

## 6

**Darko Gavrilović**, team leader

**Charles Ingrao**, team leader

Vlado Azinović

**Victor Bezruchenko**

Nejra Čengić

**Robert Donia**

**Robert DeGraaff**

**Raphael Drashtak**

Mark Etherington

**Jan Willem Honig**

**Selma Leydesdorff**

**Dubravko Lovrenović**

**Dunja Melčić**

**Lara Nettelfield**

**Toni Petković**

**Benjamin Rusek**

**Mirsad Tokača**

Tatjana Tubić

**Cees Wiebes**

This chapter incorporates numerous interviews conducted by team co-leader Darko Gavrilović and individual research contributed by Robert Donia, Benjamin Rusek, and Cees Wiebes for Sarajevo and Tuzla, Victor Bezruchenko for Žepa, and Robert DeGraaf for Srebrenica. Victor Bezruchenko was recused from further team work after accepting a position with the ICTY. Text regarding mortar attacks in Sarajevo and Tuzla was based in part on Benjamin Rusek and Charles Ingrao, “The ‘Mortar Massacres’ Revisited” that appeared in *Nationalities Papers* 32/4 (December 2004), which was subsequently republished in Thomas Emmert and Charles Ingrao, eds., *Conflict in Southeastern Europe at the End of the Twentieth Century: A Scholars’ Initiative* (New York & London: Routledge, 2006).

Dubravko Lovrenović worked tirelessly to recruit Bosnian scholars during his tenure as team co-leader (2001-2003). The National Endowment for Democracy funded individual research by Darko Gavrilović, Toni Petković, and Mirsad Tokača’s Research & Documentation Center. The team also benefited from counsel and research material data provided by Directors Dr. Paul Richard Blum and the Nederlands Instituut voor Oorlogsdokumentatie (NIOD), Dr. Smail Čekić and the Institute for the Research of Crimes against Humanity & International Law, and Dr. Kathyne Bomberger and the International Commission for Missing Persons (ICMP). We are also grateful to former Republika Srpska President Dragan Čavić for making available to Dr. Gavrilović documentary evidence previously furnished to the ICTY. The report was adopted following project-wide review in January-February 2004.

## SAFE AREAS

◆ Charles Ingrao ◆

The battle lines between the Bosnian Serbs and their opponents have not changed much since the creation of the six “safe areas” in the spring of 1993. The controversy over the wartime events in and around Bihać, Goražde, Sarajevo, Srebrenica, Tuzla, and Žepa still divides the Bosnian Serbs and their supporters from those of the Bosnian government and the bulk of the international community—except, perhaps, that it is the Bosnian Serbs who are on the defensive, whether in the accounts of scholars and journalists or in testimony given at The Hague Tribunal. Then as now, the prevailing discourse represents the safe areas’ civilian populations as victims of the international community’s lack of political will as they were subjected to a succession of barbaric acts that culminated in the July 1995 Srebrenica massacres. For their part, the Bosnian Serb military (VRS) and its apologists have generally denied the worst and most politically pivotal atrocities while claiming that their legitimate military operations not only were resisted by the Bosnian military (ARBiH) but were handicapped by one-sided UN resolutions, NATO interventions, and media scrutiny. Moreover, a number of UN officials have accused Bosnian government garrisons of deliberately provoking counterfire from VRS besiegers onto civilian targets in Sarajevo.<sup>1</sup>

The VRS saw its offensives as a justified response to the general security problems in their rear caused by the significant ARBiH presence in the safe areas. It is in this vein that this report will endeavor to be sensitive to the tactical dilemmas that the international community’s actions presented to the Serb forces, even as it identifies crimes that they committed, oftentimes out of all proportion to the initial provocation and in disregard of the rules of war. At the same time, the evidence suggests that UN Security Council unilateralism—however ineffective it may have been in protecting the safe areas—was dictated by fear of a repetition of massive human rights violations like those committed by Serb forces during ethnic cleansing operations in Croatia (1991) and Bosnia (1992) but not by a serious attempt to impose a comprehensive program that would require a sustained investment of UN-mandated military resources.

## I. Origins

The safe areas were created in 1993 in response to a humanitarian crisis that attended the siege of each city as its indigenous population was multiplied by thousands of refugees who had fled or been expelled by advancing VRS and other Serb forces. International observers within the besieged cities feared massive civilian casualties from hostile fire, starvation, and disease. They were no less apprehensive at the prospect that the fall of one or more cities would repeat on an even larger scale the resort to ethnic cleansing that had attended Serb advances elsewhere in Bosnia. Under the intense glare of media publicity, there prevailed a widespread feeling among foreign leaders and their UN representatives that the international community needed to at least appear to “do something” to ward off the impending human catastrophe. By the spring of 1993 Lord David Owen was not alone in contemplating the advantage of “leveling the playing field” somewhat by bombing VRS forces into relaxing or lifting the sieges.<sup>2</sup> A less intrusive solution surfaced in March 1993, following UN General Philippe Morillon’s visit to Srebrenica. In an attempt to reassure the mass of residents and refugees who had blocked his departure from the city, he first pledged not to leave the city until humanitarian aid had been delivered, then negotiated a cease-fire with VRS commander Ratko Mladić.<sup>3</sup> As an additional guarantee to the city’s estimated 35,000 residents and refugees, he announced that he was placing them under UN protection, an unauthorized pledge; surprised UN officials reluctantly endeavored to fulfill the pledge by sending a small detachment of Canadian troops to Srebrenica.

Morillon’s démarche seconded efforts by the ICRC’s Cornelio Sommaruga to persuade the UN to create a series of protected zones in default of any international sentiment to offer Bosnia’s refugees sanctuary abroad.<sup>4</sup> The concept received an additional boost from several nonaligned UN member states, most notably Austrian Foreign Minister Alois Mock and Venezuela’s Security Council representative, Diego Arria, who visited Srebrenica a few weeks later. By 16 April, with the town’s fall seemingly imminent, UNSC Resolution 819 affirmed Srebrenica’s status as a UN-protected safe area, which it based on the 1948 Convention against Genocide. Indeed, the text dwelt at length on a string of violations of International Humanitarian Law (IHL) by Serb paramilitaries, which it accused of attacking and forcibly expelling “innocent civilian populations” while harassing and interdicting UN humanitarian relief efforts. Three weeks later UNSC Resolution 824 (6 May 1993) extended UN protection to Bihać, Goražde, Sarajevo, Tuzla, and Žepa while demanding that the aforementioned paramilitaries cease hostilities and withdraw to a point at which they no longer constituted a menace to civilians.<sup>5</sup>

