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# ETHNIC CLEANSING AND WAR CRIMES, 1991-1995

◆ Marie-Janine Calic ◆

Public perception has associated the Yugoslav wars of succession with all forms of ethnically inspired violence, from murder, rape, and torture to mass expulsion. Many of these systematic violations of international humanitarian law occurred in the context of ethnic cleansing—a purposeful policy that “means rendering an area ethnically homogenous by using force or intimidation to remove from a given area persons from another ethnic or religious group.”<sup>1</sup> The violent breakup of the Socialist Federal Republic of Yugoslavia resulted in the largest refugee crisis in Europe since World War II. In 1991, half a million people were displaced in Croatia. Between 1992 and 1995, over half of Bosnia-Herzegovina’s 4.4 million people were uprooted, including an estimated 1.3 million who were internally displaced, 500,000 who were refugees in neighboring countries, and 700,000 who had fled to Western European countries.<sup>2</sup> As a result, many municipalities in that country have changed their ethnic structure substantially and, perhaps, permanently.

This chapter aims at describing causes, features, and consequences of ethnic cleansing as a policy in Bosnia-Herzegovina during the war, which has posed substantial challenges to our research team. No other subject is so heavily charged with emotion, selective perception, and partiality as mass crimes and the phenomenon of ethnic cleansing. Conflicting perspectives and controversies concern both the quality and quantity of violence, and there is an obvious tendency of politicization. For instance, the number of victims on either side continues to be a controversial subject; figures presented often appear inflated. Interpretations constantly evolve in light of the quickly expanding body of primary evidence and secondary literature about the Yugoslav wars of succession. It is therefore important to keep some key concerns in mind.

First, the attempt to conceptualize ethnic cleansing as a policy involves nearly all of the crucial, controversial issues that have been debated since the

breakup of Yugoslavia, such as the causes of the war and the roles and intentions of political leaders. These issues have been dealt with in depth by other teams' chapters in this project, and it appeared neither justified nor feasible to include differing accounts and competing interpretations of all these important aspects of the subject.

Second, systematic analysis of ethnic cleansing requires a certain selectivity of facts because the chapter aims at recounting main developments in an exemplary and systematic way. Space limitations simply do not permit a comprehensive narrative either of events or of all the atrocities committed during the war.

Third, the reliability of sources has been crucial. Given the limited resources at our disposal, it has been impossible to conduct primary research into mass crimes. We have, therefore, relied heavily on investigations of the International Criminal Tribunal for the former Yugoslavia (ICTY), international institutions, and the rather finite research conducted by individual scholars, most of whom are closely associated with a particular viewpoint. Although partisans of one side or another have questioned the impartiality of the ICTY, its investigative teams have conducted an enormous amount of research that meets high scholarly standards. Unfortunately, much of its work has not yet been made available to the community of scholars. We stress, therefore, that this chapter is part of a much longer *process* that cannot be deemed "final" in the absence of conclusive evidence.

Fourth, comparability and interpretation of events have given rise to dramatically different interpretations. There is still no consensus with regard to terminology, categorization, and interpretation of the phenomenon of ethnic cleansing.<sup>3</sup> For instance, the question of whether ethnic cleansing should per se be equated with genocide is highly controversial. There is little understanding that, although diverse acts of violence may share the same features, such as mass expulsion and large-scale atrocities, the underlying motivation and intention of major actors may be totally diverse in each single case. This chapter aims at providing careful analytical distinction, assuming that each set of events in which mass crimes occurred needs to be analyzed separately but without precluding any possible interpretation from the outset.

Fifth, there has been an inherent, although often unintended, tendency to "measure" guilt and attribute it collectively to the parties involved. At the same time, all parties to the conflict perceive themselves as the real victims of the war and believe that injustices continue to go unaddressed. Ethnic cleansing and other crimes were evidently perpetrated by all parties in the conflict, and there were victims on all sides, although the gravity and dimension differed markedly, as the UN Commission of Experts has clearly stated.

At the beginning of the war, most of the violations were committed by Serb forces against Bosniaks and, to a lesser extent, Croats, as the result of a highly developed policy of ethnic cleansing. Also, Croat forces conducted ethnic cleans-

ing campaigns against Serbs in eastern and western Slavonia and in the Krajina region of Croatia, as well as against Bosniaks in Mostar and central Bosnia. Bosniak forces have victimized Serbs in Bosnia-Herzegovina, but in lesser numbers, with forceful population removal occurring only in limited areas.<sup>4</sup> Later, there were more massive campaigns against Serbs as well, especially in 1995, when a large number of the Croatian Serbs fled their home territory. During 1992–1995, Roma were also subjected to ethnic cleansing by Serb, Croat, and Bosnian Muslim forces.

Against this background, there are also conflicting positions concerning “moral equivalence”: do all parties to the conflict really bear equal responsibility? Did all sides suffer equally in the war, and is there a (perceived) hierarchy among the victims? The community of analysts is divided among those who take an explicit moralist attitude and those who do not. This has resulted in unscholarly polemics against alternative approaches.<sup>5</sup> Hopefully, the ICTY’s work of creating an objective record of events and establishing individual blame instead of collective guilt will effect a consensus in the interpretation of events in the future. Until then, this chapter will avoid making summary judgments about individual perpetrators or the belligerents themselves in the absence of conclusive evidence. Instead, it will try to conceptualize the phenomenon of ethnic cleansing as a policy by analyzing its aims, mechanisms, and consequences, while recapitulating the main controversies surrounding it.

In light of the aforementioned challenges, this chapter undertakes the following. First, it discusses meaning and content of the term *ethnic cleansing*. Second, it gives a narrative of key events and analyzes main features of ethnic cleansing as a policy. Third, it presents two of the most contentious issues: the number of victims and possible distinctions between the terms *ethnic cleansing* and *genocide*.

The analysis is based on various sources: (a) a review of the literature and recent studies on the phenomenon of ethnic cleansing; (b) analysis of case material produced by the ICTY and other international institutions; (c) specific research by team members, in particular the Research and Documentation Center in Sarajevo<sup>6</sup> and witness statements collected by the Institute for Recent History of Serbia in Belgrade.

## I. The Term *Ethnic Cleansing*

The term *ethnic cleansing* entered the vocabulary of international relations during the early phases of the war in Bosnia-Herzegovina, describing a set of grave human rights and humanitarian law violations.<sup>7</sup> Although there is widespread use of this term, both its origin and exact meaning are unclear.<sup>8</sup> Ethnic cleansing is a literal translation of the Serbo-Croatian/Croato-Serbian idiom *etničko čišćenje*,

*čist* meaning “clean” or “without any contamination.” Petrović assumes that it originates from military vocabulary because there is an expression “to clean the territory” of the enemy, which is “used mostly in the final phase of combat in order to take total control of the conquered territory.”<sup>9</sup> The adjective *ethnic* may have been added because the enemies were considered to belong to separate ethnic communities. Although the term *ethnic cleansing* has become common during the war in Bosnia-Herzegovina, there is some evidence that it may date back to World War II and, perhaps, even earlier.<sup>10</sup>

### *Historical Background*

Ethnic cleansing as a practice has occurred throughout history in various regional contexts and has assumed many forms, including forced migration, population exchange, deportation, expulsion, and genocide.<sup>11</sup> Following the creation of the modern Balkan states (starting with the Serbian uprisings of 1804–1813 and 1815 and the Greek War of Independence of 1821–1829) up to 1920, an estimated 5 to 10 million people, mostly Muslims, were expelled from their home territory, and up to 1.5 million were killed.<sup>12</sup> During the Balkan Wars of 1912–1913, when Serbia, Bulgaria, Montenegro, Greece, and Romania fought for the remaining areas of Ottoman control in the southern Balkans, this region saw massive ethnic cleansing operations and unspeakable atrocities in general.<sup>13</sup>

During World War II, large-scale operations occurred in various parts of then dismembered Yugoslavia. In the so-called Independent State of Croatia, the fascist Ustasha adopted racist policies against Serbs, Roma, and Jews, including expulsion, detention, extermination, and enforced conversion of non-Croat communities. On the Serb side, the nationalist Chetnik movement was striving for the creation of a Greater Serbia that would include territories of Croatia and Bosnia-Herzegovina and Macedonia and believed that desired territories had to be cleansed of non-Serb populations. In both cases the aim of ethnic homogenization was directly linked with the creation of nation states.<sup>14</sup>

Rough estimates assume that up to five million people of different ethnic, national, and religious origin were displaced during and after the wars of succession in the 1990s throughout the territory of the former Yugoslavia. Between 1992 and 1995, over half the 4.4 million inhabitants of Bosnia-Herzegovina were internally displaced or became refugees in neighboring countries. Against this background, events in the 1990s appear as a “third wave” of massive ethnic cleansing during state formation.<sup>15</sup>

In either case, such a policy was of a long-term nature because it aimed at creating conditions that would make it impossible for the expelled to return to their places of origin and its ultimate goal was to achieve ethnic homogeneity

and exclusivity. The purpose of such a policy of ethnic homogenization may, nevertheless, have varied in different contexts:

- In a collapsing state ethnic cleansing often appears as the side effect of military conflagration over succession in an ethnically mixed setting. As long as the ethnically distinct population is identified with the enemy, or at least as a potential source of resistance, it appears logical to remove such population from strategic areas in order to establish effective control over that territory. The more homogeneous a region, the more easily power can be exerted. In this sense, ethnic cleansing appeared, in Clausewitz's terms, as a rational means to a specific end.
- Ethnic cleansing may occur as a more general policy when ethnic communities are identified with territories and the main aim is to establish a coincidence between borders and nations. In areas with mixed populations, the irreversible change of the demographic composition is instrumental in justifying territorial aspirations. It may also help to assure a certain bargaining position in ensuing political negotiations aiming at ethnic partition.
- Under certain circumstances, the aim might have been the physical extermination of an ethnic or religious group, including the elimination of all cultural traces of their presence. In this case, ethnic cleansing may be interpreted as genocide (further elaboration below).<sup>16</sup>

