

СРЕБРЕНИЦА

МИТ, МАНИПУЛАЦИЈА, ИСТОРИЈСКА ИСТИНА

АНАТОМИЈА ЈЕДНЕ ЛАЖИ Срђа Трифковић

Између чињенице да је по паду Сребрнице убијено више стотина заробљених припадника Армије Босне и Херцеговине и тврдње да је 8.000 њих убијено у чину „геноцида“ зјапи дубоки јаз. Он остаје непремошћен, упркос свим резолуцијама овога света. „Сребренички геноцид“ је лаж, а лаж је зло...

Борис Тадић и његова странка доказали су својом резолуцијом о Сребреници да се доследно залажу за увођење „европских стандарда“ у Србију. Наиме, доводити наводни *геноцид* у питање – или пак само ону фамозну цифру од „осам хиљада“ – у бриселској Европи увелико је прворазредни деликт мишљења, у истој равни са негацијом холокауста.

За разлику од холокауста, међутим, „геноцид“ у Босни и Херцеговини није се догодио. Да будемо прецизни, није се догодио у рату 1992-95, за разлику од стварног геноцида, оног усташког над Србима 1941-45, „чија је бруталност надмашила поступке самих Немаца“ (*Енциклопедија Британика*).

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Оптужба против Срба за геноцид, подигнута још марта 1993. тужбом Изетбеговићевог режима против СРЈ, потом је добила своју „верификацију“ у Хагу на сребреничком случају, што је правни и логички апсурд. Размере тог апсурда виде се у пресудама трибунала Радиславу Крстићу 2001. и Видоју Благојевићу 2005. По тим пресудама, геноцид је „доказан“ премда није било предумишљаја нити ликвидације цивила, локалитет не обухвата ни три цела процента територије БиХ, а фамозних 8.000 жртава – ионако вишеструко преувеличана цифра – представља 0.4% муслиманске популације БиХ од два милиона.



Резолуција срама: Скупштина Србије, 31.3.2010.

Резолуцијом Скупштине Србије исправка хашке верзије *случаја Сребреница* само је одгођена, уз огромну цену за српске интересе, наравно. Клањање том миту неће купити ни Тадићу ни Србији симпатије Брисела или Вашингтона, да о Сарајеву не говоримо. Као сви српски уступци од 1991. до данас, и тај чин само представља потврду Западу да са Србима политика батине без шаргарепе одлично функционише. Наравно, уследиће нове тужбе и одштетни захтеви. Другосрбијански корифеји и њихови страни ментори сада имају доказ да „денацификација“ рађа плодове.

Митови нису неприкосновени. Једну деценију после Дејтона број жртава рата напoкон је био срубљен са произвољне цифре од 200-250 хиљада – која је годинама рутински навођена у западном свету као чињеница – на око стотину хиљада погинулих на све три стране. У случају Сребренице, један свеобухватан, веродостојан и на чињеницама утемељен резиме догађаја, који би био историјски контекстуализован и правно прецизан, још не постоји. Он је преко потребан. Да је Србија озбиљна држава, одавно би ангажовала средства и кадрове за обављање тог задатка.

Између чињенице да је после пада Сребрнице убијено на стотине заробљених припадника АБиХ и тврдње да је 8.000 њих убијено у чину „геноцида” зјапи дубоки јаз. Тај правни, демографски, форензички и логички јаз је непремошћен упркос свим резолуцијама овога света.

ПРОБЛЕМ ПРАВНЕ ДЕФИНИЦИЈЕ – Као што знамо из првостепене пресуде и одлуке жалбеног већа у случају генерала Крстића, термин *геноцид* је у Хагу проширен до таквог степена да је малтене неминовно да се он по стандардима Трибунала догоди у било којем рату, од Газе и Фалуце до Кандахара. По хашкој дефиницији током протеклих пола века САД су вршиле геноцид у Вијетнаму, Француска у Алжиру, Израел у Гази, Турска на северном Кипру... да не говоримо о судбини Срба у Сарајеву и на Косову и Метохији. По том мерилу, Хрватска је далеко највећи кривац у бившој Југославији – не само за убиство пола милиона Срба у НДХ 1941-45 (процена Центра Јад Вашем и Симона Визентала), него и за Медак, Бљесак и Олују.



Коме српске жртве мање вреде од Орићевих убица? Српска мајка на братуначком гробљу

Хашки трибунал у пресуди Крстићу окарактерисао је као геноцидну радњу чак и трансфер старих лица, жена и деце из Сребрнице у Тузлу, којим је ВРС извела четири петине мештана енклаве. У хашким пресудама и резолуцији коју су Србима наметнули Тадић и његови налогодавци, геноцид је тривијализован и лишен достојанства. Овако редефинисан, геноцид постаје вазда спремна пропагандна батина којом може да маше свака наводно угрожена група жељна медијске пажње и стране војне интервенције.

ПРОБЛЕМ КОНТЕКСТА – Поборници мита о геноциду свесно игноришу чињеницу да се у Сребрници водио рат и да су сви војно способни мушкарци у енклави мобилисани у 28. дивизију Армије БиХ која је базу својих операција имала усред тзв. зоне безбедности УН. Уместо да буде демилитаризована, та је зона била препуна оружја и коришћена као одскочна даска за нападе у којима је побијено (да не лицитирамо

бројевима) на стотине српских цивила током три године које су претходиле јулу 1995.

Све су то општа места која контролори западне јавности већ скоро 15 година прикривају. Посебно су осетљиви на сваки покушај анализе политичке позадине сребрничког случаја. Та је осетљивост у истој равни са забраном објављивања резултата истраге о позadini експлозије на Маркалама фебруара 1994. Без разумевања политичке позадине, међутим, изненадни колапс муслиманских снага у Сребрници – до зуба наоружаних и бројнијих од ВРС – није објашњив. Догађаји који су уследили указују на игру са јасним предумишљајем: да се жртвује фигура а добије партија.

Питање „ко је на добитку” (Cui bono?) битно је за разумевање контекста. Игнорисана у аналима Хага и радионицама сребрничког мита, непобитна је чињеница да је политичко вођство у Сарајеву дуго припремало жртвовање енклаве и сопственог људства у њој како би се изнудила западна интервенција. Већ годинама су нам знана казивања Ибрана Мустафића и других сведока збивања да је Алија Изетбеговић пред пад Сребрнице својим сарадницима поверио да је цена западне интервенције – по процени председника Била Клинтона лично – била 5.000 мртвих Муслимана. Имајући у виду чињеницу да је Изетбеговић још 1991. изразио спремност да жртвује мир за независност, не треба сумњати да му је Клинтонова цена била не само прихватљива него и примамљива.