The establishment of the six Bosnian safe areas coincided with other initiatives advocated in the spring of 1993 by Britain, France, Russia, Spain, and the U.S., whose Joint Action Program led to the creation of the International Criminal Tribunal for the Former Yugoslavia, or ICTY (25 May) and the passage of UNSC Resolution 836 (4 June) authorizing the use of armed force to protect the safe areas. Significantly, the resolution characterized Bosnian Serb military attacks as a violation of Bosnia's sovereignty, thereby implying that this was not a domestic conflict or civil war being waged solely by indigenous paramilitaries but an international one that afforded greater protection, both to UN member Bosnia against foreign attack (whether from rump Yugoslavia or Croatia) and to its civilian population, who would now be covered by the broader umbrella of the 1977 Additional Protocol I for International Humanitarian Law (IHL); less clear was the authorization for UNPROFOR to "deter" and "respond" to attacks on the safe areas, which was left open to various interpretations that reflected the political courage of the interpreters.<sup>6</sup>

From the beginning, the five-power Joint Action Program and the UNSC resolutions manifested a lack of political will that seriously degraded the safe areas as an effective instrument for the protection of Bosnia's civilian population. Despite President George H. W. Bush's appeal to a New World Order and President Clinton's own rhetoric of universalism, the fact remained that at least four of the Security Council's permanent members were primarily motivated by their perception of what best served their national interest. Russia and its people were openly sympathetic to the militarily ascendant Bosnian Serbs and worked behind the scenes to limit UN intervention, whereas the other European powers had little interest in Bosnia aside from concern for the safety of their soldiers serving with UNPROFOR.<sup>7</sup> Despite its strident rhetoric in support of Bosnia's civilian population and its repeated calls for robust military countermeasures—preferably delivered from 35,000 feet (most notably "lift and strike")—the U.S. was unwilling to put a single U.S. soldier in harm's way. In the words of one senior U.S. diplomat, Washington's policy throughout the Yugoslav conflicts was to "do the least, and hope for the best."<sup>8</sup> Venezuela's Diego Arria put it best by concluding that "we see that one country can indeed abuse another so long as it is careful not to threaten or jeopardize the strategic interests of the international community."<sup>9</sup> Indeed, it was no coincidence that the nonaligned, nonpermanent members of the Security Council pushed the hardest to guarantee that the besieged cities would truly become protected areas and were critical of the safe area resolutions because they did not go far enough to guarantee a solution to the unfolding humanitarian crisis and would, at best, confirm the *fait accompli* of ethnic cleansing.<sup>10</sup> After all, countries like Cape Verde, Djibouti, Morocco, New Zealand, Pakistan, and Venezuela had nothing at stake in Bosnia, which afforded them the luxury of basing their positions primarily on humanitarian considerations.

The weaknesses in the UNSC Resolutions were readily apparent even before they were drafted. In their haste to do something while limiting the scope of their obligations, the framers had made no provision for defining the territorial limits of each safe area. But at least this was something that could be addressed at a later date. More problematic was the resolutions' failure to disarm the Bosnian forces operating within them. Indeed, existing international law assumed not only the prior agreement by the belligerents but the complete demilitarization of such safety zones.<sup>11</sup> By contrast, neither UNSCR 819 nor 824 provided for disarming BiH forces or, for that matter, required so much as Bosnian compliance with their terms.<sup>12</sup> Nor did the UN wring from the VRS permission to inspect the disposition of its besieging forces, even in those instances when they were obligated to withdraw to a preset distance from the existing lines of confrontation. As a result UN monitors were regularly fired upon whenever they attempted to verify VRS compliance.

To his credit, Morillon had concluded a tentative disarmament accord with Mladić and ARBiH Commander Naser Orić on 18 April,<sup>13</sup> by which the town's newly installed Canadian peacekeepers would oversee the demilitarization of the town itself within seventy-two hours of their arrival. But the newly arrived 150-man Canadian battalion (CanBat) was too weak either to carry out its mission or to persuade Orić that it could protect Srebrenica in the event that the ARBiH defenders laid down all of their weapons. As a result, CanBat satisfied itself with disarming ARBiH units within the town while tacitly permitting them to keep the great majority of their weapons in the rest of the pocket. This was hardly acceptable to Mladić, whose chief of staff, Major General Manojlo Milovanović, characterized the 18 April disarmament as "just a farce."<sup>14</sup> Nor was a second disarmament agreement concluded on 8 May for the entire Srebrenica and Žepa pockets any more successful. ARBiH Commander-in-Chief Sefer Halilović instructed Orić to surrender only unusable equipment, having judged that CanBat was too weak to defend the safe area. Not surprisingly, Mladić reciprocated by disregarding a commitment to withdraw his forces 1.5 kilometers from battle lines. As a result, the fighting continued. During one two-week period in June 1993, CanBat reported no fewer than 1,200 violations with small caliber weapons, mortars, tanks, and artillery, including attacks on CanBat that killed one of its soldiers.<sup>15</sup>

It is certainly possible to understand the rationale behind both sides' unwillingness to execute the disarmament agreements. But although there was an understandable lack of trust between warring parties, both also regarded the UN itself to be untrustworthy. Although the UNPROFOR brass opposed creating safe areas without demilitarization, then Secretary for Peacekeeping Operations Kofi Annan explained that several UN members were reluctant to employ UNPROFOR in "disarming the victims because they recognized the unlikelihood that either side would voluntarily cease hostilities."<sup>16</sup> Of course, this does not mean that

simply disarming Bosnian government forces would resolve all of the problems inherent in the safe area provisions. Whereas Lord Owen suggests that Bosnian Serb Field Commander Mladić did not intend to seize them, having seen the high cost of taking Vukovar, demilitarizing the safe areas would have simultaneously removed not only the justification for attacking them but the deterrence against occupying them.<sup>17</sup> Clearly, demilitarization could only work if UNPROFOR or some other armed force held Mladić and his troops at bay.