### *Definitions*

Various definitions of ethnic cleansing have been put forward. According to a narrower definition by Bell-Fialkoff, "population cleansing is a planned, deliberate removal from a certain territory of an undesirable population distinguished by one or more characteristics such as ethnicity, religion, race, class, or sexual preference. These characteristics must serve as the basis for removal for it to qualify as cleansing."<sup>17</sup> Jacques Semelin on the other hand argues that ethnic cleansing is not necessarily a result of intent but may well appear as a by-product of violent conflagrations.<sup>18</sup>

Dražen Petrović gives a broader definition of ethnic cleansing, namely a "well-defined policy of a particular group of persons to systematically eliminate another group from a given territory on the basis of religious, ethnic or national origin. Such a policy involves violence and is very often connected with military operations. It is to be achieved by all possible means, from discrimination to extermination, and entails violations of human rights and international humanitarian law."<sup>19</sup>

Because ethnic cleansing usually involves physical abuse and mass killing, actual understanding tends to merge the meaning of the terms *ethnic cleansing* and *genocide*. The broadest approach in this regard has been presented by Michael Mann, who interprets genocide as a subcategory within the broader concept of ethnic cleansing. He puts particular emphasis on “the extent to which a group is eliminated (cleansed) from a community and the extent to which violence is used to achieve it.” Consequently, he distinguishes between partial and total types of cleansing, encompassing forms of suppression, pogroms, politicide, and genocide.<sup>20</sup>

Most definitions by scholars insist, however, on an analytical distinction between the two terms, arguing against a tendency to confound and obfuscate them.<sup>21</sup> For instance, Norman Naimark maintains that “ethnic cleansing and genocide are two different activities, and the differences between them are important. As in the case of determining first-degree murder, intentionality is the critical distinction.”<sup>22</sup> He underlines that ethnic cleansing forms a wider continuum, ranging from pressure to emigrate to population transfer and mass expulsion and eventually to genocide. By the same token, Jacques Semelin argues that

Genocide comes within the same destructivity continuum as ethnic cleansing but is essentially distinguishable from it. Their respective dynamics are indeed both aimed at eradication. However, in the case of ethnic cleansing, the departure or flight of the targeted population is still possible, while in that of genocide, all ways out are barred. I would therefore define genocide as this specific civilian destruction process that is directed at the total eradication of a community.<sup>23</sup>

Várdy and Tooley suggest starting with a definition of genocide as “the planned, directed, and systematic extermination of a national or ethnic group,” while insisting that ethnic cleansing is more focused on the process of removing people from a given territory.<sup>24</sup>

It goes without saying that the definition of ethnic cleansing will certainly undergo further examining and refining as scholars analyze this phenomenon in light of new evidence and continuing debate. At this stage, however, most scholarly definitions agree on (1) the *systematic character* of such a practice, (2) the identification of *specific target groups* by ethnic, national, or religious characteristics, (3) the *deliberate use of violence*, and (4) the implicit assumption of the intent of the *authorities either to support such a practice or to refrain from prevention*.

## II. The Policy of Ethnic Cleansing in Croatia and Bosnia-Herzegovina

Ethnic cleansing and other violations of international humanitarian law happened within the wider context of political and military developments and structures during the Yugoslav wars of succession and, in particular, against a background of diverging interests and goals of the constituent people of the countries concerned with regard to the political future of their state.

### *The Disintegration of the SFRY and the War in Croatia, 1991–1992*

For political, constitutional, and socioeconomic reasons, the SFRY started to dissolve in the late 1980s.<sup>25</sup> By the middle of 1990, Slovenia and Croatia were prepared to declare their independence. Serbia and Montenegro, together with many Serbs living in Croatia and Bosnia-Herzegovina, claimed that they wished to preserve Yugoslavia. In the spring of 1991, limited violent clashes between Croatian Serbs and Croatian police forces occurred in places like Plitvice and Borovo Selo. It was, however, not before Slovenia's and Croatia's declarations of independence on 25 June 1991 that larger armed conflicts erupted between armed forces of the breakaway republics, on the one hand, and the federal army, the Yugoslav People's Army (JNA), and Serb armed forces on the other hand (see chapter 7, "The War in Croatia").

The first mass killing of Croatian civilians and soldiers by local Serb units happened in Kozibrod on 26 July 1991. Atrocities were also committed in villages in Slavonia, Banija, and Dalmatia and in the town of Vukovar (on 19 November 1991). Mass crimes committed by Croats were reported to have occurred in Karlovac, Gospić, and western Slavonia.<sup>26</sup> On 14 September 1991, the Croatian leadership decided to blockade JNA bases, after which a general offensive against Croatia was launched, starting in western Slavonia. The JNA and local Serb forces expelled non-Serbs from the areas over which they took control. On 19 December 1991, the local Serb authorities declared independence from Croatia and proclaimed the para-state of Republika Srpska Krajina (RSK) with its own military force.

A UN-brokered truce in January 1992 brought a measure of normalcy. By February, an international United Nations Protection Force (UNPROFOR) was deploying in those areas in Croatia where Serbs constituted the majority or a substantial minority of the population, with the aim of preparing for a political solution to this conflict. The number of internally displaced people (IDPs) and refugees in Croatia, which had reached 550,000 by the end of 1991, dropped



to 260,000 during the following year as many refugees returned to their homes. Nonetheless, as late as 1993–1994, the prewar ethnic Croat population had fallen from 50 percent to 4 percent in eastern Slavonia, from 20–30 percent to 2 percent in the Banija and Kordun, and from 20–25 percent to 5 percent in the Lika region; overall, the number of Croats living within the RSK had fallen from 353,595 to 18,200.<sup>27</sup> Serbs were also subject to discrimination in other parts of Croatia, particularly in towns and areas close to the front line. Some tens of thousands fled the country.<sup>28</sup> By mid-October 1991, 78,555 refugees from Croatia had arrived in Serbia.<sup>29</sup>

### *The Early Phase of the War in Bosnia-Herzegovina, 1992–1993*

In light of these events, the general situation of neighboring Bosnia-Herzegovina began to deteriorate. According to the 1991 census, Bosnia-Herzegovina's population of 4,355,000 was composed of 43.7 percent Muslims, 31.2 percent Serbs, 17.3 percent Croats, and 5.5 percent Yugoslavs. Many parts of the republic were ethnically mixed, especially in urban areas. In the first multiparty elections of November 1990 in Bosnia-Herzegovina, the three major national parties (the Muslim-dominated Party of Democratic Action, SDA; the Serb-dominated Serbian Democratic Party, SDS; and the Croat-dominated Croatian Democratic Union, HDZ) had won the majority of the seats in the bicameral National Assembly. The election results more or less reflected the ethnic composition of Bosnia's population. The three parties agreed to form a coalition government and to share power, but they became deadlocked over the future constitutional structure of Bosnia-Herzegovina and its political status.

The Serb and Croat leaderships, having in mind the unification of their nationals with their mother countries, supported plans for the "cantonization" of the republic of Bosnia-Herzegovina into three or more ethnically defined regions, each of which would be dominated by either the Bosniaks, Serbs, or Croats. The Bosniak leadership, on the other hand, sought to preserve Bosnia-Herzegovina as a unified, multiethnic, and unitary state. The Bosniak population was scattered across nearly the whole of Bosnia, with a large proportion concentrated in towns. The Serbs and Croats were more compactly settled in certain areas of Bosnia. It would have been difficult for Bosniaks to have carved out an ethnically defined federal state, which was being proposed by the Serb and Croat leaderships.

The dissolution of Yugoslavia forced Bosnia to confront the question of independence. The SDS spoke for most Serbs in wanting Bosnia-Herzegovina to remain in Yugoslavia because that would keep all of Bosnia's Serbs—and those Croatian Serbs living in the wholly contiguous RSK—together in a common state. By the summer of 1991, the SDA and HDZ began to favor indepen-

dence, although many Croats envisioned this as an interim step toward eventual union with Croatia. The Bosnian Serb leadership had taken steps toward forming regional autonomous areas with quasi-state powers, which they declared in September 1991 as Serbian autonomous areas. The crisis came to a head on 14 October 1991, when the Croat and Bosniak members of the parliament declared Bosnia's sovereignty and independence, whereas the Serb representatives voiced their opposition to independence.

On 24 October 1991 the SDS deputies, who had left the Bosnian parliament, held a constituent meeting of an Assembly of the Serbian People in Bosnia-Herzegovina, and made the "decision for the Serbian People in Bosnia-Herzegovina to remain in the joint state of Yugoslavia." The SDS then held a plebiscite (9–10 November) in which Bosnian Serbs overwhelmingly voted in favor of remaining in Yugoslavia. Eleven days later, the assembly duly proclaimed as part of the territory of the federal Yugoslav state all municipalities, local communities, and populated places in which over 50 percent of the people of Serbian nationality had voted to remain in that state during the plebiscite, as well as those places where citizens of other nationalities had expressed themselves in favor of remaining in Yugoslavia. On 9 January 1992, the assembly proclaimed the Republic of the Serbian People of Bosnia-Herzegovina (SRBH), which formally declared its independence three months later (7 April). By August the name had been changed to Republika Srpska (RS), and it was declared a part of the federal state of Yugoslavia.

Whereas the SDS had been content to coexist with Bosniaks and Croats within a Yugoslav state that united all Serbs, they were now prepared to implement contingency plans for separation by force. And in this they could count on support from Belgrade. A number of key political and military leaders—including Serbia's member of the federal presidency, Borisav Jović, and JNA Admiral Branko Mamula—have acknowledged that plans were already in place in summer 1991 for fashioning new western and northern frontiers that encompassed Croatia's and Bosnia's Serb populations.<sup>30</sup> Indeed, by February 1992, the SDS already enjoyed effective control over roughly 60 percent of Bosnia, emboldening Karadžić to proclaim that it had "developed a reasonable program for full control" over those areas that they intended to keep within Yugoslavia. On 28 March the Bosnian Serb Assembly meeting in Sarajevo's Holiday Inn was presented with an ethnic map of Bosnia that suggested that the Bosnian Serb leadership had a clear vision of the future.<sup>31</sup>

The position of Bosnian Croats was a bit more complex. Whereas many Croats living in scattered communities across central Bosnia accepted the territorial integrity of the Republic of Bosnia-Herzegovina, both their leadership and the homogeneous Croat population concentrations along the Bosnian-Croatian frontier did not. On 12 November 1991 the Croatian Community of the Bosnian

Sava Valley was established in Bosanski Brod. The same day, representatives of the Hercegovinian and the Central Bosnian HDZ concluded a working meeting with the decision to direct their efforts toward the unification of the Croat people and to prepare for military actions. Six days later Croat leaders of various municipalities met in the western Hercegovinian town of Grude, where they founded the Croat Community of Herceg-Bosna (HZ-HB), which was defined as a political, cultural, economic, and regional entity. On 3 July 1992 the Croat state of Herceg-Bosna was officially proclaimed. Thus, while the Bosnian Croat leadership was ostensibly committed to assisting the Bosnian government in defending the republic's territorial integrity, there were many among them who anticipated the republic's partition and union with Croatia if the opportunity arose.

