

Srebrenica Twenty Years Later – The Question of Evidence by George Bogdanich and Jonathan Rooper

The conduct of recent international war crimes trials of the former Yugoslavia reveals that political considerations tend to trump provable facts. The arrest of former Bosnian Serb leader Radovan Karadzic was treated by commentators on both sides of the Atlantic as though it has been clearly established that he was a “mastermind” of bloody events at Srebrenica, and that some “7000 to 8000” men and boys of combat age were killed by Bosnian Serb forces in July of 1995. Much of the commentary implied that a trial would be a mere formality that should not hinder swift justice. But a good deal of evidence has emerged in the last twenty years that casts doubt on the official narrative, the casualty figures and the ability of the International Criminal Tribunal for Yugoslavia (ICTY) to render just verdicts in a case which has drawn worldwide interest.

It is worth noting that the July 1995 indictment of Karadzic by the International War Crimes Tribunal for Yugoslavia (ICTY) was issued before an official investigation had been mounted and long before the facts had been established. So too was the repeated use of the 7,000-8,000 casualty figures by the US State Dept at a time when Muslim refugees from Srebrenica were still arriving at UN refugee center at the Tuzla airport.

The overtly political nature of the ICTY’s actions was made clear when the first indictments against Karadzic and Bosnian Serb Army General Ratko Mladic were announced on July 27, 1995 — two weeks after the July 11 capture of Srebrenica — Antonio Cassese, the US appointed President of the ICTY, applauded the action as a “a great political result”[1] adding: “The indictment means that these gentlemen will not be able to take part in peace negotiations.” US envoy Richard Holbrooke was similarly candid about the political usefulness of the Tribunal thereafter, when he told the BBC “the War Crimes Tribunal was a huge valuable tool. We used it to keep the two most wanted war criminals in Europe out of the Dayton process and we used it to justify everything that followed.”[2] In her memoir[3], former ICTY chief prosecutor Carla Del Ponte acknowledges that the US State Department, which pushed relentlessly for the indictments of Serbian leaders, showed little interest or cooperation in pursuing serious war crimes by Croat and Muslim forces against Serbian civilians in Croatia, Bosnia and Kosovo. Del Ponte was abruptly removed from her other position as the chief prosecutor in the International War Crime Tribunal of Rwanda when she informed the US State Dept of her intention to investigate crimes by the US-backed Rwandan Patriotic Front. She was apparently chastened by the experience. The public was never told about ICTY investigations of responsibility for war crimes authorized by Croatian President Franjo Tudjman and Bosnian President Alija Izetbegovic until after their deaths, by which time the cases had been sealed.

In this context, it is not surprising that even such a fierce critic of the Bosnian Serbs as former BBC journalist Martin Bell declared that the ICTY, as well as Mr. Karadzic, will be on trial. “The war crimes tribunal is a prosecutor’s court,” he observed, “more interested in securing convictions than in delivering justice.”[4]

The official ICTY version of events at Srebrenica — Serbs entering a UN “safe zone” and slaughtering innocent Muslims while a UN battalion failed to protect them — did indeed serve the US political agenda, which was to prepare public opinion for Operation Deliberate Force, a long planned US bombing campaign against Bosnian Serb targets two weeks after the capture of the enclave. This would be followed nine days later by the massive US backed Croatian Army attack known as Operation Storm which cleansed 200,000 ethnic Serbs living in the UN Protected Zones in the Krajina region of Croatia.

Scorched Earth Raids of 1992-93 and the Cycle of Violence

For those who were willing to look, however, it did not take long to see through the Manichean picture of innocent Muslims and evil Serbs promoted by the US policy makers and self-described “journalists of attachment” such as Martin Bell. The BBC documentary “Lies and Allies” detailed how the US helped facilitate arms shipments in large C-130 cargo planes to Muslim forces at Tuzla airport. These shipments were then flown by helicopter to Zepa and Srebrenica according to

former Muslim army Commander General Halilovic and turned the supposed “safe zones,” such as Srebrenica and Gorazde, into staging areas for Muslim attacks against nearby Serbian villages designed to provoke a Serbian reaction which would bring NATO air strikes. In testimony before the Hague in 2001, General Sefer Halilovic, former Commander of the Muslim Army of Bosnia Hercegovina, acknowledged that the Bosnian Government High Command issued “a large number of orders for sabotage operations from the safe areas” against Serbian villages.[5]

Shortly after the outbreak of war in Bosnia, the Serbian population of Srebrenica began to be driven out by Muslim warlord Naser Oric, who thereafter led the 28th division in scorched earth raids against numerous Serbian villages, killing civilians, their livestock, and gaining a reputation for extreme brutality. Oric clearly understood that with uncritical US support for the Izetbegovic government, he could act with impunity. He even videotaped some of his butchery, including severed Serbian heads, showing these videotapes to John Pomfret of the Washington Post and Bill Schiller of the Toronto Star. Schiller writes that Oric was “as bloodthirsty a warrior as ever crossed a battlefield”[6] and then recounts a visit to the warlord’s home in January 1994:

On a cold and snowy night, I sat in his room, watching a shocking video version of what might have been called Naser Oric’s Greatest Hits. There were burning houses, dead bodies, severed heads and people fleeing. . Oric grinned throughout, admiring his handiwork. “We ambushed them,” he said. The next sequence of dead bodies had been done in by explosives: “We launched those guys to the moon,” he boasted. When footage of a bullet marked ghost town appeared without any visible bodies, Oric hastened to announce. “We killed 114 Serbs there.” Later, there were celebrations, with singers with wobbly voices chanting his praises.[7]

UN Commander General Phillipe Morillon who served in 1992-93 during these massacres told ICTY prosecutor “Naser Oric engaged in attacks during Orthodox holidays and destroyed villages, massacring all the inhabitants. This created a degree of hatred that was quite extraordinary in the region.”[8] A report by Belgrade-based researcher Milivoje Ivanisevic, who has been documenting human rights abuses against Bosnian Serb civilians since 1992, notes that “of the 93 Serbian settlements in Srebrenica and Bratunac Counties, 82 of them were destroyed.”[9] In 2005, the Center of the Investigation of Crimes against Serbian People released a list of 3,262 Serbs from the region who were killed by Oric’s unit. Of these, 880 were members of military or police organizations. The remaining 2382 were civilians and their names were published in Vecernje Novosti, a Belgrade daily newspaper in 2005. Ivanisevic points that not a single name was challenged in the year and half before the release of the full report in 2007.

Oric was no rogue commander acting on his own. As, Morillon testified: “Naser Oric’s reign implied a thorough knowledge of the area held by his forces. It appeared to me that he was respecting political instructions coming from the [Bosnian] Presidency.”[10] Despite his 28th Division’s responsibility for well-documented massacres of Serbian villagers,[11] many of them elderly residents who could not flee, the government of Izetbegovic awarded him the Golden Lily, Bosnia’s highest military decoration. When Serbs formed the Drina Corp in 1993 to stop the attacks, Morillon helped negotiate an agreement that was supposed to demilitarize Srebrenica, but the UN never gave the Dutch battalion overseeing the enclave the authority to carry out the terms of the agreement. Oric’s 28th Division not only remained in place in violation of the agreement, but received modern payloads of illegal weaponry from Iran and other Middle Eastern countries facilitated by the US Defense Intelligence agency.[12]

The Dutch Government Report at Odds with Official Story

Was Bosnian Serb President Radovan Karadzic a “mastermind” of the carnage following the capture of Srebrenica in July of 1995? The comprehensive 2002 Dutch government report on Srebrenica, whose authors had access to all relevant intelligence documents — American, Serbian, Bosnian Muslim, German, Dutch — produced a wealth of information, but none linking Karadzic to atrocities following the capture of Srebrenica.

The Dutch government report notes that Karadzic had authorized a small unit of the Bosnian Serb Army to shrink the Srebrenica pocket by occupying the south end of the safe zone to prevent ongoing attacks from Muslim forces in Srebrenica against nearby Serbian villages like Visnica which had been assaulted the week before. Former Muslim Commander General Sefer Halilovic confirms that about 200 Serbian soldiers backed by five tanks entered the pocket on July 6, 1995. [13] The Bosnian Serb unit was surprised to find no resistance whatsoever from the well armed 28th Division (which, according to the testimony of another Muslim Commander, General Enver Hadzihasanovic, had billeted 5,500-6000 soldiers in the town).

The Muslim forces had a 25 to 1 advantage in manpower. But by July 9, the 28th Division and most civilian Srebrenica men of combat age had been ordered to leave the town. British military analyst Tim Ripley wrote that surprised Dutch UN troops “saw Bosnian troops escaping from Srebrenica move past their observation points carrying brand new anti-tank weapons, still in their plastic wrappings. This and other similar reports made many UN officers and international journalists suspicious.”[14] The Muslim men regrouped the following day in the nearby village of Susnjari. Meanwhile the women, children and mostly elderly men left for the village of Potocari.

According to the Dutch Government report, the fact that that the larger Muslim 28th Division had abandoned its secure position in Srebrenica encouraged the Bosnian Serbs to capture the town, which they decided to do on the evening of July 9. The Dutch report notes that in a written order from General Tolimer: “Karadzic had determined that the safety of UNPROFOR soldiers and of the population should be ensured. Orders to this effect were to be provided to all participating units. The safety of the population should also be guaranteed in the event that they should attempt to cross to the territory of the Republika Srpska. The orders made no mention of a forced relocation of the population. The VRS [Bosnia Serb Army] 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.”[15]

On July 11, this small unit of Bosnian Serbs entered the nearly empty town of Srebrenica. The UN Dutch Battalion (DutchBat) had called in a NATO air strike earlier that day against Serb targets, but to little avail, because the Muslim defenders had left the town. Official reports note that little physical damage was done to the town and the only UN soldier killed at Srebrenica was shot by a retreating member of the Muslim 28th Division.