У супростављању сребрничком миту и хипотеци колективне кривице Срби имају на својој страни право, правду и историјску истину. Зато ће срамна резолуција од 31. марта бити без поговора поништена када Србија добије једну пристојну власт. У борби за ту истину Срби немају разлога да се плаше ма чега осим страха самога.



За поборнике Декларације они не постоје: спомен соба српских жртава у Братунцу

СРЕБРЕНИЦА: ИСТИНЕ И ЗАБЛУДЕ¹

Нема спора да се током три јулска дана 1995. године нешто страшно догодило муслиманским заробљеницима. Али да би правилно разумели шта се тада догодило, и зашто, неопходно је узети у обзир и шта се догађало српским цивилима у и око Сребренице током претходне три године. Сви ће се лако сложити, и непобитна је истина, да две кривде не чине правду. Међутим, ампутирањем историјских чињеница, и затим надувавањем ампутираног дела, ми се никада нећемо приближити целовитој истини, нећемо остварити правду нити ћемо положити темеље трајном помирењу двеју заједница које су принуђене на суживот, осим ако једној од њих заиста не би пошло за руком да истреби другу...

На бошњачкој страни многи су одлучни да искораче из области доказивих чињеница пошто желе да реконструишу и „нафризирaju” стварност како би она била у складу са њиховим политичким програмом. Они иступају са два крута захтева:

(1) масовно убијање заробљених Муслимана у јулу 1995. године било је геноцид, и

(2) масовно убијање српских цивила, које је томе претходило, или је лаж или је толико статистички занемарљиво да о томе не вреди ни говорити. [...]

Чињенице са којима свако треба да буде упознат и питања која захтевају одговоре:

1. Једини непосредни извршилац злочина у Сребреници у јулу 1995. који је осуђен од стране Хашког трибунала јесте Дражен Ердемовић, Хрват из околине Тузле. Склопио је договор са тужилаштвом и осуђен је на минималну казну, на основу сопственог признања, чији је садржај неколико пута мењао. Кључна тачка договора са тужилаштвом била је да мора сведочити против српских оптуженика. Зашто српска држава треба да преузме одговорност за злочине босанског Хрвата Ердемовића, и то на основу његовог контрадикторног и непоузданог сведочења?

2. Ердемовић је наводно припадао тзв. Десетом диверзантском одреду Војске Републике Српске, мултинационалној јединици састављеној од Срба, Хрвата, Словенаца и муслимана. Он је именовао још седам наводних саучесника у стрељањима – од којих су се неки борили у Африци као плаћеници западних војски. До дан-данас, ни Хашки трибунал, ни Србија, ни БиХ, ни било која друга држава нису подигли оптужнице против тих људи, иако су им доступни. Шта се жели сакрити?

3. На Меморијалу у Сребреници стоји број „8372...”, али тај број укључује и оне који се још воде

као „нестали”, а три тачке после овог броја значе да није коначан. Како се за нестале може тврдити да су „жртве геноцида” ако на њима није извршена обдукција, нити се зна да ли су уопште мртви?

4. Према последњим форензичким анализама, укупан број тела ископаних из масовних гробница је испод 2000, од којих се за 442 може са сигурношћу тврдити да су жртве стрељања, јер су имали везане руке. То је скоро 8.000 мање од броја који се јавно доводи у везу са „геноцидом” у Сребреници.

5. Највиши цивилни представник УН на терену у јулу 1995, Американац Филип Корвин, већ годинама тврди да је тада у Сребреници убијено „око 700” босанских муслимана – и да је разлика између тог броја и броја од 8.000 који се стално пропагира – политичка. Није ли Сребреница, кроз лицитирање бројевима, очигледно исполитизована?

6. Комисија Владе РС никад није признала „геноцид”, већ је ту реч употребила само као цитат пресуде генералу ВРС Радиславу Крстићу. Комисија није усвојила ни број од „8.000 стрељаних”, иако је била подвргнута огромним западним притисцима; нити је изјавила да су сви на списку несталих убијени и мртви, већ да ту има и живих и оних који су страдали у борбама и пре 1995, као и оних који су касније умрли природном смрћу, док је за неке утврђено да су променили идентитет и живе на другим местима, а за друге да су издржавали казну за кривична дела.

7. Према пресуди Међународног суда правде, Србија не сноси одговорност за „геноцид”, нити је учествовала у његовој припреми или извођењу. Самим тим, Србија нема никакву обавезу да усвоји било какву „декларацију о Сребреници”.

8. Србија преузимањем одговорности за дешавања у Сребреници може бити изложена тужбама за баснословне одштете. Да ли је то рачун који можемо да платимо и наслеђе које треба да оставимо потомству?

9. Усвајање ове резолуције мотивисано је и резолуцијом коју је у јануару 2009. изгласао Европски парламент. Унутрашња противуречност те резолуције огледа се у ставу „Е”, где јасно стоји да „упркос огромним напорима... досадашње истраге не допуштају потпуну реконструкцију догађаја у и око Сребренице”, што искључује самоуверено доношење коначних закључака о том сложеном догађају, а посебно олако коришћење најтежих правних квалификација у односу на државу Србију и њене грађане.

Ако права истина о Сребреници, која ће кад-тад бити установљена, буде демантовала садржај резолуције Народне скупштине – како ће се народни посланици који су гласали за њу искупити пред историјом и пред својим потомцима?

¹ Преузето са сајта Историјски пројекат Сребреница <<http://www.srebrenica-project.com>>

ДЕСЕТ СРЕБРЕНИЧКИХ ЗАГОНЕТКИ¹

Како доћи до истине у 21. веку, у веку невероватних технолошких и научних достигнућа, у веку медијских манипулација, технолошко-информационе диктатуре која креира јавно мњење како јој се прохте? Одговор је: мукотрпним залагањем, прво менталним отпором медијској хистерији и симулакруму који нуди једну врсту истине, дакле, очистити свој мозак и аналитички приступити проналажењу одговора на стотине питања која су везана за Сребреницу, а од којих највећи део, ни после 14 година, није добио свој одговор.

