⁰ General Mladic clearly had overall responsibility for the actions of Bosnian Serb forces. Yet, those who prepared the Dutch report acknowledge, that on the crucial question of the validity of reports of large scale executions by Bosnian Serb forces—which Dutchbat did *not* witness—they deferred to the UN report.

This deferral was unwarranted. The UN report is replete with errors, bias, unsubstantiated testimony, and discredited versions of well investigated events, including the shelling of Sarajevo, inflated casualty reports, responsibility for broken agreements, and the sequence of ethnic cleansing episodes. It also ignores the dynamics of the Bosnian Government strategy to provoke Serb forces and then withdraw the Bosnian Army 28th Division from the town immediately before its capture.

The UN report states that “the war began on 6 April 1992” when Bosnian Serbs began shelling in Sarajevo and that within 60 days, “several tens of thousands of people, most of them Bosnian Muslims, were killed” (para. 7). To begin with, the war began in earnest eleven days earlier on March 26, 1992, with the first ethnic cleansing by Croatian forces, as they crossed the Sava river into northern Bosnia and slaughtered five Serbian families in Siekovac near Bosanski Brod, sending hundreds of Serb refugees fleeing.²¹ The fighting around Bosanski Brod is also mentioned in Misha Glenny’s *The Fall of Yugoslavia* as the place where the war began.²² Croatian forces there were soon joined by Muslim paramilitaries in their attacks on Serb villages. Muslim and Serb forces clashed in Bijeljina on April 1. A day later, armed Croatian units attacked Kupres, which was subsequently recaptured by the Yugoslav National Army (JNA). On April 4, armed Bosnian Muslims from Korace slaughtered 117 Serbian refugees—old men, women and children from Barice and Kostres.²³

The UN report offers no evidence whatsoever to back up its claim that “several tens of thousands” were killed between early April and early June of 1992 (para. 6). This figure exceeds by a considerable margin the assessment of Bosnian President Alija Izetbegovic, who was not shy about inflating or multiplying casualty figures. For instance, as of December 1992, after eight months of fighting, both the Bosnian Health

Ministry and the United Nations estimated that approximately 17,000 persons had been killed in the fighting—some eight months after the war began.²⁴ Another claim in the UN report that “approximately 1 million people were displaced” by early June 1992 (para. 6) is also unsupported by any documentation from UNHCR, the agency that monitored and provided for refugees and displaced persons. Over three-and-a-half years of war, the toll of those killed and wounded would grow, but the author of the UN report plays fast and loose with both numbers and verifiable facts.

As another illustration of its misrepresentations, the UN Report claims that Serb shells landed “usually into civilian-inhabited areas, often in ways to maximize civilian casualties, sometime at random and only occasionally for identifiably military purposes. This pattern, which had begun on 6 April 1992, continued, with lulls of varying length until Operation Deliberate Force in September of 1995” (para. 93).

This allegation reflected press coverage in Sarajevo at the time, but top UN officials who used real time observers and extensive documentation found press estimates of casualties very unreliable, according to former ITN Foreign Editor Nik Gowing, now a BBC World News presenter, who was told by a senior UN military officer in Sarajevo:

“I would be surprised by what I heard on the news compared to what I saw.” He [the UN officer] said that Serb shelling of the Bosnian army “would be reported as Sarajevo under heavy shelling. Reports would say the Serbs fired 500 shells in Sarajevo, without saying that 480 were aimed at the Bosnian army and maybe twenty at the city.”²⁵

Herb Okun, Deputy to UN envoy Cyrus Vance, also told Gowing that Serb shelling was not random, and a top British UN officer also confirmed that “a significant proportion of Serb shelling is brought on by Moslem attacks.”²⁶ Such provocations were “very easy to notice as the BiH mortars are generally located near UNPROFOR units and headquarters,” wrote General Francois Briquemont.²⁷ Gowing adds:

Senior UN officials became especially concerned that the skewed press reporting of Sarajevo was distorting impressions within the UN organization itself and among members of the Security Council. This, in turn, distorted UN policy making on the Security Council. UN officials in Zagreb and New York or-

dered their colleagues in Sarajevo to brief the press and correct the record. They did, but they claim it failed to correct the imbalance in reporting. . . The UN Chief of Staff Brigadier General Vere Hayes, was interviewed on American TV. “On U.S. television I explained it, but the State Department did not like that.”²⁸

The U.S. State Department resisted attempts to provide the public with an accurate version of events in Sarajevo, because, as NATO Deputy Commander Charles Boyd observed, the United States sought to enable a Muslim military victory, while the UN nominally sought a negotiated settlement in Bosnia. These clashing goals were something that the UN report could not acknowledge in its official history of the war in Bosnia, or in commenting on specific events surrounding the capture of Srebrenica.

“We must see things in the Balkans as they are, not as we wish them to be. We must separate reality from image,” General Boyd urged in *Foreign Affairs*.²⁹ Instead, the UN report repeatedly ignores or discounts facts and credible testimony that undermine or discredit the official version of events according to the U.S. State Department.

The Fall of Srebrenica does not even mention that the United States undermined the crucial Lisbon agreement, negotiated before the outbreak of fighting by David Carrington and Portuguese Foreign Minister Jose Cutillero, which many well-placed observers believe would have prevented the war in Bosnia. The Lisbon agreement would have set up a central government with three self-governing cantons for Serbs, Muslims and Croats on the model of Switzerland and was signed by all three parties. The agreement collapsed, however, after Bosnia’s Muslim President Alija Izetbegovic disavowed his signature following a meeting with U.S. Ambassador to Yugoslavia Warren Zimmerman. When Izetbegovic complained to Zimmerman that the European Community negotiators had pressured him into signing, Zimmerman responded: “If he didn’t like it [i.e., the agreement], why sign it?”³⁰ Izetbegovic clearly felt he had American support to disavow his signature, which he did in late March of 1992, just before the fighting broke out.

The UN report’s treatment of the now infamous Markale “Marketplace Massacre” in Sarajevo on February 5, 1994 demolishes any pretense to objectivity.³¹ While noting that the UNPROFOR Commander

in Sarajevo, British General Michael Rose, informed the Bosnian Government side that he was prepared to release a report that concluded the shell had been fired by the Muslim side, the report suggests that the UN ultimately concluded that the shell had come from the Serb side.

In fact, while a number of tests proved inconclusive, the crucial indicator in the final report of the UN, which was obtained by David Binder of the *New York Times*, was the fact that UN monitors stationed within Serbian lines on February 5 reported *no* shots fired from the Serbian mortars. “Top-ranking officials of the United Nations and the European Union have confided to this reporter that they are convinced a Muslim unit fired the mortar,” Binder wrote in *Foreign Policy*.³² Killing one’s own people in order to send a political message happens in Iraq every day. It also happened in Bosnia.

Almost immediately after the Markale explosion was reported, UN Representative Madeleine Albright pressed UN Secretary General Boutros Boutros-Ghali to authorize military strikes against the Serbs. Boutros-Ghali did, in fact, give formal authorization to the UN military to act, but in his memoir *Unvanquished*, he recalls a conversation with U.S. Secretary of State Warren Christopher following the marketplace explosion:

I told Christopher that [UN Special Representative Yasushi] Akashi reported that the mortar round had been fired by Bosnian Muslims in order to induce a NATO intervention. Christopher responded that he had seen many intelligence reports and that they went “both ways.”³³

Those convinced that Muslims forces were responsible for the Markale Marketplace massacre included NATO’s director of intelligence U.S. General Charles Boyd. Even when the UN report cites evidence that Muslims used the “safe areas” to launch attacks against Serb forces to provoke counter responses that could justify NATO intervention, the report fails to recognize that this pattern would play out in Srebrenica. Instead of attempting to defend Gorazde, the UN Report quotes UN Commander Michael Rose: “The Bosnian Army had probably retreated in order to embroil the United Nations and NATO in the war. In the narrow passes and ravines, anyone could have stopped the [Serb] tanks with a crowbar....The Bosnians had turned and run, leaving the United Nations to pick up the pieces.” General Rose’s per-

sonal visit to Gorazde after the fighting confirmed that the reports filed by the United Nations observers “had been inaccurate, exaggerating the extent of the attacks on civilian targets” (para. 13).

Nevertheless, the Bosnian Muslims had scored a victory in Gorazde by persuading the UN to authorize NATO to launch its first limited “out of area” air strike—against Bosnian Serb forces. These strikes were clearly *retaliatory*, contrary to the UN’s mandate, rather than in self-defense.

Even with the benefit of hindsight, *The Fall of Srebrenica* fails to recognize that Gorazde was a rehearsal for events which would follow in Bihac and, finally, in Srebrenica and Zepa the following year. With each provocation by Muslim forces and each Serb response, the U.S. would pressure the UN Security Council to ratchet-up the authority of the UN commander to order a military strike against Serbian forces. Yet when UNPROFOR’s General Rose would find Muslim forces in violation of UN Security Resolutions and call for an air-strike, the UN report acknowledges that U.S.-led NATO forces simply refused to act.³⁴

Although the UN report’s author, David Harland, served with the UN in Sarajevo, in contrast to the other UN officials who came forward to report a series of incidents where forces loyal to Izetbegovic government sacrificed their own citizens to cast blame on the Serbs, Harland rigidly enforces the official narrative of events, ignoring or discounting a wealth of evidence from his former UN colleagues indicating that Muslim forces repeatedly fired upon its own citizens to blame Serbs. For instance, the *New York Times* reported in August of 1995 that French UN forces claimed that “until mid-June of that year, gunfire came from Government soldiers deliberately shooting at their own civilians. After what it called a ‘definitive’ investigation, a French marine unit that patrols against snipers said it traced sniper fire to a building normally occupied by Bosnian [Muslim] soldiers and other security forces. A senior French officer said, ‘We find it almost impossible to believe, but we are sure that it is true.’”³⁵

These staged killings on “Sniper Alley” stopped after French UN officers raised the issue with Bosnian President Alija Izetbegovic, but this damning information is not mentioned in *The Fall of Srebrenica*, despite more than 200 separate references to the city of Sarajevo throughout the document.³⁶ A Bosnian Muslim intelligence official confirms

that an infamous paramilitary unit linked to Izetbegovic, called *Seve* (“lark”), murdered a UN officer, attempted to kill former Muslim Commander Sefer Halilovic, and assassinated numerous Serbian civilians in the Serb-held Sarajevo suburb of Grbavica. In an interview with the Croatian newspaper *Slobodna Dalmacija*, the intelligence official, Edin Garaplija, recalled a conversation with Nedžad Herenda, an active member of the *Seve* unit, who explained how recruits were trained and deployed:

they [the recruits] went to the Pogorelice camp [near Fojnica], after which, according to Herenda, they regularly practiced sharp shooting. ‘Herenda. How did you practice that?’ I asked him and he replied that they would climb hilltops or building tops and then shoot at Serbs in Grbavica. ‘How did you pick your targets?’ We would shoot at anyone,’ said Herenda. ‘For example, they would pick out a woman, an elderly woman and then they would shoot at her. One of them would follow her movement and the other one shoot. When I asked him how he could be certain that the woman was not for example a Bosniak woman who by chance stayed in Grbavica, he replied that they watched for that. For example, they made sure that their targets were wearing black [custom among elderly Christian women in rural areas of Bosnia and elsewhere in the Balkans].³⁷

Garaplija indicates that these murders were carried out to provoke a “reaction” from the Serbs that would lead to a renewal of Serb shelling and pressure for NATO intervention.

Despite such evidence from Bosnia’s own intelligence agency, *The Fall of Srebrenica* offers a Manichean portrait of innocent Muslims and evil Serbs that seeks to preclude evidence that the capture of Srebrenica was orchestrated, like Gorazde the previous year, “to embroil the United Nations and NATO in the war.” Accordingly, the report does not acknowledge the crucial significance of the Bosnian government decision to remove 18 top commanders of Srebrenica, including Naser Oric and Zulfo Tursunovic, who were withdrawn from Srebrenica a month before it was captured.

In the same obfuscating mode, the report plays down the deliberate provocations against nearby Serb civilians and military units by the remaining forces of the Muslim 28th Division sequestered in Srebrenica,

in violation of the demilitarization agreement, although former Muslim Commander Sefer Halilovic testified before the Hague that “in those days, there were a large number of orders [from the Bosnian Army High Command] for sabotage operations from the safe areas.”³⁸

Because the incident was well documented, the UN Report could not completely ignore Izetbegovic’s shocking revelation to the Srebrenica delegation at a Bosniak conference in 1993 that he had discussed with President Clinton a scenario in which news of the death of 5,000 Muslims in the Srebrenica area would lead to NATO intervention.³⁹ Because a Dutch film with this information was shown at the Hague Tribunal, this disturbing revelation is mentioned in *The Fall of Srebrenica*, but the report simply cites Izetbegovic’s denial that the incident happened and makes it a standoff,⁴⁰ although there were at least nine witnesses confirming Izetbegovic’s words, including Srebrenica Police Chief Hakija Meholic.

While acknowledging that the “Bosniacs were numerically superior,” the report makes a laborious effort to explain why the 28th Division, estimated at “3000 - 4000” troops, would abandon Srebrenica on July 9, two days before a force of merely 200 Serbs, supported by five tanks, literally walked into the now-undefended town on July 11. Testimony from Muslim military Commanders Sefer Halilovic and Enver Hadzihanovic indicates that there were more than 5000 soldiers of the 28th division in Srebrenica prior to its capture, widening the disparity between the Bosnian Serb forces and 28th Division.⁴¹ Why didn’t the vastly numerically superior Bosnian Muslim forces defend the city against a small Serbian force which, at the outset, sought only to shrink the size of the pocket to secure its supply lines, and cut the flow of weapons from Zepa to Srebrenica? *The Fall of Srebrenica* opines that “Command was fragmented, discipline weak, morale low, communications and logistics were largely non-existent” (para. 230). Yes, this was the predictable result when President Izetbegovic and his high command deliberately removed the leadership of the same military unit that once marauded its way across the Srebrenica-Bratunac region in scorched earth attacks. But even factoring in these circumstances, Bosnian Muslim forces clearly had the ability to defend the town.

Dutchbat military observers watched with dismay as the Bosnian Muslim forces, which had recently launched an attack on the Serbian

village of Visnica, began to retreat from Srebrenica as the small force of Serbs which entered the enclave from the south on July 6, advanced with ease. Nevertheless, Dutchbat units were ordered by the UN Force Commander Rupert Smith to set up blocking forces against a Serb advance toward the town. Unaware of the extent that the UN was being manipulated, senior UN officials were puzzled by the actions of local Muslim military leaders. *The Fall of Srebrenica* describes a morning briefing of UN Special Representative Yasushi Akashi on July 10: “The Force Commander assessed that the Bosniacs were in a position to defend themselves, but instead were firing on the Dutchbat blocking position and on the Forward Air Controllers. The Special Representative concurred with the negative assessment of the Bosniac behavior” (para. 279).

Yet, under pressure from the U.S. and public opinion shaped by one-sided media reports blaming Serbs for any and all wartime abuses, the UN ordered airstrikes the following day. These strikes by Dutch F-16s did not stop the Bosnian Serbs from entering the town, as the large force of the 28th Division had already retreated from Srebrenica along with most military age males, to the village of Susnjari in the Northwest area of the enclave.

Despite the clear indications that the Izetbegovic government was prepared to sacrifice Srebrenica to force NATO intervention (see Chapter 2), the UN report declines to say so. Therefore, *The Fall of Srebrenica* is unable to explain why the Second Army Command in Tuzla failed to send reinforcements to assist soldiers of the 28th Division who chose to fight their way to Tuzla rather than surrender in Potocari, where they were offered safe passage with the women and children on buses provided by the Bosnian Serbs.⁴² Finally, the report is unable to explain why retreating Muslim soldiers were apparently ordered to break out of the corridor opened up by the Bosnian Serb Army and engage Serbian forces instead of following the mountain roads which enabled thousand of others to reach safety in Sapna finger near Tuzla.

An early indication of the larger picture surrounding Srebrenica emerged on July 9, when Izetbegovic began sending letters and making phone calls to world leaders, including U.S. President Bill Clinton, charging “terrorism” and “genocide” at Srebrenica. According to the draft of one such letter then in circulation under Izetbegovic’s name,

and addressed to several heads of state, including the United States, Britain, Germany, and France:⁴³

The crisis around Srebrenica, a region in eastern Bosnia which has been besieged since the beginning of the war, has been going on for quite some time now. UN Security Council Resolution 824 and Resolution 836 declared this region a UN protected zone. In agreement with Unprofor the region was demilitarized in 1993. Despite these facts, the town and its vicinity have been exposed to constant shelling. However, the Serb aggressor yesterday [8th July] started an all-out artillery attack on this region. The few UNPROFOR members are neither capable nor willing to protect the attacked town, and around 60,000 citizens, including a large number of women, children and the elderly, are threatened with extermination.

Please use your influence that the international community may fulfill its obligations towards this UN protected zone and prevent an act of terrorism and genocide against the civilian population of Srebrenica.

In anticipation of your swift action,
Yours sincerely, Alija Izetbegovic.

This was a full two days before the Serbs had even entered Srebrenica, a time when Serbian forces, surprised to find so little resistance, decided to continue the advance and take the town. Izetbegovic's statement that Srebrenica had been "demilitarized back in 1993" was a gross falsehood, but his anticipation of no defense of Srebrenica in July 1995 and of a forthcoming "genocide" is also revealing.

On this "genocide"-claim there are many problems: Why was safe passage to Tuzla arranged for women and children? Why was a corridor opened up for Muslim soldiers and men who went directly to Tuzla? If the intent was to destroy the Muslims in Srebrenica, why were the prisoners taken by the Serbs at Potocari later released, including Ibran Mustafic, the head of the ruling Muslim SDA Party? These questions not only are not answered in *The Fall of Srebrenica*—they are not even raised, because merely to ask them would undermine the official narrative.

As noted by Carlos Martins Branco, former Deputy Chief Operations Officer of UNMO: “If there had been a premeditated plan of genocide, instead of attacking in only one direction, from the south to the north - which left the hypothesis to escape to the north and west, the Serbs would have established a siege in order to ensure that no one escaped. The UN observation posts to the north of the enclave were never disturbed and remained in activity after the end of the military operations.”⁴⁴

The Dutch Report debunks the notion that Serbs had planned the removal of the Muslim population of Srebrenica at a time when it was clear that an exchange of territories between Serbs and Muslims had been tentatively agreed to. The intelligence section of the Dutch Report notes:

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... On 6 July, the VRS started its attack on positions of Dutchbat and the ABiH at the southern edge of the enclave. Almost all efforts were aimed at this sector, which was in line with the primary goal to separate Srebrenica and Zepa. The VRS advance went so well that the evening of 9 July saw an important ‘turning point’ of which Dutchbat, UNPROFOR and the ABiH were not aware. The Bosnian Serbs decided that they would no longer confine themselves to the southern part of the enclave, but would extend the operation and take the town of Srebrenica itself. Karadzic was informed that the results achieved now put the Drina Corps in a position to take the town; he had expressed his satisfaction with this and had agreed to a continuation of the operation to disarm the ‘Muslim terrorist gangs’ and to achieve a full demilitarization of the enclave.⁴⁵

Unlike *The Fall of Srebrenica*, the Dutch Report points out that all Serbian units were ordered not to harm UN personnel, civilian property or Muslim prisoners who surrendered:

In this order, issued by Major General Zdravko Tolimir, it was also stated that 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 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. On 11 July all of Srebrenica fell into the hands of the Bosnian Serbs.⁴⁶

The Dutch report notes that General Tolimir's letter was in the possession of the ICTY at the Hague, but the Tribunal and news organizations have chosen not to publicize a crucial document that undermines the official Srebrenica narrative. While threatened, UN personnel were, in fact, not harmed by the BSA in this operation. Minimal property damage was done in the capture of the town and safe passage for more than 25,000 civilians to Tuzla was provided. Moreover, General Tolimir's letter confirms that abuses against captured Muslim soldiers would have been contrary to military orders.