Whereas the SDS had a single objective and the HDZ enjoyed two options, the SDA had no agenda aside from preserving a single Bosnia. Indeed, the subsequent charge by Serb propaganda that the Bosniaks planned to commit genocide against them was refuted by the SDA's failure to prepare for an armed conflict until the eleventh hour.<sup>32</sup>

Against the background of irreconcilable views and complementary contingency plans among political leaders about the future constitutional setup of Bosnia-Hercegovina, tensions increased constantly throughout the winter of 1991–1992. They reached a peak after the 29 February and 1 March 1992 referendum on the republic's independence, which was held at the EU's request. Despite the boycott of the Serb SDS, 63 percent of the Bosnian citizens, mostly Muslims and Croats, voted in the referendum, 99 percent of whom supported an independent and sovereign Bosnia-Hercegovina. The independence of the Republic of Bosnia-Hercegovina was recognized on 6 April 1992 by the European Community, and on the following day it was recognized by the United States and Croatia.

In early March 1992, both SDS and SDA members erected barricades and checkpoints in Sarajevo. Forces loyal to the presidency seized strategic buildings and military equipment, while the SDS gradually took control of much of the city's western and northern suburbs. Following the international recognition of Bosnia-Hercegovina as a sovereign state on 6 April 1992, there was extensive gunfire, and both sides were shelling military and civilian targets within Sarajevo. Snipers deliberately targeted civilians. On 27 May 1992 Bosnian Serb mortar shells killed sixteen civilians and injured more than one hundred others standing in a Sarajevo breadline (see chapter 6, "Safe Areas").<sup>33</sup> By September 1992, UNPROFOR had confirmed that the Bosnian Serb Army had created "siege conditions" in the Bosnian capital.<sup>34</sup>

Violent outbreaks also occurred in many other parts of Bosnia-Hercegovina in early April 1992 and quickly escalated into a major armed conflict. Serb armed forces undertook massive ethnic cleansing operations in order to consolidate ter-

ritorial gains. Within a couple of months, hundreds of thousands of people were on the move, and several tens of thousands were killed; a clear majority of the dead and displaced were Bosniaks.<sup>35</sup>

Violent incidents had erupted even earlier in the ethnically mixed town of Bijeljina in northeast Bosnia. On 31 March 1992, local Serbs provoked armed clashes with the Bosnian Muslim Patriotic League and police and by 4 April had taken full control of the town, which was key to the Serb proclaimed Semberija and Majevisa Autonomous Region.<sup>36</sup> On 4 April, President Alija Izetbegović issued the order for general mobilization of the Territorial Defense and declared a “state of imminent war danger” on 8 April 1992.

Between April and May 1992, Bosnian Serb forces and JNA attacked Bosnian towns such as Prijedor and other villages in the Kozarac region of northwest Bosnia-Herzegovina and Zvornik in northeast Bosnia-Herzegovina. Countless attacks occurred in towns and villages along the Drina and Sava Rivers, after which Serbian forces took control over a number of strategically important locations along the two corridors in northern and eastern Bosnia, such as Bosanski Brod (27 March), Bijeljina (4 April), Kupres (4 April), Foča (8 April), Zvornik (8 April), Višegrad (13 April), Brčko (30 April), and Prijedor (30 April). Areas that were captured and subsequently cleansed constitute an arc extending from Goražde in the southeast and along the Drina River through Zvornik, Banja Luka, and Prijedor before continuing along the Sava and Korana Rivers, which form the boundaries with the Serb Krajina area in Croatia.

Some of the largest battles of the Bosnian war occurred during 1992 in the Posavina Corridor, which was of high strategic importance because it linked the western with the eastern part of the nascent Serb Republic and, at the same time with the Serb para-state in Croatia and rump Yugoslavia. The Bosnian Serb Army carried out ethnic cleansing operations in order to break military resistance by the Bosniak population and secure what they called the vital “corridor of life.”

CIA analysts conclude that the scope, scale, and programming of crimes committed against Bosniaks and Croats in the Prijedor–Sanski Most–Ključ areas during May–July 1992 “would have been impossible had they not been conducted as military operations by units of the Bosnian Serb Army’s 1st Krajina Corps.”<sup>37</sup> From July to November 1992, the Army of the Serb Republic (VRS) assaulted Jajce and the Bihać pocket—the latter being able to resist Serb forces. Brutal fighting and atrocities occurred in the Drina Valley between April and December 1992, around Zvornik–Srebrenica and Foča–Goražde–Višegrad, where Bosnian Serb forces met stalwart Bosniak resistance.

A UN commission of experts discerned a specific pattern of military conquest and ethnic cleansing in Bosnia-Herzegovina. Bosnian Serbs took control over key municipalities that retained Bosniak or Croat-controlled units. Bosniaks and Croats were ordered to turn in their weapons, claiming that this was neces-

sary to eliminate the threat from opposing forces.<sup>38</sup> Towns and surrounding villages were encircled and shelled, including Kozarac, Sanski Most, and Ključ in May 1992. VRS troops rounded up the entire population, separated the males of military age and interned them in camps—primarily Omarska, Keraterm, and Manjača. Women and children were expelled to Bosniak-held enclaves.<sup>39</sup> Non-Serb residents were often fired from their jobs, and their property was confiscated.<sup>40</sup>

In Resolution 771 (13 August 1992), the UN Security Council expressed grave alarm at continuing reports of widespread violations of international humanitarian law occurring in Bosnia-Herzegovina. The resolution referred to reports of forcible mass expulsion and deportation of civilians, imprisonment and abuse of civilians in detention centers, deliberate attacks on noncombatants, and wanton devastation and destruction of property. On 9 February 1993, the UN secretary-general submitted an interim report of the Commission of Experts (S/25274) that documented willful killing, practices of ethnic cleansing, mass killings, torture, rape, pillage and destruction of civilian property, destruction of cultural and religious property, and arbitrary arrests. All kinds of atrocities, including killings, sexual assaults, and rapes, were committed in order to implement the policy of ethnic cleansing.

Approximately 70 percent of the expulsions already had occurred between April and August 1992, during which time Serb armed forces attacked 37 municipalities, most notably Zvornik, Bratunac, Vlasenica, Višegrad, Prijedor, Sanski Most, Ključ, and municipalities along the Sava River Valley. In total, approximately 850 Bosniak- and Croat-occupied villages were physically destroyed and no longer exist, with entire families disappearing.<sup>41</sup> Roma and Romani communities were also affected throughout the years 1992–1995, particularly in Prijedor and the surrounding villages of Kozarac, Hambarine, Tukovi, and Rizvanovići. Particular atrocities happened in Vlasenica, Rogatica, and Zvornik and surrounding villages. Up to 30,000 Roma were expelled.<sup>42</sup>

In only a few months, many areas totally changed their ethnic structure. For example, in the eastern Bosnian municipality of Foča, Bosniaks and Croats comprised 51 percent of the population in 1991, whereas at the end of 1992, most of the non-Serb population had already been expelled. By 1997, the Bosniak and Croat population numbered only 434 persons, or 3.8 percent of the total population of the municipality. The situation was similar in other municipalities, such as Zvornik, where there were 31,000 Bosniaks and Croats in 1991 and fewer than 1,000 in 1997. In Bratunac the non-Serb community of 16,000 persons in 1991 was reduced to only hundreds by 1997.<sup>43</sup> Similar ethnic cleansing campaigns happened in Ključ, Prijedor, and Sanski Most. As a result, in thirty-seven municipalities the share of non-Serbs fell from 726,960 (53.97 percent) in 1991 to 235,015 (36.39 percent) in 1997, whereas the number of non-Serbs in the territory of the

“federation” in Bosnia-Herzegovina, had increased by 41.18 percent. Altogether, the number of non-Serbs in the areas that now form the Republika Srpska had fallen by 81.74 percent.<sup>44</sup>

### *The “Second War” between Bosniaks and Croats, 1993–1994: New Violations against Serbs*

In the early stages of the war, during most of 1992, Bosniaks and Croats fought together against the Bosnian Serbs. Their armed forces concluded a formal alliance and established joint command structures.

Nevertheless, as early as May 1992, the first confrontations among these allies occurred over control of barracks and munitions production facilities in joint Bosniak-Croat held territory.<sup>45</sup> From July onward, separate BiH government and Croat military and civilian structures were established in many regions of Croat-Bosniak cohabitation. Following the creation of the Herceg-Bosna para-state, on 8 April 1992, the Croatian Defense Council (HVO) was formed as the supreme defense body. From their inception the Herceg-Bosna leadership and the HVO had very close relations with the Croatian government and the Croatian Army (HV).