Као илустративан пример који потврђује изнето мишљење, наведимо само десет сребреничких питања:

1. Ако је Сребреница била демилитаризована и заштићена зона, како то да је она коршћена за „одмор, обуке, опрему и нападе Орићевих јединица на српске положаје” (извештај генералног секретара УН од 16. марта 1994. и 30. маја 1995. године)?
2. Ко је од посматрача УН и представника великих сила, иако су знали колика је тензија између зараћених страна, дозвољавао Насеру Орићу да Сребреницу као „демилитаризовану зону” користи практично као војну базу (извештај Холандског института за ратну документацију, април 2002. године)? Да ли су тако и они вишестрано умешани у планирање и изазивање етничких сукоба у Сребреници?
3. Да ли је Алија Изетбеговић преко свог сребреничког заповедника, по злу познатом Насеру Орићу, месецима и месецима пре јула 1995. године, свесно нападао и убијао Србе, желећи да их испровоцира да узврате ударац на Сребреницу, која је требало да послужи као мамац и жртвено јагње за активно укључивање НАТО-снага у сукоб? Да ли је заиста тачно да је амерички председник Бил Клинтон рекао Изетбеговићу да мора бити убијено више од 5.000 муслимана ако жели да НАТО нападне Србе?
4. Да ли је Насер Орић, по Изетбеговићевом наређењу, непосредно пре јула 1995. године, био плански повучен из Сребренице са својим људима, оставивши за собом на хиљаде људи без команде?
5. Да ли је велики део муслиманских војника покушао пробој према Тузли и Жепи? Да ли је тачно да се на хиљаде муслиманских војника пробило и годину дана касније пријавило ОЕБС-у за гласање на изборима? Где су ти „нестали” људи сада?
6. Где су докази? Где је 8.000 лешева? Колико их заправо има? Ко и како сада спроводи обдукцију лешева?

¹ Из уводног текста Бранимира Нешића „Истина ће нас ослободити“ објављеног у *Дверима* 6.8.2008.

7. Где су фамозни сателитски снимци Сједињених Америчких Држава који показују стравичне српске злочине, а на које се позивала Медлин Олбрајт? Зашто је стављен ембарго службене тајне на те наводне сателитске снимке следећих 30 до 50 година, од стране америчке, британске и француске државе? Зашто их не покажу јавности?

8. Зашто се не изврши детаљна анализа сведочења главног хашког сведока Дражена Ердемовића, који сведочи да је за непуну четири сата, заједно са још седморицом људи које поименице наводи, убио 1200 људи, тако што их је изводио по групама од десет људи, одводио их скоро 200 метара до места злочина, онда их убијао, па проверавао урађено, па се одмарао и пио, па онда све испочетка и тако 120 пута? Зашто се не установи да му је за такав монструозан злочин требало бар 20 сати? И где је тих 1043 леша јер је касније на том месту пронађено 157 лешева?

9. Зашто нико од преостале седморице из Ердемовићеве групе, који су наводно побили 1200 људи, није ухапшен, процесуиран и изведен пред лице правде, иако се зна ко су и где тренутно живе? Да ли се неко плаши да „главни сведок” не постане „лажни сведок”?

10. Да ли је, на крају, случај Сребреница медијски припреман, предимензиониран и свесно искривљен да би се створила слика о „злим геноцидним Србима” и тако ублажила критика јавности на стотине хиљада протераних Срба из Книнске Крајине (само двадесет дана после наводног геноцида у Сребреници), бомбардовање Републике Српске (само месец и по дана после наводног геноцида у Сребреници), затим бомбардовање Србије (као изговор да се поново не догоди наводни геноцид у Сребреници) и тако даље...

Питања има још десет пута оволико, питања на које још нису пронађени одговори. Она захтевају да се случај Сребреница поново и на прави начин, објективно и детаљно и чињенично, испита. Овде се не ради ни о каквој релативизацији злочина са наше, српске стране, већ апсолутно о потреби да се сазна права истина. Истина ће нас ослободити, без обзира колико она била тешка и болна за све народе на Балкану.

Потребно је и у интересу је свих, на првом месту нас Срба и босанских муслимана, али и народа и честитих политичара и људи великих западних сила, да се сазна права и целовита истина о Сребреници. Дакле, не само делимична, једнострана и у многоме извитоперена истина, јер када је таква, она не представља истину већ неистину.

Медијска машинерија која је пројектовала слику о Сребреницу коју данас познајемо, по којој су немилосрдни и нечовечни Срби извршили „највећи геноцид после Другог светског рата” над недужним муслиманским цивилима, прави је пример једностране и искривљене истине. [...]

SREBRENICA: THE SCORE

Conclusions Of Srebrenica Research Group¹

Following three years of research as a group and many more as individuals, the Srebrenica Research Group reports the following conclusions:

1. Both the scale of the casualties at Srebrenica and the context of events have been misrepresented in official reports by governmental and non-governmental organizations as well as news organizations. Senior UN military and civilian officials, NATO intelligence officers and independent intelligence analysts dispute the official portrayal of the capture of Srebrenica by the International Criminal Tribunal on Yugoslavia, (ICTY) as a unique atrocity in the Bosnian conflict. **The contention that as many as 8,000 Muslims were killed has no basis in available evidence and is essentially a political construct.**

2. The 8,000 figure was first provided by the Red Cross, based on their crude estimate that the Bosnian Serb Army (BSA) had captured 3,000 men and that 5,000 were reported "missing." It is well established that thousands of those "missing" had reached Tuzla or were killed in the fighting, but in an amazing transformation displaying the eagerness to find the Bosnian Serbs evil and the Muslims victims, the "reaching safety/killed-in-action" basis of being missing was ignored and the missing were taken as executed! This misleading conclusion was helped along by the Red Cross's reference to the 5,000 as having "simply disappeared," and its failure to correct this politically biased usage despite its own recognition that "several thousand" refugees had reached Central Bosnia. It was also helped along by the Bosnian Muslim leadership's refusal to disclose the names and numbers of those reaching safety, but there was a remarkable readiness in Western governments not only to ignore those reaching safety, but also to disregard deaths in fighting and to take dead bodies as proving executions. The will to believe was limitless: reporter David Rohde saw a bone sticking up in a gravesite near Srebrenica, which he just knew was a remnant of an execution and serious evidence of a "massacre." It was 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, to the conclusion that the claim of 8,000 executed was thereby demonstrated.

3. With 8,000 executed and thousands killed in the fighting, there should have been huge grave sites and satellite evidence of both executions, burials, and any body removals. But the body searches in the Srebrenica vicinity were painfully disappointing, with only some two thousand bodies found in searches through 2001, including bodies

killed in action and possibly Serb bodies, some pre-dating July 1995. The sparseness of these findings led to claims of body removal and reburial, but this was unconvincing as the Bosnian Serbs were under intense military pressure after July 1995. This was the period when NATO was bombing Serb positions and Croat/Muslim armies were driving towards Banja Luka. The BSA was on the defensive and was extremely short of equipment and resources, including gasoline. An operation of the magnitude required to exhume, transport and rebury thousands of corpses would have been far beyond the BSA's capacity at that time. Furthermore, in carrying out such a program they could hardly hope to escape observation from OSCE personnel, local civilians, and satellite observations.