The UN report does not repeat the oft-stated and false claim that 7,000 - 8,000 military age Muslim men were executed at Srebrenica. Instead, it focuses on the 2,500 bodies that it alleges had already been discovered in mass graves (para. 467)—after three-and-a-half years of bloody fighting. The report echoes the ICTY claim that a "majority" of the casualties were from executions (para. 467), but gives no supporting evidence for this unproven claim. Carlos Martins Branco, who debriefed military observers assigned to Srebrenica, stated to the contrary that "the mass graves are filled by a limited number of corpses from both sides, the consequences of heated battle and combat and not the result of a premeditated plan of genocide."⁴⁷

The only witness before the ICTY to state that he participated in any executions was the Croatian mercenary Drazen Erdemovic, whom the Tribunal found mentally incompetent to testify at his own trial. Erdemovic, however, was used to provide testimony—much of it vague and contradictory—against Serbian military officers in a highly controversial plea-bargaining arrangement (see Chapter 5). According to an

ICTY prosecutor, Erdemovic was entitled to leniency—he served less than five years for serious crimes—because, “at the Rule 61 hearing he influenced, in a positive sense, the public clamour to arrest Radovan Karadzic and Ratko Mladic.”⁴⁸ Erdemovic is the only named witness mentioned in the UN report, and his testimony is given full credence.

That Bosnian Serb Commander Ratko Mladic would order executions of prisoners is inconsistent with his actions in numerous other instances when Serbian forces he led captured Muslim territory. That includes the capture of the nearby “safe area” of Zepa, where the UN acknowledges Muslim prisoners were released safely. The capture of Zepa was part of the same Bosnian Serb military operation as was the capture of Srebrenica. It should be noted that the fighting between Serbian forces and the retreating Muslim 28th Division continued while General Mladic was meeting UN negotiators on a daily basis, a period of intense international and media scrutiny. Accordingly, it must be asked, if Mladic had any interest in carrying out summary executions on an organized and indeed systematic basis, would the Serb High Command likely entrust such a mission to a mentally unstable Bosnian Croat soldier in the 10th Sabotage Detachment of the Bosnian Serb Army, and one who had fought previously with Bosnian Muslim forces as well as the Bosnian Croat HVO? Would the Serb Commander, whose exhausted Army could barely afford rations and fuel for its vehicles, pay 12 kilos of gold to a mercenary force of such doubtful loyalty to carry out an atrocity that was certain to damage the Serbian objectives in ongoing negotiations?

These questions are not addressed by *The Fall of Srebrenica*. Nor does this report so much as hint that inflating the death toll associated with the capture of Srebrenica served the long-term strategic designs of U.S. State Department hardliners who had, at this point, little to show for their obstruction of UN and European peace efforts by Cyrus Vance, David Owen, and Thorvald Stoltenberg, which might have ended the conflict years earlier. The State Department used unverified atrocity stories to characterize events at Srebrenica immediately before NATO launched its Operation Deliberate Force against Serb targets, which had been many months in the planning.

Despite the well documented actions and testimony of the Bosnian Muslim High Command, which ordered provocations against the Serbs,

and then withdrew its large military unit before a small responding force of Bosnian Serbs, and despite the testimony of Dutchbat observers and the statements of Srebrenica's Muslim leaders that the town was sacrificed to provoke NATO's intervention, the UN report exonerates Bosnian President Alija Izetbegovic and his U.S. supporters. Incredibly, it claims that no party, "Bosnian or international, engineered or acquiesced in the fall of Srebrenica, other than those who ordered and carried out the attack on it" (para. 485). This is a serious distortion of history.⁴⁹

As noted at the outset, *The Fall of Srebrenica* affirms that "The cardinal lesson of Srebrenica is that a deliberate and systematic attempt to terrorize, expel or murder an entire people must be met decisively with all necessary means, and with the political will to carry the process through to its local conclusion" (para. 502). But such a lesson not only gives a politically biased version of Bosnian history, it misrepresents the real history of the Bosnian Muslim's military encampment at Srebrenica throughout the civil wars, which would include the "systematic attempt to terrorize, expel or murder" in Naser Oric's unprovoked reign of terror against Serbs living in the Srebrenica-Bratunac region (which spared neither women or elderly civilians). Real history would also address the well-planned and much larger scale "Operation Storm" that Croatians carried out against Krajina Serbs in August 1995, with the strategic and tactical and support of the United States. Instead, real events such as these are glossed over in but six paragraphs out of a 506-paragraph document⁵⁰

By twisting the truth, *The Fall of Srebrenica* does a disservice to the UN, which had its share of heroes in the overall humanitarian effort to aid victims, as well as in diplomatic and military roles. UN Military Commanders MacKenzie, Rose, Morillon, Nambiar and others understood that the UN was being pressured and manipulated to the advantage of one side. These senior military officers took political risks to speak the truth about events that were often misrepresented in the press and by member-states of the UN.

The Fall of Srebrenica reflects both Kofi Annan's gratitude to the United States for ensuring his elevation to the top UN post, and his fealty to U.S. doctrine, which both inflated Serbian abuses and minimized those of the Bosnian Muslims, the Croats and, later, the Kosovo Albanians to justify NATO's serial interventions in the Balkans. The factually distorted, but politically useful "lessons of Srebrenica" also sold

NATO's bombing war over Kosovo. The UN report even claims, falsely, that "the international community tried to reach a negotiated settlement" with the "unscrupulous and murderous [Yugoslav] regime" (para. 502), presumably referring to the Rambouillet conference, an attempt to sign-on the Kosovo Albanians, while putting forward a proposal designed for Yugoslav rejection and to clear the ground for a planned military assault. So the UN report transmits a lie that justifies an attack in violation of the UN Charter!

Official deceptions about events in Bosnia and Kosovo surely paved the way for false reports about mass weapons in Iraq, which were faithfully echoed by news organizations in the early years of the Iraq war. The success of these deceptions and a diminished, subordinate role for the UN are part of the larger legacy of *The Fall of Srebrenica*.

Notes

- 1 *The Fall of Srebrenica* (A/54/549), Report of the Secretary-General pursuant to General Assembly resolution 53/35, November 15, 1999, <<http://www.un.org/News/ossg/srebrenica.pdf>>. Although this 113-page report circulated under Secretary-General Kofi Annan's name and became identified with Annan's increasing advocacy on behalf of the "responsibility to protect" and "humanitarian" intervention, its lead author was David Harland, a former UN Civil and Political Officer for Sarajevo from 1993 to 1999.
- 2 For some analyses of the ICTY's real political purpose, see Michael Mandel, *How America Gets Away With Murder: Illegal Wars, Collateral Damage, and Crimes Against Humanity* (Ann Arbor, MI: Pluto Press, 2004), esp. Chapters 3 - 6; Michael Barratt Brown, Edward S. Herman, and David Peterson, *The Trial of Slobodan Milosevic* (London: Spokesman, 2004), esp. Ch. 2, "A Study in Propaganda," pp. 31-78; John Laughland, *Travesty: The Trial of Slobodan Milosevic and the Corruption of International Justice* (Ann Arbor, MI: Pluto Press, 2007); and Edward S. Herman, David Peterson, and George Szamuely, "Human Rights Watch in Service to the War Party," *Electric Politics*, February 26, 2007, <http://www.electricpolitics.com/2007/02/human_rights_watch_in_service.html>. In the latter, these authors deal at great length with a report published by Human Rights Watch (Sara Darehshori, *Weighing the Evidence: Lessons from the Slobodan Milosevic Trial*, December, 2006), which they quote as follows: "Human Rights Watch believes the evidence introduced [in the Milosevic trial] should help shape how current and future generations view the wars and in particular Serbia's role in them." Clearly, to shape how current and future generations view anything is a *political project par excellence*. This assessment applies equally to *The Fall of Srebrenica* as it does to the ICTY.

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- 3 *The Fall of Srebrenica*, Sect. G, “Lessons for the future,” para. 498 - 506. Elaborating on this theme at the time, U.S. Senator John McCain (R-AZ) said: “We learned a very bitter lesson in Srebrenica and Bosnia when we allowed the United Nations to carry out a role for which it is entirely unsuited. If the United Nations had been in charge of this operation [i.e., NATO’s 1999 war over Kosovo], I do not believe that we could have the optimism that we have today. The United Nations is not the suitable vehicle. NATO is.” *The NewsHour with Jim Lehrer*, PBS - TV, June 4, 1999.
- 4 Among those NATO member-states which participated in Operation Deliberate Force were the U.S., U.K., Germany, France, Spain, Italy, and Turkey. As many as 500 tons of munitions were used, including cruise missiles. See Tim Ripley, *Operation Deliberate Force: The UN and NATO Campaign in Bosnia 1995* (Lancaster, U.K.: Centre for Defense and International Security Studies, 1999).
- 5 See, e.g., David Binder, “Bosnia’s Bombers,” *The Nation*, October 2, 1995; 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, <<http://fmsso.leavenworth.army.mil/documents/bosnia2.htm>>; and Cees Wiebes, *Intelligence and the War in Bosnia, 1992 – 1995* (London: Lit Verlag, 2003). Based on a confidential interview, Wiebes writes that “Even the most important British policy body in the field of intelligence, the Joint Intelligence Committee, . . . came to the conclusion that the shelling of the Sarajevo market was probably not the work of the VRS [the Bosnian Serb army], but of the Bosnian Muslims” (p. 68). This volume was also published as Appendix II to the Netherlands Institute for War Documentation report, *Srebrenica: A “safe” area*, <<http://srebrenica.brightside.nl/srebrenica/toc2.html>>.
- 6 “Force and Diplomacy in Bosnia,” Editorial, *New York Times*, August 31, 1995.
- 7 See, e.g., James Bissett, “The tragic blunder in Kosovo,” *Toronto Globe and Mail*, January 10, 2000. A one time Canadian Ambassador to Yugoslavia, Bissett noted that the “UN estimated that close to 200,000 ethnic Albanians were displaced before the NATO air strikes—again, a deplorable figure but not surprising given that these people were driven from their homes as a result of the civil war. After the NATO bombs began to fall, more than 800,000 Kosovars were forced to flee from Serbian retaliation and from NATO bombs.” Bissett added that the “former Czech foreign minister, Jiri Dienstbier, has . . . testified that NATO was fully aware that bombing would force the Serbs to expel Kosovar Albanians as a military tactic. Yet our political leaders continue to tell us the bombing was designed to prevent—not cause—ethnic cleansing.”
- 8 See *The Fall of Srebrenica*, Annex II, “Individuals interviewed in the preparation of the report,” pp. 115-117.
- 9 Phillip Corwin, *Dubious Mandate: A Memoir of the UN in Bosnia, Summer 1995* (Durham, NC: Duke University Press, 1999).
- 10 Charles G. Boyd, “Making Peace with the Guilty,” *Foreign Affairs*, Vol. 74, No.50, September/October 1995, pp. 22-23.

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- 11 Roger Cohen, "Serbia Moves Tanks to Croatia Border," *New York Times*, May 7, 1995.
- 12 David Owen, *Balkan Odyssey* (New York: Harcourt Brace and Company, 1995), pp. 199-200.
- 13 See Ken Silverstein, *Private Warriors* (New York: Verso, 2000), pp. 171-174.
- 14 In his book *To End a War* (New York: The Modern Library, 1999), former State Department envoy Richard Holbrooke writes: "When [Operation Deliberate Force] was all over and we could assess who had been most helpful, my Washington colleagues usually singled out Kofi Annan at the United Nations, and Willy Claes and General Joulwan at NATO. Annan's gutsy performance in those 24 hours was to play a central role in Washington's strong support for him a year later as the successor to Boutros Boutros-Ghali as Secretary-General of the United Nations. Indeed, in a sense Annan won the job that day" (p. 103).
- 15 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.
- 16 David Binder, Interview, in George Bogdanich and Martin Lettmayer, *Yugoslavia: The Avoidable War* (New York: Frontier Theatre & Inc., 2000).
- 17 See *Srebrenica: A "safe" area—Reconstruction, background, consequences and analyses of the fall of a Safe Area*, Trans. Taalcentrum - VU (Amsterdam: Netherlands Institute for War Documentation, 2002 - 2003), <<http://srebrenica.brightside.nl/srebrenica/>>.
- 18 See Isabel Vincent, "Srebrenica not Milosevic's fault, report says: Former Yugoslavian leader not directly responsible for 1995 Bosnian massacre," *National Post*, April 11, 2002.
- 19 Wiebes, *Intelligence and the War in Bosnia, 1992 - 1995* (London: Lit Verlag, 2003), Ch. 4, "Secret arms supplies and other covert actions," pp. 157-218.
- 20 See Abigail Levene, "Srebrenica report slams Dutch," Reuters, April 10, 2002.
- 21 For sources, see above, George Bogdanich, Ch. 2, "Prelude to the Capture of Srebrenica," n. 9.
- 22 Misha Glenny, *The Fall of Yugoslavia*, Rev. Ed. (New York: Penguin Books, 1996), p. 167ff.
- 23 Carl Savich, "Srebrenica and Naser Oric: An Analysis of General Philippe Morillon's Testimony at the ICTY," Serbianna, March 27, 2004, <<http://www.serbianna.com/columns/savich/052.shtml>>.
- 24 See, e.g., David Crary, "U.S. Plane Struck by Gunfire On Landing Approach, Airlift Suspended," Associated Press, December 1, 1992; and Julijana Mojsilovic, "Panic Sends Lukewarm Congratulations to Milosevic," Associated Press, *Salt Lake Tribune*, December 27, 1992.
- 25 Nik Gowing, "Television Coverage of Armed Conflict and Diplomatic Crises: Does it Pressure or Distort Foreign Policy Decisions," a report for the Joan Shorestein Center on Press, Politics and Public Policy at Harvard University, 1994, pp. 46-47.

- 26 *Ibid.*
- 27 *Ibid.*
- 28 *Ibid.*
- 29 Boyd, “Making Peace with the Guilty,” pp. 22-23.
- 30 See David Binder, “U.S. Policymakers on Bosnia Admit Errors in Opposing Partition in 1992,” *New York Times*, August 29, 1993. According to Binder: “Mr Izetbegovic’s acceptance of partition, which would have denied him and his Muslim party a dominant role in the republic, shocked the United States policy makers. . . .” “The embassy was for recognition of B&H from sometime in February on’, Ambassador Zimmermann said of his recommendation from Belgrade. Upon Izetbegovic’s return from Lisbon, on February 25 [1992], Mr Zimmermann called on him in Sarajevo, noting: ‘He said he didn’t like it. I told him, if he didn’t like it, why sign it?’”
- 31 See *The Fall of Srebrenica*, Sect. D, “Markale massacre and disagreements on the use of air power,” para. 117-123.
- 32 David Binder, “Anatomy of a Massacre,” *Foreign Policy*, Vol. 97, Winter 1994-95, pp.77-78. As Cees Wiebes adds: “Various staff of intelligence and security services from Canada, the UK, Denmark, Sweden, Norway, Belgium and the Netherlands established independently of each other that this was an act by the AbiH [Bosnian Army] to show the Bosnian Serbs in a bad light.” *Intelligence and the War in Bosnia, 1992 – 1995*, p. 68.
- 33 Boutros Boutros-Ghali, *Unvanquished: A U.S. - U.N. Saga* (New York: Random House, 1999), p. 145.
- 34 See Michael Rose, *Fighting for Peace: Lessons from Bosnia* (London: The Harvill Press, 1998), pp. 43-49; p. 113; p. 118; pp. 124-126.
- 35 Mike O’Connor, “Investigation Concludes Bosnian Government Snipers Shot at Civilians,” *New York Times*, August 1, 1995.
- 36 In fact, based on an Adobe Acrobat Reader search for all mentions of the word ‘Sarajevo’ in the PDF of *The Fall of Srebrenica*, the word ‘Sarajevo’ occurs a total of 221 times throughout the text, endnotes, and annexes of *The Fall of Srebrenica*.
- 37 Interview with Edin Garaplija, *Slobodna Dalmacija*, Split, Croatia, September 12, 2000.
- 38 *Prosecutor v. Radislav Krstic*, IT-98-33-T, Trial Transcript, April 5, 2001, p. 9471, <<http://www.icty.org/x/cases/krstic/trans/en/010405it.htm>>.
- 39 Hajika Meholic, Interview, in Hasan Hadzic, “5,000 Muslim Lives for Military Intervention,” *Dani* (Sarajevo), June 22 1998 (as posted to the website of the Centre for Peace in the Balkans, <<http://www.balkanpeace.org/cib/bos/boss/boss06.shtml>>). Also see Hakija Meholic, Krstic Trial Transcript, IT-98-33-T, April 5, 2001, p. 9480, <<http://www.un.org/icty/trans33/010405it.htm>>. Note that on this rare occasion, a videotape of a Dutch film that included an interview with Meholic was played before the Trial Chamber (pp. 9480-9485). Meholic’s words as recorded by the Dutch filmmaker were translated to the Chamber while the videotape played.

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- 40 As *The Fall of Srebrenica* describes this story: “Some surviving members of the Srebrenica delegation have stated that President Izetbegovic also told them he had learned that a NATO intervention in Bosnia and Herzegovina was possible, but could only occur if the Serbs were to break into Srebrenica, killing at least 5,000 of its people. President Izetbegovic has flatly denied making such a statement” (para. 115).
- 41 Krstic Trial Transcript, April 4, 2001, <<http://www.icty.org/x/cases/krstic/trans/en/010404ed.htm>>; and Krstic Trial Transcript, April 5, 2001, <<http://www.icty.org/x/cases/krstic/trans/en/010405it.htm>>.
- 42 Zvonimir Trajkovic, “Srebrenica, lies and media games,” *Ogledalo*, Belgrade, June 22, 2005, <<http://www.trajkovic.co.yu/Engleski/texts/istina-srebrenica.html>>.
- 43 “President Asks Clinton, Major and Others To Help Srebrenica,” BBC Monitoring Central Europe and Balkans, July 11, 1995, translating a July 9, 1995 report over Sarajevo-based Radio Bosnia-Herzegovina at 1800 GMT. Also see “Bosnian president appeals for world leaders to help Srebrenica,” Agence France Presse, July 9, 1995.
- 44 Carlos Martins Branco, “Was Srebrenica a Hoax? Eye-Witness Account of a Former UN Military Observer in Bosnia,” March 4, 1998 (as posted to the website of the Centre for Research on Globalisation, <<http://globalresearch.ca/articles/BRA403A.html>>). Branco continues: “Another curious aspect was the absence of a military reaction from the 2nd Corps of the Muslim army, which did nothing to relieve the military pressure on the enclave. It was common knowledge that the Serbian unit in the region, the ‘Drina Corps’, was exhausted and that the attack on Srebrenica was only possible with the aid of the units from other regions. Despite this fact, Sarajevo did not lift a finger in order to launch an attack which would have divided the Serbian forces and exposed the vulnerabilities created by the concentration of resources around Srebrenica. Such an attack would have reduced the military pressure on the enclave.”
- 45 Wiebes, *Intelligence and the War in Bosnia, 1992 – 1995*, Chapter 8, “Was ‘Srebrenica’ an intelligence failure?” pp. 355-421; here p. 370.
- 46 *Ibid.*
- 47 Martins Branco, “Was Srebrenica a Hoax?”
- 48 Quoted in George Szamuely, “Securing Verdicts: The Misuse of Witness Testimony at The Hague,” Erdemovic Trial Transcript, IT-96-22, November 20, 1996, p. 318, <<http://www.icty.org/x/cases/erdemovic/trans/en/961120ED.htm>>.
- 49 The UN Report even quotes Secretary-General Boutros Boutros-Ghali, who had “noted with some optimism ‘the close collaboration that has developed between the UN and NATO with regard to the former Yugoslavia’. In particular, he noted that the threat of NATO air power was effectively used to bring about a positive result in the safe area of Sarajevo. He therefore concluded that ‘soldiering on in hope seems preferable to withdrawing in abdication’” (para. 130).
- 50 See Sect. G, “Operation Storm and the United States-led peace initiative,” para. 432-437, of which only para. 433 and 434 actually deal with Operation Storm.