Relations between the Bosnia-Herzegovina government and the HVO deteriorated in the autumn of 1992. In late October 1992, Croat-Bosniak violence escalated and developed into outright fighting (in Novi Travnik on 19 October and Vitez the following day), but conflagrations still could be contained. By January 1993 this was no longer possible because the Bosniak and Croatian leadership began fighting each other. In April 1993, Bosnian Croats launched an offensive in the Lašva Valley in Central Bosnia. Throughout 1993 and early 1994, fighting in central and southern BiH intensified. In an attempt to secure control of the Lašva Valley, the HVO attempted to eject the non-Croat population. On 16 April 1993, the HVO systematically destroyed the village of Ahmići. Investigations by the UN and others indicate that the attack was preplanned. It resulted in a “deliberate massacre of unarmed, unwarned civilians: the Bosnian Croats systematically set out to find and execute the entire population.”<sup>46</sup>

Serious violations of international humanitarian law were also committed against Bosnian Muslims in the cities, towns, villages, and hamlets of the municipalities of Vitez, Busovača, Kiseljak, Vareš, Žepče, Zenica, Duvno, Stolac, Mostar, Jablanica, Prozor, Čapljina, Gornji Vakuf, Novi Travnik, Travnik, Kreševo, and Fojnica, all in the territory of the Republic of Bosnia-Herzegovina. According to the ICTY,

The HVO intimidated, coerced or forcibly transferred Bosnian Muslim civilians in different ways: terrorizing them or ordering them under threat of

physical harm to leave their villages to the territory not occupied or controlled by the HVO; detaining and transferring them to detention sites and thereafter taking them to HVO checkpoints to then walk to Bosnian Muslim territory; and detaining them at HVO detention centres and using them in prisoner exchanges.<sup>47</sup>

The persecution of Bosniak civilians, as alleged above, was on such a large-scale and widespread basis that it significantly reduced the Bosniak civilian population from those areas of the municipalities of Vitez, Busovača, and Kiseljak where the HVO seized control.<sup>48</sup> Conversely, Bosnian armed forces committed massacres against Croats at Uzdol and Stupni Do.<sup>49</sup> It has even been argued that the Bosnian side committed crimes against the Croats on a much larger scale and that Croats acted only out of self-defense.<sup>50</sup>

Serbs also faced new persecutions. According to the ICTY, the region of Srebrenica was the scene of humanitarian law violations against Serbs. In 1993, local Bosniak armed forces captured the village of Kravica and surrounding areas, committing massacres, looting, and destroying houses. The prosecutor charged that Bosniak armed units engaged in various military operations against Bosnian Serb forces during the period from May 1992 to February 1993, in the course of which “Bosniak armed units in the Municipalities of Bratunac, Srebrenica and Skelani, burnt and otherwise destroyed a minimum of fifty predominantly Serb villages and hamlets. As a result, thousands of Serb individuals fled the area.”<sup>51</sup>

Commander Naser Orić was found guilty in 2006 because he failed to take necessary measures to prevent murder and cruel treatment in a number of instances. But on 3 July 2008, the Appeals Chamber reversed the judgment and found him not guilty because it could not be proved that he had effective control over the Military Police that committed these crimes. Like the Trial Chamber the Appeals Chamber also underscored that it had “no doubt that grave crimes were committed against Serbs detained in Srebrenica. . . . Also, the Defense did not challenge that crimes were committed against Serb detainees.”<sup>52</sup> Last but not least, there is evidence that Serbs were also victimized on a larger scale in the territories held by Bosniak and Croat forces.<sup>53</sup> According to the Office of the United Nations High Commissioner for Refugees (UNHCR) estimates, the Serb population fell between 1991 and mid-1994 from 43,595 to 5,000 in Western Hercegovina; from 79,355 to 20,000 in the Zenica region; from 82,235 to 23,000 in the Tuzla area; and from 29,398 to 1,609 in the Bihać region.<sup>54</sup>

### *Srebrenica, 1995*

As ethnic cleansing produced waves of refugees and humanitarian plight, the UN Security Council declared Srebrenica, Sarajevo, Tuzla, Žepa, Goražde, and Bihać to be safe areas and deployed a “light option” of 7,500 UN peacekeepers.

In July 1995, the Bosnian Serb army overran the Srebrenica and Žepa safe areas, forcing over 30,000 people to flee and massacring an additional 6,500–8,800 male Srebrenica detainees in a couple of days. These mass killings represent the worst atrocity to have taken place on European soil since World War II. Witness testimony has revealed that Serb troops detained Bosniak men who had fled to the UNPROFOR compound at Potočari, while capturing others hiding in the woods, often telling them they would be treated in accordance with the Geneva conventions. Instead, thousands of prisoners were gathered together in detention sites across the area, many of them in the small town of Bratunac. There is abundant evidence that most of the mass executions followed a well-established pattern: “the men were first taken to empty schools or warehouses. After being detained there for some hours, they were loaded onto buses or trucks and taken to another site for execution.”<sup>55</sup> Mass killings following the military conquest of the then UN-protected safe area of Srebrenica count as the first legally recognized genocide in Europe since World War II (see chapter 6, “Safe Areas”).

### *Operations Flash and Storm in Croatia, 1995*

One of the largest ethnic cleansing operations happened on the territory of Croatia. Zagreb launched two major military operations to destroy the Serb para-state: Operation Flash in western Slavonia in May 1995 and Operation Storm in August 1995. Between 4 August 1995 and 15 November 1995, a large part of the Serb population in Croatia either fled or was expelled (see chapter 7, “The War in Croatia”). Croatian General Ante Gotovina and others stood accused at The Hague as alleged participants of a joint criminal enterprise, namely the intentional permanent removal of the Serb population from the Krajina region. According to numerous witness statements and Serbian refugee organizations, expulsion also took place in those areas where no military operations occurred—a clear indication that ethnic cleansing was not a mere by-product of the war. Displaced persons and refugees from Croatia report the same discriminatory practices that were known in Bosnia-Herzegovina (and directed against the non-Serb population there), including threats, restriction of freedom of movement, isolation at the workplace and layoffs, detention, and liquidation.

On the basis of a vast amount of witness statements, documentary evidence, and reports from various experts, the ICTY Chamber, in its judgment of 15 April 2011, found “that Croatian military forces and the Special Police committed acts of murder, cruel treatment, inhumane acts, destruction, plunder, persecution, and deportation.” It further stated, considering the large number of crimes committed against the Serb population of the Krajina region in a relatively short period of time, “that there was a widespread and systematic attack directed against this Serb civilian population.”<sup>56</sup> Numerous inhumane acts added to create an environ-



ment in which Serbs had no choice but to leave. At least 20,000 were deported. After the military operation legal instruments were applied in order to deprive Serbs of the use of their property and houses.

The exact number of Serbs who fled their homes has yet to be settled. The figure ranges from 150,000 to 300,000, depending on the source. The Hague Tribunal's indictment of Ante Gotovina cites 150,000–200,000 refugees. According to the Croatian Helsinki Committee for Human Rights, more than 400 Serb civilians were killed and over 22,000 homes burned during and after Operation Storm. Serbian sources speak about 405,000 Serb refugees from Croatia.<sup>57</sup>

### III. Features of Ethnic Cleansing as a Policy

#### *Crime of the State and Other Authorities*

There is abundant evidence that ethnic cleansing appeared as a campaign, pattern, or systematic policy, which is based on the very idea of ethnic purification as an organizing principle of state and society. In the words of the UN commission of experts, "the patterns of conduct, the manner in which these acts were carried out, the length of time over which they took place and the areas in which they occurred combine to reveal a purpose, systematicity and some planning and coordination from higher authorities."<sup>58</sup> The special rapporteur of the UN, Tadeusz Mazowiecki, has made it clear "that the principal objective of the military conflict in Bosnia-Herzegovina is the establishment of ethnically homogeneous regions. Ethnic cleansing does not appear to be a consequence of the war but rather its goal."<sup>59</sup>

The question of whether there existed a long-term plan to cleanse territories of unwanted population is a matter of controversy that relates directly to the countless debates about the causes of Yugoslavia's disintegration, the very nature of the wars of succession, and the question of Serbian and Croatian war aims in Bosnia-Herzegovina.

Many authors believe that Serbian war aims embraced the creation of a greater Serbian state, which implied the expulsion of non-Serbs from territories taken under control.<sup>60</sup> James Gow maintains that the commission of war crimes was even an essential part of the Serbian expansionist project.<sup>61</sup> Others have emphasized an alleged conspiracy between Tudjman and Milošević to carve up Bosnia,<sup>62</sup> which in Smail Čekić's interpretation included a joint genocidal intent.<sup>63</sup>

The ICTY office of the prosecutor maintains that early measures to prepare ethnic cleansing operations by Serb armed forces in Bosnia-Herzegovina can be traced back as early as the second half of 1991. The sentencing judgment against Republika Srpska's wartime presidency comember Biljana Plavšić states

that already in October 1991 and in the following months the leading Serb party, SDS, “intensified efforts to ensure that the objective of ethnic separation by force would be achieved if a negotiated solution did not occur. These efforts included the arming of parts of the Bosnian Serb population in collaboration with the Yugoslav National Army (JNA), the Ministry of Internal Affairs (MUP) of Serbia and Serbian paramilitaries.”<sup>64</sup>

As early as November 1991, Radovan Karadžić asserted in a much quoted public speech: “Let us separate as many things as possible. Like in the days of the Turks. One Serbian town center, one Turkish town center, Serbian affairs, Turkish affairs, Serbian cafes, theaters, schools and everything else. This is the only solution.”<sup>65</sup> Also, the constitution of the Republika Srpska made it clear that it should be a state exclusively for Serbs. On 21 November 1991, the assembly proclaimed as part of the territory of the federal Yugoslav state all municipalities, local communities, and populated places in which over 50 percent of the Serbian population had voted to remain in that state during the plebiscite. This means that numerous municipalities with a mixed population were included in the territory of this para-state. Yet, Article I.1 of the constitution declared that the Republika Srpska was “the state of the Serb people,” without mentioning citizens of other nationalities. This article suggests the conclusion that the strategic aim of the Republika Srpska was to create a purely Serbian state and that the crimes committed during the armed takeover and cleansing of ethnically mixed areas were directly connected with this goal.