4. On August 10, 1995, Madeleine Albright showed some satellite photos at a closed session of the Security Council, as part of a denunciation of the Bosnian Serbs, including one photo showing people--allegedly Bosnian Muslims near Srebrenica--assembled in a stadium, and one allegedly taken shortly thereafter showing a nearby field with "disturbed" soil. These photos have never been publicly released, but even if they are genuine, they don't prove either executions or burials. Furthermore, although the ICTY speaks of "an organized and comprehensive effort" to hide bodies, neither Albright nor anyone else has ever shown a satellite photo of people actually being executed, buried, or dug up for reburial, or of trucks conveying thousands of bodies elsewhere. This failure to provide evidence occurred despite Albright's warning the Serbs that "We will be watching," and with satellites at that time, making at least eight passes per day and geostationary drones able to hover and take finely detailed pictures in position over Bosnia during the summer of 1995. The mainstream media have found this failure of no interest.

5. There have been a great many bodies gathered at Tuzla, some 7,500 or more, 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. 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. A systematic attempt to use DNA to trace connections to Srebrenica is underway, 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 flawed, with duplications, individuals listed who had died before July 1995, who fled to avoid Bosnian Muslim Army service, or who registered to vote in 1997.

¹ <http://www.srebrenica-report.com/conclusions.htm> (July 2005)
The Report's authors were George Bogdanich, Tim Fenton, Philip Hammond, Edward S. Herman, Michael Mandel, Jonathan Rooper and George Szamuely.

They include men who died in battle or reached safety or were captured and assumed a new existence elsewhere.

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 37,632 survivors plus 2,000 combat deaths, which would require the prewar population of Srebrenica to have been 48,000 if 8,000 were executed, whereas the population before July was more like 37-40,000 (Tribunal judge Patricia Wald gave 37,000 as her estimate). The numbers don't add up.

7. There were witnesses to killings at Srebrenica, or those who claimed to be witnesses. There were not many of these, and some had a political axe to grind or were otherwise not credible, but several were believable and were very likely describing real and ugly events. **But the available evidence indicates hundreds of executions, not 8,000** or anything close to it. The only direct participant witness claim that ran to a thousand 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, 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 from trial. 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.

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" and people like Hubert Wieland, the chief UN investigator of human rights abuses, who could find no eyewitnesses to atrocities after five days of interviewing among the 20,000 Srebrenica survivors gathered at the Tuzla airport refugee camp. Carlos Martins Branco, former UN Deputy Director of UNMO (UN Monitors) in Bosnia, who debriefed UN monitors assigned to Srebrenica, writes that casualty estimates of 8,000 have been "used and manipulated for propaganda purposes... 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. This is roughly the number of bodies (2,028) which were exhumed by the ICTY in the region by the year 2001. Many of these deaths occurred before the fall of Srebrenica, according to Branco.

8. 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 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. By inflating the casualties following the capture of Srebrenica, US officials also diverted attention from larger-scale, US-supported Croatian attacks on Serb populated UN Protected Areas (UNPAs) in Western Slavonia ("Operation Flash") and the Krajina region ("Operation Storm") in May and August 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, US State Department hardliners were committed to imposing a military solution, that prolonged the war till 1995.

By facilitating the illegal transfer of weapons to Bosnian Muslim forces and turning a blind eye toward the entry of foreign Mujahadeen fighters, the US turned supposed safe zones for civilians into staging areas for conflict and a tripwire for NATO intervention. Dr. Cees Wiebes who authored the chapter on military intelligence in the Dutch government report on Srebrenica, notes that the U.S. Defense Intelligence Agency facilitated the transfer of illegal arms from Muslim countries to the Tuzla airport using Hercules C-130 transport planes. It arranged for gaps in air surveillance by AWACs, which were supposed to guard against such illegal arms traffic. Along with these weapons came Mujahadeen fighters from both Iranian training camps and al-Qaeda, including two of the hijackers involved in the attacks on the World Trade Center and Khaled Sheik Mohammed who helped plan the attack. Al-Qaeda leader Osama Bin Laden was issued a Bosnian passport by the Embassy of Bosnia and Herzegovina in Vienna in 1993. Bin-Laden was observed on two occasions at the office of Bosnian President Alija Izetbegovic.

9. Both U.S. and U.S.-appointed ICTY officials acknowledged political considerations in issuing genocide indictments, which were announced prior to an investigation of events surrounding the capture of Srebrenica. On July 24, 1995 the UN's chief investigator (for the UN High Commissioner for Human Rights) Henry Wieland, who had spoken to scores of Muslims at the main refugee camp at Tuzla airfield told the London Daily Telegraph "we have not found anyone who saw with their own eyes an atrocity taking place." Three days, later, however, the ICTY issued indictments charging Bosnian Serb leaders Radovan Karadzic and Ratko Mladic. In news

accounts reports of July 27, ICTY Chief Judge Antonio Cassese praised the indictments as “a good political result” and added that the indictment means that “these gentlemen [Mladic and Karadzic] will not be able to take part in peace negotiations.” The Boston Globe reported the same day: “The Clinton Administration has not obtained independent confirmation of atrocities [at Srebrenica],” but does not doubt that these occurred “I realized that the War Crimes Tribunal was a very valuable tool,” Richard Holbrooke told the BBC. “We used it to keep the two most wanted war criminals in Europe out of the Dayton process and we used it to justify everything that followed.”

10. 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 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. The abandonment of Srebrenica by a military force much larger than that of the attackers, and a retreat that made that larger force vulnerable and caused it to suffer heavy casualties in fighting and vengeance executions, helped produce numbers that would meet the Clinton criterion, by hook or by crook. **There is other evidence that the retreat from Srebrenica was not based on any military necessity but was strategic, with the personnel losses incurred considered a necessary sacrifice for a larger purpose.**

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, a military analyst for *Janes' Defense* 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.” Former Deputy Director of UNMO (UN Monitors) Carlos Martins Branco, who debriefed the UN monitors who served in Srebrenica, writes:

Muslim forces did not even try to take advantage of their heavy artillery, under control of the United

Nations (UN) forces at a time in which they had every reason to do so ... Military resistance would jeopardize the image of ‘victim’, which had been so carefully constructed, and which the Muslims considered vital to maintain. British Lt. Col. Jim Baxter, assistant to UN Commander Rupert Smith, told Tim Ripley: “[The Bosnian government] knew what was happening in Srebrenica. I am certain they decided it was worth the sacrifice.”