CHAPTER 8

U.S. Media Coverage of Srebrenica

Edward S. Herman

This chapter is based on a review and analysis of 95 print media articles that had “Srebrenica” in their title, published in six major U.S. media outlets between April 1993 and November 2004. Sixty three of the articles were in the two leading papers, the *New York Times* (28) and *Washington Post* (35), ten were in the *Boston Globe*, seven in the *Christian Science Monitor*, four in *Newsweek*, and one in *USA Today*. Seventy-one of the 95 articles were published in mid-July 1995 or after and therefore deal with the events in and around Srebrenica when the “Srebrenica massacre” took place; the remaining 24, of which 14 were in the *Washington Post*, center in an earlier Bosnian Serb siege of Srebrenica in the Spring of 1993.

The main features of these articles are their formulaic character, their uniform adherence to a quickly established Western party line, their limited use of sources, and their failure to provide context or ask challenging (and sometimes obvious) questions. Twenty-one of the 71 that date from mid-July 1995, refer with only minor variation to the killings as “the worst massacre in Europe since World War II,” and a majority give a figure for the missing or executed “Muslim men and boys” ranging from 2,500 to 8,500. The former smaller figure was given early but was quickly dropped in favor of 7,500-8,500, which was based on initial and unverified Red Cross estimates of people claimed to be missing. In contrast with the eventual downward adjustment in claimed numbers of people killed on 9/11 and in Croatia’s Krajina region in August 1995,¹ the initial estimate of Srebrenica victims remained firm, despite its exceedingly weak base in a Red Cross calculation, the evidence that many Muslim men were killed in fighting while in flight and that many escaped to Bosnian Muslim territory, and the failure to find bodies and provide forensic evidence supporting anything like a 7,500-8,500 value (on these problems, see Chapters 2 and 4).

The high initial figure being politically convenient, it was quickly made a “truth” that could not be questioned without drawing the charge of apologetics for genocide. In the 71 relevant news articles there is not a word of doubt or question about the possible bias in the initial level

as a measure of executions, or is there any call or thought to reconsider in the light of the absence of credible confirming evidence. While often stating the usual number of executed and buried (7,500-8,500) as an established fact—one even has them all in a single mass grave—the reporters very often say that executions or grave site body numbers are “believed to be” very large, or grave sites “could contain” large numbers, or “investigators say” or are “suspicious” that large numbers may be buried or that “executions allegedly occurred”—a stream of speculation from interested parties, but never critiques of such speculation.²

The bias is also reflected in the frequent reference to “men *and boys*” allegedly massacred at Srebrenica. There is no forensic evidence that a substantial number of “boys,” meaning males too young and small to be fighters, were killed in the Srebrenica area in July 1995, and only a single article in our sample made any kind of effort to give substance to this word usage.³ But the “and boys” helps support the notion that it wasn’t just a killing of soldiers by the Serbs, but an attack on “civilians,” a charge already threatened by the acknowledged Serb protection of women and “children.”

From the beginning of the breakup of Yugoslavia in 1990-1991 with the secession of Slovenia and Croatia, and the follow-up withdrawal of Bosnia-Herzegovina from Yugoslavia, the West’s position has been that the Serbs, with Milosevic in the lead, were responsible for the ensuing land grabbing and ethnic cleansing and were the primary if not exclusive ethnic-cleansing force. They were seeking a “Greater Serbia” and committing aggression against all the constituent breakaway Republics in the process. The Western powers were at fault only in a failure to act forcefully against the Serb aggression, most egregiously in the Serb takeover of Srebrenica in July 1995, but earlier as well. This was another simple case of good versus evil, with the good deficient only in dithering and a dilatory resort to force.

This simple view is contestable on each point: the West encouraged the breakup, which was not subject to a popular referendum and was in violation of the law and Bosnian constitution;⁴ and it actually obstructed the redistribution of the national groups in the artificial Republics into their preferred associations thereby setting the stage for ethnic cleansing.⁵ The ethnic cleansing was mutual and mutually savage, varying in origination and villain-victim relationship by locale and

time, with any group difference in overall scale uncertain (one recent study found that victimization in Bosnia was roughly proportionate to population share).⁶ The struggle for a “Greater Serbia” is the Western transmogrification of a struggle of stranded Serbs, many of whom recalled their genocidal mistreatment during World War II by Croats and Muslims aligned with Nazi Germany, to reunite within a shrinking Yugoslavia. The Western powers did not “dither”: they actively encouraged the breakup of Yugoslavia, intervened continuously in the failed diplomacy from 1991-1995, including most importantly the U.S. role in sabotaging the important Lisbon agreement of 1992 that the Croats, Bosnian Serbs and Milosevic had agreed to but from which Izetbegovic withdrew with U.S. encouragement.⁷ And they did not dither in using the ICTY as an instrument for demonizing and punishing the target Serb leadership, or in organizing and carrying out a war against Yugoslavia after managing the Rambouillet negotiations so as to assure their failure.⁸

The 95 articles examined here never departed from the Western premises just noted and criticized, nor did they allow them to be challenged. The good-versus-evil scenario was simply premised without discussion, helped by a crudely selective and misleading use of evidence in which only the Serbs started anything nasty—others only retaliate—and failed to abide by agreements.⁹ It also rested on an overwhelming dependence on Western establishment sources, including U.S., NATO, Tribunal and UN officials, Western “investigators” of grave sites, and Bosnian Muslim witnesses and survivor families. Tribunal prosecutors were a special favorite. The journalists writing these articles never once questioned the judicial objectivity of the ICTY, organized, funded, and clearly a political servant of the NATO powers.¹⁰ If a prosecutor or Tribunal judge says something about Srebrenica, that is invariably taken as authoritative. There were minor exceptions to this dependence on official sources and Bosnian Muslim witnesses: a few Bosnian Serb plea bargain witnesses, a number of Bosnian Serb soldiers allegedly willing to admit to and describe crimes,¹¹ along with several Red Cross workers and Human Rights Watch official Richard Dicker, a long-time strong supporter of the NATO war and Tribunal and a media favorite.

Journalist credulity on witness evidence was complete—no question was raised when one Bosnian Muslim witness to Serb killings claimed

that immediately after the Serbs departed the smell was already overwhelming!¹² The problems associated with the evidence of plea-bargain witnesses are never mentioned (see Chapter 5). Never cited are distinguished Serbian forensic experts like Zoran Stankovic, or the numerous Western experts and ex-officials who have critical views, such as Tiphaine Dickson, Robert Hayden, Hans Köchler, General Lewis Mackenzie, General Satish Nambiar, Jan Oberg, Phillip Corwin, Jon Holbrook, Charles Boyd, and George Kenney.

Let me illustrate the bias with a look at how this sample treated a number of important issues bearing on the Srebrenica mass killing and genocide claims.

* The point is repeatedly made in our sample that the Bosnian Serbs rejected the Vance-Owen plan of 1993, but none of them ever give the reasons for the rejection, which while hardly beyond criticism nevertheless shows something beyond irrationality: with Radovan Karadzic as spokesperson, they refused a plan that in their view failed to give the “nations” sufficient autonomy within a federal system, and which proposed a land distribution that gave them minimal energy resources and industrial plants and “condemned them to permanent economic inferiority and dependence.”¹³

Furthermore, nowhere in these articles is it ever mentioned that the United States and Izetbegovic had jointly terminated the February - March 1992 Lisbon plan, which Croatia and the Bosnian Serbs had agreed to and which would have met Karadzic’s objection to Vance-Owen. Readers of these papers would have received a distorted picture of the background of diplomacy, with the good versus evil portrayal one-sided and misleading.

* The phrase “ethnic cleansing” was used 21 times in the 95 articles, always in reference to the Bosnian Serbs, although virtually all independent analysts of the Bosnian wars agree that all parties in the conflict ethnically cleansed on a significant scale.¹⁴ In several cases, reference is made to the fact that Serbs taking over the homes of ousted Bosnian Muslims were themselves refugees from violence elsewhere, driven out by Bosnian Muslim or Croatian forces. But the journalists can never bring themselves to describe what happened to those refugee Serbs as “ethnic cleansing”—they are simply “refugees from Croat and Muslim offensives,” or victims of “retaliation for the Srebrenica atrocities and

other such killings.”¹⁵

As regards Srebrenica itself and its surrounding towns, there is solid evidence that the Serbs were driven out of Srebrenica in the years 1992-1994, and that scores of nearby towns were destroyed and subjected to ethnic cleansing and killings that ran to over a 3,000 civilians,¹⁶ but in the articles of 1993 and later the phrase is absent and the facts of ethnic cleansing of Serbs is barely detectable. Only three articles mention the name Naser Oric, the Bosnian Muslim military leader in Srebrenica, who openly bragged to Western journalists about killing and beheading Serb civilians, but who is treated in these articles as a virtual hero and in the one extensive discussion as merely a “tough” guy.¹⁷

This neglect and downplaying of the prior and serious Serb victimization helped make the Bosnian Serb killings of Bosnian Muslim soldiers in July 1995 incomprehensible as vengeance killings and part of a tit-for-tat cycle, and fitted the notion of irrational vengeance and one-sided killing by the forces of evil.

* Only two of the 71 articles dealing with the Srebrenica events of 1995 mention the ethnic cleansing of some 250,000 Serbs from Croatia’s Krajina region in August 1995, and only one of these two mentions a possible link to the Srebrenica massacre. Bias is evident here at several levels. For one thing, the sheer lack of interest in this case is enlightening. This was the largest single act of ethnic cleansing in the Balkan wars, yet it is given negligible attention here and in the Western media more generally. The estimates of killings in this operation are uncertain, but run up to 2,500, and the deaths in this case, in contrast with the “Srebrenica massacre,” were largely of civilians, including women and children (not just “men and boys”). It is very possible that more *civilians* were killed in this episode than in Srebrenica in July 1995.

As we would expect, the difference in word usage and admissible fact is marked: The *Washington Post* quotes U.S. Ambassador to Croatia Peter Galbraith claiming that “the Serb exodus is not ethnic cleansing,” and there the matter rests.¹⁸ It was simply a “military offensive,” and population “exodus,” with even a suggestion that this was merely a “response” to Srebrenica, and a “preemptive” action in light of what the Serbs might do later.¹⁹ There was no mention of anybody being killed in either article. In the *New York Times*, it is stated that the Croats “opened an offensive that tilted the balance of power in the Balkans.

The Croats re-conquered the Krajina region of Croatia, dealing the Serbian forces their first major defeat.”²⁰ This article doesn’t even mention an “exodus” of refugees, let alone the fact that civilians were killed. The contrast with the treatment of the Serb attack and takeover of Srebrenica by both these major papers is dramatic and revealing.

A final point is that although this massive operation in Croatian Krajina was carried out in the month after the Srebrenica takeover, and although Madeleine Albright began to focus intensively on the Srebrenica massacre and show satellite photos supporting the Western claims in the very month of the Krajina assault, there is only the vaguest hint in a single article that one function of the outcries over Srebrenica might be to obscure the U.S.-supported massive ethnic cleansing in Krajina.²¹ In this respect, as well as others, the U.S. media’s adaptation to U.S. policy was all that U.S. policy-makers could ask.²²

* In six articles there is mention of satellite evidence that the United States presented to the United Nations in August 1995, giving supposed photo documentation of massacres in July. None of the reported photos showed killings, bodies, graves being dug, or bodies being removed and reburied—all but one of our six articles mention only the photo showing a group of assembled prisoners and a subsequent photo showing a nearby field with ground recently dug or disturbed. One article mentions a photo of a backhoe digging, where the Serbs “might have been trying to hide evidence,” but “the effort was either botched or frost and rain exposed bones that were sitting just below the surface.”²³ None of the six quote Madeleine Albright’s statement in August 1995 that “We will be watching,” which suggests that special attention would be given to providing satellite evidence. None of the six ask obvious questions, such as: with an acknowledged interest in providing evidence of Serb executions why are there no photos of corpses, burials in process, and trucks carrying away several thousand bodies to new grave sites as later alleged? This lack of media interest in satellite-based evidence is especially notable as the media were claiming a “huge Serb effort to hide bodies by moving and reburying them.”²⁴ They never ask why the photos have been kept out of public view or challenge this secrecy. The failure to even raise such questions reflects the gullibility of journalists who know the truth in advance of gathering relevant facts, and who therefore serve as de facto propagandists.

* In none of the articles is it suggested that the United States and its NATO allies have any interest in the Balkans except as honest brokers and peace-makers pained by ethnic cleansing. They are regularly portrayed as mainly good-hearted but ineffectual bunglers, who failed to recognize evil and intervene with force.²⁵ Could German and Austrian policy be based on traditional hostility to the Serbs and a desire to renew their earlier sphere-of-influence role in that area now that the Soviet Union was gone and any reason to support an independent Yugoslavia had ended?²⁶ Could the Clinton administration be intervening at the behest of powerful lobbies,²⁷ or to strengthen relationships with Muslim allies like Saudi Arabia and Turkey,²⁸ or to distract attention from political problems at home? These questions never arose once in the 95 article set, nor did they ever arise in Marlise Simons' numerous articles in the *New York Times* on the International Criminal Tribunal for the Former Yugoslav.²⁹

* In none of the articles was it ever suggested that the Bosnian Muslims needed a "Srebrenica massacre" to achieve their political aims, and that they played an important role in facilitating the Srebrenica takeover, in assuring some killings, and in helping produce an adequate number massacred. None of the articles mention the credible report that Clinton told Izetbegovic that he needed 5,000 bodies at Srebrenica to obtain NATO military support.³⁰ None of them mention the fact that the Bosnian Muslims refused to provide the Red Cross with the names of people who fled Srebrenica and made it to Bosnian Muslim lines, which would have reduced the initially established "missing" total. None of them mention the claims and evidence that Izetbegovic and associates were willing to kill or see killed their own civilians and personnel to make political capital.³¹ None of them mention the ease with which a small number of Bosnian Serbs were able to capture Srebrenica in July 1995 and none speculate on the politics of the Bosnian Muslim withdrawal.³²

* Although the articles regularly mention that Srebrenica was declared a "safe area," and stress both the Bosnian Serb violation of their safety and the UN failure to protect it, they give little or no attention to the fact that the Bosnian Muslims were supposed to have been disarmed in those areas, but were not and in fact carried out regular forays against the nearby Serb towns from those safe retreats. Ignoring this

other side of the “safe area” failure helped make the Serb attacks seem even more outrageous.

* A repeated theme of the supporters of the Yugoslavia Tribunal and campaigners for retribution for the Srebrenica massacre is that justice is required in order to begin a reconciliation process.³³ This of course is the alleged basis of the insistence that the Bosnian Serbs confess to their crimes at Srebrenica, as well as for the substantial investment in forensics and body counts and identification at Srebrenica. This justice-for-reconciliation demand is very selective: there is no such demand for justice for the Krajina Serb victims or literally thousands of Serb victims in Western Bosnia, only for the Bosnian Muslims. There is also no reason to believe that a one-sided call for justice, with the other side feeling strongly the discrimination, will help reconciliation in any way. Nor is there any reason to believe that reconciliation is the aim of those pushing for Serb confessions and other acts of penance. But the articles examined here repeat this theme without qualification.

In sum, the U.S. media treatment of Srebrenica in our sizable sample lacks minimal journalistic integrity. It follows a de facto party line, taps sources that take that line as a given and excludes all others, fails to provide adequate context and is simply unable and unwilling to ask obvious questions and investigate issues that cry out for investigation (like the alleged satellite evidence of killings). Like the U.S. media's news coverage of the May 1981 papal assassination attempt, or the Soviet shooting down of Korean Airliner 007 in 1983,³⁴ this is propaganda under the guise of news.

Notes

- 1 The estimate of deaths attributable to the 9/11 hijackings fell from upwards of 7,000 to well below 3,000 (see above, Edward S. Herman, Preface, n. 6; also Jonathan Rooper, Ch. 4, “The Numbers Game”); similarly, the estimate of Serbs killed in the Croatian ethnic cleansing of the Krajina in August 1995 fell from 14,000 to 2,500 (on this, see Gregory Elich, “The Invasion of Serbian Krajina,” *CirqueMinime/Paris*, April 3, 2005, < <http://cirqueminime.blogspot.com/2005/04/invasion-of-serbian-krajina-by-greg.html> >).
- 2 On the single mass grave, Ryan McKinnick, “‘Requiem’ Shines Light on Atrocities in Bosnia,” *Boston Globe*, Nov. 1, 2000; reporter John Pomfret uses six different forms of speculative reporting in a single article: “After ‘Ethnic Cleansing,’

- Srebrenica Is a Wasteland of Garbage," *Washington Post*, January 17, 1996.
- 3 This single article cites "several bodies belonging to boys as young as 15," but doesn't give the source for this age estimate, although speaking generally about "investigators" (Elizabeth Neuffer, "Buried Truth," *Boston Globe*, July 30, 1996); another article refers to 800 children victims, but cites no evidence. (Peter Finn, "Dutch Government Quits After Report on Srebrenica Massacre," *Washington Post*, April 17, 2002.)
 - 4 Diana Johnstone, *Fools' Crusade: Yugoslavia, NATO and Western Delusions* (New York: Monthly Review Press, 2002), pp. 41-43.
 - 5 *Ibid.*
 - 6 See Nebojsa Malic, "Death Tolls, Part 3," *Gray Falcon*, <<http://grayfalcon.blogspot.com/2004/12/death-tolls-part-3.html>>. Also see Srdja Trifkovic, "Une spectaculaire revision de chiffres," *Balkan Infos* (B.I.), February, 2005; and Cedric Thornberry, "Saving the War Crimes Tribunal; Bosnia Herzegovina," *Foreign Policy*, September 1996.
 - 7 See Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War* (Washington, D.C.: The Brookings Institution), p. 243.
 - 8 See George Kenney, "Rolling Thunder: The Rerun," *The Nation*, June 14, 1999.
 - 9 See the text at n. 14 for one illustration of the claim that others only "retaliate." For a model illustration of history selected to fit the approved villainy, see "Key Events Leading Up to the Srebrenica Massacre," *Christian Science Monitor*, November 16, 1995.
 - 10 For a compelling analysis of the ICTY's deep bias, see Michael Mandel, *How America Gets Away With Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity* (Ann Arbor, MI: Pluto Press, 2004), esp. Ch. 4, "The War Crimes Tribunal," *passim*. Also see Edward Herman, "The Milosevic Trial (Part 1), *Z Magazine*, April 2002.
 - 11 Elizabeth Neuffer, "Buried Truth," *Boston Globe*, July 30, 1996. She claims to have interviewed 30 Bosnian Serbs in writing her article, though few are named.
 - 12 *Ibid.* Allegedly, killings took less than ten minutes. "When I gathered up my courage to go down, it was completely covered. But it was a horrible smell." This was Reuf Mehmedovic, interviewed a year later by Elizabeth Neuffer.
 - 13 Woodward, *Balkan Tragedy*, p. 211, p. 270.
 - 14 Elizabeth Neuffer wrote: "To understand the fury that enveloped the Bosnian Serb Army last summer is to recognize that the Bosnian Muslims committed their share of massacres too," but after this unusual admission she quickly added that "revenge alone cannot explain a slaughter that tribunal prosecutors described as 'scenes from hell'." "Buried Truth," *Boston Globe*, July 30, 1996. On the mutuality of ethnic cleansing, see n. 6 above and associated text.
 - 15 "The Serbs in Srebrenica are themselves refugees, driven from their homes during the war" (Lee Hockstader, "Refugees Prevail in Srebrenica, But To What End?," *Washington Post*, December 7, 1997). But elsewhere this was "only in retaliation for the Srebrenica atrocities and other such killings" (Dana Priest, "U.S.