UN members were, however, unwilling either to abandon the safe areas' civilian populations or to provide sufficient military muscle to deter the Bosnian Serbs, even with Bosnian government troops in place to help them turn back an attack. Instead, the UN proved at least initially evenhanded insofar as it was unwilling to prevent both Bosnian government sorties and the inevitable—and far more deadly—VRS retaliatory strikes. Rather than deploy the 35,000 troops recommended by the U.S. military, or the 15,000 mandated by its own commanders, the UN chose the politically realistic “light option” of 7,500 favored by France. Yet, for all its gesticulating about the need for a much stronger UNPROFOR deterrent, the U.S. blocked Russian attempts to force a Security Council debate on force levels, lest it be embarrassed by its determination not to commit any troops of its own. Meanwhile, the Security Council turned a deaf ear to appeals from Venezuela, Djibouti, and others to intern VRS artillery capable of devastating the safe areas. To cover its own pusillanimity, a new UNSC Resolution 836 (4 June 1993) authorized the use of force against Bosnian Serb attacks even though it had no intention of backing them up. In his memoirs, Lord Owen describes the empty threat posed by UNSCR 836 as “the most irresponsible taken during” his tenure, having reputedly predicted at the time that Bosnian government sorties would drag the undermanned UNPROFOR units into the fighting.<sup>18</sup> Actually, UNPROFOR enjoyed the luxury of choosing whether it would be dragged in or simply look away as the belligerents continued the fight in and around all six safe areas. British forces in Goražde and the Scandinavian NordBat in Tuzla distinguished themselves by fighting hard to hold their ground against VRS attacks. Yet, given the higher priority that European contributors to UNPROFOR placed on the safety of their soldiers, it was much more likely that they would literally take the path of least resistance.

No less serious was the UN's failure to secure formal Bosnian Serb acceptance of the safe areas regime, thereby leaving both sides free to interpret the other's obligations. Certainly many Security Council members, UN officials, and the Bosnian government itself interpreted the resolutions as totally prohibiting any hostile action whatsoever against the safe areas, even if Bosnian government garrisons retained their weapons. Nor did any UNSC Resolution ever allude to either “safety and neutralized zones” (Articles 14 and 15 of the Geneva Convention) or “demilitarized zones” (Article 60 of Humanitarian Law). Yet by

not engaging the Bosnian Serb political leadership in the process, the UN left the besieging forces free to predicate their observance on the total disarmament of their ARBiH garrisons and to justify continued military operations. Thus the 16 March 1994 report of the UN secretary-general lamenting that the safe areas were being used by the ARBiH “as locations, in which the troops could rest, train and equip themselves as well as fire at Serb positions, thereby provoking Serb retaliation.” The report emphasized that for the safe-area concept to be sustained, there would have to be “full demilitarization by both sides on agreed conditions, assured freedom of movement, the impounding or withdrawal of heavy weapons and extensive UNPROFOR deployment.” As a result, “UNPROFOR [had been placed] in a position of thwarting the military objectives of one party and therefore compromising its impartiality, which remains the key in its effectiveness in fulfilling its humanitarian responsibilities.”<sup>19</sup>

## II. The Safe Areas

### *A. Sarajevo*

It is no secret that UN policy toward the safe areas was little more than a fig leaf to hide the great powers’ naked self-interest, a stark truth that the international media did its utmost to expose through daily news releases that included sometimes graphic film footage of the human consequences. It is difficult to criticize the vital—and ultimately decisive—role that the media played as the self-appointed conscience of an otherwise oblivious world. At the same time, scholars must be sensitive to the media’s shortcomings as a source of information and analysis. Few among the army of journalists were knowledgeable about the latitude that international law affords military commanders in warfare, let alone in siege operations, including finer points (such as the distinction between international and domestic conflict) that are still subject to debate by legal scholars. At the same time, they had a rather better developed sensitivity for human suffering, which inevitably turned most into advocates for the safe areas’ civilian populations and, by extension, for the Bosnian government. But even here, the dynamics of the modern media ensured that the besieged populations would not receive equal attention. As the only safe area that was not fully encircled, Tuzla never attracted the kind of coverage afforded to the other five cities where the stakes seemed so much higher. Even the single bloodiest artillery salvo of the entire war, which killed seventy-one at a gathering of Tuzla high school students, received so little attention that the Bosnian Serbs never felt impelled to issue the usual denial of responsibility. After all, risks of an overarching humanitarian catastrophe and the potential political consequences simply did not exist in Tuzla.

Sarajevo was different. As the largest city and capital claimed by both sides, as well as the home of the 1984 Winter Olympics, it became the focus of media attention. As a result it also became the media battleground for validating the appeals and accusations of both sides. It is hardly surprising that each would commit war crimes in such an unconventional conflict that certainly had the trappings and, perhaps, the legal standing of a civil war. Apologists for the Bosnian Serbs invariably point to Bosnian government soldiers who ambushed a JNA column on 2 May 1992 as it attempted to evacuate Sarajevo despite having been granted safe passage by President Alija Izetbegović. Although he was genuinely shocked and outraged by their treachery, Izetbegović never attempted to apprehend or punish those responsible, doubtless because the city's undermanned garrison needed every available defender. The same logic may have persuaded government officials who successfully resisted the president's objections to entrusting Bosniak criminal gangs with defending Sarajevo during the first year of the war, even after they had singled out ethnic Serbs for punishment. Izetbegović was only able to neutralize the two most notorious gang leaders, Ramiz "Čelo" Delalić and Mušan Caco Topalović, in the summer of 1993, after they had begun preying on the general population. By then, however, the gangs may have accounted for a majority of all murders of Serb and Muslim civilians committed by Sarajevo's ARBiH defenders.<sup>20</sup>

Because none of the UNSC Resolutions ever charged the Bosnian defenders with any responsibility aside from not harassing UNPROFOR units, it is hardly surprising that they regularly launched attacks against the besieging Bosnian Serbs. On one occasion, French UNPROFOR units were compelled to attack them after they had occupied the demilitarized zone on Mount Igman.<sup>21</sup> Top UN officials have also contended that the ARBiH units sometimes positioned themselves near protected sites, such as Koševo Hospital, in order to draw return fire.<sup>22</sup> As a rule, however, it was the outraged VRS that responded both here and in the other safe areas, almost invariably with disproportionate force that included massive shelling. Although it is possible militarily to justify these retaliatory strikes as attempts at deterrence, the evidence suggests that they were motivated principally by the baser urge to inflict as much suffering as possible on the largely civilian population that lay in their sights. Indeed, successive VRS commanders Stanislav Galić (1992–1994) and Dragomir Milošević (1994–1995) were convicted by the ICTY of command responsibility for sniper attacks against non-combatants (including women and children) and indiscriminate artillery shelling against public buildings "of no military significance" with the principal intention of "spreading terror among the civilian population."<sup>23</sup> The intentional targeting of civilians comprises the strongest element in the long list of war crime charges that have been leveled against the besieging VRS forces. The case against the VRS can be divided into three categories. The first involves the besiegers' attempts to