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 Generals Halilovic and Hadzihasanovic testified that General Staff of the Bosnian Army abruptly removed 18 top officers of the 28th division in 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 Bosnian Serb Army 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 local Bosnian Muslim military commander 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 catastrophe. The order came from Sarajevo”

In his book *Warriors for Peace*, Bernard Kouchner, former head of Doctors Without Borders, states that on his death bed, Bosnia’s wartime president, Alija Izetbegovic, acknowledged to both Kouchner and former UN envoy Richard Holbrooke that he had exaggerated claims of atrocities by Serbian forces to encourage NATO intervention against the Serbs. Specifically he mentions wartime POW camps that all three factions in the Bosnian civil war utilized, but which his government claimed in 1992 were really “death 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 anchor Peter Jennings. Izetbegovic admitted to Kouchner and Holbrooke, “There were no extermination camps, whatever the horror of those places. I thought my

revelations [sic] would precipitate bombing [against Serbs].”

11. 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,” wrote *New York Times* reporter Roger Cohen, who noted that “the estimate of 450 Serbian dead, given by Gojko Susak, the Croatian Defense Minister appears to be conservative.” The followup 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; 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.” But this was hardly noticed in the wake of the indignation and propaganda generated around Srebrenica, with the aid of the media, whose co-belligerency role in the Balkan wars was already well-entrenched.

12. The International Criminal Tribunal for 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, 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 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, no genocide indictments were issued by the ICTY for these ethnic cleansing operations and massacres.

13. 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 US, the UN employed a double standard for reporting alleged abuses by Serb forces as compared with comparable abuses by Croatian Muslim forces. Between May of 1992 and April of 1993, scarcely a day went by without massacres and scorched earth attacks by Muslim warlord Naser Orić on towns and villages such as Sikirici, Konjević Polje, Glogova, Zalažje, Fakovići, Kaludra, Brezani, Krnica, Zagoni, Orlice, Crni Vrh, Kamenica, Bjelovac, Kravica, Skelani and Zabokvica. “Naser Orić 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.” Orić's forces are responsible for 1,200-1,500 deaths in the Srebrenica area.

Despite extensive evidence of Orić's direct participation in such atrocities in a report submitted to the UN by the Yugoslav State Commission on War Crimes, the US 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 Orić was submitted to the UN Commission of Experts on War Crimes, whose chairman Cherif Bassiouni was appointed by Ambassador Albright, but Orić was not even mentioned in the final report of the Commission. When the ICTY finally got around to indicting Nasir Orić on March 28, 2003, very possibly to create the image of judicial balance, he was charged with killing only seven Serbs who were tortured and beaten to death after capture, and with the “wanton destruction” of nearby villages. Although he bragged to Western reporters of slaughtering Serb civilians, the ICTY reportedly “found no evidence that there were civilian casualties in the attacks on Serb villages in his theater of operations.”

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.**”

14. 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, Dražen Erdemović and Momir Nikolić). 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; and the judges repeatedly stated as an established fact that 7-8,000 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 bussing 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 do some criminal act despite your desire is called “not committing a crime.” 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 refugee from the civil war in Serbia itself, as prosecution witness Borisav Jovic testified.

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 in the future, but the court knows 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 larger area and larger victim population than in Srebrenica. (On August 10, 1995, Madeleine Albright cried out to the Security Council that “as many as 13,000 men, women and children were driven from their homes” in Srebrenica.) Perhaps the ICTY had accepted Richard Holbrooke's designation of the Krajina as a case of

“involuntary expulsions.” The bias is blatant; the politicization of a purported judicial enterprise is extreme.

15. 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. With the Serbs their government's target, and their government actively aiding the massive Croat ethnic cleansing program in Krajina, the media gave huge and indignant treatment to the first, with invidious language, calls for action, and little context. With 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 attack on Srebrenica “chilling,” “murderous,” “savagery,” “cold-blooded killing,” “genocidal,” “aggression,” and of course “ethnic cleansing.” With Krajina, the media used no such strong language--even ethnic cleansing was too much for them. The Croat assault was merely a big “upheaval” that is “softening up the enemy,” “a lightning offensive,” explained away as a “response to Srebrenica” and a result of Serb leaders “overplaying their hand.” *The Washington Post* even cited U.S. Ambassador to Croatia Peter Galbraith saying the “the Serb exodus was not 'ethnic cleansing'.” The paper does not allow a challenge to that judgment. In fact, however, the Croat operations in Krajina left Croatia as the most ethnically purified of all the former components of the former Yugoslavia, although the NATO occupation of Kosovo has allowed an Albanian ethnic cleansing that is rivaling that of Croatia in ethnic purification.

Many journalists covering Srebrenica and the Bosnian war consistently accepted Bosnian and US government pronouncements as fact instead of independently verifying evidence. U.S. Army Lieutenant Colonel John Sray, on the scene in Bosnia, wrote in October 1995 on “Selling the Bosnian Myth: Buyer Beware,” that “many journalists, who undeniably labor under dangerous and miserable conditions... have permitted themselves to become pawns of the propaganda structure”:

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 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...

Years later, a highly skewed version of what happened at Srebrenica dominates public perceptions, and may influence decisions now being made about the fate of Kosovo and Bosnia.

THE SREBRENICA “GENOCIDE”: TOTEM OF THE NEW WORLD ORDER

John Laughland

The events at Srebrenica in July 1995 now enjoy a special status in international criminal law. Uniquely among the numerous clashes which occurred during the 10-year violent break-up of Yugoslavia, those events have been formally characterized as genocide by both the International Criminal Tribunal for the former Yugoslavia and the International Court of Justice. It is notable that no international tribunal, and not even the ICTY Prosecutor, has ever characterized the events in Kosovo in 1999 as genocide, even though it was precisely on the basis that genocide was occurring there that NATO attacked Yugoslavia that spring.¹

The history of this accusation of genocide is important. It was first leveled formally on 20 March 1993, when the Republic of Bosnia and Herzegovina initiated proceedings at the ICJ against the Federal Republic of Yugoslavia for the application of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948. The case was eventually ruled on in 2007 but the timing of the initial filing is key: it came within weeks of the vote of UN Security Council Resolution 808 (22 February 1993) which had called for the creation of an international criminal tribunal to prosecute war crimes in the former Yugoslavia. The ICTY was indeed quickly brought into being with a further Security Council resolution, 827, passed on 25 May 1993.

This use of the criminal law to intervene in the Yugoslav wars was unprecedented. Never before had an international criminal tribunal been created with such intrusive powers, or as a peace-keeping measure. American judges at Nuremberg in 1947, acting under the terms of the Charter of the original International Military Tribunal at Nuremberg, had specifically ruled out such judicial interventionism. Their own power, they said, flowed only from the fact that Germany had no government of her own because she had surrendered unconditionally in May 1945.