Under the gaze of international observers, Bosnian Serb forces provided buses at Potocari for at least 25,000 women and children from Srebrenica who wished to go to Muslim-held Tuzla. A small group of mostly elderly men – less than a thousand according to UN sources – were imprisoned briefly after being queried about possible involvement in war crimes by the 28th Division. Some 796 Muslim men were also allowed to make their way to Zepa, near the border with Serbia, which was itself later also captured by the Bosnian Serbs.[16]

The overwhelming majority of the Muslim male population of Srebrenica refused offers to surrender. They had moved to Susnjari on July 9 and 10, trusting the Bosnian Serbs to provide safe passage for the civilian population. These Muslim soldiers and most military age males chose to fight their way across Serb held territory to get to Tuzla. Many died fighting in a series of confrontations and numerous minefields on the road to Tuzla, according to both Muslim and Serb testimony.

From Blood-Soaked Mercenary To Star Witness

Drazen Erdemovic, one of six Croatians along with a Muslim and a Slovene in an eight man mercenary unit which had become loosely attached to the Bosnian Serb Army, was turned over to the War Crimes Tribunal in 1996 when he was arrested in Serbia after being injured in a drunken shootout with his former comrades.

War Crimes Tribunal psychiatrists questioned Erdemovic's mental fitness and the ICTY decided his testimony could not be used in his own prosecution. Yet, this same highly dubious testimony was used in the controversial Rule 61 proceeding of the War Crimes Tribunal – a sort of “trial by press” procedure which allowed prosecutors to bring up all manner of undocumented allegations against Karadzic and Mladic without any rebuttal from defense lawyers, in order to exert public pressure for the arrest of the Bosnian Serb leaders. Though he had admitted to taking part in serious crimes, Erdemovic received the short sentence of five years (3 ½ already served), because, according to an official of the Tribunal, he “assisted in the public clamour to arrest Radovan Karadzic.” The ICTY has failed to this day to pursue other members of Erdemovic's murderous unit who might have contradicted Erdemovic's testimony or shed light on events.

Fortunately, a German author of Bulgarian descent named Germinal Civikov has investigated Erdemovic and filled in crucial information gaps with his German language book “Srebrenica: Der Kronzeuge (Star Witness)” (Wien: Promedia, 2009) a meticulously documented and persuasive account of the activities of this mercenary unit. A key finding is that Erdemovic's unit was actually on leave following the capture of Srebrenica when Erdemovic claimed that they had carried out executions. Civikov concludes that Erdemovic's account of the executions, including the number of victims, is physically impossible. Erdemovic claimed that that his small unit killed 1200 men in five hours by lining up ten men at a time and having them shot.[17] But, to do so, his small unit of eight soldiers would have had only 2.5 minutes to line up ten men and execute them. If it took only 10 minutes to assemble and execute 10 prisoners, it would have taken 20 hours to kill 1200 men in the manner that Erdemovic claimed. Not surprisingly, ICTY prosecutors referred in court proceedings to “hundreds” killed by Erdemovic and his seven bloody cohorts at Branjevo Farms near Pilica. Even that description overstates the number of those executed by this unit, because the remains of 153 persons were found by investigators at the killing site.[18] Civikov also noted that Erdemovic had told a reporter for War Report that he was also involved in killings at Nova Kasaba, but later changed his story when it turned that he claimed to be elsewhere on the same day in another account.

Erdemovic Testimony Undermined by Witnesses

Erdemovic says he participated in the capture of Srebrenica on July 11 and he acknowledges that his unit was told by their superior Milorad Pelemis, Commander of the Bosnian Serb Army 10th Sabotage Detachment, not to harm civilians. Before the Tribunal, he testified:

Yes, there was an order that we should not harm civilians, that soldiers should not harm civilians. So, as I could see it at that time, soldiers were not shooting at civilians who had surrendered.[19] Erdemovic also testified that Pelemis was not present during the atrocities five days later, but claims he saw Pelemis at the nearby Vlasenica base a number of times prior to the killings at Branjevo Farms. That, however, would have been physically impossible, because Pelemis was seriously injured on July 12 in an Armored Personnel Carrier accident which killed his passenger Dragan Koljivrat. Pelemis was taken to a military hospital in Belgrade where he stayed until July 22. In 2004, Pelemis's superior, Col Petar Salapura, a defense witness in another case, testified that he had called the Vlasenica camp on July 13th and was told that that Pelemis was in the hospital and the other soldiers were on leave.

Straining to tie the actions of his unit to the Bosnia Serb Army High Command and fulfill his agreement with ICTY prosecutors, Erdemovic offered an incredible story that a private in his unit named Brano Gojkovic was the one who gave execution orders. By this account, Erdemovic, then a sergeant, Franc Kos, a second lieutenant and five others were taking orders from this lowly private to carry out mass executions! How did lowly Private Gojkovic take command of the unit and order higher ranking soldiers to kill captive soldiers? Erdemovic testifies that “He [Gojkovic] said that Pelemis came and said to get ready, so I conclude, on the basis of that, that Pelemis told Brano what needed to be done”.[20]

As a young lawyer defending a murder suspect, Abraham Lincoln once called the prosecutor's case “thinner than the soup made by boiling the shadow of a pigeon that starved to death.” A

similar description could be made of Erdemovic's constantly changing testimony. There is little chance it would survive in a normal court proceeding. To the consternation of ICTY prosecutors, but unnoticed by reporters, a prosecution witness in another later case named Dragan Todorovic eviscerates Erdemovic's testimony. Todorovic testified that Franc Kos, the lieutenant of Slovenian origin was the commander of Erdemovic's unit. Indeed, the ICTY judges had in their possession a receipt showing that Kos had signed for the equipment the unit would use, because he alone had the authority to do so.