deprive the five encircled safe areas of basic services, including humanitarian shipments of food, medicine, and other supplies deemed essential for the survival of the civilian population. In May 1993 General Mladić informed the Bosnian Serb assembly of his intention to cut off the city's water and power supplies, while attributing the cutoffs to errant Bosnian government fire.<sup>24</sup> Whatever his plan, the UN Security Council placed responsibility squarely on his shoulders on 23 July 1993 by condemning the VRS blockade of Sarajevo. But were his actions illegal under IHL? Although it was obvious that the Bosnian Serb leadership was bent on a clearly illegal policy of ethnic cleansing, the rules governing siege warfare offered them considerable latitude. For example, Additional Protocol I governing *international* conflicts did not prohibit the use of starvation and deprivation of essential articles to force civilian evacuation when there was no way to prevent besieged soldiers from utilizing them. But the Bosnian Serbs did not even have to meet this condition if they were justified in their claim that the war was a *domestic* conflict. In any event, they ultimately permitted at least sporadic shipments of humanitarian supplies in all five of the encircled safe areas and ceded operation of Sarajevo's airport to UNPROFOR, which oversaw the distribution of an estimated 10,000 palletloads of essential supplies.<sup>25</sup> Less ambiguous is the prohibition of attacks on medical facilities, which Minister of Health of the Serbian Republic Dragan Kalinić had advocated destroying at the aforementioned meeting of the Bosnian Serb Assembly.<sup>26</sup> Kalinić's appeal came a month after the Koševo Hospital had been subjected to the first of several artillery attacks, in which even UNPROFOR forces were shot at while attempting to rescue patients from the facility.

Koševo Hospital was only one of several prominent civilian structures that were explicitly protected by IHL but came under deliberate artillery bombardment during the three-year siege. On 24 August 1992 the former special rapporteur of the UN Commission on Human Rights, Tadeusz Mazowiecki, reported deliberate attacks on cultural centers. The Polish diplomat was likely alluding to Sarajevo's Oriental Institute, which had been shelled and burned on 17 May, destroying the Ottoman-era provincial archive and Bosnia's largest collection of Islamic manuscripts, including over five thousand codices in Arabic, Persian, Ottoman, and Turkish. Yet the evening after his report, several VRS artillery positions opened fire on the National Library with incendiary shells in a barrage so focused that no other building in the area was hit. The famous Habsburg-era structure's interior, including virtually all of its 1.5 million volumes of Islamic literature, were consumed by the flames that evening and the following morning when a second barrage reignited the ebbing flames. Over the years, Bosnian Serb authorities have repeatedly denied responsibility, claiming that the fire was set from the inside, either to discredit the besiegers or to destroy its collection of five thousand Serbian language manuscripts. Although one VRS officer later pri-

vately admitted responsibility, his claim that it was an accident is contradicted by numerous eyewitnesses, some of whom were subject to a barrage of machinegun fire while attempting to save a small number of the collection's most valuable holdings, and by videotape footage that captured the flight of the phosphorous shells from the VRS artillery emplacements toward the library's glass roof.<sup>27</sup> One month later, Bosnian Serb artillery targeted the National Museum.<sup>28</sup> Despite losing all three hundred of its windows, the sturdily built National Library survived the bombardment; however, its director, Dr. Rizo Sijarić, was killed a year later when an incoming round exploded while he was working to cover shell holes with plastic sheeting recently provided by the UN.

The most egregious violations of IHL involved indiscriminate attacks, which are banned in international conflicts, and those that were explicitly directed against individual civilians, which are universally prohibited. Whereas the ICTY never disputed the VRS commanders' right to conduct siege operations against Sarajevo's 40,000-strong ARBiH garrison, there is little question that they employed tactics that were "deliberate, indiscriminate, excessive and disproportionate in relation to the anticipated concrete and direct military advantage."<sup>29</sup> Media video footage and extensive eyewitness testimony before the ICTY documented incessant sniper attacks during the siege of Sarajevo that targeted civilians of all ages and both sexes. One favorite target was the S curve near the city's landmark Holiday Inn, at which trams were obliged to slow down.<sup>30</sup> Attacks on ambulances merited special mention in UNSC Resolution 771's litany of blatant violations of IHL, even under the relaxed standards that Additional Protocol II applied to domestic conflicts. Mazowiecki's report went so far as to suggest that sniper activity and continuous shelling was "a deliberate attempt to spread terror among the population," a tactic explicitly banned by Protocol II, which was echoed in the ICTY indictments against the successive VRS commanders.<sup>31</sup> The intensity and indiscriminate nature of some of the attacks, including the firing of 3,777 rounds within a sixteen-hour period in July 1993, certainly gave some credence to this charge. So did General Milošević's repeated employment of "highly inaccurate" modified air bombs against civilian areas, which his own orders predicted would inflict "the greatest possible casualties."<sup>32</sup>

But the most heated accusations—and denials of responsibility—involve three mortar massacres that claimed the largest number of civilian casualties during the siege of the Bosnian capital, not so much because of the aggregate human loss but because of the role that they played in mobilizing international support for military intervention against the besieging Bosnian Serbs. The 27 May 1992 "breadline massacre" which killed sixteen civilians and injured 160, had prompted the UN Security Council to impose sanctions against rump Yugoslavia. The first of two attacks on the Markale marketplace on 5 February 1994 killed 68 people and wounded 197. Following as it did heavy shelling that had claimed

civilian lives in a children's playground, a residential settlement, and a filled soccer stadium, most observers joined the Bosnian government in affixing blame on the Bosnian Serbs. Over the following four days the EU passed a resolution calling for the lifting of the siege, while NATO issued an ultimatum to the VRS to withdraw all artillery beyond a twenty-kilometer-wide "total exclusion zone" or face air strikes. Despite their reluctance to cede their advantage in firepower against the numerically superior Bosnian government defenders, the besiegers complied within ten days.<sup>33</sup> Eighteen months later, a strike at the Habsburg-era city market barely 100 yards west of the Markale (28 August 1995) killed an additional thirty-seven people, prompting a Bosnia-wide NATO air campaign that brought an end to the war.