Within the territorial boundaries of a state having a recognised, functioning government presently in the exercise of sovereign power throughout the territory, a violator of the rules of international law could be punished only by the authority of the officials of that state ... In Germany an international body ... has assumed and exercised the power to establish judicial machinery for the punishment of those who have violated the rules of the common international law, a

¹ The British Prime Minister, Tony Blair, said, “It is no exaggeration to say that what is happening in Kosovo is racial genocide.” Tony BLAIR, *My pledge to the refugees*, BBC News Online, 14 May 1999.

power which no international authority without consent could assume or exercise within a state having a national government presently in the exercise of its sovereign powers.²

This lack of precedent or consent by the states concerned did not bother the advocates of a new world order. The ICTY was itself only one part of an intense general UN interventionism in the Yugoslav wars.

In the 18 months following the outbreak of fighting in Bosnia on 2 April 1992, no fewer than 47 Security Council Resolutions were adopted, while 42 statements were issued by the President of the Council. No issue in the Security Council has ever generated so many resolutions and statements over a comparable period.³

The interventionism was both judicial and military. The UN force, UNPROFOR, having been dispatched in 1992, the spring of 1993 also saw the adoption of Security Council Resolution 819 (on 16 April 1993) which proclaimed the creation of a UN protected “safe area” around the town of Srebrenica. At that time, the military balance of power had shifted in favor of the Bosnian Serbs and the area controlled by Muslims around Srebrenica had been greatly reduced.

Srebrenica linked the northern and southern parts of Serb-controlled territory and thus had a great strategic importance. In other words, the creation of a “safe area” there – which as everyone admits, including the ICTY⁴, the Muslims then used as a base for launching three years of raids on the surrounding Serb villages – was key to preventing the Serbs from realizing their goal of seceding from Bosnia-Herzegovina with a viable state.

The same status of “safe area” was later accorded to a number of other Muslim-held towns in Bosnia by Security Council Resolution 824, passed on 6 May 1993.

In other words, the accusation of genocide formally lodged with the ICJ in March 1993 was made at a critical time. The Bosnian Muslims had suffered heavy military defeats and were on the point of losing the war. Their international strategy was to seek moral and military support from the international community on the basis that Yugoslavia was practicing genocide against them.⁵

² *Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10*, Volume III, “The Justice Case” (1947), Washington DC, 1951, pp. 970-971.

³ *Report of the Secretary General Pursuant to General Assembly Resolution 53/35*, 15 November 1999, United Nations A/54/549.

⁴ ICTY, Prosecutor v. Radislav Krstic, Trial Chamber Judgement, 2 August 2001, par. 24.

⁵ The claim of genocide was also supported by various academics in the West. See Norman CIGAR, *Genocide in Bosnia, The Policy of “Ethnic Cleansing”*, (College Station: Texas A & M University Press, 1995). Yet Srebrenica is nowhere mentioned in that book because the events of July 1995 still lay in the future: the accusation of genocide, once again, long pre-dated them.

When the International Court of Justice finally ruled on the Bosnian suit in 2007, it threw out every single accusation of genocide except where Srebrenica was concerned.¹ This was partly its own reading of events and partly that of the ICTY, whose rulings it felt it could not disregard. In the intervening 14 years, the ICTY had entered convictions for genocide in Srebrenica against Radislav Krstic in 2001 and Vidoje Blagojevic in 2005. The original suit used the most inflammatory language to argue that genocide was being committed. This makes it all the more perplexing that the original claims of a vast genocide allegedly perpetrated against an entire people have been whittled down so far that only Srebrenica remains.

In the ordinary meaning of the word, indeed, genocide is a massive state-sponsored program. The Nazis' persecution of the Jews provides the paradigm: certainly, it was with the Nazi genocide in mind that the father of the Genocide Convention, Raphael Lemkin, proposed the original draft and the authors drew up the final version.

Yet in contrast to the Nazis' vast program of extermination, which involved massive logistical planning, huge amounts of manpower and materials, more than a decade of ideological racism, and implementation over a period of several years, the mass executions which occurred after the fall of Srebrenica were an *ad hoc* affair. They took place in little over a week starting on 13 July 1995, and in a sporadic and impromptu fashion. Hitler's anti-Semitism had been publicly expressed in *Mein Kampf*, published in 1925, and whereas he had threatened "the destruction of the Jewish race in Europe" in a speech to the Reichstag on 30 January 1939 – i.e. nearly three years before he finally gave the order physically to murder the Jews. On the other hand, the ICTY judges say that the genocidal plan at Srebrenica did not come into being until on or around 13 July 1995, i.e. spontaneously in the heat of battle. And whereas the Nazis targeted all Jews, the genocidal plan supposedly conceived by the Bosnian Serbs did not target the Bosnian Muslims as a whole, but only – according to the ICTY – "the Bosnian Muslim population of Srebrenica".²

Supporters of the Bosnian Serb cause have complained about this ruling, largely on the basis that the findings are exaggerated and unsubstantiated. They argue that the figure of 7 to 8,000 is far too high and that many or all the victims of executions were combatants. But these arguments have three major flaws.

First, the execution of even combatants is indisputably a war crime. *Second*, no Serb apologist denies that such executions did occur. *Third*, but most importantly, these

¹ International Court of Justice, *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia & Herzegovina v. Serbia & Montenegro)*, Judgment, 27 February 2007, e.g. par. 373.

² ICTY Appeals Chamber, *Prosecutor v. Radislav Krstic*, Judgment, 19 April 2004, par 19, and Trial Chamber Judgment, 2 August 2001, pars 560 and 561.

arguments fail to grasp that we are dealing with here is not so much an anti-Serb bias in the practice of international criminal justice, but rather a program of international interventionism, based on dangerously weak legal reasoning and disregard for due process, of which the Serbs happen to be the guinea-pigs.

Srebrenica has been raised to the legal status it now enjoys partly because the town's fall in 1995 to Bosnian Serb forces represented a defeat not only for the Bosnian Muslims but also for the international community as a whole – not only its policy of creating safe areas but also, and more generally, of the interventionism practiced by various parts of the "international community" ever since the EU interposed itself between the parties to the conflict in July 1991. Srebrenica was important – at least for the supporters of interventionism – because the UN was there, not just because it was a Muslim enclave. The United Nations as an institution, it must be remembered, had embarked in the 1990s on an aggressive policy of military, political and judicial interventionism in both Iraq and Yugoslavia. It continued to apply the highly intrusive sanctions regime against Iraq throughout the decade and into the 21st century, and of course was happy to become the administrator of Kosovo after 1999. Its own credibility, and that of the states which dictated its policies, was destroyed when the enclave fell.