- Troops Extend a Hand to Refugees Tainted by War," *Washington Post*, February 18, 1997).
- 16 See the report submitted to both the UN General Assembly and Security Council (A/48/177 - A/25835), 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, Yugoslav State Commission for War Crimes and Genocide, April, 1993, p. 19, <<http://unbisnet.un.org:8080/ipac20/ipac.jsp?session=KE997922Q7026.88080&profile=bib&uri=full=3100001~!320302~!1&ri=3&aspect=subtab124&menu=search&source=~!horizon#focus>>. Also see Milivoje Ivanisevic, "The Book of the Dead Serbs of Srebrenica and Birac Region, 1992-1995," in *Srebrenica July 1995—in search of truth*, Zivka Novicic, Trans. (Belgrade: Hrišanska misao, 2nd. Ed., 2010); and Joan Phillips, "Victims and Villains in Bosnia's War," *Southern Slav Journal*, Spring-Summer, 1992.
 - 17 John Pomfret, "Weapons, Cash and Chaos Lend Clout to Srebrenica's Tough Guy," *Washington Post*, February 14, 1994.
 - 18 N.A., "U.N. Report: Bosnian Serbs Massacred Srebrenica Muslims," *Washington Post*, August 12, 1995.
 - 19 Michael Dobbs, "Srebrenica Massacre's Uncertain Legacy," *Washington Post*, July 7, 1996.
 - 20 Stephen Engelberg et al., "Massacre In Bosnia," *New York Times*, October 29, 1995.
 - 21 *Ibid.*
 - 22 At an awards dinner of the Overseas Press Club, Richard Holbrook lauded the media for their "extraordinary and exemplary" coverage of the Kosovo war. (Quoted in Norman Solomon, "Media Toeing the Line," *Atlanta Journal Constitution*, May 9, 1999.)
 - 23 Jonathan Landay, "More Mass Graves Found at Srebrenica," *Christian Science Monitor*, January 19, 1996.
 - 24 David Rohde, "The World Five Years Later," *New York Times*, July 9, 2000.
 - 25 See above, Edward S. Herman, Ch. 1, "Introduction," n. 23. As I write there, the claim of impartiality or indifference on the part of the United States and its allies was then, and remains to this day, a falsification of the historical record.
 - 26 For a good account, see Johnstone, *Fools' Crusade*, Ch. 4, "The Making of Empires," pp. 165-200.
 - 27 Woodward, *Balkan Tragedy*, p. 283.
 - 28 Johnstone, *Fools' Crusade*, pp. 45-47.
 - 29 See Edward S. Herman and David Peterson, "The *New York Times* on the Yugoslavia Tribunal: A Study in Total Propaganda Service," *ColdType*, 2004, <<http://www.coldtype.net/Assets.04/Essays.04/YugoTrib.pdf>>.
 - 30 According to the UN Secretary-General's 1999 assessment: "Some surviving members of the Srebrenica delegation have stated that President Izetbegovic also told that he had learned that a NATO intervention in Bosnia and Herzegovina was

possible, but could occur only if the Serbs were to break into Srebrenica, killing at least 5,000 of its people. President Izetbegovic has flatly denied making such a statement." (See *The Fall of Srebrenica* (A/54/549), Report of the Secretary-General pursuant to General Assembly resolution 53/35, November 15, 1999, para. 115, <<http://www.haverford.edu/relg/sells/reports/UNSrebrenicareport.htm>>.) This UN report does not mention that there were nine others present at that meeting, and that one of them, Hakija Meholic, a former chief of police in Srebrenica, has stated that eight of them (all those living) "can confirm" the Clinton suggestion. (See *Dani*, June 22, 1998, <<http://cdsp.neu.edu/info/students/marko/dani/dani2.html>>.)

- 31 For analyses of "self-inflicted atrocities" by the Bosnian Muslim side, see, e.g., L.T.C. John E. Sray, "Selling the Bosnian Myth to America: Buyer Beware," Foreign Military Studies Office, Department of the Army, October, 1995, <<http://fmso.leavenworth.army.mil/documents/bosnia2.htm>>; David Binder, "Bosnia's bombers," *The Nation*, October 2, 1995; and Cees Wiebes, *Intelligence and the War in Bosnia, 1992-1995* (London: Lit Verlag, 2003), pp. 68-69.
- 32 See above, George Bogdanich, Ch. 2, "Prelude to the Capture of Srebrenica."
- 33 "Unearthing the truth about victims of war crimes is seen as crucial to establishing a lasting peace in Bosnia" (Elizabeth Neuffer, *Boston Globe*, July 30, 1996). Neuffer doesn't say who has this view besides herself and members of the war-crimes establishment. There has also never been any cries by Western humanitarian interventionists for trials of the former Indonesian dictator Suharto and his associates as crucial to establishing a lasting peace and social reconciliation in Indonesia, and we can rest assured that there will be none for the former Egyptian dictator Hosni Mubarak and his associates. This is because, as always, demands for the prosecution of war criminals and former dictators as a means of achieving "justice" and "reconciliation" follow the U.S. flag.
- 34 On the Soviet shoot-down of Korean airliner 007: Very belatedly, the *New York Times* published an editorial titled "The Lie That Was Not Shot Down" (January 18, 1988), blaming the U.S. government for lying about the original story, but never mentioning that it was the *Times's* own government-supportive gullibility that had enabled it all along.

CHAPTER 9

U.K. Media Coverage of Srebrenica

Philip Hammond

I. How was the Bosnian Serb assault on Srebrenica reported at the time?

(early July 1995)¹

Two features of the early U.K. press coverage of Srebrenica stand out: First, although still not very full, there is occasionally more context and background given than in most later reports, with the Serbian assault on the town sometimes presented in the context of fighting between Bosnian Serb and Muslim forces; second, there is a major preoccupation with the implications of the fall of Srebrenica for the West's authority, so that at times the Serbs' apparent contempt for Western policy seems to be the more important concern, rather than the fate of the town's Muslim population.

Both of these features of press reporting in early July 1995 are in contrast to later treatment of the story, where the emphasis is unequivocally on crimes committed at Srebrenica by the Bosnian Serbs, presented as the result of premeditated, one-sided, 'genocidal' aggression.

(i) Context, background and explanation in early press reporting

Contrary to the picture of a one-sided, genocidal attack which emerged later, some early reporting suggested that there was fighting between Serb and Muslim forces around Srebrenica. On July 7, 1995 *The Independent* reported "The heaviest fighting in three weeks...with Bosnian Serbs firing rockets into the pocket, possibly in response to raids by Muslim forces,"² while on July 11 *The Guardian* said that "Dutch 'blue helmets' in Srebrenica find themselves shot by both sides."³

Given the general pattern of Western coverage of Bosnia—whereby Serb attacks often appeared as unprovoked aggression because the provocations went unreported—journalists and commentators sometimes seemed puzzled at the Bosnian Serb decision to attack the town. *The Times* argued that "The taking of Srebrenica is more a display of Serb machismo than an act of strategic importance,"⁴ while other reports interpreted the move as an attempt to humiliate the West (see below).

Where the Bosnian Muslim attacks on surrounding Serb villages—launched from within the supposedly demilitarised “safe area”⁵—were reported, these tended to be minimized. On July 13, 1995 *The Guardian’s* Ian Traynor reported that “The villages under Bosnian Serb control are poorly defended. By taking Srebrenica, they would neutralise the Muslim threat, free manpower and remove an obstacle to their long-standing aim to enjoy full control of eastern Bosnia.” However, he noted that “The Bosnian Serb high command organised visits for foreign journalists to the nearby village of Visnjica, which had just come under Muslim attack,” implicitly presenting this as a deliberate propaganda move by the Serbs, unlike the way that official Bosnian Muslim efforts to draw Western sympathy were usually taken at face value. Traynor also minimized the significance of the Muslim attack on the village by suggesting it was merely “an attempt by the Muslims to sully Serb enjoyment of a symbolic day in their calendar, St Vitus’s Day on June 28,” and writing mockingly of General Ratko Mladic’s vision of a “pan-Serbian paradise.”⁶

In the same edition of *The Guardian*, columnist Martin Woollacott noted that “The Serbs could have taken Srebrenica...any time these last two years,” asking “Why have they chosen this moment to play a card they have always kept in reserve?” He argued that “Minor attacks out of Srebrenica by the local Muslim forces were not a serious problem,” suggesting that the Serbs’ aim may have been to free up troops to send to Sarajevo, “where Bosnian government forces are stronger.” He also suggested that “it may be that the Bosnian Serb leaders could think of nothing else to do....This was something that could be done, so it was done.” This is a weak explanation, but again it contrasts with later reports of a premeditated campaign of genocide. Woollacott also undercut any suggestion that the Bosnian Serbs may have been responding to Bosnian Muslim attacks by remarking on the “monstrous self-pity” which allegedly led the Serbs to “cast themselves as martyrs” defending “Serbdom.”⁷

Perhaps the most interesting explanation was that offered by *The Times’s* Defense Correspondent, Michael Evans, in a July 14 front-page report titled “Muslim soldiers ‘failed to defend town from Serbs’,”⁸ which relied on military and intelligence service sources. The article noted that Bosnian Muslim forces in Srebrenica “put up only a brief

fight...and their commanders left the night before the Serb tanks entered the town.” According to one “intelligence source:” “‘The [Bosnian Muslim Army] just melted away from Srebrenica and the senior officers left the night before.’” Srebrenica had been effectively abandoned “to a relatively small Serb advancing force.” Challenging other reports that “up to 1,500 Serbs were involved in the assault,” Evans cited intelligence estimates that “the main attack was carried out by a force of about 200, with five tanks.” According to one of his unnamed intelligence sources: “‘It was a pretty low-level operation, but for some reason which we can’t understand the [Bosnian Muslim]...soldiers didn’t put up much of a fight.’” This description of a “pretty low-level operation” stands in marked contrast to the co-ordinated campaign of genocide suggested by later coverage.

Evans also departed from what was to become the usual script when he noted that despite Srebrenica having been “officially demilitarised” in 1993, Bosnian Muslim forces in the town “were not short of weapons” and had been “shelling Serb units along the main road to the south.” The Muslim forces had been “‘adequately armed’ for street-fighting.” According to his “intelligence sources,” it was this “harassment which precipitated the Serb attack,” although it was “an opportunist move” on the part of the Bosnian Serbs: “The apparent decision by the Muslims to abandon the town provided the Serbs with a sudden opportunity to occupy Srebrenica.”

Evans raised the possibility that the Muslim abandonment of Srebrenica may have been mainly due to military weakness, since the “local defenders” were possibly “incapable of mounting a defence.” He also noted that: “If it was a political decision to abandon Srebrenica, it could be seen by the Serbs as an invitation to move on to the next Muslim enclaves, in particular Zepa and Gorazde.”

Srebrenica later came to be seen as a highly significant event—the “greatest atrocity since WWII”—but in early coverage, before this belief was established, the event did not seem so important in itself. What made the fall of Srebrenica important for U.K. reporters and commentators was not so much particular events on the ground but the perceived challenge which the Serbian action presented to Western authority. Indeed, it may have been this feeling of humiliation which predisposed many writers to turn Srebrenica into one of the most pow-

erful examples of Serbian evil.

(ii) Indignation that the Serbs flout the West's authority

It is striking how often Srebrenica is presented, less as a defeat for the Bosnian Muslims, than as a defeat for the West. *The Independent's* July 13, 1995 leader column began with the words: "Farce, fiasco, catastrophe, humiliation"—all terms which "politicians and commentators have used...in the past 24 hours to describe the fall of the Srebrenica enclave."⁹ Two days later, the paper's editorial bemoaned the spectacle of "the mighty West, with all its bombs, planes and missiles...reduced to wringing its hands on the sidelines." *The Independent* said that the UN now faced "a rout," predicting that "a withdrawal...will cause a crisis of confidence in international institutions." Describing the "killing fields of Srebrenica" as provoking "the gravest geopolitical impotence in Europe since the war against Hitler," the article suggested that the post-World War II order was coming to an end, describing the United States, "the continent's guarantor of peace and security for 50 years" as merely "postur[ing] chaotically from afar." The editorial explicitly portrayed Bosnia as a contest between Europe and the U.S., arguing that "Pax Americana has had its day on our continent. It is time for Pax Europa. But once again, the Balkans are the proving ground."¹⁰

In *The Times*, Michael Evans and Tom Rhodes suggested that the Serbs' capture of Srebrenica struck "a mortal blow to UN credibility." It was as if the attack was less on the Bosnian Muslims than on the West: It was the UN which was said to have suffered "another deadly blow" at the hands of the Serbs.¹¹

Similarly, in *The Guardian*, Ian Traynor described the Serbs as treating the UN with "their customary contempt" because of the Dutch troops taken hostage.¹² Martin Woollacott said that "The Serbs are running us ragged." The seizure of Srebrenica was "another [in] the long list of UN humiliations," as General Mladic had "always used the enclaves to taunt the UN and diminish its commanders."¹³

II. Early reporting of massacres

(late July - October 1995)

Looking at this period of the coverage, two things seem striking: First, that there is still some reporting of context, but less than in initial re-

ports; second, that the estimates of numbers missing and presumed dead vary widely and develop into an orthodoxy only slowly over a period of weeks.

(i) Context, background and explanation

On July 16, 1995, John Sweeney noted in *The Guardian* that “The fall started with a massacre of the villagers of Visnijca. Burning roofs, butchered peasants: a familiar sight but with a twist. The killers were Muslims, the victims Serbs. In early June a commando of Bosnian armija, loyal to the multi-ethnic but mainly Muslim Sarajevo government, had left the enclave to torch Visnijca.” This is thin, but it does present the Serb attack on Srebrenica as part of an on-going conflict between two sides, rather than a premeditated plan for genocide. Sweeney’s explanation of the attack was that “Their blood up, the Bosnian Serbs took their revenge.”¹⁴

In *The Independent*, Robert Block reported that “Muslim soldiers from Srebrenica were effective fighters and on several occasions during the war managed to break out of the enclave and raze several nearby villages, killing many Serb civilians in the process.”¹⁵ Again, this is hardly substantial, but does at least differ from the way that later reporting often tended to present the Muslims of Srebrenica purely as victims.

(ii) Estimates of numbers missing

With hindsight, it is instructive to examine how the estimates of numbers missing or killed varied widely, and to track the sources who were suggesting different figures. John Sweeney’s July 16 report, quoted above, asserted that “Everyone knows what is happening to the Muslim men of Srebrenica right now. Around 10,000 of them have gone missing. They are being ‘questioned’.”¹⁶ In the same day’s edition of *The Guardian*, E.U. commissioner for humanitarian affairs Emma Bonino was quoted as saying that “The major problem is missing persons...some 15,000 of them.”¹⁷

It seems clear that the 10,000 estimate was worked out on the basis of subtracting the number of refugees from Srebrenica from the estimated 1993 population of the town. As Christopher Bellamy reported in *The Independent*: “There were some 42,000 people in the enclave in 1993. Yesterday the UN refugee camp at Tuzla had registered 6,440

refugees, mainly women, children and old men, with a further 10,500 in camps nearby. Another 11,000 are believed to be in the surrounding area. The figure of 10,000 missing is therefore speculative, based on a 1993 estimate, which disregards the number who may have died or escaped during two years of hard conditions.” It also seemed, from Bellamy’s report, that the Bosnian Muslim government was the source of the estimate: “the Bosnian authorities yesterday demanded action to find and rescue the estimated 10,000 people still unaccounted for.”¹⁸ The method of calculation, let alone the credibility of higher estimates such as Bonino’s figure of 15,000, was rarely questioned. It was, however, noted in *The Guardian* that “The number of people missing in Srebrenica is still unknown. The official population before it fell was 40,000, but it had been cut off for three years and aid agencies believe the Bosnian government over-estimated population figures to maximise the flow of aid.”¹⁹ If this is correct, it seems certain that the 10,000 figure was known to have been an over-estimate.

In fact, compared with what later became established as orthodoxy, some of the estimates given in reports from this period appear cautious and conservative. For example, a July 25 report in *The Independent* mentioned that “Some estimates of prisoners executed are as high as 4,000.”²⁰ At this stage, the number “missing” was distinguished from the number “massacred,” as in a further report from *The Independent* which noted “as many as 6,000 missing Muslims” and “as many as 4,000 captured Muslim men from Srebrenica...summarily executed by the Serbs.” The former figure appears to have come from the International Committee of the Red Cross, and the latter was said to be based on accounts from “Muslim refugees from Srebrenica and testimony from Serbs living in towns and villages nearby.” Notably, the summary executions were said to be of “Srebrenica fighters.”²¹

On July 25, *The Guardian* reported a press conference by UN envoy Tadeusz Mazowiecki at which he said that “7,000 people were missing from Srebrenica,” suggesting that here had been “extremely serious violations [of human rights] on an enormous scale,” and that “Barbaric acts have been committed.” The report noted, however, that although there had been many refugee accounts of atrocities, “analysts caution that atrocities in wartime are almost invariably exaggerated by confusion, fear, propaganda or psychological warfare.” The report also noted

the lower estimate of 4,000 killed, and like other contemporaneous articles, quoted Dutch defense minister Joris Voorhoeve's remark that the Dutch UN troops in Srebrenica said they saw "terrible things, but what our soldiers saw does not account for the disappearance of thousands of people."²²

Shortly after Mazowiecki's statement, the UN Security Council responded to U.S. Ambassador Madeleine Albright's revelation of alleged aerial surveillance photographs before the Council. *The Times* reported that UN Secretary-General Boutros Boutros-Ghali had been instructed to "compile a report on possible 'crimes against humanity'." The article mentioned Albright's estimate that "up to 2,700 Muslim men had been shot dead," but it also said that "the Red Cross estimates that 6,000 people are missing," that "America puts the total of those unaccounted for at 13,000," and that Amnesty International had said that "many thousands of men, including boys as young as 12, remain unaccounted for and may have been deliberately or arbitrarily killed," reinforcing "estimates that up to 4,000 Muslim males may be missing."²³ All these estimates appeared in the same report, creating a highly confused picture.