Todorovic also confirms that Pelemis was not at Vlasenica as Edemovic claimed in the days before the killings. Todorovic had rushed to the scene of Pelemis's accident on July 12 and helped bring the body of the dead soldier to his parent's home in Trebinje. Upon his return, Todorovic tried to drop off presents from the soldier's parents to Pelemis at the base in Vlasenica, but was told Pelemis was not there. Todorovic testifies: "I asked a soldier at the gate where Mr. Pelemis was, and he told me that he [Pelemis] was either in Bijeljina or at the hospital in Belgrade" and other members of unit were on leave.[21]

The question of who Erdemovic and his cohorts were really working for on July 16 while his unit was on leave, is central to the case. Erdemovic acknowledged to the court that his group had been paid the equivalent of 1 million Euros in gold, but couldn't or wouldn't tell the Tribunal who paid them. ICTY prosecutors showed no further interest in the critical issue of the money, which is the main motive of mercenaries, presumably because it would distract from the effort to link these bloodstained soldiers of fortune to the Bosnian Serb High Command.

All of which begs the question: cui bono? Who would benefit if there was news that a large group of Muslim soldiers were executed? Certainly not the Bosnian Serbs. If either Karadzic or General Mladic harbored a desire to carry out a massacre of Muslim prisoners (with the whole world watching,) how likely is it that they would entrust the task to a mercenary unit led by unstable personalities that had fought previously with both the Muslim Bosnian government forces and the Croat HVO militia? No physical evidence has ever been presented tying the Bosnian leaders to this mercenary unit.

Rather, it was the testimony of one soldier of fortune named Drazen Erdemovic that enabled the ICTY to convict General Radislav Krstic of genocide and bring indictments against Karadzic, General Mladic, Serbian President Milosevic as well as General Vujadin Popovic and seven other top Bosnian Serb military leaders.

In "Srebrenica: Star Witness," Civikov argues that by failing to indict Erdemovic's seven partners in crime — or even question them, the ICTY showed a stunning lack of interest in a full account of what the tribunal has called 'the worst atrocity in Europe since World War II'. If lowly private Brano Gojkovic gave the order to execute, why has he not been arrested and questioned? When one of Erdemovic's fellow executioners, another Bosnian Croat named Marko Boskic, was arrested in Boston in 2004 for failing to disclose to US immigration authorities his service in a unit attached the Bosnian Serb Army, the Tribunal decided not to extradite him, even though Boskic reportedly admitted to the FBI that he had taken part in the executions at Branjevo Farms. When reporters asked why Boskic was not being extradited, Anton Nikiforov, the spokesman for the Office of the Prosecutor, replied that the prosecutor had to concentrate on going after the "the big fish." [22] If there were any orders to Erdemovic's unit from the leaders of the Bosnian Serb Army to carry out executions, Milorad Pelemis, Commander of the 10th Sabotage Division would have been the link to higher ups such as the Bosnian Serb High Command at Han Pijesak. But over 12 years the ICTY showed no interest in questioning Pelemis, while Erdemovic's testimony enabled the ICTY to convict one top Bosnian Serb after another. Why take a chance that other, more credible witnesses would undermine Erdemovic's testimony? Any nagging concerns about discovering the actual truth regarding the bloody events at Branjevo Farms — a prerequisite for a justice — were swept aside by prosecutors in the all consuming effort to convict "big fish" like Karadzic and Mladic.

Confirmed Survivors Rule Out Inflated Casualty Figures

Contrary to the official story, the combined tally of officially confirmed survivors from Srebrenica clearly rules out the possibility that 7,000 or 8,000 men were killed in battle, minefields or executions. The ICTY indictment of Bosnian Serb General Radislav Krstic placed the number of residents of Srebrenica between 38,000 and 42,000 before the town was captured. We know that the UN registered 35,632 surviving refugees at the Tuzla airport, as acknowledged by the World Health Organization (WHO) and the Bosnian government, according to the 1996 Amnesty International report on Srebrenica.[23] We also know from testimony by Bosnian Army Commander Hadzihasanovic, that 3,175 soldiers[24] of the 28th division survived the fighting with the Bosnian Serbs on the way to Sapna Finger near Tuzla where Muslim soldiers regrouped and were redeployed to other theaters of conflict. Along with the 796 Muslims soldiers that fled to Zepa, who were acknowledged in the same Amnesty Report, there were at least 39,603 officially confirmed survivors from Srebrenica.