The activists of judicial and military supra-nationalism are therefore determined to make the genocide charge stick somewhere. Genocide offers two key legal advantages in pursuit of the goal of creating a new international system no longer based on state sovereignty.

The first legal usefulness of the genocide charge is that, according to the highly questionable way in which international criminal law is currently formulated, the threshold of proof required to secure a conviction for genocide is lower than it is for crimes against humanity. To secure a conviction for crimes against humanity the Prosecution must prove that the acts were "widespread or systematic." *No such condition applies for genocide.* Moreover, crimes against humanity can be committed only against civilians, whereas genocide can include the killing of military personnel as well. In other words, spontaneous or disparate acts involving the killing of military personnel can be classified as "genocide" and this is exactly what has happened in the case of Srebrenica.

The second legal advantage of genocide – from the point of view of the project of creating a system of supranational coercive criminal law which can constrain states and convict their leaders – is that *genocide*, unlike *crimes against humanity*, is the subject of a binding international treaty, the 1948 Genocide Convention. To be sure, the normal rules of international behavior have been severely distorted in recent years by the antics of the Security Council and the United Nations in general in creating international criminal tribunals which, in the case

of the ICTY, the ICTR and the ICC, have all indicted heads of state or government who would normally enjoy sovereign immunity. This is especially the case with President Omar Al-Bashir of Sudan, which has not signed the Rome Statute but who was nonetheless indicted by the ICC in March 2009. International judicial activists can more or less do what they like these days. However, they are on stronger ground when there is actually a treaty in existence which forbids genocide and requires states to prevent and punish it.

The importance of the existence of a treaty, as opposed to the existence of a norm in mere “customary international law” – i.e. whatever judges or even academics say they think the law is – was illustrated with the landmark ruling in the British House of Lords against General Pinochet, issued on 24 March 1999 (the day the bombs started falling on Yugoslavia). Activists for universal jurisdiction *ratione materiae* were very excited by this ruling because it seemed to confirm that even heads of state could be put on trial when certain kinds of crimes were alleged against them. However, their victory was less decisive than they sometimes pretend. It is true that the House of Lords overruled the principle of sovereign immunity, but it did so only on the basis that Chile itself – which claimed the immunity for Pinochet – had in fact consented, in 1988 when Pinochet was himself head of state, to the terms of the 1985 UN Convention by signing and ratifying it. The noble Lords deduced from this that Chile had earlier revoked its own immunities in this area and that its revocation remained in force because it had never subsequently denounced the Convention.

The status of genocide as a crime prohibited by treaty law, rather than customary international law, was also raised in the ruling given by the ICJ in the Bosnia v. Serbia case in February 2007. Article 9 of the Genocide Convention gives the ICJ the power to rule on whether it is being respected or not. This part of the Convention was extensively discussed in the ruling, specifically the question whether the responsibility of states could be incurred under its terms. The Court concluded that the responsibility of states could be so incurred, a finding which represents a departure from the classical rules of international law according to which states are the upholders of the criminal law and, as such, not the subjects of it.

It is true that many states derogated from this provision, Article 9, when they ratified the Genocide Convention. They entered reservations saying they did not accept the jurisdiction of the ICJ. However, Bosnia has entered no such reservation and although Yugoslavia did, it agreed to litigate the case before the ICJ in 1993. In other words, the principle is now established that genocide can be litigated at international level in Bosnia, and that the responsibility of states can be engaged.

There is a final point about the legal status of genocide in international law, although it is a weaker one than the

previous two. Some international lawyers argue that there is no right of secession for states which have committed massive violations of human rights. They also claim that there does exist a right of secession when self-determination is violently suppressed. Such arguments could obviously be invoked with respect to Republika Srpska which could be branded *un État génocidaire* if it tried to secede or to resist attempts to dissolve its autonomy [...] There is every possibility that the convictions handed down for genocide at Srebrenica will be used as a stick with which to beat Republika Srpska. This danger seems all the more real because the ICTY has declared an explicit link between the July 1995 events in Srebrenica and the existence of Republika Srpska itself. In 2004, the Appeals Chamber upheld the Trial Chamber’s 2001 finding that,

without Srebrenica, the ethnically Serb state of Republika Srpska they (the Bosnian Serbs) 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...¹

Moreover, this paragraph is specifically a justification for the Appeal Chamber’s finding that genocide did occur: the judges are seeking to justify here their ridiculously baroque finding that a massacre of a tiny percentage of a “protected group” (the Bosnian Muslims) can be proof of genocidal intent. Aware that their rulings on genocide appear to cheapen the concept so far that it becomes nugatory, they say that the importance of the Muslim community of Srebrenica “is not captured solely by its size” but instead by this strategic importance and by the fact that the town was a UN protected safe haven for Muslims. It is for this reason, argue the judges, that the destruction of the “Bosnian Muslim population of Srebrenica” was “emblematic” of the Bosnian Muslims as a whole and therefore evidence of full genocidal intent.

Srebrenica, then, is an existential issue – not so much for Republika Srpska but rather for those activists who seek to consolidate once and for all that outcome which the former ICTY Prosecutor, Louise Arbour, said she had achieved in 1999: “We have passed from an era of cooperation between states to an era in which states can be constrained.”²

¹ ICTY Appeals Chamber, Prosecutor v. Radislav Krstic, Judgement, 19 April 2004, par.15.

² *Le Monde*, 6 August 1999.

GENOCIDE DENIERS AT THE U.S. DEPARTMENT OF STATE

Srdja Trifkovic

While wholeheartedly promoting the myth of the fictitious “Srebrenica Genocide,” the government of the United States is simultaneously minimizing the true Balkan genocide – the one perpetrated by the Quisling “state” of Croatia between 1941 and 1945.

The U.S. Department of State human rights report on Croatia, released on March 11, 2010, says matter of factly that last September 24 “Cardinal Josip Bozanic visited Jasenovac, the site of the largest concentration camp in Croatia during World War II, where **thousands** of Serbs, Jews, and Roma were killed” [emphasis added]. This remarkable claim is the exact moral and factual equivalent of asserting that “tens of thousands” of Jews and others were killed in Auschwitz or Treblinka.