Frequently, crimes in connection with ethnic cleansing were carried out by paramilitary forces. These irregular troops were supported, equipped, and supplied by the governments they served, and they usually acted in agreement with local authorities or higher military commanders. In 1994, the UN Commission of Experts identified more than eighty different paramilitary groups. Many of them joined in the armed conflict, operating with the regular armies and under regular army officers’ command. Others operated independently in certain geographic areas from which the personnel in these units came. Hence the commission’s judgment that “the outcome of such a structure and the strategies and tactics employed help to blur the chain of command and conceal responsibility. This concealment may well be intended by some of the parties to provide a shield of plausible deniability.”<sup>66</sup>

General Veljko Kadijević elaborated in his memoir on how the Yugoslav Army redefined its role after the disintegration of Yugoslavia. Namely, instead of defending the Yugoslav state against foreign military threats, the General Staff decided “to protect” Serbs in Croatia and to strive for full control over Bosnia-Herzegovina. Entire arsenals of weapons and military equipment were handed to the VRS after the official withdrawal from BiH in May 1992. An additional goal was the “creation and defense of a new Yugoslav state” consisting of the Serbian and the Montenegrin people.<sup>67</sup>

During the Trial against Momčilo Perišić, the JNA Chief of the General Staff from August 1993 until November 1998, more than 100 witnesses were heard and thousands of documents provided. On this basis it could be proved that the Yugoslav Army provided extensive logistic assistance to the Serb armed forces in BiH and Croatia, by arming, supplying, and reinforcing it periodically and by paying the salaries of thousands of its officers. These officers were drawn from the ranks of the Yugoslav Army and remained members of it even as they were fighting for the armies of the Bosnian or Croatian Serbs. The General Staff exercised effective control over these officers through the JNA's Personnel Centers.<sup>68</sup> Altogether, some 4,800 VRS military personnel were paid by the VJ, including General Ratko Mladić.<sup>69</sup> In December 1994 the latter informed the RS Assembly that 47.2% of infantry ammunition, 34.4% of artillery munitions, and 52.4% of anti-aircraft ammunition came from the JNA.<sup>70</sup>

The Supreme Defense Council of the Federal Republic of Yugoslavia granted General Perišić and the Yugoslav Army the authority to provide logistic assistance to the Croat Serb and Bosnian Serb armies. The General Staff also held monthly meetings with representatives from the VRS and SVK in Belgrade in order to coordinate equipment, economic and technical assistance.<sup>71</sup> Both Banja Luka and Belgrade treated the issue of military support "with the highest level of secrecy".<sup>72</sup>

On 8 November 1993, the political and military leadership of the FRY, RS and RSK, including Perišić, Mladić, and Slobodan Milošević met in Belgrade, to agree on the "Drina Plan". The core of the subsequent directive was to coordinate war efforts by all three armies (JNA, VRS and SVK). The war plan was signed on 14 November 1993 by the President of the Supreme Defense Council, Zoran Lilić as the "Directive for Use of the Yugoslav Army, the Republika Srpska Army, and the Serb Army of Krajina". The so-called "Drina Plan" aimed to

defend the territorial integrity of the Serbian states west of the Drina and Danube rivers and the FRY, protect Serbian people from genocide, liberate parts of Serbian territories with Serbian majorities, create conditions for the establishment of a single state of the Serbian people, prevent creation of Greater Croatia and a compact Islamic state on the territory of the former Yugoslavia.<sup>73</sup>

Belgrade's political and military leadership was well aware that the Bosnian Serb armed forces made no clear distinction between military action against Bosnian Muslim troops and attacks against Muslim civilians, and that crimes were committed systematically on a large scale. Also the International Court of Justice (ICJ) established that "the FRY was in a position of influence over the Bosnian Serbs who devised and implemented the genocide in Srebrenica."<sup>74</sup>

The same charge of command responsibility has been leveled against Belgrade's political leadership. Former president of Serbia and of the Federal Republic of Yugoslavia Slobodan Milošević was charged with genocide, crimes against humanity, grave breaches of the Geneva conventions, and violations of the laws or customs of war.<sup>75</sup> Together with officials of the Bosnian Serb leadership, he was accused of having participated in a "joint criminal enterprise," the purpose of which was "the forcible and permanent removal of the majority of non-Serbs, principally Bosnian Muslims and Bosnian Croats, from large areas of the Republic of Bosnia-Herzegovina."<sup>76</sup> Charges of genocide and complicity to commit genocide include the mass killings in Srebrenica and the murder or mistreatment of Bosnian Muslims in detention facilities. The ICTY notes, "The detention of thousands of Bosnian Muslims in detention facilities within Bosnia-Herzegovina, including those situated within the territories listed above, under conditions of life calculated to bring about the partial physical destruction of those groups, namely through starvation, contaminated water, forced labor, inadequate medical care and constant physical and psychological assault."<sup>77</sup> Milošević's death brought a sudden end to his trial and left open the question of whether he was guilty of the charge of genocide.

Regarding the intentional removal of the Serb population from the Croatian Krajina, the ICTY, in its judgment against General Gotovina et al., found that "certain members of the Croatian political and military leadership shared the common objective of the permanent removal of the Serb civilian transfer, and persecution through the imposition of restrictive and discriminatory measures, unlawful attacks against civilians and civilian objects, deportation, and population from the Krajina by force or threat of force, which amounted to and involved deportation and forcible transfer." According to the ICTY, President Franjo Tuđman, Minister of Defense Gojko Šušak, and Zvonimir Červenko, the Chief of the Croatian army Main Staff, were key members of this "joint criminal enterprise." At the Brioni meeting of 31 July 1995, a few days before launching of Operation Storm, President Tuđman had met with high-ranking military officials to discuss the military operation, including the importance of the Krajina Serbs leaving as a result and part of the imminent attack. General Gotovina was sentenced to 24 years of imprisonment.<sup>78</sup>

### *Deliberate Use of Violence*

The ultimate goal of ethnic cleansing operations was to remove the target population from a given territory. All kinds of violent means were used as instruments to achieve this goal by instilling fear among the victims. Methods used included

administrative measures (such as dismissal from work, discrimination, refusal of hospital treatment) and intimidation, as well as repression and terrorizing acts, such as beatings, torture, shooting, or using explosives against homes, summary executions, and similar acts.<sup>79</sup>

Following the outbreak of military confrontation in March–April 1992, the campaign of “persecution” deliberately used the following methods:

- Killings during attacks on towns and villages
- Cruel and inhumane treatment during and after the attacks
- Forced transfer and deportation
- Unlawful detention and killing, forced labor, and use of human shields
- Cruel and inhumane treatment and inhumane conditions in detention facilities
- Destruction of cultural and sacred objects
- Plunder and wanton destruction

The authors of a research project among Bosnian refugees concluded that the extent and the features of violence used in the context of ethnic cleansing operations were highly dependent on the specific conditions prevailing in the area, such as ethnic composition, the distance to the line of confrontation, and the political affiliations of the regional elite. The general characteristics were as follows:

- Extreme violence was used by the perpetrators if the percentage of the ethnic group to be evicted from a certain area was high.
- Ethnic cleansing was particularly brutally designed if the (defending) political and military authority in the area concerned was poorly organized.
- The outcome of ethnic cleansing depended on the level of political organization and military supply of the attacking forces.

Measures usually went far beyond the degree of violence (physical and non-physical) necessary to establish control over the public order, and they potentially involved two distinct targets: those who were physically exposed to deliberate coercion and violence, and those who observed the violence and whose fear the

perpetrator wanted to increase. Because the latter group identified with the victims, they perceived themselves as potential future victims and thus despaired or complied.

The forced expulsions were consistently implemented by lightning attacks and shelling followed by mechanized units entering the villages. Frequently, the women were separated from the men and taken to detention facilities or were expelled to other areas. Also, there was systematic burning of homes in rural areas, which had particularly devastating psychological effects on people. Building a new house was a life project for which families worked for years. A house often symbolized the social worth of a family; it was the proof of hard work and commitment to its future well-being.<sup>80</sup> Burning of houses was a particularly effective tool to prevent the unwanted population from returning to its place of origin.

In besieged Sarajevo, the Bosnian-Serb political and military leadership ordered and carried out a campaign of sniping and shelling, the primary purpose of which was to spread terror among the civilian population. The objective was to divide the Bosnian capital into Serb and Muslim sectors, using acts of terror to intimidate the city's population and break its morale and spirit.

Mirsad Tokača's research has determined that in 1992 alone at least 50,000 persons were killed in Bosnia-Herzegovina, and the overwhelming majority of them were Bosniak civilians. Eighty percent of the killings occurred in May, June, July, and August 1992, thereby illustrating a direct correlation between ethnic cleansing and killings. Major mass killings happened, for instance, in Foča, Sanski Most, Prijedor, and Bratunac and other places. In fact, there have been 1,100 recorded cases of mass killings and 320 potential sites where the bodies of individuals can be found.<sup>81</sup>

There were about four hundred detention facilities in thirty-four municipalities. These facilities included prisons, police stations, schools, barracks, factories, and community centers, where people were detained by force and exposed to serious physical and mental abuse. Living conditions in these facilities were "disastrous . . . inhuman and really brutal"; the concept of sanitation did not exist. The temperature inside was low; the inmates slept on the concrete floor; and they relieved themselves in the compound or in a bucket placed by the door at night. There was not enough water, and any water that became available was contaminated."<sup>82</sup> There were killings in thirty-eight detention facilities in twenty-one municipalities. Most victims were killed while in detention; others were killed while performing forced labor or while being used as human shields during combat operations. Over 1,600 detainees are listed as having been killed in nineteen detention facilities, and the number killed in the remainder of the facilities is not specified. The killings occurred between May and December 1992.

Grave violations of international humanitarian law also happened during the Croatian attack on the Krajina in 1995. Charges include the following: persecution of Serbs in the municipalities of Benkovac, Donji Lapac, Drniš, Gospić, Gračac, Knin, Korenica, Obrovac, Šibenik, Sinj, and Zadar; systematic plunder of public or private property by Croatian forces, including homes, outbuildings, barns, and livestock; deportation; murder of at least 150 Krajina Serbs; and other inhumane acts, including humiliation and degradation by Croatian forces. Furthermore, Croatian forces have been charged because they systematically set fire to or otherwise destroyed villages, homes, outbuildings, and barns belonging to Krajina Serbs and because they killed their livestock and spoiled their wells. Thousands of dwellings were destroyed.<sup>83</sup>

### *Destruction of Identity*

As stated above, ethnic cleansing is directed against a population that can be identified by ethnic, national, or religious characteristics. The wider aim of such a policy, besides the physical removal from a territory, is to offend the collective identity of the targeted population, including its language, history, culture, and family relations. Towns, sacred sites, and city centers were continuously shelled and razed to the ground in order to cut off local communication lines, thus making impossible the normal functioning of social life among the target community.