Given the immediate and telling consequences of each event, it is not surprising that the Bosnian Serbs and their apologists have steadfastly denied responsibility, something that they did not deem necessary following the even bloodier mortar attack in the Tuzla. In all three cases they have accused government forces of killing their own civilians, either by mortar fire or by detonating powerful explosives at the scene. UN Commander Lewis MacKenzie (1992–1993) lent credence to the claim by noting the efficiency with which the government had blocked off the site of the 1992 breadline massacre before the explosion and brought in journalists immediately afterward, while suggesting that most of the victims were actually "tame Serbs" whose ethnicity rendered them suitable for sacrifice.<sup>34</sup> The charge becomes more plausible in the light of two documented incidents of "friendly" sniper and mortar fire recorded by UNPROFOR personnel and subsequent claims by an American general that the Bosnians shot and shelled their own civilians during the siege.<sup>35</sup> Although both cases involved minimal loss of human life, the willingness of at least some ARBiH soldiers to engage in any such activity raises the question of whether they could have committed such an act in order to shame the international community into intervening militarily.<sup>36</sup>

On the other hand, the only "evidence" of ARBiH culpability in the three attacks comes from Bosnian Serb sources. Thus Belgrade's state-controlled media initially reported that a remotely detonated land mine had caused the breadline explosion because it left no crater and the victim's injuries were below the waist. The charge was, however, easily refuted by UN photographs showing the impact craters and by hospital records documenting an ample number of head and other upper body wounds.<sup>37</sup> A concurrent assertion that the speedy arrival of media on the scene pointed to a preplanned explosion ignored the fact that journalists had been filming an unrelated story just blocks away when the mortar shell hit.<sup>38</sup> After the first Markale explosion, Bosnian Serb President Radovan Karadžić asserted that media vans equipped with satellite dishes and ambulances were already parked at the marketplace, a claim repudiated by international officials who were at the scene moments before and after the explosion.<sup>39</sup> Nor does

there appear any corroboration for Karadžić's claim that several of the Markale dead were refrigerated corpses trucked in from the morgue with ice still clinging to their ears. Whereas such counterclaims have failed to stand up under scrutiny, the ready resort to them certainly undermines Karadžić and other apologists as a source of credible evidence.

Unfortunately, UNPROFOR did not begin forensic examinations until after the controversy from the breadline attack. Nor could its investigation of the first Markale explosion prove conclusively that one side or the other had fired the shell, the trajectory of which was apparently skewed when it bounced off the corrugated roof of a market stall before exploding. A detailed forensics report for the second Markale explosion presented at General Milošević's ICTY trial appears to establish that the shell came from a VRS position, a judgment that has always been disputed by Russian UNPROFOR Colonel Andrei Demurenko, who was initially reprimanded by his superiors and dismissed from the ICTY trials of Generals Galić and Milošević after he admitted to knowingly misrepresenting the existence and substance of the report, as well as the scientific credentials and procedures employed by the Russian team investigating the incident.<sup>40</sup> Nonetheless, the origin of the fatal shell continues to be disputed privately by several military and intelligence officials from NATO countries previously interviewed by Cees Wiebes.<sup>41</sup>

Whereas it is difficult to dispute VRS culpability in the breadline attack, the inconclusiveness of the forensic evidence in the first Markale explosion and the insistence of unnamed—and, therefore, unaccountable—Western intelligence officers in the second are likely to sustain those voices that insist that the ARBiH fired the shells. Perhaps the most plausible reason for presuming VRS responsibility is that their prolific and indiscriminate shelling of Sarajevo—which totaled over a half million shells during the three-year siege and seven hundred rounds counted by UN observers on 5 February 1994—rendered moot any dispute over the origin of a particular salvo that took such a deadly toll. This was the justification that UN General Rupert Smith gave for blaming the Bosnian Serbs for the second Markale explosion, telling a lieutenant that their having fired all of the other salvos that day had earned them the credit for the one that now triggered NATO strikes, even before a fuller investigation had been completed.<sup>42</sup> There had, in fact, been numerous other attacks during the seven months prior to the first Markale explosion—including modified air bombs introduced by VRS General Milošević—that UN observers had ascertained could only have been fired by the VRS; the attacks had killed 42 civilians, while wounding over 250.<sup>43</sup> Indeed, the aggregate record of the VRS besiegers—particularly the massive resort to indiscriminate shelling and snipers' specific targeting of individual civilians—renders moot the debate over any one incident because it leaves uncontested the premise for international intervention.

*B. Goražde and Bihać*

Much as the second Markale explosion helped end the war, the first one shifted the fighting elsewhere, partly because the creation of a total exclusion zone around Sarajevo prompted the VRS to relocate its artillery to Goražde and Bihać. And with the explosions began a new round of fighting and controversy. At the end of March 1994, the VRS launched a major offensive against Goražde. Not surprisingly, the international media claimed that the attack was unprovoked, whereas the Bosnian Serbs (and a U.S. House staffer) pointed to a 20 March sally by Bosnian government forces. This time NATO responded with air strikes, during which VRS gunners downed a British Harrier jet, then briefly seized 200 UN and civilian hostages. By mid-April the offensive had sharply reduced the Goražde safe area, during which shelling killed twenty civilians at the city's hospital. By 22 April NATO had created a new, twenty-kilometer exclusion zone for Goražde, which they quickly extended to the remaining four safe areas amid plans for an aggressive air campaign to end once and for all the shelling of civilians.<sup>44</sup>

Like Goražde, Bihać experienced a sharp increase in shelling following the February 1994 imposition of a total exclusion zone in Sarajevo. Like Sarajevo and the Drina Valley towns of Goražde, Srebrenica, and Žepa, Bihać was strategically significant because it sat astride the only rail link between Belgrade and the RSK capital of Knin. Yet, in virtually every other respect, the situation in Bihać was quite different from the other safe areas. Although completely encircled by the combined Bosnian- and Croatian-Serb military, the city's defenders controlled a 2,000-square-kilometer area with 250,000 inhabitants, 90 percent of whom were Muslim. Thus, although the town itself had been declared a safe area, the much larger Bihać pocket was not in immediate danger of falling, both because of its greater strategic depth and because the Bosnian Serbs were likely less eager to incorporate or expel its formidable Bosniak population. Another distinguishing characteristic was the presence of multiple military forces, including an independent Bosniak force headed by Fikret Abdić, who was allied with the Bosnian Serbs against the Izetbegović regime, and a Bosnian Croat (HVO) unit that collaborated with the ARBiH against Bosnian Serb and Croatian Serb forces. At one point or another, no fewer than seven military formations operated in and around the Pocket, including JNA units and a modest UNPROFOR garrison caught in the middle. Finally, the 7,000–10,000 Bosnian government troops of Atif Dudaković's Fifth Corps were fully capable of engaging and defeating any one of their many enemies—and of purportedly engaging in at least some ethnic cleansing operations of their own.<sup>45</sup> That summer Dudaković crushed Abdić's army and defeated a subsequent VRS offensive before launching a sustained counteroffensive at the end of October that seized the strategic Grabez Heights southeast of Bihać and over 250 square kilometers of additional territory. As in

other cases, the use of a safe area for offensive operations exercised the Bosnian Serb leadership. Karadžić ordered a coordinated counterattack against the over-extended Fifth Corps that was spearheaded by VRS forces led by Mladić himself but assisted by Croatian Serbs, the remnants of Abdić's army, and even 500 army and militarized special police forces from rump Yugoslavia. The counteroffensive was not only launched "regardless of the safe areas" but in violation of the UN-imposed no-fly zone as warplanes from the RSK airfield at Udbina employed a full array of weapons, including rockets, napalm, and cluster bombs.<sup>46</sup> In less than a fortnight, the allies had not only recovered all of their losses but had entered the Bihać suburbs, seizing the city's water plant on a hill directly overlooking the town.