Even if one uses the Tribunal's highest estimate of the pre-capture population of Srebrenica (42,000), subtracting the number of officially confirmed survivors (39,603) would indicate between 2000 and 2400 Muslims were killed, whether in battle, walking through minefields or by execution. Senior US military officials in the best position to know, understood from the outset that the casualties for Srebrenica were inflated. In a 1995 article in Foreign Affairs, former Deputy Commander of NATO, Charles Boyd, in charge of intelligence, wrote that "except for the amount of handwringing and CNN footage," the scope of the violence around Srebrenica in 1995 "differed little" from the US supported Croatian attack on the Serbian population of the UN Protected Zone in nearby Western Slavonia two months earlier.[25]

The inflated number of Srebrenica casualties used by the US State Dept, however, was crucial in building public support for US/NATO military intervention against Serb targets in late July 1995. William Perry[26], who served as US Secretary of Defense during the Bosnian conflict, would observe to the New York Times years later "you don't go to war with people unless you demonize them first."

Instead of gathering evidence first, and deciding what crimes had been committed, ICTY investigations were compromised by the need to justify indictments that had been made for the political reasons so candidly offered by Richard Holbrooke and ICTY President Antonio Cassesse. Five years after the largest exhumation of wartime casualties in history, the remains of 2000 bodies were recovered in a region where fierce fighting had raged for three years and these findings were offered as evidence in the trial of General Radislav Krstic who was in Zepa when the Muslim column with the 28th division clashed with Bosnian Serb units from the Drina Corps. Various official casualty lists using the 7,000 to 8,000 figure, including one compiled by the International Committee of the Red Cross, used information provided on questionnaires filled out by purported surviving relatives. They have been found to be seriously flawed, because they include names of individuals still alive, persons who died prior to the capture of Srebrenica, and many others from different locations in Bosnia, as well as 3000 persons who voted a year later in the 1996 Bosnian election supervised by the OECD.[27]

Was Srebrenica Sacrificed?

US officials focused on the responsibility of the Serbs for events in Srebrenica, but several key Muslim officials bitterly claimed that Srebrenica was "sacrificed" by the Bosnian government to set the stage for NATO intervention.

One of them is Ibran Mustafic, former Mayor of Sarajevo, who was the head of the Muslim ruling party SDA organization in Srebrenica during the war. He was among the relatively small number of Srebrenica men who joined the women and children at Potocari. He was interrogated by the Bosnian Serbs, taken prisoner and then released.

Mustafic, who has since written a book about events in Srebrenica ("Planned Chaos") told the Bosnian Muslim publication Slobodna Bosna in a 1996 interview:

“The scenario for the betrayal of Srebrenica was consciously prepared. Unfortunately, the Bosnian presidency and the Army command were involved in this business; if you want the names, figure it out yourself. I understood the situation in Srebrenica and you can trust me on this, had I not been prevented by a group of criminals, many more inhabitants of Srebrenica would be alive today. Had I received an order to attack the Serb army from the demilitarized zone, I would have rejected to carry out that order without thinking and would have asked the person who had issued that order to bring his family to Srebrenica so that I can give him a gun and let him stage attacks from the demilitarized zone. I knew that such shameful, calculated moves were leading my people to a catastrophe.”[28]

Mustafic had survived two assassination attempts by what he calls the “group of criminals,” led by Naser Oric. But Srebrenica’s police chief, Hakija Meholic, a hardliner who served under Naser Oric, also believes that Srebrenica was deliberately sacrificed by the Izetbegovic government and the high command of the Bosnian Army to enable NATO forces to intervene.

In an interview with the Bosnian Muslim publication Dani, Meholic recalls that at the Bosniak conference in Sarajevo in September 1993, Izetbegovic claimed to have discussed various scenarios for Srebrenica with President Clinton. According to Meholic, an ally of Naser Oric:

We were received there by President Izetbegovic, and immediately after the welcome he asked us: “What do you think about the swap of Srebrenica for Vogosca [a Sarajevo suburb]?” There was a silence for a while and then I said: “Mr. President, if this is a done thing, then you should not have invited us here, because we have to return and face the people and personally accept the burden of that decision.” Then he said: “You know, I was offered by Clinton in April 1993 that the Chetnik [a derisive term for Serbs] forces enter Srebrenica, carry out a slaughter of 5,000 Muslims, and then there will be a military intervention.”[29]

Meholic, who was stunned by this disclosure from Izetbegovic, subsequently repeated this account to the producers of a Dutch documentary that was shown as evidence in the War Crimes Tribunal. [30] According to the film, President Izetbegovic was questioned by UN investigators and denied making the disclosures. While there is no evidence, nor any way to confirm that President Clinton actually made such a proposal to Izetbegovic, however hypothetical, there were at least eight surviving witnesses to confirm what Izetbegovic told the Srebrenica delegation.

In negotiations between the Muslim and Bosnian Serb leaders, senior Clinton administration figures, including Madeleine Albright and Alexander Vershbow, had consistently maintained that Srebrenica and other isolated Muslim enclaves such as Gorazde should be exchanged for Serb-held territory such as Vogosca near Sarajevo. Both sides expected Srebrenica to become part of Serb territory in a settlement and for that reason the Serbs had shown little interest in stretching their limited manpower to capture the enclave when their Western front was under pressure from major military attacks by Croat Muslim forces in Western Bosnia.