Cultural vandalism reveals the inherent aim of ethnic cleansing to destroy buildings and monuments as the most prominent symbols of the political power, historical identity, and national consciousness of the unwanted group. The systematic destruction of religious and cultural symbols suggests that the intention is to eliminate any vestige of the opponent's presence in the respective areas. Throughout Bosnia-Herzegovina, as well as in parts of Croatia (and, later, Kosovo), sacred sites and other symbols of cultural heritage were systematically damaged, for the most part, in the absence of military activity. Aside from mosques and churches, other religious and cultural objects such as cemeteries and monasteries were targeted.<sup>84</sup>

The destruction of cultural heritage was most comprehensive in areas under Serb control. In Croatia, the religious monuments, parochial archives, and other cultural objects of the non-Serb communities (Croat Roman Catholic churches, but also Protestant congregations of Slavonia's Hungarian minority) suffered systematic and widespread destruction. Virtually no Catholic churches were left intact within the confines of the Republika Srpska Krajina.<sup>85</sup> In Bosnia-Herzegovina virtually every Muslim house of worship (some 1,000 mosques, as well as dervish lodges, saints' shrines, and other sacred sites), as well as 75 percent of all Catholic churches were destroyed or severely damaged in areas that came under Serb control. Those located in town centers were not only burned or blown up,

but the buildings were razed and the rubble carted away to remove all traces.<sup>86</sup> In addition, even the names of towns were changed to minimize the earlier presence of non-Serb populations.

Serbian Orthodox heritage also suffered, primarily at the hands of Croatian forces. Within Croatia, Croat forces perpetrated attacks against Orthodox churches and other sacred sites both in the early phases of the war and during the final offensives in 1995. But whereas many Orthodox churches and sacred sites were damaged, the majority of Serbian Orthodox churches in Croatia survived the war intact.<sup>87</sup> In Hercegovina, following the April–June 1992 JNA siege of Mostar, Croat extremists blew up the Serbian Orthodox cathedral and the Serbian Orthodox monastery at Žitomislić just south of the city. There were also attacks on Orthodox churches in Hercegovina, as well as in the Posavina region in northeastern Bosnia, which was the scene of bitter fighting between Serb and Croat militias. During the “war within a war” between Bosnian-Croat forces and the mainly Muslim Bosnian army, Croat forces destroyed some 80 mosques and damaged about 120 more. Muslim militias and civilians in turn destroyed 8 Catholic churches and damaged about 70 more. For the most part, however, both Roman Catholic and Serbian Orthodox churches in towns that remained or came under the control of the Sarajevo government survived intact.<sup>88</sup>

### *Humiliation and Sexual Abuse*

Crimes conducted in the framework of ethnic cleansing were often accompanied and reinforced by the massive humiliation of the victims, aiming at intimidating the opponent’s population and forcing it to give up its resistance. Generally, aggression combined with humiliation is successful in creating a state of instability and confusion among the targeted population and their leaders, for they show that they, obviously, are not capable of protecting their own ethnic community. This behavior is “rational” in the sense that it intends to provoke fear and instability in order to break resistance or to deter the opposing side from taking combat action.

A particularly efficient method is sexual abuse, most notably rape.<sup>89</sup> It was committed systematically against women of all ages, frequently in front of the victims’ relatives or in women’s camps.<sup>90</sup> Such assaults are especially effective in intimidating and demoralizing the opposing side, including men who play the role of warriors, defenders, husbands, and fathers. Indeed, sexual abuse is not only an instrument to intimidate and humiliate the victims and their families but also an assault on social values, family structures, and ethnic identity. In patriarchal societies women are mainly seen as responsible for the biological reproduction and cultural preservation of their ethnic community. Hence, rape not only stigmatizes individuals and families, but it also offends ethnic identities and the entire social system, especially if the role and status of men are associated with



their sexuality and the women are seen as the men's possessions. In a conflict situation, rape usually does not have a sexual function but offers satisfaction to the perpetrator through humiliation and degradation of the victim by producing a feeling of power, supremacy, and dominance. The Yugoslav war of dissolution is not the only case in which gender-specific violence was applied on a large scale and systematic raping appeared as a war tool.<sup>91</sup> Rape of women belonging to enemies defeated in war has been a tool in various historical contexts because these women were valued for their reproductive power. Thus the opinion of the OTP that

like torture, rape is used for such purposes as intimidation, degradation, humiliation, discrimination, punishment, control or destruction of a person. Like torture, rape is a violation of personal dignity, and rape in fact constitutes torture when inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.<sup>92</sup>

The ICTY has meanwhile defined the status of rape as a crime under customary international law.<sup>93</sup>

It is difficult to establish the exact number of systematic rapes committed during the war. Women usually do not speak about such crimes because they are ashamed and fear social stigmatization. Figures widely differ, with initial estimates by women's and human rights groups ranging as high as 50,000 victims. Although this number is no longer regarded as credible, it is still not possible to identify reliable data regarding rape and sexual assault. According to the International Human Rights Law Institute at DePaul University in Chicago there were approximately 1,100 reported cases of rape and sexual assault, and there were 162 detention sites where people were sexually assaulted.<sup>94</sup> The Association of Camp Inmates, on the other hand, claims that between 1992 and 1995 there were more than 650 camps with more than 200,000 civilians imprisoned and about 30,000 killed or missing. The association has evidence that more than 25,000 women in camps survived torture, sexual abuse, and rape.<sup>95</sup>

#### **IV. Controversies**

Discussions of the total number of victims in Bosnia-Herzegovina started during the war and are still ongoing. Estimates are sometimes not transparent; numbers appear highly inflated; and they frequently bear implications for political debates.<sup>96</sup> How many people were displaced or died in the war in Bosnia-Herzegovina between 1992 and 1995?

### *Counting the Victims*

According to UNHCR, more than two million people had been uprooted by the end of the war in 1995. Approximately half of them fled abroad, whereas the other half was internally displaced. There was a total of 1,097,900 IDPs in Bosnia-Herzegovina in 1995. However, exact figures on displacement by ethnic affiliation are not available for the war period. UNHCR in mid-1994 presented rough population estimates but underlined that these estimates were derived from various sources and were only indicative. By then, population structures had already changed substantially due to forced migration.<sup>97</sup>

A more precise ethnic breakdown is available for the post-Dayton period: the Norwegian Refugee Council reports a total of 386,110 displaced persons in Bosnia-Herzegovina in mid-2003. The national structure is as follows: Serbs, 207,955; Bosniaks, 147,611; Croats, 29,489; and others, 1,055.<sup>98</sup> In April 1993, 585,000 refugees from Slovenia, Croatia, and Bosnia-Herzegovina were registered in Serbia and Montenegro. Following the operations of the Croatian Army in the Krajina, an additional 189,000 people fled to Serbia and Montenegro.<sup>99</sup> Following the transfer of territories between the two entities under the Dayton Accords, over 60,000 people were displaced between 1996 and 1999.<sup>100</sup> In 1997, the number of internally displaced was already significantly lower: 450,000 displaced persons were registered in the federation, and 366,000 in the Republika Srpska.<sup>101</sup>

Estimates range from about 25,000 to 329,000 deaths—many of them “biased by the historical knowledge, political views, and individual war experience of the authors.”<sup>102</sup> Local estimates have mostly relied on data collected by the governmental Institute for Public Health (IPH) in Sarajevo, such as those of I. Bošnjović, V. Žerjavić, and M. Prašo.<sup>103</sup> Sead Hadžović, for instance, mentions 230,000 dead (71 percent Bosniaks, 9.5 percent Serbs, 9.5 percent Croats).<sup>104</sup> A common problem presented by such tabulations is the duplication of names and the difficulty of culling names of survivors who had been initially listed as dead or missing. For over a decade, Mirsad Tokača’s nongovernmental Research and Documentation Center (RDC) in Sarajevo undertook to establish an accurate accounting that presently constitutes “the largest single source of primary source materials relating to wartime atrocities and violations of international humanitarian law in Bosnia-Herzegovina.”<sup>105</sup> After painstakingly examining and comparing the lists of dead and missing, it soon discredited the previously accepted estimate of 200,000–250,000 dead, recently setting the total number of killed at 101,040, distributed among Bosniaks (65%), Serbs (26%), and Croats (9%).<sup>106</sup>

Initially, the government-related Institute for the Research of Crimes against Humanity (Smail Čekić) questioned Tokača’s research methodology. Indeed, even Tokača admitted that his positivist methodology will inevitably overlook some victims who left no surviving family members to report their disappear-

BOSNIAN WAR DEATHS, 1991-1996			
	Civilians	Soldiers	Total
Bosniaks	31,107	30,906	62,013
Serbs	4,178	20,775	24,953
Croats	2,484	5,919	8,403
Others	470	101	571
Unknown			5,100
<b>Total</b>	<b>38,239</b>	<b>57,701</b>	<b>101,040</b>
BY GENDER		BY YEAR	
Male	86,039	1991	588
Female	9,901	1992	44,204
Unsorted	5,100	1993	19,391
<b>Total</b>	<b>101,040</b>	1994	9,946
		1995	19,123
		1996	32
		Unknown	2,656
		Unsorted	5,100
		<b>Total</b>	<b>101,040</b>
Source: Research and Documentation Center, Sarajevo.			

ance. Nonetheless, it seems unlikely that such unaccounted victims will ever comprise more than a small fraction of the difference between the center's confirmed dead and the earlier 200,000–250,000 figure. As early as 2005 a study by the Demographic Unit of the ICTY substantially agreed with Tokača's finding, estimating a total of 102,622 war-related deaths from Bosnia-Herzegovina from 1992 to 1995. This analysis used military records of fallen soldiers of the BiH government army, Republika Srpska army, and the Croatian Defense Council. In addition, it has drawn on ICRC lists of missing persons and the Federal Institute for Statistics Mortality Database and other quantitative data.<sup>107</sup> With the conclusion of the Documentation Center's research, it appears likely that the ICTY will revisit its earlier tabulations after examining Tokača's work.