Despite the fury of the allied assault and the blatant violation of the no-fly zone, VRS operations do not appear to have targeted civilians or committed the kind of atrocities of which they were accused elsewhere. Nonetheless, the UN belatedly reacted to the threat by producing a map that, for the first time, actually defined the geographical extent of a safe area. At the same time UNSC Resolution 913 called on *both* sides to refrain from provocations that might endanger the city's noncombatants, while the secretary-general and Russian delegation tried to win approval for demilitarizing the entire pocket by disarming Bosnian government forces. British and French spokesmen went so far as to label Dudaković and the Fifth Corps the aggressors, whereas the U.S. government and media remained largely mute. Nevertheless, the employment of four converted SAM missiles and additional air strikes against targets in Bihać evoked pinprick NATO strikes against a SAM radar site and Udbina's runway. Although this fell far short of U.S. calls for punishing air strikes, it was more than enough for Mladić, who had been wounded in the fighting and now authorized the seizure of additional UN personnel.

Mladić's defiance elicited the predictable mix of international condemnation and empty threats. On 24 November UNPROFOR commander Sir Michael Rose publicly charged the Bosnian Serbs with violating the safe areas, while the NATO Council met in emergency session. One day later Rose ordered a retaliatory NATO air strike, although all ten aircraft returned to their bases without discharging any of their ordnance. The abortive sortie elicited a televised verbal assault from BiH Foreign Minister Haris Silajdžić, who accused Rose of having the blood of thousands of Bosniaks on his hands. Equally anticlimactic was the NATO meeting, which featured yet another bold but futile call from the U.S., proposing the peaceful evacuation of the Fifth Army from a somewhat enlarged but demilitarized Bihać pocket, which would henceforth be protected from Bosnian Serb assault by the threat of punishing air strikes delivered across Bosnia. The French quickly rejected the plan, to which the U.S. would have only committed air support while leaving French and other UNPROFOR units exposed to attack

and seizure. Instead, the council managed only to issue a declaration calling upon the two sides to negotiate a peace.<sup>47</sup>

### *C. Srebrenica and Žepa*

In at least four respects, the confrontation over Bihać marked a turning point in the war. President Franjo Tudjman had already advised Mladić on 14 November that Croatia might intervene militarily to save the Bihać pocket from being overrun, a threat that he made public on 1 December.<sup>48</sup> Although the Clinton administration was concerned about the ensuing preparations for intervention, it shared Tudjman's lack of confidence in the UN and in its own ability to overcome Anglo-French timidity to the extent that it offered one week later to deploy U.S. forces to assist UNPROFOR's withdrawal from Bosnia. The unspoken inference was that their removal would subsequently enable NATO air power to take action without fearing VRS retaliation against its member countries' ground contingents. The failure of the UN and NATO to deter or punish Mladić's forces also reinforced the Bosnian government's conviction that it should not place its hopes for what it regarded as a satisfactory peace in the hands of the international community. With the spring thaw, the ARBiH violated the ceasefire recently concluded by former U.S. President Jimmy Carter, launching a series of offensives around Travnik (March), Tuzla (May), and Goražde and Sarajevo (June).

But it was Mladić himself who may have derived the most important lesson from the IC's paralysis during the Bihać crisis. With the VRS outnumbered and overextended, he appreciated the need to consolidate his forces by eliminating one or more of the safe areas and the ARBiH garrisons within them. Although attacking them would violate the UN resolutions, he was equally confident that the British, French, and other contributing nations would not confront him so long as their UNPROFOR units were vulnerable to heavy casualties or hostage taking. This was brought home in May 1995 when UNPROFOR Lieutenant General Rupert Smith authorized another pinprick NATO strike against an ammunition dump in the Bosnian Serb capital of Pale. His intention was to deter increased VRS shelling of Sarajevo and to compel Mladić to remove his heavy weapons from the total exclusion zone. Instead, on 25 May VRS forces began bombarding all six safe areas. A 130-mm shell from an M46 cannon landed in Tuzla's Kapija Square, killing 71 youths and wounding 124. When NATO aircraft retaliated by bombing the ammunition dump a second time, Mladić authorized the seizure of nearly 400 UNPROFOR personnel, 27 of whom were surprised by VRS soldiers dressed in stolen French uniforms. Although the detainees were neither threatened nor physically abused, several were photographed while handcuffed to potential military targets. Whereas some legal scholars have argued that the seizure of the personnel might have been permissible under international law be-

cause other UNPROFOR units had engaged the VRS in hostilities, fettering them to military targets as human shields and photographing them in that condition clearly constituted yet another violation of international law.<sup>49</sup> But Mladić won his point, releasing the last hostages only after UN officials had renounced the use of force. New guidelines were issued stripping UNPROFOR General Smith of the authority to order air strikes, while making it clear that the execution of the UN's essentially humanitarian mandate in Bosnia was "secondary to the security of UN personnel."<sup>50</sup>

Having destroyed the credibility of UN deterrence in Bihać and Sarajevo, Mladić now turned to the three Drina Valley towns of Goražde, Srebrenica, and Žepa, whose seizure would release considerable forces for redeployment against the expected HV-ARBiH offensive in the west, while strengthening the Bosnian Serb claim to the entire Drina Valley in a future peace settlement. At first, he attempted to capture Goražde, which was the largest of the three enclaves and contained a key munitions factory. Yet here the UN stood firm as a handful of Royal Welsh fusiliers fought for several hours to hold onto the heights overlooking the town until they could be reinforced by ARBiH forces.<sup>51</sup> By contrast, Srebrenica and Žepa were the most militarily vulnerable safe areas. Yet another reason for targeting Srebrenica was the highly disruptive offensive thrusts that the ARBiH's Twenty-Eighth Division had launched from the town. Much of the credit for the division's successes lies with Naser Orić, a one-time member of the special forces of the Serbian Ministry of Internal Affairs (MUP) and bodyguard for Milošević who assumed command shortly after helping lead local Muslims in expelling Arkan's Tigers and other paramilitaries from the town in May 1992. By year's end his forces had created a sixty-kilometer-long enclave that snaked from Žepa in the south to Kamenica, just ten kilometers from the main ARBiH base in Tuzla. Orić attracted particular notice at the beginning of 1993, when his men were responsible for at least thirteen civilian dead among forty-three Serbs killed in the village of Kravica, which had been in the process of celebrating the Orthodox Christmas. Their temerity in shelling Yugoslav territory on the right bank of the Drina had also attracted attention. All told, Orić's men had razed scores of the one hundred villages and hamlets that had fallen into their hands, killing perhaps a thousand Serb soldiers and civilians. There is no question that some of them committed war crimes, which apparently included the immolation of civilians in their burning homes. Nonetheless, the ICTY could not establish that Orić himself exercised sufficient control over the raiders to justify convicting him of command responsibility for the atrocities, except for the mistreatment of some VRS prisoners detained in Srebrenica.<sup>52</sup>