The Bosnian government set events in motion that led to the capture of Srebrenica when they withdrew Oric and 17 other top commanders of the 28th division to attend a Bosniak conference in Zenica, just before ordering the now leaderless unit in Srebrenica to engage in attacks against nearby Serb villages that were sure to provoke a response from the Bosnian Serb Army. UN officials involved in events share the belief of local Muslim leaders such as Mustafic and Meholic that the Sarajevo government deliberately sacrificed Srebrenica to bring NATO military intervention against the Serbs. Carlos Martins Branco, Deputy Chief Operations Officer in the UN Peace Forces in Bosnia writes: “The besieged [Muslim 28th Division] forces could have easily defended the enclave.” Since it was going to be traded away “it was preferable to let this happen in the most beneficial manner possible.”[31]

Michael Evans of the London Times said that the fact that Bosnian Army commanders and a large division “abandoned the town before the Serbs breached the perimeter, [was] a sign that a decision made to sacrifice Srebrenica for the sake of a political strategy.”[32]

Before his death in 2003, Izetbegovic freely acknowledged that he had made false accusations in the course of the war in an effort to encourage NATO to bomb the Serbs. During a 1992 visit from French President France Mitterand, Izetbegovic accused the Bosnian Serbs of running “extermination camps,” a charge that created headlines worldwide and led to congressional hearings in the US. But, Bernard Kouchner, currently France’s Foreign Minister accompanied by Richard Holbrooke, visited Izetbegovic on his death bed, where the Bosnian President disowned his sensational charges against the Serbs.

“Yes,” he told Kouchner, “I thought that my revelations could precipitate [NATO] bombings. Yes, I tried, but the assertion was false. There were no extermination camps whatever the horror of those places”[33]. At the very time that Izetbegovic was making his charges in 1992 about “death camps”, the International Committee of the Red Cross, which had visited prison camps run by the three factions in the Bosnian civil war, stated officially: “Serb, Croats and Muslim all run detention camps and must share equal blame”.

Izetbegovic’s government made similar headlines in December 1992 when its Foreign Minister Haris Silajdzic (later President of Bosnia) told the NBC “Today” Show that “forty to fifty thousand women were raped and are being raped now, even as we speak” by Bosnian Serbs. Two years later, after extensive investigations, a report by UN Special Rapporteur Tadeusz Mazowiecki[34] put the number of confirmed rapes at 337 for all sides, a finding which received little attention from news organizations that trumpeted the original Bosnian government charges.

Nor was Izetbegovic hesitant about using the word “genocide” without basis when it suited his purposes. Barely a week into the war, on April 6, 1992, Izetbegovic was already being quoted in news accounts using the word “genocide”[35] to characterize a brief battle between Serbs and Muslims in the Eastern Bosnian town of Bijeljina. This pattern continued whenever the Bosnian leader called publicly for NATO military intervention.

On July 9, 1995, two days before the Serbian soldiers entered the empty town of Srebrenica, Izetbegovic was already on the phone with world leaders, including US President Bill Clinton, decrying “terrorism and genocide against the civilians of Srebrenica.”[36] At this time, the small Serb unit which had entered the enclave from the south, had yet to encounter any serious resistance from Muslim forces, which were already moving north from Srebrenica to redeploy in Susnjari.

To justify the indictments of Karadzic and Mladic, it has been a singular goal of the ICTY to support and prop up the original estimate of 7,000–8,000 despite the lack of hard evidence and some breathtaking inconsistencies in official documents and indictments. There is unmistakable evidence that the Bosnian government and the ICTY conflated casualties from across Bosnia with those from Srebrenica to arrive at the inflated official figure. For example, an internal memo written by the ICTY demographer Ewa Tabeau in 2008[37] states that of the total of 7661 Muslim men allegedly missing from Srebrenica, 5371 were soldiers of the Bosnian Army and that 3481 of these were identified from excavated remains as of the date of her memo. But Tabeau’s statistics come from the same official Bosnian Army sources, including the government sponsored and US funded “International Commission on Missing Persons” (ICMP), that have repeatedly invoked the inflated number of Srebrenica deaths.

The ICTY’s problem is that the top commanders of the Bosnian Army — Generals Halilovic and Hadzihasanovic — had already testified under oath in 2001 that the total number of Bosnian Army members in Srebrenica was around 5500, and that 3175 Muslim soldiers of the 28th Division had survived the bloody flight across Bosnian Serb territory.

Bosnian President Alija Izetbegovic, in an unguarded moment on Sarajevo television a month after the capture of Srebrenica, acknowledged that “3400 soldiers”[38] managed to reach “free,” ie. Muslim-held territory, near Tuzla - a slightly higher, rounded- off figure than his generals would use

in their testimony. On another occasion he told Sarajevo radio that surviving troops were dispatched to join fighters around Bihac in Northwest Bosnia.

Given that at least 3,000 soldiers survived out of a unit of 5500, how could 5371 soldiers have been deemed missing by the ICTY? If the “missing” were in fact Bosnian soldiers, obviously, they could not have been from Srebrenica.