*War Crimes, Crimes against Humanity, Genocide*

There has been considerable controversy over whether or not actions that are committed in the framework of ethnic cleansing constitute war crimes, crimes against humanity, or genocide. From the outset, there has been a broad public perception that the atrocities committed by Serbian forces on the territory of the former Yugoslavia constitute genocide.<sup>108</sup> Both Bosnian government officials and scholars insist that the Bosniaks were victims of a genocide that was planned and executed by Serbs.<sup>109</sup> Smail Čekić charges both Serbia and Croatia with genocide, referring to a “joint criminal undertaking” in Zagreb and Belgrade to establish “the Greater Serbia and the Greater Croatia states. The goal of this ideology, politics and practice was a war to conquer territories, a ‘habitat,’ to take another people’s country (Bosnia-Herzegovina).”<sup>110</sup> He equates “Serb and Croat projects” and their “goal to conquer, divide and liquidate the Republic of Bosnia-Herzegovina, and exterminate the Bosniaks or reduce their number to a meaningless ethnic group.”<sup>111</sup>

In 1993, the Bosnian government filed a case against the government of Serbia and Montenegro before the ICJ in The Hague, arguing that Yugoslavia had “planned, prepared, conspired, promoted, encouraged, aided and abetted and committed” genocide against its population. Belgrade filed a counter suit accusing Bosnia-Herzegovina of committing genocide against the Bosnian Serb population (that suit was dropped in 2000). Hearings of the case against Serbia began in February 2006. It explicitly charged the systematic practice of ethnic cleansing of the citizens and sovereign territory of Bosnia-Herzegovina and claimed that the responsibility lay with an entire state and not simply individuals. On 26 February 2007, the ICJ cleared Serbia of genocide charges, ruling that “Serbia has not committed genocide through its organs or persons,” nor was Serbia “complicit in genocide.” But the court found that Belgrade did not use its influence to prevent genocide and that it failed to punish those who carried out massacres.<sup>112</sup> Moreover, the ICJ rendered its judgment without examining evidence that the Serbian government had provided the ICTY case against Slobodan Milošević. One individual who did see these documents was ICTY prosecutor Carla del Ponte, who writes that

The Supreme Defense Council’s minutes and other secret personnel files provide compelling evidence of Serbia’s control and direction of the Serb war effort in BiH. They detail how Belgrade financed and supplied the Serbs’ war effort. They show how the VRS . . . was an appendage of the Yugoslav army. . . . that Serbian forces, including secret police, played a role in the takeover of Srebrenica and in the preparation of the massacre there.<sup>113</sup>

The issue of whether or not Serbian actions in Bosnia-Herzegovina constitute genocide divides the communities of scholars, analysts, and politicians. It has been rightly noted that there is a correlation between methodology and

conclusions.<sup>114</sup> Authors who apply definitions of genocide based on political or social scientific considerations tend to equate ethnic cleansing with genocide. For instance, Norman Cigar argues that Serbian political, cultural, and ecclesiastical elites prepared a climate conducive to the execution of genocide during the war and that Serbian forces committed genocide against Bosniaks.<sup>115</sup> Also, Michael A. Sells supports the interpretation that Serbian forces intended to destroy Bosnia's Muslims as a people.<sup>116</sup> By the same token, some Western and Bosnian scholars maintain that the term *ethnic cleansing* was only used as a euphemism in order to conceal the hidden agenda of genocide.<sup>117</sup> Serb officials and scholars have countered by charging the other side with genocide, recently claiming that "perhaps a greater genocide was committed against the Serbs in Sarajevo than against Bosniaks in Srebrenica."<sup>118</sup> Nevertheless, they have yet to provide sufficient data to support their claims, which the ICTY has not supported with a charge of genocide.

A more differentiated assessment appears if a legal definition is applied. In strictly legal terms, several of the instruments of ethnic cleansing employed in former Yugoslavia merit prosecution under the statutory provisions of the ICTY<sup>119</sup>:

- *Grave breaches of the Geneva Conventions of 1949* (including willful killing; torture or inhuman treatment, including biological experiments; willfully causing great suffering or serious injury to body or health; extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly; compelling a prisoner of war or a civilian to serve in the forces of a hostile power; willfully depriving a prisoner of war or a civilian of the rights of fair and regular trial; unlawful deportation or transfer or unlawful confinement of a civilian; taking civilians as hostages)
- *Violations of the laws or customs of war* (employment of poisonous weapons or other weapons calculated to cause unnecessary suffering; wanton destruction of cities, towns or villages, or devastation not justified by military necessity; attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings; seizure of, destruction or willful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science; plunder of public or private property)
- *Genocide* (acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group)

- *Crimes against humanity* (directed against any civilian population—murder; extermination; enslavement; deportation; imprisonment; torture; rape; persecutions on political, racial and religious grounds; other inhumane acts)

Although various definitions of genocide have been put forward, many scholars have implicitly or explicitly accepted the definition proposed by the UN Genocide Convention of 9 December 1948 (Art. 2), which defines genocide as the intentional destruction of a group, in whole or in part<sup>120</sup>:

genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

To date, the OTP has characterized only a few of the most extreme examples of ethnic cleansing committed by Serb forces in Bosnia-Herzegovina as acts of genocide. Beside the indictment against Slobodan Milošević, those against Republika Srpska President Radovan Karadžić and VRS Commander Ratko Mladić conclude that they should be charged with genocide on the grounds of internment of civilians in detention facilities and inhumane treatment therein. It also claims that those plans of the political and military leadership contained elements that would lead to the destruction of the non-Serb groups. Thus “the project of an ethnically homogenous State formulated against a backdrop of mixed populations necessarily envisages the exclusion of any group not identified with the Serbian one.”<sup>121</sup>

The indictment of Radovan Karadžić focuses on “an overarching joint criminal enterprise to permanently remove Bosnian-Muslim and Bosnian-Croat inhabitants from the territories of BiH claimed as Bosnian-Serb territory.”<sup>122</sup> Again, the OTP differentiates between different charges: genocide, persecution, extermination, murder, deportation, and inhumane acts (forcible transfer).

In some municipalities, between 31 March 1992 and 31 December 1992 this campaign of persecution “included or escalated to include conduct that manifested an intent to destroy in part the national, ethnic and/or religious groups of

Bosnian-Muslims and/or Bosnian-Croats as such.” In Bratunac, Foča, Ključ, Prijedor, Sanski Most, Vlasenica and Zvornik, a significant section of the non-Serb population were targeted for destruction.<sup>123</sup> The OTP alleges that “members of this joint criminal enterprise” shared the intent to partially destroy these groups in these regions. It also asserts that the leadership foresaw that genocide might be perpetrated by those who carried out the crimes of deportation and forcible transfer.<sup>124</sup>

The ICTY has judged the mass killings following the military conquest of the then UN-protected safe area of Srebrenica in July 1995 to be the first legally recognized genocide in Europe since World War II. The Prosecutor has pressed the same charge in the ongoing trials against Radovan Karadžić and Ratko Mladić over the aforementioned crimes committed in the Posavina corridor and eastern Bosnia. Although the government of Republika Srpska has acknowledged the crimes committed in Srebrenica in mid-1995 in a report published in 2004, the entity’s war veterans association still denies that such crimes ever happened, pointing instead to the victims on the Serb side.<sup>125</sup> Nonetheless, as discussed in chapter 6, “Safe Areas,” the ICTY has compiled massive proof of the “vast amount of planning and high-level coordination that had to be invested in killing thousands of men in a few days.”<sup>126</sup> The Tribunal has also provided overwhelming evidence of a massive effort by the VRS to exhume as many corpses as possible from mass graves and disperse them in remote areas—measures that would not have been undertaken had the majority of the bodies been combat victims. Also, there is forensic evidence that most of the victims were indeed killed in cold blood. One question that does remain is whether Serb authorities intended from the outset to exterminate Srebrenica’s male population or Ratko Mladić made that decision only after learning that ARBiH units had escaped to Tuzla.

A two-hour video tape in which members of the paramilitary unit Scorpions execute young men suggests at the very least Belgrade’s involvement in the massacre. The ICTY prosecution claims that the Serbian interior ministry in Belgrade that controlled the Scorpions must have given consent for the latter to operate on Bosnian territory and has indicted JNA army chief Momčilo Perišić for providing assistance to the VRS and not preventing or punishing crimes committed in the Sarajevo and Srebrenica safe areas.<sup>127</sup>

The judgment against former JNA Lieutenant Colonel Radislav Krstić, who commanded the Drina Corps from 13 July 1995 through the end of the war, discusses extensively the question of whether events in Srebrenica fall under the parameters of genocide. It concludes that the intent to kill all the Bosnian Muslim men of military age in Srebrenica constitutes an intent to destroy in part the Bosniak group and, therefore, must be qualified as a genocide. This view was supported by the Appeals Chamber. The killing was engineered and supervised

by some members of the main staff of the Serb armed forces—which constitutes the requisite proof of specific intent. In the OTP’s view:

By seeking to eliminate a part of the Bosnian Muslims, the Bosnian Serb forces committed genocide. They targeted for extinction the forty thousand Bosnian Muslims living in Srebrenica, a group which was emblematic of the Bosnian Muslims in general. They stripped all the male Muslim prisoners, military and civilian, elderly and young, of their personal belongings and identification, and deliberately and methodically killed them solely on the basis of their identity. The Bosnian Serb forces were aware, when they embarked on this genocidal venture, that the harm they caused would continue to plague the Bosnian Muslims. The Appeals Chamber states unequivocally that the law condemns, in appropriate terms, the deep and lasting injury inflicted, and calls the massacre at Srebrenica by its proper name: genocide. Those responsible will bear this stigma, and it will serve as a warning to those who may in future contemplate the commission of such a heinous act.<sup>128</sup>

The judges made clear, however, that “forcible transfer does not constitute in and of itself a genocidal act.”<sup>129</sup> Such a decision only encourages scholars to continue to debate the conceptual dimensions of genocide. Helen Fine has suggested a paradigm for the detection of genocide; it includes these conditions:

- There was a sustained attack or continuity of attacks by the perpetrator to physically destroy group members;
- The perpetrator was a collective or organized actor (usually the state) or commander of organized actors;
- The victims were selected because they were members of the collectivity;
- The victims were defenseless or were killed regardless of whether they surrendered or resisted; and
- The destruction of group members undertaken to with intent to kill and murder was sanctioned by the perpetrator.<sup>130</sup>

It has been pointed out, on the other hand, that not every single crime should and could be viewed as genocide, which is characterized by the particular intent to destroy a group “as such.” Some continue to argue that genocide, the “ultimate crime,” should not be diluted by too broad an interpretation but should be reserved only for acts of exceptional gravity and magnitude.<sup>131</sup> In any event, debates over terminology should not divert us from recognizing and concurring with the overwhelming body of evidence of the crimes themselves.