Perhaps the key contribution made by Albright, helped by UN officials and others, was to characterise the deaths at Srebrenica as part of a pre-planned massacre, not as having arisen from a military conflict. In the Security Council chamber, Albright said that "These dead were not killed in the heat of battle. They were systematically slaughtered on the instructions of the Bosnian Serb leadership."²⁴ Reporting these words, John Sweeney noted that Albright's use of the aerial photographs at the Security Council had been timed to counter any "'good propaganda' for the Serbs" generated by images of "the misery of the Krajina Serbs, ejected by the Croat army: a mudslide of humanity trekking from the homes they had lived in for generations; homes burnt; Serbs stoned while Croat police looked on, immobile."²⁵ An observation such as Sweeney's was rare at the time, and quickly disappeared from the coverage altogether.

Albright's UN performance was seized on by many as providing what *The Guardian/Observer* described in the headline to Sweeney's article as "hard evidence of a massacre of up to 2,700 men and boys." Of particular note was a report by David Rohde for the U.S.-based *Christian Science Monitor*, which *The Guardian* reprinted on August 19.²⁶ In this

report, Rohde claimed to have visited a site shown in one of Albright's photographs, where he found "a decomposing human leg protruding from freshly turned dirt." At this stage, Rohde still mentioned a "United Nations official estimate that 4,000 to 6,000 Muslim men are still missing," but by October 1995, the commonly accepted estimate had risen to around 8,000, apparently originating from the Red Cross (see the Preface). At the beginning of October, *The Independent* reported that "The Red Cross has said 8,000 of the 42,000 people in Srebrenica before its fall remain unaccounted for,"²⁷ and an editorial at the end of the month said that "More than 8,000 men and teenage boys are still missing following the fall of Srebrenica. Most, it is assumed, were massacred when the Bosnian Serbs overran the town in July."²⁸

III. Reporting in 2001

There are three points of interest which emerge from articles about Srebrenica in 2001: First, the role of the International Criminal Tribunal for the former Yugoslavia (ICTY) in interpreting what happened; second, related to this, the now unequivocal labelling of Srebrenica as "genocide," with frequent parallels drawn with the Second World War; and third, the alleged proof of the massacre provided by the corpses in Tuzla morgue.

(i) The ICTY

The arrest of Dragan Obrenovic in April 2001, and the conviction of Radislav Krstic on genocide-related charges in August that same year, were the occasion for reports summing up the significance of Srebrenica. The use of Second World War parallels is examined below, but first it is worth pointing out how the ICTY itself gave some very clear signals about how the event should be treated.

The indictment of Obrenovic stated that he "participated in a criminal plan and enterprise, the common purpose of which was to detain, capture, and summarily execute by firing squad and bury over five thousand Muslim men and boys from the Srebrenica enclave, including the exhumation of the victims' bodies and re-burial in hidden locations...."²⁹ In *The Independent*, the ICTY was quoted as saying that "the Muslim population of Srebrenica was virtually eliminated,"³⁰ which implicitly conflates the wartime expulsion of the population with the peo-

ple actually killed.

In reading out the summary of the trial chamber's *Judgment* in the case Radislav Krstic, Presiding Judge Almiro Rodrigues said that the name Srebrenica "has become synonymous with the conflict which devastated the former Yugoslavia...a name which conjures up images one would prefer not to see...corpses piled up in mass graves; corpses with their hands tied or their eyes blind-folded...dismembered corpses as well; unidentified corpses...corpses." Rodrigues also said that in Srebrenica, "what was ethnic cleansing became genocide."³¹

What was reported—at least sometimes—in July 1995 as an opportunist move, or as revenge for earlier raids by Bosnian Muslim fighters, had now become a pre-planned criminal enterprise, or even genocide. "Srebrenica" no longer existed in the context of a civil war, but only as an exceptional event, outside history. As such, it apparently had more to do with the Second World War than with the Bosnian civil war.

(ii) Second World War parallels

All of the articles about the Obrenovic and Krstic trials quoted above drew parallels with World War Two. The most common phrases used to describe Srebrenica were "Europe's worst atrocity since the Second World War,"³²ⁱ or "the worst atrocity in Europe since the Second World War,"³³ or "Europe's worst atrocity since the Nazi era,"³⁴ or "systematic executions unknown on this scale since the Second World War."³⁵ Variations on these phrases are so widely and routinely used as to constitute a stock formula for defining "Srebrenica."

Other ways to draw WWII comparisons also seemed to suggest themselves to journalists whenever Srebrenica was mentioned. In *The Independent*, Stephen Castle wrote that the ICTY's judgement "singles Krstic out as the most important war criminal since the Nazi leader Adolf Eichmann to be tried" (even though "the tribunal did not suggest that he participated in person in any of the atrocities it catalogued").³⁶ For Ian Black, writing in *The Guardian*, the same parallel was suggested because "the tribunal used language familiar from the 1961 trial in Israel of the Nazi war criminal Adolf Eichmann." Black added that "In scenes reminiscent of the second world war, men and boys aged 13 to 70 were separated from women and children and bussed away to be shot."³⁷ *The Times* interviewed *Medecins sans Frontieres* doctor Daniel O'Brien, who

had witnessed the fall of Srebrenica. O'Brien said that "After Auschwitz, they said something like that could never happen in Europe again...But it did, and UN troops were there to watch it."³⁸

(iii) The bodies in Tuzla

A number of articles mentioned the bodies in the morgue in Tuzla as proof of the Srebrenica massacre. Despite the established estimate of 7,000 - 8,000 dead, there were still varying accounts of the numbers killed.

In April 2001, *The Guardian* said that, as against the ICRC estimate of "7,300 men and boys" massacred at Srebrenica, "Relatives of the missing estimate the death toll to be closer to 10,000." The report said that "By September last year 4,000 bodies had been exhumed from mass graves around the town, but only 76 had been identified with any certainty."³⁹

In July, *The Independent's* Kate Holt said that "it is now thought that nearly 9,000 men were slaughtered," though she did not make clear why this was thought, nor who thought it. She did, however, say that "So far, more than 4,700 bodies have been uncovered...Only 180 of these bodies have so far been identified."⁴⁰ If these figures were accurate, they would imply that 700 more bodies were discovered between April and July 2001, and that a further 104 had been identified.

A few days after Holt's report, *The Independent* ran an article by a (presumably) Bosnian Muslim journalist, Nedim Dervisbegovic, reporting from Sarajevo that "Bosnian Muslim officials say they have found a mass grave in eastern Bosnia containing more than 200 victims of the Srebrenica massacre in which up to 8,000 Muslims died." Note that in Sarajevo it is apparently thought that "up to 8,000" died, not 9,000 or 10,000. Dervisbegovic quoted one official describing this as "one of the biggest findings in a single mass grave we have had so far...It is difficult to say exactly how many bodies were there but it is definitely more than 200." The article said that "Some 4,500 bodies of Srebrenica victims have been found in individual and mass graves or scattered in woods in eastern Bosnia."⁴¹

Three days later, *The Independent* carried another article about Srebrenica, this time stating that "Almost 8,000 disappeared," but predicting that "By the end of this year, the bodies of some 6,000 massacre

victims will have been exhumed.” The article also noted that “even with the help of DNA technology, only 100 or so a month are being identified.”⁴² This prediction gets the number of bodies allegedly found closer to the accepted total of 8,000 victims, though it is not clear why there is an expectation that 6,000 will have been exhumed by the end of the year. There is no attempt at consistency across different articles in the same paper, even over a matter of a few days.⁴³

The most informative article on the topic appeared in *The Guardian* on August 3. Jennifer Friedlin (who estimated 7,500 killed at Srebrenica) noted that “About 4,000 plastic bags containing the remains of an estimated 3,000 - 3,500 people slaughtered at Srebrenica have been neatly stored and tagged on shelf after endless shelf.” This seems more credible—not 4,000 or 4,700 or a “predicted” 6,000 bodies, but 4,000 bags, containing the remains of fewer people. Unusually, Friedlin also raised the possibility that some of the bodies being exhumed may not be Bosnian Muslims, citing the Sarajevo-based International Commission on Missing Persons’ estimate at the time that “of the 30,000 missing bodies in Bosnia Herzegovina, more than two-thirds are Muslim, 4,000 - 7,000 are Serb, and just under 1,000 are Croat.”⁴⁴

IV. Naser Oric: The “Muslim Robin Hood”

One of the most notable features of coverage of the Bosnian Serb assault on Srebrenica is that the event is rarely understood and explained in the context of civil war. One indication of this is the negligible number of articles that mention the local Bosnian Muslim leader, Naser Oric. Searching for articles about Srebrenica which mentioned Oric since July 1995 turned up only nine articles across four papers over nine years.⁴⁵ The press portrayal of Oric has changed over that time, but his importance apparently remains marginal.

In the first, and most substantial article, from July 1995,⁴⁶ “General Oric” is hailed as the “Muslim ‘Robin Hood.’” Despite reporting that “Oric...is regarded by his own people as a Robin Hood figure whose daring antics have helped to keep the enclave fed and defended,” the article does mention Oric’s raids on Serb villages around Srebrenica as the reason for the Serb attack. The impact of these raids is minimised, but at least at this stage the reporter feels obliged to provide some semblance of an explanation: “Those raids were used as the justification for the

Bosnian Serb drive against the 'safe area'. 'It was simply a terrorist stronghold and we couldn't tolerate it any longer', Radovan Karadzic, the Bosnian Serb leader, said yesterday."

While the Serbs are presented as having been engaged in "ethnic cleansing," Oric's activities are presented as less serious, with no killings mentioned: "During the bloody autumn of 1992, when Bosnian Serb soldiers and their paramilitary allies were 'cleansing' eastern Bosnia of Muslims, Naser Oric and his men were striking up and down the Drina river valley, stealing livestock, burning villages, and inflicting stinging humiliations on the Bosnian Serb army flanks." The final raid, on the village of Visnjica, is mentioned as the Serbs' reason for taking Srebrenica, and Lieutenant-Colonel Milovan Milutinovic is quoted as saying that "Since January, 50 Serbs have been killed in terrorist actions. We can no longer tolerate Unprofor failure and inaction. We will go in and do Unprofor's job for them. We will demilitarise Srebrenica." However, it is made clear that this is simply an excuse, and that the raid on Visnjica was merely an attempt to obtain food since the Serbs were blocking aid convoys: "Following months when the Serbs had been restricting aid convoys into the enclave, a Muslim raiding party from Srebrenica attacked Visnjica, a nearby Serb village. They were probably after livestock, but the Muslims also burnt six houses, killed one Serb soldier and badly wounded an old woman. The authorities immediately took a small group of foreign journalists to Visnjica to prepare world public opinion for an attempt to overrun the enclave."

A few days after this article in *The Independent*, *The Guardian* mentioned Oric as "the Bosnian commander of Srebrenica" who had "capitulated" as "a deal was cut": "The Bosnian soldiers agreed to surrender their weapons to the UN and, in return, the Serbs agreed to stop the attack."⁴⁷ Oric is presented here as "a superb guerrilla commander, the best in the Balkans," according to UN sources. It is therefore a mystery why "Oric and his 250 crack troops hardly tried to fight." The "UN sources" cited in the article suggest that "as a good military commander, Oric could see that defending Srebrenica was hopeless and withdrew his men to the hills to wreak havoc on the Serbs from there—'which', says the UN, 'they are well able to do'." The article notes, however, that "Conspiracy theories abound that some deal was done—that he and his men withdrew 24 hours before the town fell and that the Bosnian gov-

ernment, knowing that Srebrenica was unviable, was glad to have its international victim status restored.” The intention is evidently to underplay these “conspiracy theories.”

By November 1995, during the Dayton peace talks, the possibility was raised that Oric—described as “a Bosnian government military commander in an eastern Muslim enclave,” and “commander of the Srebrenica enclave”—was “expected to be indicted for war crimes.”⁴⁸ Oric did not figure prominently in this brief story, nor did Srebrenica, since the prospect of his being charged for war crimes did not sit easily with the orthodox version of the Srebrenica massacre. Efforts to maintain Oric’s “heroic” image continued in John Sweeney’s December 1995 description of him as “the capable Bosnian commander of the town’s militia.”⁴⁹

By the following year, Serbian allegations of atrocities committed by Oric were being mentioned, though sometimes in such a way as to cast doubt on them. Julius Strauss wrote in the *Daily Telegraph* that “Bosnian Serb television likes to show one particularly gruesome half-hour film with close-up shots of atrocities allegedly committed by the military commander of Srebrenica, Naser Oric, against Serb villagers.”⁵⁰ Another 1996 *Telegraph* article acknowledged that “many Muslims blame Mr Oric for the breakdown of law inside the Srebrenica pocket” and that for “many Srebrenica refugees” Oric is “a hate figure accused of making money out of the misery of others.” More controversially, the article went on to note that “he is also accused by the Bosnian Serbs of being a war criminal who organised attacks on Serb civilians near Srebrenica throughout the war.” Unusually, this general statement was not undermined but supported by specific illustration: “For Veselen Sarac, a Bosnian Serb now living in Milici, there is little doubt that Mr Oric is a criminal. More than a dozen white flecks of scar tissue on his arms are all the proof Mr Sarac needs for what sort of man Mr Oric became in the war.”⁵¹

Oric then seems to have disappeared from articles about Srebrenica until 2001, when he got a brief mention in reports on proceedings at the ICTY. Both articles implied that he was being unfairly accused of war crimes. In *The Guardian*, Jonathan Steele reported that Oric wanted to “tell the Hague tribunal the truth about his role during the 1992 - 95 war,” and that he had “led the defence of Srebrenica before thousands

of Muslim men were massacred.”⁵² In the *Daily Telegraph*, Oric was described as “the Muslim commander of Srebrenica who fought off a hugely superior Serb army for several years,” and it was noted that “The survivors of the Srebrenica massacre in 1995 have pledged to protect Oric, although many Sarajevans accuse him of enriching himself on the proceeds of the war.”⁵³ These same accusations were reported when Oric was arrested by NATO on behalf of the ICTY in April 2003. *The Independent* ran an article detailing the crimes of which he was accused, but also describing him as “widely praised in Bosnia for defending Muslims from Serb attackers.”⁵⁴ Overall, the image of Naser Oric as the “Muslim Robin Hood” remained intact.

Concluding Note

Coverage of the fall of the Srebrenica safe area by four leading U.K. newspapers exemplifies a pattern true for the Western media overall, whereby efforts in early and mid-July 1995 to ascertain the facts and to provide some relevant context in a difficult wartime situation quickly surrendered to a more sensationalistic tendency to dramatize a standard perpetrator-and-victim narrative which, from late July through October 1995, would generate the official version of the Srebrenica Massacre.

Thus by late July 1995, coverage had already descended to the superficial and the biased. It surely did not clarify issues for the reading public, but reinforced the party line that villainized the Bosnian Serbs and treated the Bosnian Muslims as their unique victims. The background to the events of July 1995 was far from prominent even in early accounts, and virtually disappeared from later coverage. The scale and the brutality of killings of Serbs in the 32 months before July 1995 was ignored, and Naser Oric, the Bosnian Muslim fighter who commanded these large-scale killings, was portrayed as a noble defender of his comrades, not as a war criminal. Despite the appearance of varying and contradictory estimates, the numbers killed at Srebrenica in July 1995 and the manner of their deaths were never seriously examined in our media sample, and the role of the West and ICTY was also treated uncritically. Journalists’ apparently keen sense of Western ‘humiliation’ at Srebrenica seems to have encouraged them to turn the historical events of July 1995 into an ahistorical morality tale, replete with echoes of World War II, which could then be mobilised to justify further Western intervention

in the region, most immediately in the US-supported Croatian assault on Krajina Serbs.

Notes

- 1 This chapter analyzes coverage of Srebrenica in four U.K. broadsheet newspapers: *The Times*, *The Daily Telegraph*, *The Independent*, and *The Guardian*. Three periods are examined: early July 1995; late July - October 1995; and January - December 2001. Articles were acquired for each of the periods specified by electronically searching the ProQuest newspapers database for articles with 'Srebrenica' in their title.
- 2 Christopher Bellamy, "Serbs turn firepower on Srebrenica," *The Independent*, July 7, 1995, p. 15.
- 3 Ian Traynor and Julian Borger, "Serbs defy UN air raid threat Dutch 'blue helmets' in Srebrenica find themselves shot by both sides as safe haven faces new shelling," *The Guardian*, July 11, 1995, p. 11.
- 4 Michael Evans and Tom Rhodes, "Capture of Srebrenica strikes mortal blow to UN credibility; Bosnia," *The Times*, July 12, 1995, p. 1.
- 5 See above, George Bogdanich, Ch. 2, "Prelude to the Capture of Srebrenica," esp. the section "Manipulating the Safe Areas."
- 6 Ian Traynor, "Third time unlucky for unsafe area Ian Traynor traces the tortuous antecedents to the defiant Serbian conquest of Srebrenica," *The Guardian*, July 13, 1995, p. 11.
- 7 Martin Woollacott, "Sacrifice and salvation: The loss of Srebrenica is heart-breaking but, says Martin Woollacott, it could improve the chances of saving Sarajevo and stopping the Bosnian Serbs," *The Guardian*, July 13, 1995, p. 15.
- 8 Michael Evans, "Muslim soldiers 'failed to defend town from Serbs'; Assault On Srebrenica; The Balkans," *The Times*, July 14, 1995, p. 1.
- 9 "The fall of Srebrenica," Editorial, *The Independent*, July 13, 1995, p. 16.
- 10 "Beyond the killing fields of Srebrenica," Editorial, *The Independent*, July 15, 1995, p. 16.
- 11 Michael Evans and Tom Rhodes, "Capture of Srebrenica strikes mortal blow to UN credibility; Bosnia," *The Times*, July 12, 1995, p. 1.
- 12 Ian Traynor, "Third time unlucky for unsafe area Ian Traynor traces the tortuous antecedents to the defiant Serbian conquest of Srebrenica," *The Guardian*, July 13, 1995, p. 11.
- 13 Martin Woollacott, "Sacrifice and salvation The loss of Srebrenica is heart-breaking but, says Martin Woollacott, it could improve the chances of saving Sarajevo and stopping the Bosnian Serbs," *The Guardian*, July 13, 1995, p. 15.
- 14 John Sweeney, "UN memo to Bosnia: Surrender safe areas It took the United Nations four days before it agreed to act over Srebrenica - and then it was too late. Amid the limousines, paperwork and a man in a sombrero, John Sweeney reports

- from the torpor of UN headquarters in Zagreb," *The Guardian*, July 16, 1995, p. 14.
- 15 Robert Block, "'River killings' shed light on scale of horror after the fall of Srebrenica," *The Independent*, July 25, 1995, p. 8.
 - 16 John Sweeney, "UN memo to Bosnia: Surrender safe areas. It took the United Nations four days before it agreed to act over Srebrenica - and then it was too late. Amid the limousines, paperwork and a man in a sombrero, John Sweeney reports from the torpor of UN headquarters in Zagreb," *The Guardian*, July 16, 1995, p. 14.
 - 17 Julian Borger, "Eyewitnesses tell of executions and burnt bodies Julian Borger reports from Tuzla on the full story of horror now emerging about last week in Srebrenica," *The Guardian*, July 16, 1995, p.1.
 - 18 Christopher Bellamy, "Thousands still missing after fall of Srebrenica," *The Independent*, July 20, 1995, p. 10.
 - 19 Julian Borger, "More atrocities feared in Zepa attack Srebrenica refugees confirm reports of rape and murder. Fate of missing thousands unknown as Serbs deny UN and Red Cross access," *The Guardian*, July 17, 1995, p. 8.
 - 20 Robert Block, "'River killings' shed light on scale of horror after the fall of Srebrenica," *The Independent*, July 25, 1995, p. 8.
 - 21 Emma Daly and Robert Block, "Srebrenica fighters 'executed by Serbs'," *The Independent*, August 1, 1995, p. 7.
 - 22 Ian Black, "UN envoy condemns 'barbaric' Serbs. Fears grow for 7,000 Muslims missing from Srebrenica," *The Guardian*, July 25, 1995, p. 9.
 - 23 James Bone and Eve-Ann prentice, "UN seeks access to Srebrenica sites of alleged mass grave; Bosnia," *The Times*, August 12, 1995, p. 1.
 - 24 "The situation in the Republic of Bosnia and Herzegovina" (S/PV.3564), UN Security Council, August 10, 1995, p. 6.
 - 25 John Sweeney, "*The Observer* picture essay: No man's land. These are the survivors of Srebrenica - women, girls, young boys and a few old men. They fled the Bosnian town as it fell to Serb forces. When they reached a UN refugee camp near Tuzla it was clear that they had seen terrible things. Ten days ago the American government released hard evidence of a massacre of up to 2,700 men and boys from Srebrenica and their burial in mass graves. These photographs are a portrait of ethnic cleansing," *The Guardian*, August 20, 1995, p. 18.
 - 26 David Rohde, "Witness finds evidence of Serb killing fields. The first journalist has reached the scene where mass graves are believed to hold Bosnian Muslims executed when the former 'safe havens' of Srebrenica and Zepa fell in July," *The Guardian*, August 19, 1995, p. 10. For a critical discussion of Rohde's "discovery," see Edward S. Herman and David Peterson, "The Dismantling of Yugoslavia," *Monthly Review*, Vol. 59, No. 5, October, 2007, <<http://www.monthlyreview.org/1007herman-peterson1.php>>. As these authors put it, "Rohde's performance was reminiscent of what we witnessed several years later in the interplay between the media and official U.S. and U.K. claims about Iraq's WMD programs and ties to

al-Qaeda—including Rohde’s closeness to official sources he cited but never named, and his willingness to conduit their allegations....[T]hrough Rohde’s single decomposing human leg, of unidentified origin, and empty ammunition boxes, ‘confirmed’ for his editors, the ICTY, and the Pulitzer Prize committee, some 8,000 executions, mass graves near Srebrenica, and Europe’s worse massacre since World War II, other than repeating what official sources within the prosecutorial nexus between the U.S. and ICTY were alleging, and reporting that these same sources later ‘confirmed’ what turned up under Rohde’s byline, Rohde himself found nothing.”