A contemporary, authoritative UN source provides further confirmation that there were many survivors from the Muslim military column and that most of those killed along the way were the victims of mines and battles with Bosnian Serb soldiers. A 17 July 1995 report to the UNPROFOR office in Tuzla, Edward Joseph, refers to the arrival of “Srebrenica men” in the Tuzla area and comments that “5 to 6 thousand crossed into BiH 2 Corps controlled territory in the southern Sapna area last night (16 July)...Up to three thousand were killed on the way, mostly by mines and BSA [Bosnia Serb Army] engagements. Unknown others were captured. Some committed suicide. Unknown others went to Zepa.”[39]

By August 4, a very large number of civilian men from Srebrenica registered as displaced persons with the UN at the Tuzla airport. The 1996 Amnesty International report states that “at least 13,000 men successfully made their way through the forest.”[40]

In his November 1, 2002 report to the ICTY, Richard Butler, the American military expert for the prosecution, stated that “depending on the source, 10,000 to 15,000 persons formed a mixed [military and civilian] column...”[41] which sought escape following the Srebrenica-Tuzla route. Given that 13,000 Srebrenica men survived, this again rules out the inflated number of 8,000 killed. Butler’s reference to the mixed military and civilian nature of the column confirms that it was a legitimate military target.

Of the 2,000 plus Srebrenica men who died as part of the mixed column of soldiers and civilians, how many were killed in military encounters with the Bosnian Serbs, from deadly mines or from executions? The ICTY’s chief investigator Jean-Rene Ruez has stated: “A significant number [of Moslems] were killed in combat... Many were killed while trying to make it through minefields... As for those who perished in the woods, we are compelled to figure that they were killed in battle.”[42] Ruez notes that the Bosnian Serbs also had significant losses in battle, particularly the Zvornik brigade, which had its largest casualties of the entire war during four days of engagements with Bosnian Muslim troops in the column breaking out of the Srebrenica enclave. Richard Butler testified that he had not made a location by location analysis of Bosnian Army losses in battles with Bosnian Serbs, but the figure of “1,000-2000 sounds reasonable.” In an interview with Sarajevo-based Dani Magazine, Muslim commander Nesib Buric stressed that his soldiers had fought hard and sustained many casualties: “In my battalion, out of 320, 280 died...No one can deny that in the Srebrenica municipality there are 2,000 buried fighters”. [43]

The well-documented accounts of military engagements the length of the trip from Srebrenica to Sapna by 37 surviving Muslim soldiers interviewed by the ICTY suggests the number of executions among these 2,000 casualties would have to be in the hundreds. In total some 442 ligatures and blindfolds were found at several locations including Branjevo Farms where Erdemovic claimed to have carried out executions. It is also possible, though unproven to date, that some local Bosnian Serb soldiers may have disobeyed standing orders and taken revenge by executing soldiers of the 28th Division who had slaughtered their families during Naser Oric’s reign of terror in 1992-93.

The most comprehensive effort to analyze and categorize the method of death of those exhumed was performed by forensic physician Ljubisa Simic of the Dutch-based Srebrenica Historical Project, who produced graphs and tables of category of injuries sustained in the 13 primary burial sites excavated in 1996-2002 from 3600 reports accounting for the remains of some 2,000 bodies. While some researchers have raised questions whether blindfolds or ligatures may have been planted or may have been used to tie bodies together to make them easier to move, Simic believes that these were victims of executions. At least 600 bodies showed evidence of injuries[44] from projectiles, mostly in feet which are consistent with deaths from mines. Significantly, Simic notes

that the same grave sites that were excavated in 1996-97 also contained bodies that showed advanced decomposition inconsistent with burials of two years or less following the capture of Srebrenica. These remains had to have been buried during the scorched earth attacks on Serbian villages in 1992-93 by Naser Oric's 28th Division. (Oric was finally indicted in 1998 and convicted only on trivial charges despite massive evidence of his murderous activities including his own videotapes. He was later found innocent by ICTY judges after serving only two years, and released to a hero's welcome.)

The Numbers Game

What are we to make of the claim by the International Commission on Missing Persons (ICMP) claim that there are now DNA matches for the remains of 6800 persons from Srebrenica? First, we need to understand that despite its name, the ICMP is not an independent group but rather a successor organization of the Muslim dominated group which maintains control over the investigative and forensic work. The ICMP is allied with the same Bosnian government figures such as Haris Silajdzic, later President of Bosnia, who, as Foreign Minister in 1992, grabbed headlines with charges of mass rape. It was Silajdzic, also, who told a press conference in 1994 that "70,000 people" had been killed in fighting around Bihac, though the UN monitors informed BBC reporter John Simpson that fewer than a thousand persons had been killed in the Bihac fighting that had been initiated by the Bosnian Government side.[45]

As for DNA matches, there is no reliable basis for the ICMP number. We already know the ICMP used an inflated number (5,300) for missing soldiers from Srebrenica, because the 28th Division had only 5,500 members and according to both the High Command and Bosnian President Alija Izetbegovic, that more than 3,000 survived. News accounts of the ICMP identification process have raised questions about their methodology (particularly contamination) and skepticism about claimed breakthroughs in DNA technology.

Recently the ICTY confirmed that, notwithstanding the critical importance of the DNA identifications in its many Srebrenica-related trials, the actual DNA samples have never been made available to the ICTY. Nor have they been released to the defendants' legal teams to enable them to arrange independent examination of the samples by their own experts. The Court has been provided only with an account of the the ICMP's findings and a general explanation of their DNA methodology.