Hence, Mladić's motivation may have included a mix of strategic and political considerations, together with a desire to retaliate for forays launched from within a safe area that the VRS itself had been prohibited from attacking. The



March 1993 counterattack brought immediate results, including the recapture of perhaps 80 percent of the territory once occupied by the Twenty-Eighth Division. Within just two weeks, Srebrenica's population swelled from 9,000 to 30,000, as refugees streamed in from the surrounding countryside.<sup>53</sup> But neither the VRS counterattack nor the town's subsequent designation as a UN safe area ended Orić's sallies, which persisted at a rate of three to four per week as his men foraged for food in the surrounding countryside. Both CanBat and the Dutch-Bat unit that replaced it at the beginning of 1994 routinely relayed the constant, heated complaints of VRS officers by warning of the possibility of Serb retaliation against Srebrenica's civilian population. By the beginning of 1995, Orić's raids had assumed a military posture as he implemented orders from ARBiH headquarters in Tuzla to reconnoiter, disrupt, divert, and demoralize VRS forces, which retaliated with counterstrikes of their own. Both sides were particularly active in the last two weeks of June, which featured an ambush of a VRS unit twenty kilometers northwest of the enclave. Within one twenty-four-hour period (23–24 June), DutchBat counted 1,815 rifle and machinegun shots and 253 artillery or mortar explosions.<sup>54</sup> Although Orić had already left the enclave for Tuzla, ARBiH headquarters there ordered another strike the very next evening (25–26 June), against the main Sarajevo-Zvornik road, employing 150 men, inflicting 40 VRS casualties and seizing weapons, radios, and livestock. A retaliatory artillery bombardment against Srebrenica elicited ARBiH protests that the VRS had once again violated a UN safe area. Meanwhile, the VRS also tried to exploit public outrage by citing an incidental fire in the hamlet of Višnjica, where a Bosnian Serb woman was shot in the leg.

Even as the two sides fought for sympathy in the international press, Mladić was making the fateful decision to launch a full-scale assault on Srebrenica, most likely for the same reasons that informed the 1993 offensive.<sup>55</sup> Notwithstanding Mladić's earlier assurances to Lord Owen and others, there is evidence that Srebrenica's capture had always been part of his long-term strategy. In his ICTY testimony, VRS Intelligence Chief Momir Nikolić recounted how VRS forces were instructed to make life in Srebrenica unbearable in order to induce its civilian population to "leave *en masse* as soon as possible, realizing they cannot survive there." For this reason, Nikolić conceded that civilians were targeted and humanitarian aid blocked while fuel, food, and other supplies for the UN peacekeepers were halted so that "they could not be ready for combat." Yet preparations for a final assault did not commence until the end of May 1995, following the rebuff at Goražde.<sup>56</sup> Even then, the VRS does not appear to have anticipated a quick or easy conquest. Even with an estimated 2,000–3,000 reinforcements, including perhaps 200–300 Tigers and the somewhat smaller Greek Volunteer Guard, the VRS could count on no more than 4,000–5,000 men, of whom barely 2,000 actually took part in the decisive thrust against the safe area's southeastern cor-

ner.<sup>57</sup> Nor did the typically thorough Mladić begin making preparations for blocking—or even adequately monitoring—the flight of Bosnian soldiers or civilians, which he failed to anticipate in the event of a successful seizure of the safe area. In reality the Bosnian government had already forsaken Srebrenica in order to concentrate on an attempted breakout from Sarajevo. It was only after the attack had begun that the VRS command ascertained that ARBiH had psychologically placed their faith in the hands of the UN, which was itself unwilling to employ close air support, without which Srebrenica's 350 DutchBat personnel could not and, therefore, would not offer any resistance.<sup>58</sup>

This is not the place to recount the final, six-day assault on the city, which fell on 11 July 1995 to VRS forces, assisted by elements of the Yugoslav army (VJ) and assorted paramilitary formations, including the Greek Volunteer Guard.<sup>59</sup> Although the action—or inaction—of senior UN political and military officials and the DutchBat they directed has been the subject of considerable and often acrimonious debate within the international community, it is the aftermath of the city's fall that informs the salient controversy between the belligerents themselves. As in virtually every other combat zone in the Yugoslav wars, it is possible to speak of war crimes committed by both sides during the final hours of the Srebrenica safe area. After years of tense relations with UNPROFOR, ARBiH soldiers shot one Dutch soldier dead and took over a hundred others hostage in a desperate attempt to force them into defending the safe area's shrinking defense perimeter.<sup>60</sup> Their rationale was evident in the familiar taunt "30,000 for 300" signifying their fear that the UN was prepared to surrender 30,000 Bosnians to the Serbs in order to save the lives of its 300 DutchBat personnel. By contrast, it is not likely that his own men's survival was on Mladić's mind when he authorized the detention of twenty DutchBat soldiers in the first three days of the descent on Srebrenica. Rather, his readiness to seize additional hostages—and not release them all for twelve days, until after both Srebrenica and Žepa had fallen—suggests that he was once again using hostages to prevent NATO air support in defense of safe areas.<sup>61</sup>

A combination of eyewitness testimony, forensic evidence, and courtside confessions has answered many of the questions about what VRS forces did during that time. One fact that has never been in dispute is the distinction that VRS forces made between those males (roughly between the ages of fourteen and seventy) who either were or could be soldiers, and all remaining males and females. The latter were readily treated as noncombatant civilians and slated for expulsion, whereas men of military age were detained, ostensibly for interrogation. VRS personnel first turned their attention to the 3,000–4,000 Bosnians who had fled to the DutchBat headquarters at Potočari. Within three hours, all of the women and under- or overaged males at the compound were placed on buses for shipment to the front lines near Tuzla. Within thirty hours, a total of 23,000 people had

been expelled in an operation that impressed DutchBat and other observers for its military efficiency.<sup>62</sup> The expulsions clearly constituted a violation of IHL,<sup>63</sup> although the significance of the crime has been largely overshadowed by the fate of the safe area's estimated 10,000–15,000 men and boys who were deemed of military age. It is impossible to determine how many of this group had actually served as soldiers at one point or another. Srebrenica's ARBiH Commander Sefer Halilović claimed that there were 12,000 among them who could have fought to defend the enclave, although no more than 4,000 were armed.<sup>64</sup> Given the ease with which men could shift between civilian and military status, Mladić and his men confronted a difficult task in distinguishing between noncombatants and soldiers who could be legally detained as prisoners of war. All of the considerable evidence available indicates that they never made any attempt to do so. Beginning in Potočari, all men between fourteen and seventy were segregated, ostensibly for interrogation. In fact, several were killed on the spot, including fourteen executed in the proximity of DutchBat personnel. Meanwhile, the great bulk of the male prisoners were trucked to Bratunac. DutchBat personnel who attempted to follow them were seized, together with their UN vehicles and some uniforms, weapons, and other equipment. Over the next few days DutchBat hostages in Bratunac and elsewhere near Srebrenica witnessed additional executions, as well as boasts among VRS personnel about Bosnian women whom they had raped and men whom they had killed.<sup>65</sup>