- 27 Aida Cerkez, “Survivors tell of massacre following fall of Srebrenica,” Associated Press, *The Independent*, October 5, 1995, p. 12.
- 28 “Our empty pledge to Srebrenica,” Editorial, *The Independent*, October 30, 1995, p. 16.
- 29 *Prosecutor v. Dragan Obrenovic*, Indictment, IT-01-43, March 16, 2001, para. 10, <<http://www.icty.org/x/cases/obrenovic/ind/en/obr-ii010409e.pdf>>. Also see Martin Fletcher, “Srebrenica suspect held for trial in The Hague,” *The Times*, April 17, 2001, p. 14.
- 30 Justin Huggler, “Srebrenica commander faces genocide charges,” *The Independent*, April 17, 2001, p. 12.
- 31 “Radislav Krstic Becomes the First Person To Be Convicted of Genocide at the ICTY and Is Sentenced To 46 Years Imprisonment,” Press Release OF/P.I.S./609e, August 2, 2001, p. 2; p. 7, <http://www.icty.org/x/cases/krstic/tjug/en/010802_Krstic_summary_en.pdf>. Also see Stephen Castle, “Serb gets 46 years for Srebrenica massacre,” *The Independent*, August 3, 2001, p. 1; and Ian Black, “General gets 46 years for Srebrenica genocide,” *The Guardian*, August 3, 2001, p. 2.
- 32 Martin Fletcher, “Srebrenica suspect held for trial in The Hague,” *The Times*, April 17, 2001, p. 14.
- 33 Justin Huggler, “Srebrenica commander faces genocide charges,” *The Independent*, April 17, 2001, p. 12; Ambrose Evans-Pritchard, “Serb denies killing 5,000 Muslims in Srebrenica,” *The Daily Telegraph*, April 19, 2001, p. 16; Julius Strauss, “Scattered bones testify to three-day massacre Serbs in Srebrenica still deny any knowledge of the worst crime in the Balkan wars,” *The Daily Telegraph*, July 3, 2001, p. 13.
- 34 Ian Black, “General gets 46 years for Srebrenica genocide,” *The Guardian*, August 3, 2001, p. 2.
- 35 Stephen Castle, “Bullet marks and blood stains told tale of Srebrenica horror,” *The Independent*, August 3, 2001, p. 12.
- 36 Stephen Castle, “Serb gets 46 years for Srebrenica massacre,” *The Independent*, August 3, 2001, p. 1.
- 37 Ian Black, “General gets 46 years for Srebrenica genocide,” *The Guardian*, August 3, 2001, p. 2.
- 38 Emily Davies, “The horror of Srebrenica,” *The Times*, April 19, 2001, p. 16.
- 39 Nick Thorpe, “Serb major denies Bosnian genocide: Prosecutors hope former

- commander will shed more light on the Srebrenica massacre,” *The Guardian*, April 19, 2001, p. 13.
- 40 Kate Holt, “UN War Crimes Tribunal: Blood is given again to identify the dead of Srebrenica,” *The Independent*, July 2, 2001, p. 10.
- 41 Nedim Dervisbegovic, “Srebrenica massacre: 200 Bosnian Muslim victims found in mass grave,” *The Independent*, July 9, 2001, p. 10.
- 42 Rupert Cornwell, Bosnia’s Muslims unveil tribute to Srebrenica dead,” *The Independent*, July 12, 2001, p. 13.
- 43 Mahmood Mamdani makes the exact same point about the use of widely varying—and clearly politicized—estimates of the death-toll in the Darfur states of the western Sudan. Noting that the work of the *New York Times* columnist Nicholas D. Kristof reduces a “complex political context to a morality tale unfolding in a world populated by villains and victims who never trade places and so can always easily be told apart,” Mamdani adds that over a three month period of time in 2005, “Kristof’s estimates had gone up from 10,000 to 15,000 a month. Six months later, on 27 November, Kristof warned that ‘if aid groups pull out ...the death toll could then rise to 100,000 a month.’ Anyone keeping a tally of the death toll in Darfur as reported in the Kristof columns would find the rise, fall and rise again very bewildering. First he projected the number of dead at 320,000 for 2004 (16 June 2004) but then gave a scaled down estimate of between 70,000 and 220,000 (23 February 2005). The number began once more to climb to ‘nearly 400,000’ (3 May 2005), only to come down yet again to 300,000 (23 April 2006). Each time figures were given with equal confidence but with no attempt to explain their basis. Did the numbers reflect an actual decline in the scale of killing in Darfur or was Kristof simply making an adjustment to the changing mood internationally?” See “The Politics of Naming: Genocide, Civil War, Insurgency,” *London Review of Books*, Vol. 29, No. 5, March 8, 2007, <<http://www.lrb.co.uk/v29/n05/mamd01.html>>.
- 44 Jennifer Friedlin, “DNA brings hope to Srebrenica’s widows: Technology cuts the time and cost of putting names to the remains,” *The Guardian*, August 3, 2001, p. 17.
- 45 See n. 1, above.
- 46 Robert Block, “BOSNIA CRISIS: Muslim ‘Robin Hood’ heads for the hills,” *The Independent*, July 13, 1995, p. 3.
- 47 Charlotte Eagar, “From ‘haven’ into hell: Charlotte Eagar reports on the Serbs’ swaggering contempt as they humiliate the Muslims in full view of the world,” *The Guardian*, July 16, 1995, p. 15.
- 48 “UN tribunal indicts Bosnian Croats,” *The Guardian*, November 14, 1995, p. 12.
- 49 John Sweeney, “How the UN crushed Srebrenica. The Bosnian peace deal would not have happened if Srebrenica had not fallen. John Sweeney in Amsterdam unravels the secret and shameful story of how peacekeepers caused the death of Muslims they were meant to protect,” *The Guardian*, December 17, 1995, p. 19.
- 50 Julius Strauss, “‘Cleansed’ town changes allegiance: Julius Strauss reports from

U.K. Media Coverage of Srebrenica

- Srebrenica, where politicians play on prejudice," *The Daily Telegraph*, April 30, 1996, p. 14.
- 51 Tim Butcher, "Besieged enclave was ruled by law of jungle. ONE YEAR LATER: THE ENEMY WITHIN," *The Daily Telegraph*, July 11, 1996, p. 11.
- 52 Jonathan Steele, "Hague tribunal delivers Milosevic warrant," *The Guardian*, April 6, 2001 p. 15.
- 53 Julius Strauss, "Croatia to hand over war crime suspects," *The Daily Telegraph*, July 9, 2001, p. 10.
- 54 Toby Sterling, "Bosnian Muslim to face war crimes trial at UN tribunal," *The Independent*, April 12, 2003, p. 13.

CHAPTER 10

Summary and Conclusions

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1. Both the scale of the casualties at Srebrenica and the context surrounding the July 1995 killings there have been misrepresented in official reports from governmental and non-governmental organizations as well as in the mainstream media. Senior UN military and civilian officials, NATO intelligence officers, and independent intelligence analysts dispute the official characterization by the ICTY of the fall of Srebrenica and the evacuation of this “safe area” population as a unique atrocity in the Bosnian conflict and as a case of genocide. The contention that as many as 8,000 Bosnian Muslim men and boys were executed in the span of one week, that the Srebrenica massacre was the “single worst atrocity” of the wars in the former Yugoslavia, and the “worst massacre that occurred in Europe since the months after World War II,” has no basis in available evidence and is essentially a political construct.¹

2. The 8,000 figure was first provided by the Red Cross, based on their crude estimate that the Bosnian Serb Army had captured 3,000 men and that 5,000 were reported “missing.”² It is well established that thousands of those “missing” had reached safety in cities such as Tuzla or across the border in Serbia or were killed in fighting en route to Bosnian Muslim territory. Yet, in a remarkable transformation prompted by the eagerness to portray the Bosnian Serbs as evil perpetrators of heinous crimes, and the Bosnian Muslims as their innocent victims, the categories of those survivors reaching safety and those combatants killed-in-action were ignored, and the resulting category of the “missing” was identified with that of the executed. This misleading conflation of separate categories of persons was helped along by the Red Cross’s reference to the 5,000 as having “simply disappeared,” and its failure to correct this politically-loaded usage despite its own recognition that “several thousand” survivors had reached Bosnian Muslim territory.

It was also helped along by the Bosnian Muslim leadership’s refusal to disclose the names and numbers of those who fled and reached safety. But there was an extraordinary readiness on the part of Western governments and media to ignore those reaching safety, to disregard deaths in fighting, and to take dead bodies as proof of executions. The will to

believe the worst about Serbs was limitless. Reporter David Rohde reported a bone sticking up from the ground near Srebrenica, and he took for granted that it was a remnant of an execution and serious evidence of a “massacre.”³ It thus became standard media practice to move from an asserted and unproven claim of thousands missing, or a report of the uncovering of bodies in a grave site, or even a dubious videotape showing six individuals allegedly executed by Serbs, to the conclusion that the massacre of 8,000 was thereby demonstrated.⁴

3. With 8,000 allegedly executed and many killed in fighting, there should have been huge grave sites and imagery-intelligence in the form of satellite and aerial photographs of the executions, the burials, and any exhumations and reburials. But the body searches in the vicinity of Srebrenica fell far short of predictions, with only some 2,570 bodies found in searches through 2003,⁵ including bodies killed in action and possibly Serb bodies, some pre-dating July 1995. The sparseness of these findings impelled the Prosecution at the ICTY to resort to claims of large-scale body removal and reburial, but this was implausible and lacked any evidential support.⁶ This was the period when NATO was bombing Serb positions and the Croat and Muslim armies were driving towards Banja Luka in Serb-controlled territory. The BSA was on the defensive and was extremely short of equipment and resources, including fuel for its vehicles. To have mounted an operation of the magnitude required to exhume, transport, and rebury thousands of corpses would have been beyond the BSA’s capacity at that time. Furthermore, in carrying out such an operation, they could hardly hope to escape observation from OSCE personnel, local civilians, and imagery-intelligence.

4. On August 10, 1995, as part of a denunciation of the Bosnian Serbs, U.S. Ambassador Madeleine Albright showed some photographic images at a closed-session of the UN Security Council, including one photo of people—allegedly Bosnian Muslims near Srebrenica—assembled in a stadium, and one allegedly taken shortly thereafter showing a nearby field with “disturbed” soil.⁷ Only some of these photos have ever been released to the public, but even if all of them are genuine, they don’t prove what from this moment onward they have been widely accepted as proving: Mass executions and burials. Furthermore, although the ICTY has spoken of an “organised and comprehensive effort to conceal and cover up the killings and executions by burying the bodies of the

victims in isolated sites scattered throughout a wide area,”⁸ and though David Rohde claimed a “huge Serb effort to hide bodies by moving and reburying them,”⁹ no one has ever produced an aerial or satellite photograph of people actually being executed, buried, dug-up, or reburied, or of trucks conveying bodies elsewhere. In August 1995, Madeleine Albright warned the Serbs that “We will be watching,”¹⁰ and satellites at that time were making at least eight passes per day and geostationary drones were able to hover and take finely detailed pictures in position over Bosnia during the summer of 1995. The mainstream media have found the subsequent failure of the U.S. government to disclose any visual evidence of body removal and reburial of no interest whatsoever.

5. There have been a great many bodies gathered at Tuzla, some 7,500 or more, but from all across Bosnia, many in poor condition or parts only, their collection and handling incompatible with professional forensic standards, their provenance unclear and link to the July 1995 events in Srebrenica unproven and often unlikely, and the manner of their death usually uncertain.¹¹ Interestingly, although the Serbs were regularly accused of trying to hide bodies, there has never been any suggestion that the Bosnian Muslims, long in charge of the body search, might shift bodies around and otherwise manipulate evidence, despite their substantial record of dissembling.¹² A systematic attempt to use DNA to trace connections to Srebrenica was undertaken, but entails many problems, apart from that of the integrity of the material studied and process of investigation, and will not resolve the question of differentiating executions from deaths in combat. There are also lists of missing, but these lists are badly flawed, with duplications, individuals listed who had died before July 1995, who fled to avoid BMA service, or who registered to vote in 1997, and they include individuals who died in battle or reached safety or were captured and assumed a new existence elsewhere.¹³

6. The 8,000 figure is also incompatible with the basic arithmetic of Srebrenica numbers before and after July 1995. Displaced persons from Srebrenica—that is, massacre survivors—registered with the World Health Organization and Bosnian government in early August 1995, totaled 35,632. Muslim men who reached Muslim lines “without their families being informed” totaled at least 3,000, and some 2,000 were killed in the fighting. That gives us 38,632 survivors plus the 2,000

combat deaths, which would require the pre-evacuation population of the Srebrenica “safe area” on or about July 11, 1995, to have been 48,600—if 8,000 were executed. But the population prior to the evacuation in early July was more in the 37,000-40,000 range; indeed, Tribunal Judge Patricia Wald once gave 37,000 as her estimate.¹⁴ The numbers just don’t add up.

7. There were witnesses to killings at Srebrenica, or those who claimed to be witnesses. But there were not many of these, and some had a political axe to grind or were otherwise not credible. The available evidence suggests that the Bosnian Serbs may have executed hundreds of Bosnian Muslims, but not 8,000 or anything close to it. The only direct participant witness claim that ran as high as 1,000 was that of Drazen Erdemovic, an ethnic Croat associated with a mercenary group of killers whose members were paid 12 kilos of gold for their Bosnian service (according to Erdemovic himself) and ended up working in the Congo on behalf of French intelligence. His testimony was accepted despite its vagueness and inconsistencies, lack of corroboration, his problematic background and associations, and his suffering from mental problems sufficient to disqualify him from trial—but not from testifying before the Tribunal, free of cross-examination, within two weeks of this disqualification. This and other witness evidence suffered from serious abuse of the plea-bargaining process whereby witnesses could receive mitigating sentences if they cooperated sufficiently with the prosecution.¹⁵

It is also noteworthy how many relatively impartial observers in or near Srebrenica in July 1995 didn’t see any evidence of massacres, including the members of the Dutch forces present in the “safe area.” Hubert Wieland, the chief UN investigator of human rights abuses, could find no eyewitnesses to atrocities after five days of conducting on-site interviews among the 20,000 Srebrenica survivors gathered at the Tuzla airport refugee camp. “[W]e have not found anyone who saw with their own eyes an atrocity taking place,” Wieland told the London *Daily Telegraph*.¹⁶ Carlos Martins Branco, former UN Deputy Director of UN Monitors in Bosnia, who debriefed the UN monitors assigned to Srebrenica, writes that casualty estimates of 8,000 have been “used and manipulated for propaganda purposes,” and adds that “there is little doubt that at least 2,000 Bosnian Muslims died in fighting the better trained

and better commanded BSA” in three years of fierce fighting.¹⁷ This 2,000-figure is roughly the number of separate bodies which were exhumed from the Srebrenica-related gravesites in the region identified by the ICTY by the year 2002 (i.e., between 1,919 and 2,028, depending on one’s source¹⁸). But many of these deaths occurred before the fall of Srebrenica, and the cause of death in many other cases either is not determinable or clearly was not execution-style.

8. Of the many anomalies connected with the regnant version of the Srebrenica massacre, a revealing one has been the stability of the figure of Bosnian Muslim victims—8,000 in July-September 1995 and 8,000 ever since, despite the extremely problematic basis of the initial estimate, the evidence that many or most of the 5,000 “missing” reached Bosnian Muslim or Serb territory or were killed in fighting, and the clear failure to produce supportive physical evidence despite a massive effort. In other cases, like the 9/11 fatality estimate, and even the Bosnian killings and Kosovo bombing war estimates, the original figures were inflated, only to be radically scaled-down later, as the real physical evidence of body counts made the earlier numbers unsustainable.¹⁹ But in the case of Srebrenica, because of its key political role for the United States as well as for Bosnian Muslims and Croats, an almost religious ardor accompanies belief in the 8,000-figure, and this myth of the “Srebrenica massacre” has been immune to counter-evidence, no matter how strong. From the beginning until today, the number of Bosnian Muslim men and boys alleged to have been massacred by the Bosnian Serbs has served as a kind of higher truth, the questioning of which would show a lack of proper faith or, worse, “apologetics” for the Serbs, for Milosevic, and for “genocide.”

9. The events of Srebrenica and claims of a major massacre were extremely helpful to the Clinton administration, the Bosnian Muslim leadership, and Croatian authorities. Clinton was under political pressure in 1995 both from the media and from Republican presidential aspirant Bob Dole to take more forceful action in favor of the Bosnian Muslims, and his administration was eager to find a justification for more aggressive policies. Clinton officials rushed to the Srebrenica scene to confirm and publicize the claims of a massacre, just as William Walker did later at Racak in January 1999.²⁰ By inflating the casualties following the capture of Srebrenica, U.S. officials also diverted attention

from even larger-scale, U.S.-supported Croatian attacks on Serb populated UN Protected Areas (UNPAs) in Western Slavonia in May (“Operation Flash”) and the Krajina region in August (“Operation Storm”) of 1995. Having undermined a UN-European Community agreement that would have prevented the outbreak of war (the March 1992 Lisbon agreement) and two other negotiated settlements (the Vance-Owen and the Owen-Stoltenberg agreements) which would have ended the fighting in 1993, U.S. State Department hardliners committed themselves to imposing a military solution that prolonged the war until late 1995.