The number of victims at Jasenovac is still uncertain. The lowest estimate with any pretense to seriousness – tens of thousands of victims – was made by the late Croatian President Franjo Tudjman, famous for saying “Thank God, my wife is neither a Serb nor a Jew.” Tudjman’s “estimate” on Jasenovac fits in with his other assessments:

In his book *Wastelands: Historical Truths*, published in 1988, Mr. Tudjman wrote that the number of Jews who died in the Holocaust was 900,000 – not six million. He has also asserted that not more than 70,000 Serbs died at the hands of the Ustashe – most historians say around 400,000 were killed. (*The New York Times*, August 20, 1995)

Other sources provide estimates tens of times greater than Dr. Tudjman’s, and hundreds of times greater than that presented as fact by the U.S. State Department:

- “Jasenovac” – entry by Menachem Shelach in *Encyclopedia of the Holocaust*, Yad Vashem, 1990, pp. 739-740: “Some six hundred thousand people were murdered at Jasenovac, mostly Serbs, Jews, Gypsies, and opponents of the Ustasa regime.”
- The Holocaust Education & Archive Research Team: “It is estimated that close to 600,000 ... mostly Serbs, Jews, Gypsies, were murdered at Jasenovac.”

So much for the Jewish sources. Let us look at what the contemporary German allies of the Ustasa regime had to say on the subject (all quotes from my book *The Krajina Chronicle: A History of Serbs in Croatia, Slavonia and Dalmatia*, The Lord Byron Foundation, 2010). Hermann Neubacher, Hitler’s foremost political expert for the Balkans, noted in his book *Sonderauftrag Südost 1940-1945* (Goettingen: Muster-Schmidt-Verlag, 1957, p. 18) that the fate of Serbs in Croatia was sealed:



Bill Clinton at the Islamic shrine in Srebrenica. No visit to Jasenovac is planned...

The prescription for the Orthodox Serbs issued by the leader and Führer of Croatia, Ante Pavelić, was reminiscent of the religious wars of the bloodiest memory: One third must be converted to Catholicism, another third must be expelled, and the final third must die. The last part of the program has been carried out.” [i.e. one-third of cca. 1.9 million were killed]

In a report to Himmler, SS General Ernst Frick estimated that “600 to 700,000 victims were butchered in the Balkan fashion.” General Lothar Rendulic, commanding German forces in the western Balkans in 1943-1944, estimated the number of Ustaša victims to be 500,000. In his memoirs *Gekaempft, gesiegt, geschlagen* (Welsermühl Verlag, Wels und Heidelberg, 1952, p.161) he recalled a memorable exchange on this issue with a Croat dignitary:

When I objected to a high official who was close to Pavelic that, in spite of the accumulated hatred, I failed to comprehend the murder of half a million Orthodox, the answer I received was characteristic of the mentality that prevailed there: Half a million, that’s too much – there weren’t more than 200,000!

The U.S. State Department may have in its possession newly discovered evidence that Yad Vashem’s researchers had exaggerated the number of victims at Jasenovac a hundredfold or more, that German eyewitnesses were wrong, that even the Holocaust-denying President Tudjman was wrong, and that the number of victims was indeed in “thousands” rather than tens or hundreds of thousands. If it does, the State Department should make such evidence for its claims public. If it does not, it should issue a correction and an unreserved apology. But don’t hold your breath...

СРЕБРЕНИЧКИ МИТ¹

Очито је да неко од Сребренице жели да направи денацификаторски мит, који треба да послужи да се Срби историјски оптерете за геноцидност и да се тако у потпуности заблокира српски национални интерес као нелегитиман и злочиним бременит. Овом научном, медијском, политичком и правном ударцу циљ је да се жиг геноцидне нације пребаци са немачког на српски народ, а европским муслиманима подари улога жртве, попут јеврејског народа под нацизмом.

Основни циљеви овог пројекта, када је замишљен, били су стварање оправдања за интервенцију тзв. међународне заједнице у Босни и Херцеговини на српску штету, као и, о истом трошку, производња димне завесе за реализацију највећег етничког чишћења у Европи после Другог светског рата, протеривања више стотина хиљада Срба из Републике Српске Крајине. Потоњи главни циљеви истог плана јесу укидање Републике Српске као „геноцидне творевине”, посредно наметање Србији моралног комплекса идејног творца геноцида и економске обавезе ратне отштете, а српском народу у целини фрустрације која би му у будућности везала руке у одбрани легитимних националних интереса у региону.

У најдубљем је интересу нашег народа сазнавање комплетне истине о збивањима у и око Сребренице од 1992. до 1995. године, а посебно јула 1995. Морамо се изборити за истину о Сребреници у оквиру које ће бити откривена улога свих актера: страних обавештајних служби и политичких центара моћи, међународних мировњака, муслиманског војно-политичког врха, Милошевићевих тајних служби, војног и политичког руководства РС, ближег и даљег историјског контекста геноцида над српским народом у сребреничком крају и територији некадашње НДХ у целини. Ми немамо нити један разлог да се ова истина у потпуности не разоткрије. Сваки, и најмањи, злочин који заиста припада српској страни потом морамо признати и осудити, али не смемо дозволити да оптужница против нас, којом се жели далекосежно угрозити будућност српског народа, почива на виртуелним пропагандним ногама и користи се као константно средство за политичку манипулацију и уцењивање.

Кључно питање гласи: зашто је забрањено говорити о контексту који је направио Сребреницу? Јер би тако испливала истина о српским жртвама у Сарајеву, у околним селима око Сребренице, у Бљеску и Олуји, на Косову и Метохији, да овде не говоримо о Првом и Другом светском рату или комунистичким злочинима над српским народом.

¹ Из тематског броја *Двери* о Сребреници (јули 2009)



Игнорисане жртве: гробље српских жртава сребреничких муџахедина у Братунцу

Да ли је могуће да након једног Јасеновца, индустрије смрти за коју нико није сносио никакву врсту одговорности, ми не смемо ни да споменемо тај геноцид над геноцидима по свом обиму и суровости, док након Сребренице такође не смемо нити да поменемо да имамо свој став по томе питању. Најзад, да ли је трећи покушај истребљења српског народа у 20. веку нешто што је небитно када говоримо о последњем рату?

Сребреница јесте симбол, али не злочина у последњим ратовима него политичке и медијске манипулације једним историјским догађајем зарад потпуне правне и моралне дисквалификације једног народа. *Сребреница* се представља нецеловито и пристрасно за једну страну, не само зато што је интерес да се нешто сакрије, већ зато да се не би довео у питање мит који после толико векова коначно налази разлога да оптужи српски народ за нешто што он никада није радио. Зато је мит о Сребреници потребан. Медијска хистерија служи и да истовремено стопира све слике српских жртава, наредбодаваца и извршилаца једног истинског и континуираног геноцида учињеног у 20. веку над нашим народом, које постају неважне у односу на Сребреницу. После случаја Маркала, Васе Мискина, Рачка и других светских медијских подвала Сребреница је последњи преживели мит на коме се држи апсурдна оптужба о српској агресији на властите територије где Срби вековима живе.

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