## Conclusion

The phenomenon of ethnic cleansing belongs to the most emotional and controversial issues surrounding the breakup of Yugoslavia. Beside the unspeakable cruelty with which the war was conducted, it was the very idea of ethnic purification as an organizing principle of state and society that came as a shock to the world public. Ethnic cleansing designates a systematic policy of forced population transfer based on the identification of target groups by ethnic, national, and religious characteristics. This policy intended the physical removal of the unwanted population from a territory, including the elimination of all cultural and social traces of their presence. Offending the collective identity of the victims' group, including its language, family relations, and cultural heritage, was aimed at creating conditions that would make it impossible for the expelled to return to their places of origin.

The method of ethnic cleansing comprises a broad variety of techniques, and its purposes have varied in different historical and geographical contexts. It formed a continuum, ranging from pressure to emigrate, to population transfer and mass expulsion, and eventually to genocide. Whereas in some cases ethnic cleansing was aimed at the physical destruction of an ethnic community (for instance, in Srebrenica), in other cases the objective was limited to the conquest of a strategically or economically important region through expulsion of the unwanted population but without a clear intent to exterminate that community in whole or in part. In conclusion, ethnic cleansing should not per se be identified with genocide. Politically charged debates over the term and its definition cannot, however, call into question the extent and horror of the crimes committed and recounted in this chapter.

## Notes

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- 3 Andrew Bell-Fialkoff, *Ethnic Cleansing* (New York: Palgrave Macmillan, 1996); Norman M. Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe*

- (Cambridge: Harvard University Press, 2001); Dražen Petrović, "Ethnic Cleansing: An Attempt at Methodology," *European Journal of International Law*, 5, no. 3 (1994): 1–19; Cathie Carmichael, *Ethnic Cleansing in the Balkans: Nationalism and the Destruction of Tradition* (London: Routledge, 2002); Philipp Ther, "A Century of Forced Migration: The Origins and Consequences of 'Ethnic Cleansing,'" in *Redrawing Nations. Ethnic Cleansing in East-Central Europe, 1944–1948*, ed. Philipp Ther and Ana Siljak (Lanham: Rowman & Littlefield, 2001), 43–72; Anna Simons, "Making Sense of Ethnic Cleansing," *Studies in Conflict and Terrorism* 22, no. 1 (January–March 1999): 1–20; Philipp Ther, *Die dunkle Seite der Nationalstaaten: "ethnische Säuberungen" im modernen Europa* (Göttingen: Vandenhoeck & Ruprecht, 2011).
- 4 *Final Report of the UN Commission of Experts, Annex IV*, 5, 21.
  - 5 A telling example is Josip Glaurdić's review essay of this book in *East European Politics and Societies* 24 (2010), 294–310.
  - 6 The RDC is a nongovernmental organization registered on the state level in BiH, formed in April 2004. It is the successor organization to the State Commission for Gathering Facts about War Crimes, which was established by the presidency of BiH in April 1992.
  - 7 See the *Periodic Reports on the Situation of Human Rights in the Territory of the Former Yugoslavia Submitted by Mr Tadeusz Mazowiecki*, special rapporteur of the Commission on Human Rights, to the UN Security Council and the General Assembly, <http://www.haverford.edu/relg/sells/reports/mazowiecki.html>, accessed 10 October 2008.
  - 8 Dražen Petrović, "Ethnic Cleansing: An Attempt at Methodology," *European Journal of International Law* 5, no. 3 (1994): 1–19.
  - 9 *Ibid.*, 2.
  - 10 Noel Malcolm mentions that the term *čišćenje* was used in 1942 by Stevan Moljević, an advisor to Četnik-leader Draža Mihailović, who advocated a Greater Serbia from which undesirable elements such as Muslims and Albanians would have to be "cleansed." Noel Malcolm, *Kosovo: A Short History* (London: Macmillan, 1998), 298.
  - 11 Andrew Bell-Fialkoff, "A Brief History of Ethnic Cleansing," in *Foreign Affairs* 72, no. 3 (1993): 110–21, and Bell-Fialkoff, *Ethnic Cleansing*.
  - 12 Justin McCarthy, *Death and Exile: The Ethnic Cleansing of Ottoman Muslims, 1821–1922* (Princeton, NJ: Darwin Press, 1995).
  - 13 Carnegie Endowment for International Peace, *Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars* (Washington, DC: The Endowment, 1914); reprint under the title *The Other Balkan Wars* (Washington, DC: Carnegie Endowment for International Peace, 1993); Dimitrije Djordjević, "Migrations during the 1912–1913 Balkan Wars and World War I," in *Migrations in Balkan History*, ed. Ivan Ninić (Belgrade: Serbian Academy of Sciences and Arts, Institute for Balkan Studies, 1989), 115–29.
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  - 16 Naimark, *Fires of Hatred*, 3.
  - 17 Bell-Fialkoff, *Ethnic Cleansing*, 3–4.
  - 18 Jacques Semelin, "Analysis of a Mass-Crime: Ethnic Cleansing in the Former Yugoslavia, 1991–1999," *The Specter of Genocide: Mass Murder in Historical Perspective*, ed. Robert Gellately and Ben Kiernan (Cambridge: Cambridge University Press, 2003), 353–70.

- 19 Petrović, "Ethnic Cleansing," 11.
- 20 Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge: Cambridge University Press, 2004), 11–12.
- 21 Naimark, *Fires of Hatred*; Bell-Fialkoff, *Ethnic Cleansing*, 1–4.
- 22 Naimark, *Fires of Hatred*, 3.
- 23 Jacques Semelin, "What is Genocide?" *European Review of History* 12, no. 1 (March 2005): 81–89.
- 24 Steven Béla Várdy and T. Hunt Tooley, eds., *Ethnic Cleansing in Twentieth-Century Europe* (New York: Columbia University Press, 2003), 3.
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- 26 Ivo Goldstein, *Croatia: A History*, 2nd ed. (London: Hurst, 2001), 229.
- 27 Ozren Žunec, *Goli život: Socijetalne dimenzije pobune Srba u Hrvatskoj* (Zagreb: DEMETRA, 2007), 722.
- 28 Goldstein, *Croatia*, 233.
- 29 Momčilo Mitrović, "Etničko čišćenje kao strategija država na prostoru bivše SFRJ" (Ethnic Cleansing as a Strategy of States on the Territory of the Former SFRY), *Tokovi istorije* 1–2 (2005): 187.
- 30 Smail Čekić, *Aggression against the Republic of Bosnia and Herzegovina* (Sarajevo: Institut za istraživanje zločina protiv čovječnosti i međunarodnog prava, 2005), 363, 420, 446, and 552, also cites the Serbian daily *Vreme* and Croatia's federal President Stjepan Mesić and Prime Minister Ante Marković. Čekić also refers to Borisav Jović, *Poslednji Dani SFRJ* (The Last Days of SFRY), 2nd ed. (Kragujevac: Prizma, 1996), 152, 159–62, 367.
- 31 Čekić, *Aggression against Bosnia*, 562, 629–31.
- 32 Marko Attila Hoare, *How Bosnia Armed* (London: Saqi Books, 2004), 47. For RS media claims, see *Final Report of the UN Commission of Experts, Annex V: The Prijedor Report*, S/1994/674/Add. 2 (Vol. 1), 28. December 1994, 9, para. 13; Christopher Bennett, *Yugoslavia's Bloody Collapse: Causes, Course, and Consequences* (New York: New York University Press, 1995), 184; Roy Gutman, *A Witness to Genocide* (New York: Lisa Drew Books, 1993), ix–x; David Bruce MacDonald, *Balkan Holocausts? Serbian and Croatian Victim-Centred Propaganda and the War in Yugoslavia* (Manchester: Manchester University Press, 2002), 237.
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- 36 CIA, *Balkan Battlegrounds*, 1: 135.
- 37 *Ibid.*, 145.
- 38 *Ibid.*, 2: 304.
- 39 *Ibid.*, 2: 305.
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- 41 ICTY, *Case No. IT-00-39&40/1-S*, 27 February 2003, Prosecutor v. Biljana Plavšić, *Sentencing Judgement*, <http://www.un.org/icty/plavsic/triale/judgement/index.htm>, accessed 10 October 2008.
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- 43 International Tribunal, *Case No. IT-00-39&40/1-S*, para. 37.
- 44 *Ibid.*, para. 36.
- 45 CIA, *Balkan Battlegrounds*, 1: 158.
- 46 *Ibid.*, 1: 192.
- 47 ICTY, *Case No. IT-95-14*, “Lasva Valley,” 25 April 1997, the Prosecutor of the Tribunal against Tihomir Blaškić, *Second Amended Indictment*, <http://www.un.org/icty/indictment/english/bla-2ai970425e.htm>, accessed 10 October 2008.
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- 49 CIA, *Balkan Battlegrounds*, 1: 203–06.
- 50 Charles R. Shrader, *The Muslim-Croat Civil War in Central Bosnia: A Military History, 1992–1994* (College Station: Texas A&M University Press, 2003), denies that the HVO committed crimes against Muslims, alleging that the “HVO was forced to react” and that it “adopted a classic ‘active defense.’” Further, “the HVO, surrounded and heavily outnumbered, had neither the means nor the opportunity to engage in a planned program to attack, dispossess, and expel Muslims from the areas in which they lived” (160). Instead, ARBiH leaders were “accusing the HVO of the very crimes they themselves were committing” (161).
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- 64 ICTY, *Case No. IT-00-39&40/1-S*, para. 12.
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- 67 Veljko Kadijević, *Moje vidjenje raspada* (Belgrade: Politika, 1993), 93.
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