10. By facilitating the illegal transfer of weapons to Bosnian Muslim forces and turning a blind-eye toward the entry of foreign Mujahadeen fighters, the U.S. turned supposed UN-designated “safe areas” for civilians into staging-areas for armed offensives against the Bosnian Serbs and, later, a tripwire for NATO -intervention. Cees Wiebes, who contributed a volume of analysis to the Dutch government’s 2002 report on Srebrenica, notes that the U.S. Defense Intelligence Agency aided in the transfer of illegal arms from Muslim countries to the Tuzla airport using black Hercules C-130 transport planes and arranged for gaps in air surveillance by AWACs which were supposed to guard against such illegal arms traffic.²¹ Along with these weapons came Mujahadeen fighters from both Iranian Shiite training camps and al-Qaeda, including two of the 19 hijackers later involved in the 9/11 attacks—the official *U.S. 9/11 Commission Report* claims that Nawaf al Hazmi and Khalid al Mihdhar, as well as the “mastermind” of the attack, Khalid Sheikh Mohammed, fought in Bosnia, and that Osama bin Laden had offices in Sarajevo as well as Zagreb.²² Bin Laden himself was issued a Bosnian passport by the Embassy of Bosnia and Herzegovina in Vienna in 1993, according to the Bosnian Muslim publication *Dani*. Bin-Laden was observed on two occasions at the office of Bosnian President Alija Izetbegovic.²³

11. Both U.S. and U.S.-appointed ICTY officials have acknowledged the importance of political considerations in the issuance of indictments by the ICTY. Thus, after issuing its first ever “genocide” indictments for the Bosnian Serb leader Radovan Karadzic and General Ratko Mladic on July 24, 1995,²⁴ ICTY Chief Judge Antonio Cassese praised the indictments as a “good political result” and noted that “these gentlemen will not be able to take part in peace negotiations”²⁵—a strictly political consideration that nonetheless has failed to discredit the ICTY

in the world's eyes. "I realized that the War Crimes Tribunal was a huge valuable tool," the chief U.S. negotiator Richard Holbrooke told the BBC. "We used it to keep the two most wanted war criminals in Europe—Karadzic and Mladic—out of the Dayton peace process and we used it to justify everything that followed."²⁶

12. Bosnian Muslim leaders had been struggling for several years to persuade the NATO powers to intervene more forcibly on their behalf, and there is strong evidence that they were prepared not only to lie but also to sacrifice their own citizens and soldiers to serve the end of inducing intervention. Bosnian Muslim officials have claimed that their wartime president, Alija Izetbegovic, told them that Bill Clinton had advised him that direct U.S. military intervention could occur only if the Serbs killed at least 5,000 at Srebrenica.²⁷ The abandonment of Srebrenica prior to July 11, 1995 by an armed Bosnian Muslim force much larger numerically than that of the Bosnian Serb attackers, and the retreat that made that larger force vulnerable and caused it to suffer heavy casualties in fighting and vengeance executions, helped produce deaths that, once their actual number was inflated, would not only meet but surpass the Clinton threshold. There is other evidence that the retreat from Srebrenica was not based on any military necessity, but was strategic, with the personnel losses incurred regarded as a necessary sacrifice for a larger purpose.²⁸

On July 9, 1995, two days before Bosnian Serbs had captured the nearly empty town of Srebrenica and before any serious fighting had taken place, President Izetbegovic was already calling President Clinton and other world leaders, urging them to take action against "terrorism" and "genocide" by Bosnian Serb forces. This was part of an ongoing pattern in which charges of mass rape, death camps, staged atrocities were used to manipulate public opinion in favor of military intervention.

Military sources confirm that the 5,500 strong Muslim military force in Srebrenica made no effort to defend Srebrenica against 200 Serbian troops supported by five tanks. Tim Ripley, an analyst for the *Jane's* military publications, notes that Muslim forces fled from Srebrenica to the surrounding hills before Serbs captured the nearly empty town. He writes that Dutch 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.” As British Lt.-Col. Jim Baxter, assistant to UN Commander Rupert Smith, told Tim Ripley, “They [the Bosnian government] knew what was happening in Srebrenica. I am certain they decided it was worth the sacrifice.”²⁹

Muslim leaders from Srebrenica claim that the town was deliberately “sacrificed” by the Presidency of the Bosnia and the Military High Command in order to encourage NATO intervention. In their testimony before the Hague Tribunal, Bosnian Muslim General Sefer Halilovic and General Enver Hadzihasanovic testified that the General Staff of the Bosnian Army abruptly removed 18 top officers of the 28th Division from Srebrenica. This was done even as the high command was ordering sabotage operations against Bosnian Serbs. One of these was a militarily meaningless attack on a strategically unimportant nearby Serb village of Visnica. The final operation was an attack on BSA units on the road south of Srebrenica, just days before the Serbs captured the nearly undefended town.³⁰

In his 2004 book, *Les Guerriers de la Paix* (“Warriors for Peace”), Bernard Kouchner, former head of Doctors Without Borders and one-time Foreign Minister of France under Nicholas Sarkozy, states that on his death-bed, Bosnia’s wartime President Alija Izetbegovic acknowledged to both Kouchner and Richard Holbrooke that he had exaggerated claims of atrocities by Serbian forces to encourage NATO intervention against the Serbs. Specifically, Izetbegovic mentioned wartime POW camps utilized by all three factions in the Bosnian civil war, but which his government claimed in 1992 were really “extermination camps,” a charge which was widely publicized by reporters such as *Newsday’s* Roy Gutman (who shared a Pulitzer prize for this story) and ABC TV anchor Peter Jennings. “That provoked considerable emotion throughout the world,” Kouchner recalls telling Izetbegovic. “They were horrible places, but people were not systematically exterminated.” According to Kouchner, Izetbegovic admitted before both he and Holbrooke that, yes, “There were no extermination camps whatever the horror of those places,” and added that “[he] thought that [his] revelations could precipitate bombing [of the Bosnian Serbs].”³¹

13. Croatian authorities were also delighted with the claims of a Srebrenica massacre, as this deflected attention from their prior devastating ethnic cleansing of Serbs in Western Slavonia (almost entirely

ignored by the Western media), and it provided a cover for their already planned removal of several hundred thousand Serbs from the Krajina area in Croatia. In “Operation Flash,” carried out in Western Slavonia in May 1995, the Croatians did not provide safe passage for a huge column of Serb refugees, which included many women and children. “Many Serbs perished in heavy Croatian tank, artillery and aerial bombardments...as they tried to flee southward toward the Sava River bridge into Bosnia,” the *New York Times’s* Roger Cohen reported, and the “estimate of 450 Serbian dead, given by Gojko Susak, the Croatian Defense Minister appears to be conservative.”³²

The follow-up massive ethnic cleansing operation by Croatia in Krajina was carried out with U.S. approval and logistical support within a month of the Srebrenica events, and it may well have involved the killing of more Serb civilians than Bosnian Muslim civilians killed in the Srebrenica area in July. Most of the Bosnian Muslim victims were fighters, not civilians, as the Bosnian Serbs bused the Srebrenica women and children to safety. But here as in Western Slavonia the Croatians made no such provision and many women, children and old people were slaughtered in Krajina. The ruthlessness of the Croats was impressive: “UN troops watched horrified as Croat soldiers dragged the bodies of dead Serbs along the road outside the UN compound and then pumped them full of rounds from the AK-47s. They then crushed the bullet-ridden bodies under the tracks of a tank.”³³ But this was hardly noticed in the wake of the indignation and propaganda generated around Srebrenica, with the aid of the mainstream media, whose co-belligerency role in the Balkan wars was already well-entrenched.

14. The ICTY and UN also had an important role to play in the consolidation of the standard Srebrenica massacre narrative. From its inception, the ICTY served as an arm of the NATO powers, who created it, funded it, served as its police arm and main information source, and expected and got responsive service from the organization. The ICTY focused intensively on Srebrenica and provided important and nominally independent corroboration of the massacre claims along with citable “judicial” claims of planned “genocide.” Although the combined death toll in Operations Flash and Storm is believed to be in the thousands, in contrast with its treatment of Srebrenica, but in keeping with its role as a political instrument of NATO, the ICTY has never issued

a genocide indictment for these carefully planned ethnic cleansing operations and massacres.

15. The UN is less thoroughly integrated into NATO-power demands than the ICTY, but it is highly responsive, and in the Srebrenica case, it came through just as the United States and its main allies desired. Under pressure from the U.S., the UN employed a double standard for reporting alleged abuses by Serb forces as compared with comparable abuses by Croat and Muslim forces. Between May of 1992 and April of 1993, scarcely a week went by without massacres and scorched-earth attacks by Muslim warlord Naser Oric on towns and villages such as Sikirici, Konjevic Polje, Glogova, Zalazje, Fakovici, Kaludra, Loznica, Fakovici, Brezani, Krnica, Zagoni, Orlice, Jezhtica, Bijlaca, Crni Vhr, Milici, Kamenica, Bjelovac, Kravica, Skelani and Zabokvica.

“Naser Oric was a warlord who reigned by terror in this area and over the population itself,” General Phillippe Morillon testified at the Hague Tribunal. “He could not allow himself to take prisoners. According to my recollection, he didn’t even look for an excuse.”³⁴ Oric’s forces were responsible for an estimated 1,200 Serb deaths in the Srebrenica area through March 1993, according to a report submitted to the United Nations by the Yugoslav State Commission on War Crimes in June 1993;³⁵ the Serb historian Milivoje Ivanisevic estimates a total of 3,287 Serb deaths in the same area through the end of the war in late 1995.³⁶ Yet, despite extensive evidence of Oric’s direct participation in such atrocities, the U.S. State Department, the UN, and major news organizations were largely silent on these crimes. UN Security Council resolutions to condemn abuses by Muslim forces or Croatian forces were routinely thwarted by threatened veto from Madeleine Albright. The report on Oric was submitted to the UN Commission of Experts on War Crimes, whose chairman M. Cherif Bassiouni had been appointed by Ambassador Albright, but Oric was not even mentioned in the final report of the Commission.³⁷ When the ICTY finally got around to indicting Naser Oric on March 28, 2003, very possibly to create the image of judicial balance, he was only charged with relatively minor counts related to a few deaths, the mistreatment of prisoners, the destruction of physical property, and, above all, his failure to restrain the soldiers serving under his command.³⁸ Although Oric bragged to Western reporters of slaughtering Serb civilians,³⁹ then ICTY spokesperson Flo-

rence Hartmann stated that the ICTY “found no evidence that there were civilian casualties in the attacks on Serb villages in his theater of operations.”⁴⁰

Former NATO Deputy Commander Charles Boyd, who was in charge of intelligence assessments, wrote in *Foreign Affairs* that the Croatian attack on the UN Protected Serb-inhabited area of Western Bosnia, which preceded the capture of Srebrenica, “appears to differ from Serbian actions around the UN safe areas of Srebrenica and Zepa only in the degree of Western hand-wringing and CNN footage the latter have elicited. Ethnic cleansing evokes condemnation only when it is committed by Serbs, not against them.”⁴¹

16. Another anomaly also showing the sacred, untouchable, and politicized character of the Srebrenica massacre in Western ideology has been the ready designation of the killings as a case of “genocide.” The Tribunal played an important role here, with hard-to-match gullibility, unrestrained psychologizing, problematic legal reasoning, and the ready acceptance of trial testimony by prosecution witnesses who committed perjury as part of plea bargains (most notably, Drazen Erdemovic and Momir Nikolic⁴²). The term genocide, once reserved for the most horrific crime, the planned extermination of a particular group, was manipulated by the ICTY to justify indictments that preceded any serious investigation of events related to the capture of Srebrenica.

On gullibility, one Tribunal judge accepted as fact the witness claim that Serb soldiers had forced an old Muslim man to eat the liver of his grandson;⁴³ⁱ and judges have repeatedly stated as an established fact that 7,000-8,000 Muslim men had been executed, while simultaneously acknowledging that the evidence only “suggested” that “a majority” of the 7-8,000 missing had not been killed in combat, which yields a number substantially lower than 7-8,000. The Tribunal dealt with the awkward problem of the genocide-intent Serbs busing Bosnian Muslim women and children to safety by arguing that they did this for public relations reasons, but as Michael Mandel points out, failing to carry out a criminal act despite one’s desire to carry it out is called “*not committing the crime*.”⁴⁴ The Tribunal never asked why the genocidal Serbs failed to surround the town before its capture to prevent thousands of males from escaping to safety, or why the Bosnian Muslim soldiers were willing to leave their women and children as well as many wounded comrades to

the mercies of the Serbs; and they failed to confront the fact that 10,000 mainly Muslim residents of Zvornik sought refuge from the civil war in Serbia itself, as prosecution witness Borisav Jovic testified.⁴⁵

Among the other weaknesses in the Tribunal judges' argument, it was genocide if you killed many males in a group in order to reduce the future population of that group, thereby making it unviable in that area. Of course, you might want to kill them to prevent their killing you and your people as part of the ongoing armed conflict, but the court knew Serb psychology better—that couldn't be the sole reason, there must have been a more sinister aim. The Tribunal reasoning holds forth the possibility that with only a little prosecution-friendly judicial psychologizing any case of killing enemy soldiers can be designated genocide.

There is also the problem of definition of the group. Were the Serbs trying to eliminate all the Muslims in Bosnia, or Muslims globally? Or just in Srebrenica? The judges suggested that pushing them out of the Srebrenica area was itself genocide, and they essentially equated genocide with ethnic cleansing. It is notable that the ICTY has never called the Croat ethnic cleansing of 250,000 Krajina Serbs "genocide," although in that case many women and children were killed and the ethnic cleansing applied to a much larger geographic area and a larger victim population than in Srebrenica. On August 10, 1995, Madeleine Albright decried before the UN Security Council "as many as 13,000 men, women and children were driven from their homes" in Srebrenica. But she never found the driving of 250,000 Serbs from their homes bothersome, and ICTY inaction followed accordingly. The bias here is blatant; the politicization of a purported judicial enterprise extreme.

17. Media treatment of the Srebrenica and Krajina cases followed the same pattern and illustrates well how the media make some victims worthy and others unworthy in accord with a political agenda.⁴⁶ With the Serbs the target of Western governments in these conflicts, and the U.S. government in particular actively aiding the massive ethnic cleansing program of Serbs from the Krajina by Croat and Bosnian Muslim forces, Western media gave huge and indignant treatment to Srebrenica, with invidious language, calls for action, and little context. But with the Krajina, attention was slight and passing, indignation was absent, detailed reporting on the condition of the victims was minimal, descriptive language was neutral, and there was context offered that made the events

understandable. The contrast is dramatic. The Bosnian Serb attack on Srebrenica was “chilling,” “murderous,” “savagery,” “cold-blooded killing,” “genocidal,” “aggression,” and of course “ethnic cleansing.” With Krajina, the media used no such strong language—even the phrase “ethnic cleansing” was too much for them. The Croat assault was merely a big “upheaval” that is “softening up the enemy,” a “lightning offensive,” and it was explained away as a “response to Srebrenica” and a result of the Serb leaders “overplaying their hand.” The *Washington Post* even cited U.S. Ambassador to Croatia Peter Galbraith, who in the middle of Operation Storm had insisted that the “Serb exodus was not ‘ethnic cleansing’.”⁴⁷ The paper did not allow a challenge to that judgment. In fact, however, the Croat operations against the Serbs then in the Krajina left Croatia as the most ethnically purified of all the republican components of the former Yugoslavia, although the NATO occupation of Kosovo from June 1999 on allowed an Albanian ethnic cleansing that rivaled that of Croatia in ethnic purification.

Many journalists covering Srebrenica and the Bosnian war consistently accepted Bosnian and U.S. government pronouncements as fact instead of independently verifying evidence. U.S. Army Lieutenant Colonel John Sray, who served on the scene in Bosnia and was an expert on Balkan military affairs, wrote in October 1995 that “many journalists, who undeniably labor under dangerous and miserable conditions ... have permitted themselves to become pawns of the propaganda structure.” Sray continued:

These correspondents frequently limit their time in Bosnia to short stays and fail to gain an appreciation for the true nuances at play in this war. Watching and reading their reports too often conveys the impression that they feel the pressure of competition for a voyeuristic audience against their pampered tabloid-like peers (such as those who covered the O.J. Simpson trial) and try to react accordingly. This segment of the media views its job security as dependent upon obtaining thirty seconds of good video footage accompanied with appropriate sound bites from Muslim officials or their populace. The result, obviously, becomes tawdry reporting that panders to the Bosniac point of view and results in misleading news reports.⁴⁸

Obviously, this characterization does not describe all the coverage of

the conflict or that related to Srebrenica, but it does describe the long-standing mainstream media perspective and helps explain why now, more than 15 years later, a highly skewed version of what happened at Srebrenica dominates public perceptions, and has helped influence decisions made about the fate of Bosnia, Kosovo, and Serbia itself.

18. But haven't the Bosnian Serbs "confessed" that they had murdered 8,000 civilians? This has been the view of the Western media, once again demonstrating their subservience to their leaders' political agenda. The Bosnian Serbs first put out a report on Srebrenica in September 2002, but this report was rejected by the then-High Representative Paddy Ashdown for failing to come up with the proper conclusions. Over the next two years, he dismissed a stream of Republica Srpska politicians and analysts, even threatening to bring-down the Republica Srpska government, and forced the drafting of a second and eventually a third report prepared by people whose version of the events came progressively closer to the officially approved conclusions. The third report, issued in June 2004, was greeted in the Western media as a meaningful validation of the official line—"Bosnia's Serbian leadership has admitted responsibility for the massacre of at least 7,000 Muslim men and boys in the town of Srebrenica," went the standard refrain.⁴⁹ Amusingly, even this coerced and imposed report didn't come close to acknowledging 8,000 executions. Instead, it speaks of 7,800 "missing" and it questions the integrity of the methods by which the several and varying lists of the "missing" were compiled; and while recommending that the Republica Srpska government "bow to the victims of Srebrenica," it expresses hope that the various authorities in Bosnia and Herzegovina will do the same for the other innocent victims killed during the wars.⁵⁰ The media did not mention these qualifications, and the likelihood that the authorities will carry out investigations and call for apologies on behalf of the thousands of non-Muslim (and implicitly unworthy Serb) victims is exceedingly small.

19. Another feature of the Srebrenica case is the insistence on bringing all the (Serb) criminals to trial and getting the "willing executioners" to admit guilt, allegedly to advance the causes of justice and reconciliation. This rule is not applied in cases like Indonesia in East Timor (1975-1999), where a U.S. and British ally engaged in mass murder; and of course it would never be thought of in cases where the

United States and Britain committed aggression and killed large numbers of civilians, as in Iraq. As regards its application to the Balkan wars, a problem is that justice cannot be one-sided or it ceases to be justice, and shows its true face as vengeance and a cover for other political ends. Ethnic cleansing throughout the former Yugoslavia was by no means committed by one side only, and in fact the number of refugees and internally displaced persons was and remains greatest among the Serbs.⁵¹ Moreover, the Serbs claim and have documented many thousands of deaths at the hands of the Bosnian Muslims and their imported Mujahedeen cadres, and by the Croatians, and they have had their own group examining and trying to identify bodies at an estimated 63 mass graves.⁵² This victimization has hardly been noticed by the Western media or ICTY—as the distinguished forensic expert Zoran Stankovic observed back in 1996, “the fact that his team had previously identified the bodies of 1,000 [Bosnian] Serbs in the [Srebrenica] region had not interested prosecutor Richard Goldstone.”⁵³ Instead, there is a steady refrain about the Serbs’ tendency to whine, whereas Bosnian Muslim complaints are taken as those of true victims and are never designated whining.