The defense team representing General Ratko Mladic is pressing hard to have access to the DNA evidence. This has so far been refused on the basis that this would require the agreement of the relatives of the identified victims. This is a feeble excuse for denying an accused person the fundamental human right to see and challenge the evidence.

Eight years after the end of the war, the ICMP began to greatly widen the search for bodies beyond the Srebrenica area to distant regions of Bosnia. They did so on the basis of a theory that the Bosnian Serbs had undertaken a vast cover-up exercise to hide massacres, reburying bodies in secondary and tertiary graves. No compelling evidence to support this theory was ever made public – indeed, no mention of it had been made at all until several years after the wars ended. No suggestion that graves had been violated was made when Physicians for Human Rights carried out their investigations in the summer of 1996.

This drastic rewriting of the official chronology gained traction among ICTY officials, despite its implausibility. It would have been difficult, if not impossible for the Serbs to carry out such a major operation without it being noticed at the time (autumn 1995, when Bosnia was under satellite and drone surveillance, crawling with UN, OSCE, CIA, MI6 personnel). And if the Serbs were desperate to cover up crimes and went to the trouble of excavating, moving and re-burying some 500 tonnes of human remains, why did they not remove the blindfolds and ligatures?

Taking no chances, the ICTY transferred one of its most able senior prosecutors, Alan Tieger, from prosecuting the Croatian generals who carried out "Operation Storm," to prosecuting the Srebrenica case against Radovan Karadzic. That move says a great deal about political priorities

of the tribunal, because “Operation Storm” was a much larger attack that cleansed 200,000 ethnic Serbs in two large UN Protected Areas. Senior Canadian UN Commanders have testified that the Croatian Army, which was trained and supported by a private US military contractor MPRI, directly targeted civilians.

The Tribunal and its most important sponsor, the US government, are heavily invested in the outcome of the trial. The inflated numbers at Srebrenica, like the false stories of WMDs in Iraq, enabled the US and NATO to expand its military operations for the first time outside the original NATO mandate. In the early 90s, there was palpable concern among US policy makers that, with the collapse of the Soviet Union, NATO no longer had a mission as a defensive alliance. Senator Richard Lugar (R-IN) used the slogan “Out of area, or out of business”[46] to trumpet his belief that a suitable cause for NATO intervention needed to be found soon to validate a new mission for the military alliance. Srebrenica provided a pretext for a new role — out of area intervention, helping the US retain a dominant role in Europe and project its military power eastward.

There is no reason to dispute Richard Holbrooke’s description of the War Crimes Tribunal as “valuable tool” of big power politics. However, no close observer of the tribunal is likely to call it “independent” or “impartial.” Instead of functioning to promote truth and reconciliation, the blatant politics and institutional biases of the ICTY have heightened and prolonged the tensions between Serbs, Muslims, Croats and Albanians in what Balkan scholar Robert Hayden calls “war by other means.” Those seeking the truth about events at Srebrenica, will have to look elsewhere.

George Bogdanich: an independent American documentary producer, reporter, freelance journalist and editor, contributing member of Srebrenica Research Group.

Jonathan Rooper: formerly a BBC journalist, now an independent journalist and video producer.

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3. *Madame Prosecutor: Confrontations With Humanity’s Worst Criminals and the Culture of Impunity* by Carla Del Ponte with Chuck Sudetic, Random House
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5. Halilovic, *Prosecutor v. Radislav Krstic*, April 5, 2001, p. 9471, <http://www.un.org/icty/transe33/010405it.htm> ↑
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11. Memorandum on War Crimes and Crimes and Genocide in Eastern Bosnia (Communes of Bratunac, Skelani and Srebrenica) Committed against the Serbian Population from April 1992 to April 1993 (A/48/177 – S/25835), May 24, 1993 submitted by Federal Republic Yugoslavia’s Chargé d’affaires of at the United Nations ↑
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15. Dutch Government Report “Fall of Srebrenica” Part III, Chapter 6 (2002) <http://srebrenica.brightside.nl/srebrenica/> ↑
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17. Germinal Civikov, *Srebrenica: The Star Witness*, p 40 of English translation from German by John Laughland, available from the Dutch based Srebrenica Historical Project ↑

18. Statement of ICTY available from the Dutch based Srebrenica Historical Project Statement of ICTY investigator Jean Rene Ruez, at November 19, 1996 hearing, provisional English translation, page 15 ↑
19. Germinal Civikov, Srebrenica: The Star Witness, p 9 of English translation from German by John Laughland, available from the Dutch based Srebrenica Historical Project ↑
20. Germinal Civikov, Srebrenica: The Star Witness, p 63 of English translation from German by John Laughland, available from the Dutch based Srebrenica Historical Project ↑
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22. Ibid p.73 ↑
23. Amnesty International July 1996 Report on Srebrenica, "To Bury My Brother's Bones" ↑
24. Hadzihanovic, Prosecutor vs. Krstic, April 6, p. 9532 ↑
25. Charles G. Boyd, "Making Peace with the Guilty," Foreign Affairs, Vol. 74, No. 50, September/October, 1995, pp. 22-23. ↑
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