Rather than aiding in reconciliation, the steady focus on Srebrenica victims and Serb killers makes for more intense hatred and ethno-nationalistic divisions, just as the Kosovo war and its violence exacerbated hatreds there and showed that Clinton’s claimed objective in April 1999 of fighting for the “principle of multiethnic, tolerant, inclusive democracy” was a fraud.⁵⁴ In Kosovo, this one-sided propaganda and NATO control unleashed serious and unremitting anti-Serb (along with anti-Roma, anti-Turk, anti-dissident-Albanian) violence, helped along by the willingness of the NATO authorities to look the other way as their allies—the purported victims—took their revenge and pursued their long-standing aim of ethnic purification. In Bosnia, a British foreign office proposal to use the tenth anniversary commemoration of the Srebrenica massacre for a “statesmanlike initiative” of public reconciliation among the different groups reportedly received short shrift from Bosnian representatives on all sides. As David Chandler points out, the “international community’s focus on the war has given succor to the most reactionary and backward political forces in Bosnia. . . . Those most socially excluded from Bosnian life have been able to dictate the political

agenda and oppose the politics of reconciliation, because their social weight has been artificially reinforced by the international dominance over the politics of this tiny state. Without political, social and economic dependency on external actors that are legitimized by the idea of Bosnian victimhood, it is unlikely that the war would have remained so central in Bosnian life.”⁵⁵

In both Bosnia and Serbia, the Serbs have been under steady attack, humiliated, and their leaders and military personnel punished, while those who stand accused of crimes among the Bosnian Muslims, Croats, and NATO powers have suffered few investigations or penalties and may even be portrayed as dispensers of justice. It is clear that the real objectives of the retribution-pushers are not justice and reconciliation—they are, in addition to the sheer vengeance motive, to unify and strengthen the position of the Bosnian Muslims, to crush the Republica Srpska, and possibly even eliminate it as an independent entity in Bosnia, to keep Serbia disorganized, weak and dependent on the West, to provide the basis for the formal removal of Kosovo from Serbia, and to continue to put the U.S. and NATO attack and dismantlement of Yugoslavia in a favorable light. The last objective requires diverting attention from the Clinton-Bosnian Muslim role in giving al Qaeda a foothold in the Balkans, Izetbegovic’s close alliance with Osama bin Laden, his *Islamic Declaration* (1970) declaring hostility to a multi-ethnic state, the importation of 4,000 Mujahadeen to fight a holy war in Bosnia, with active Clinton administration aid, and the KLA-al Qaeda connection.⁵⁶

20. *Final Note:* An understanding of the events surrounding Srebrenica may also help determine whether the Serbs will continue to bear the brunt of the blame for the tragic conflict that occurred when the major powers—the EU, the United States and the UN—encouraged the breakup of Yugoslavia through diplomatic recognition of armed separatist republics, and did nothing constructive to prevent the ethno-political struggle for land that followed. In fact, these bodies encouraged violence by failing to deal with the problem of stranded minorities, by giving the Bosnian Muslims and KLA reason to believe (correctly) that provocations and conflict could induce the United States or NATO to fight on their behalf, and by framing the struggles there as between good and evil. This continued demonization and pursuit of one side as

uniquely responsible for a many-sided series of civil wars has encouraged more hatred and violence throughout much of the former Yugoslavia, and has certainly not provided a road to reconciliation. It has also been the basis for a dangerous and mistakenly benevolent view of the NATO “humanitarian intervention” in the Balkans, which was neither humanitarian nor legal, has left the remnants in a state of dependency and distress, and has provided the moral basis for further illegal and non-humanitarian interventions. As we have stressed, the inflated and political construction of the Srebrenica massacre has played an important role in producing these unfortunate results.

Notes

- 1 See, e.g., “Facts About Srebrenica,” an eight-page synopsis of the ICTY’s accumulated position on the relevant events, N.A. and N.D., International Criminal Tribunal for the Former Yugoslavia, <http://www.icty.org/x/file/Outreach/view_from_hague/jit_srebrenica_en.pdf>. Summaries and citations to critical views are given in chapters 1-7 of this collection, above. Also see 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 Laughland, *Travesty: The Trial of Slobodan Milosevic and the Corruption of International Justice* (Ann Arbor, MI: Pluto Press, 2007); Edward S. Herman and David Peterson, “The Dismantling of Yugoslavia,” *Monthly Review*, Vol. 59, No. 5, October, 2007, pp. 19-26, <<http://www.monthlyreview.org/1007herman-peterson1.php>>; Germinal Civikov, *Srebrenica: The Star Witness*, Trans. John Laughland (Belgrade: NGO Srebrenica Historical Project, 2010); and Stephen Karganovic, Ed., *Deconstruction of a Virtual Genocide: An Intelligent Person’s Guide To Srebrenica* (Belgrade: Srebrenica Historical Project, 2011).
- 2 See above, Edward S. Herman, “Preface.”
- 3 See David Rohde, “Evidence Indicates Bosnia Massacre,” *Christian Science Monitor*, August 18, 1995.
- 4 For example, in June 2005, the Serb pro-NATO activist Natasa Kandic passed a videotape to the Prosecution in the Milosevic trial at the ICTY, and this video showed the execution of six Bosnian Muslim prisoners by Serb paramilitaries in 1995. For Kandic, for the Prosecution, as well as for the Western political and media establishment, this video was taken as the “smoking gun”, for it is the final, incontrovertible proof of Serbia’s part in the Srebrenica massacres in which more than 7,500 Bosnian Muslim men and boys were murdered.” (Tim Judah and Daniel Sunter, “How video that put Serbia in dock was brought to light,” *The Ob-*

- server, June 5, 2005, <<http://www.guardian.co.uk/world/2005/jun/05/balkans.warcrimes>>.)
- 5 See Dean Paul Manning, Witness Statement, *Prosecutor v. Slobodan Milosevic*, IT-02-54-T, November 24, 2003, para. 59, <http://www.domovina.net/archive/2003/20031124_manning.pdf>.
 - 6 See above, Jonathan Rooper, Ch. 4, “The Numbers Game.”
 - 7 See, e.g., Anthony Goodman, “U.S. alleges 2,700 massacred after Srebrenica fell,” Reuters, August 10, 1995; Rupert Cornwell and Emma Daly, “2,700 Civilians ‘Butchered by Serb Gunmen’,” *The Independent*, August 11, 1995; Barbara Crosse, “U.S. Seeks to Prove Mass Killings,” *New York Times*, August 11, 1995; Josh Friedman, “Bosnia Photos Shock U.N.,” *San Francisco Chronicle*, August 11, 1995; Stephen Handelsman, “Serbs buried 2,000 in mass graves,” *Toronto Star*, August 11, 1995; Catherine Toups, “Bosnian survivor tells U.N. of mass executions by Serbs,” *Washington Times*, August 11, 1995; and Pilita Clark, “U.S. Fury At ‘Systematic Slaughter’,” *Sydney Morning Herald*, August 12, 1995.
 - 8 See, e.g., Carla Del Ponte, Amended Indictment, *Prosecutor of the Tribunal Against Radislav Krstic*, IT-98-33, ICTY, October 27, 1999, para. 25, <<http://www.icty.org/x/cases/krstic/ind/en/krs-1ai991027e.pdf>>. Similar charges have been repeated against each of the other Srebrenica-related indictees.
 - 9 David Rohde, “The Battle of Srebrenica Is Now Over the Truth,” *New York Times*, July 9, 2000.
 - 10 See Steven Lee Myers, “Making Sure War Crimes Aren’t Forgotten,” *New York Times*, September 22, 1997.
 - 11 See above, Rooper, Ch. 4, “The Numbers Game.”
 - 12 For a devastating account of how the media served as co-belligerents and provocateurs for the war-party in Bosnia and for the NATO powers, see Peter Brock, *Media Cleansing: Dirty Reporting, Journalism and Tragedy in Yugoslavia* (Los Angeles: GMBooks, 2005).
 - 13 See above, Rooper, Ch. 4, “The Numbers Game.”
 - 14 See Patricia M. Wald, “General Radislav Krstic: A war crimes case study,” *Georgetown Journal of Legal Ethics*, Spring 2003, Vol. 16, No. 3, p. 445. Also see above, Rooper, Ch. 4, “The Numbers Game.”
 - 15 See above, George Szamuely, Ch. 5, “Securing Verdicts: The Misuse of Witness Testimony at the Hague.” Also see Civikov, *Srebrenica: The Star Witness*.
 - 16 Tim Butcher, “Serb Atrocities In Srebrenica Are Unproved,” *Daily Telegraph*, July 24, 1995.
 - 17 Carlos Martins Branco, “Was Srebrenica a Hoax?” Centre for Research on Globalization, July 24, 2005 (originally released by the author on March 4, 1998), <<http://www.globalresearch.ca/index.php?context=va&aid=731>>.
 - 18 For a discussion of the figure 2,028, see Judge Almiro Rodrigues *et al.*, *Judgment, Prosecutor v. Radislav Krstic*, IT-98-33-T, ICTY, August 2, 2001, para. 73, <<http://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf>>. The figure 1,919 - 1,923 derives from the work of the Serb forensic analyst Ljubisa Simic, who

- studied the autopsy reports that were available to the ICTY through the year 2002 (one year beyond the *Krstic Judgment*), and who concluded, as Jonathan Rooper writes in his chapter, that the “number of actual sets of remains represented by these reports totaled less than 2,000, and probably between 1,919 and 1,923” in all. See Ljubisa Simic, “Analysis of Srebrenica Forensic Reports Prepared by ICTY Prosecution Experts,” and Simic, “Presentation and Interpretation of Forensic Data (Pattern of Injury Breakdown),” in Karganovic, Ed., *Deconstruction of a Virtual Genocide*, pp. 69-88, and pp. 89-104. Also see above, Rooper, Ch. 5, “The Numbers Game.”
- 19 See above, Edward S. Herman, Ch. 1, “Introduction.”
 - 20 On William Walker’s role in stirring-up Western interest in the alleged massacre of some 45 ethnic Albanians at the village of Racak in Kosovo in January 1999, see Johnstone, *Fools’ Crusade*, “Racak: *casus belli* for NATO,” pp. 238-244. Also see Edward S. Herman and David Peterson, *The Politics of Genocide* (New York: Monthly Review Press, 2010), “Mythical Bloodbaths: Racak,” pp. 95-101.
 - 21 See Cees Wiebes, *Intelligence and the War in Bosnia, 1992 - 1995* (London: Lit Verlag, 2003), esp. Ch. 4, “Secret Arms Supplies and Other Covert Actions,” pp. 157-218.
 - 22 Thomas H. Kean and Lee Hamilton, *The 9/11 Commission Report* (New York: W.W. Norton & Co., 2004), p. 147, p. 488, and p. 58.
 - 23 See above, George Bogdanich, Ch. 2, “Prelude to the Capture of Srebrenica.” As Bogdanich notes, “British journalist Eve-Ann Prentice stated that while awaiting the start of a scheduled appointment with Alija Izetbegovic around November, 1994, she witnessed an ‘Arabic looking’ man ushered in to see Izetbegovic before her. One of the other journalists in her company at the time, *Der Spiegel*s Renate Flottau, later identified this man as Osama bin Laden” (n. 13).
 - 24 See Richard J. Goldstone, *The Prosecutor of the Tribunal against Radovan Karadzic, Ratko Mladic*, IT-95-5-I, July 24, 1995, para. 17-33, <<http://www.icty.org/x/cases/karadzic/ind/en/kar-ii950724e.pdf>>.
 - 25 Paul Holmes, “Karadzic a pariah, says war crimes tribunal chief,” Reuters, July 26, 1995. Also see above, Szamuely, Ch. 5, “Securing Verdicts.”
 - 26 Richard Holbrooke, “United Nations or not?,” Interview with BBC Radio 4, September 9, 2003, <http://www.bbc.co.uk/radio4/news/un/transcripts/richard_holbrooke.shtml>.
 - 27 See Kofi Annan *et al.*, *The Fall of Srebrenica* (A/54/549), Report of the Secretary-General pursuant to General Assembly resolution 53/35, November 15, 1999, <<http://www.un.org/News/ossg/srebrenica.pdf>>. As this document reports: “Some surviving members of the Srebrenica delegation have stated that President Izetbegovic also told them [in 1993] he had learned that a NATO intervention in Bosnia and Herzegovina was possible, but could only occur if the Serbs were to break into Srebrenica, killing at least 5,000 of its people. President Izetbegovic has flatly denied making such a statement” (para. 115). Also see above, George Bogdanich, Ch. 7, “UN Report on Srebrenica—A Distorted Picture of Events.”

- 28 See above, Bogdanich, Ch. 2, “Prelude to the Capture of Srebrenica.”
- 29 Tim Ripley, *Operation Deliberate Force: the UN and NATO Campaign in Bosnia 1995* (Lancaster: Centre for Defence and International Security Studies, 1999), p. 192, p. 145.
- 30 See above, George Bogdanich, Ch. 7, “UN Report on Srebrenica—A Distorted Picture of Events.”
- 31 Bernard Kouchner, *Les Guerriers de la Paix* (Paris: Grasset, 2004), pp. 373-374. (Translation provided by Diana Johnstone, personal communication, March 9, 2011.)
- 32 Roger Cohen, “Serbia Moves Tanks to Croatia Border,” *New York Times*, May 7, 1995.
- 33 Ripley, *Operation Deliberate Force*, p. 192.
- 34 Milosevic Trial Transcript, February 12, 2004, p. 31,966, <<http://www.un.org/icty/transe54/040212ED.htm>>.
- 35 See the report submitted to both the UN General Assembly and Security Council (A/48/177 - A/25835), 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, Yugoslav State Commission for War Crimes and Genocide, April, 1993, p. 19, <<http://unbisnet.un.org:8080/ipac20/ipac.jsp?session=KE997922Q7026.88080&profile=bib&uri=full=3100001~!320302~!1&ri=3&aspect=subtab124&menu=search&source=~!horizon#focus>>.
- 36 See Milivoje Ivanisevic, *Srebrenica July 1995—in search of truth*, Zivka Novicic, Trans. (Belgrade: Hrišanska misao, 2nd. Ed., 2010), p. 93. In this same volume, Ivanisevic documents his number in “The Book of the Dead Serbs of Srebrenica and Birac Region, 1992-1995” (pp. 95-169), where he lists by name and by birth and death dates the 3,287 Serb victims in this region and time span.
- 37 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, May 24, 1994, <<http://unbisnet.un.org:8080/ipac20/ipac.jsp?session=1299G107990HF.85918&profile=bib&uri=full=3100001~!346883~!7&ri=13&aspect=subtab124&menu=search&source=~!horizon#focus>>.
- 38 See Carla Del Ponte, *The Prosecutor of the Tribunal Against Naser Oric* (IT-03-68-I), March 28, 2003, pars. 22-38, <<http://www.icty.org/x/cases/oric/ind/en/ori-ii030328e.pdf>>.
- 39 See, e.g., Bill Schiller, “Muslims’ hero vows he’ll fight to the last man,” *Toronto Star*, January 31, 1994; and John Pomfret, “Weapons, Cash and Chaos Lend Clout to Srebrenica’s Tough Guy,” *Washington Post*, February 16, 1994.
- 40 “No Evidence of Civilian Casualties in Operations By Bosnian Commander,” Beta News Agency, April 11, 2003; BBC Monitoring International Reports, April 11, 2003.
- 41 Charles G. Boyd, “Making Peace with the Guilty; The Truth about Bosnia,” *Foreign Affairs*, September/October, 1995.

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- 42 On Drazen Erdemovic and Momir Nikolic, see above, Szamuely, Ch. 5, "Securing Verdicts." On Erdemovic specifically, see Civikov, *Srebrenica: The Star Witness*.
- 43 See "Radovan Karadzic and Ratko Mladic Accused of Genocide Following the Take-Over of Srebrenica," News Release CC/PIO/026-E, ICTY, November 16, 1995. In his statement to the court, Trial Judge Fuad Riad said that "The evidence tendered by the Prosecutor describes scenes of unimaginable savagery: thousands of men executed and buried in mass graves, hundreds of men buried alive, men and women mutilated and slaughtered, children killed before their mothers' eyes, a grandfather forced to eat the liver of his own grandson. These are truly 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, November 16, 1995.
- 44 See above, Michael Mandel, Ch. 6, "The ICTY Calls It 'Genocide'."
- 45 See Milosevic Trial Transcript, IT-02-54, November 18, 2003, pp. 29,113 - 29,114, <http://www.icty.org/x/cases/slobodan_milosevic/trans/en/031118ED.htm>.
- 46 See the comparative treatment of the Srebrenica and Krajina cases in Herman and Peterson, "The Dismantling of Yugoslavia," pp. 19-26, <<http://www.monthlyreview.org/1007herman-peterson1.php>>.
- 47 "A UN Report: Bosnian Serbs Massacred Srebrenica Muslims," *Washington Post*, August 12, 1995.
- 48 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, <<http://fmso.leavenworth.army.mil/documents/bosnia2.htm>>.
- 49 Nicholas Wood, "Bosnian Serbs Admit Responsibility for the Massacre of 7,000," *New York Times*, June 12, 2004.
- 50 See Milan Bogdanic *et al.*, *Final Report* of the Commission for Investigation of the Events in and around Srebrenica between 10th and 19th July 1995 (Banja Luka, Republika Srpska), June, 2004.
- 51 See Herman and Peterson, "The Dismantling of Yugoslavia," Table 1, "Refugees and internally displaced persons in the former Yugoslavia, as of January 1, 2005," p. 31.
- 52 See "Serb official says mass grave discovered in northwestern Bosnia," Onasa News Agency, February 21, 2006; BBC Worldwide Summary, February 21, 2006.
- 53 "Yugoslav forensic expert says no proof about Srebrenica mass grave," Tanjug News Agency, July 12, 1996; BBC Summary of World Broadcasts, July 15, 1996.
- 54 Bill Clinton, "Remarks by the President to the American Society of Newspaper Editors," Federal Documents Clearing House, April 15, 1999.
- 55 David Chandler, "Srebrenica: Prolonging the wounds of war," *Spiked Online*, July 20, 2005, <<http://www.spiked-online.com/articles/0000000CAC9B.htm>>.
- 56 See, e.g., John R. Schindler, *Unholy Terror: Bosnia, Al-Qa'ida, and the Rise of Global Jihad* (Minneapolis, MN: Zenith Press, 2007).

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- **Jonathan Rooper** was a producer-director in BBC TV News for some 15 years and onetime Head of News Features department. After leaving the BBC he worked in corporate and financial public relations before helping to set up an independent television production company. He began visiting the former Yugoslavia regularly in the late 1980s, when his research into the collapse of the unitary Yugoslavia began, and took a wider scope when he joined Nora Beloff's informal research group in 1994. He now works as a freelance media and presentation trainer and as a producer and editor of corporate videos.

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