Whereas Mladić and his staff had expected the Twenty-Eighth Division to regroup near Potočari, they learned only at midday on the twelfth that the great bulk of Srebrenica's men had opted to break out of the pocket. One group of 700–900 fled east to Serbia, where at least 211 were interned and abused, but not killed, by Yugoslav authorities before being released in April 1996. Another body of 300–850 headed south to Žepa, just in time to be faced with a similar choice on the twenty-first.<sup>66</sup> By far the greatest number of 10,000–15,000, including perhaps 6,000 soldiers (of whom 1,000–1,500 were armed), headed north for Tuzla on the evening of 11–12 July.<sup>67</sup> There is no question that all three columns were legitimate military targets, a status that was tacitly acknowledged at the ICTY trial of VRS General Radislav Krstić. The VRS was, however, not initially in the position to block or attack the main column as it commenced the fifty-five-kilometer trek to Tuzla. By the time Mladić had redeployed his men, the column's better-armed vanguard of roughly 3,000 soldiers had escaped to Tuzla. The 9,000–12,000 who trailed behind were, however, successfully encircled by a VRS cordon that attacked it with artillery, armor, and small arms fire. The relatively few who survived the experience have recounted how many of their panic-stricken compatriots committed suicide, killed each other in the dark, or drowned attempting to cross the Jadar River. It is likely that a considerably larger number were killed by VRS fire. But by far the greatest portion of the main body sur-

rendered, some unwittingly to VRS soldiers equipped with stolen UN vehicles, helmets, and uniforms.

It was at this point that VRS forces committed far more egregious violations of international law by summarily executing many of their captives and trucking the majority to collection points where they were systematically killed. The evidence to support this conclusion is nothing short of overwhelming and has steadily grown over the past decade. The first eyewitness accounts came from a half dozen Bosnian escapees who gave precise, eyewitness accounts of a series of massacres. Among them was Hakija Huseinović, fifty-two, who described how several hundred captives were killed with grenades and small arms fire while trapped in an agricultural warehouse in Kravica, then scooped up for mass burial by tractors.<sup>68</sup> Nežad Avdić, seventeen, recounted shootings of prisoners who were taken off trucks at regular intervals and shot by the roadside while still handcuffed and blindfolded. Smail Hodžić identified a school complex at Karakaj, near Zvornik, from which groups of men were taken out for execution. Investigators were subsequently able to corroborate their testimony by visiting these sites. After their release, DutchBat hostages detained overnight near Nova Kasaba observed roughly 1,000 prisoners being held at a football pitch on the twelfth and approximately 600 bound and blindfolded corpses lying by the side of the road one day later. An array of reconnaissance photographs verified the presence of the prisoners and buses at the soccer field, together with piles of unburied corpses, bulldozers, and freshly turned earth at numerous sites nearby.<sup>69</sup> Other DutchBat personnel held in Bratunac testified to nightly executions of prisoners, some of whom had been collected in Potočari; they were held with captives from the main ARBiH column at a Bratunac soccer field before being transported to nearby execution sites. Some months later, a Bosnian-Croat serving with the VRS, Dražen Erdemović, recounted how he had participated in the execution of 1,200 prisoners at a state farm near Pilica. Acting on his testimony, UN officials located the site and buried corpses where Erdemović's unit had left them.<sup>70</sup> To date teams of investigators from the ICTY, Bosnia's Commission on Missing Persons, the International Commission for Missing Persons (ICMP), and the Tuzla cantonal prosecutor have recovered 7,040 corpses—many still bound—from twenty-seven original burial sites and forty secondary ones to which most were relocated in an apparent attempt to hide the evidence. DNA testing by the ICMP has led to the positive identification of 6,838 individual victims (including at least 13 women), with fewer than 700 persons still missing from the Srebrenica safe area.<sup>71</sup>

Over the past four years, this already considerable body of evidence has been supplemented by a series of ICTY trials, featuring confessions by several Bosnian Serb military high officials. While denying command responsibility for genocide and war crimes committed at Srebrenica, Drina Corps commander General Radoslav Krstić freely admitted during his August 2001 trial to the commis-

sion of mass executions by VRS forces. In October 2003, the chief of intelligence for the VRS Zvornik Brigade, Momir Nikolić, recounted the 12 July 1995 meeting in Bratunac, where General Mladić announced plans to kill all prisoners, after which Nikolić prepared for “the separation, detention and killings of the men.” He approached Mladić individually the next day, after hearing him reassure several hundred prisoners detained in Konjević Polje that they had nothing to worry about, at which point the general reaffirmed with a sweeping gesture of his hand that they were all to be cut down. Nor did Nikolić’s work cease there. After supervising four days of executions, Nikolić then directed the disinterment and reburial of many of the victims in order to frustrate the attempts of international officials to locate the bodies. According to Nikolić, Operation Krivaja 95 was common knowledge to all of the VRS officers present in Bratunac, including General Krstić.<sup>72</sup>

Nikolić’s account of Mladić’s 13 July speech to the prisoners at Konjević Polje corroborates the claims of survivors of the executions, much as his description of the reburials confirms the evidence presented by aerial reconnaissance photographs. It is also consistent with the October 2003 ICTY testimony of his immediate superior, Dragan Obrenović, chief of staff and deputy commander of the VRS Zvornik Brigade, who admitted reassigning some of his troops to assist in liquidating the prisoners detained in Bratunac. His rather detailed account of the operation also assigned direct responsibility to General Mladić, who attempted to conceal executions from the Red Cross and DutchBat personnel by ordering that the estimated 4,000 prisoners be shipped an additional fifteen kilometers from nearby Bratunac to Zvornik.<sup>73</sup> One month later, the testimony of Obrenović and Nikolić was complemented by one of Bratunac’s municipal leaders, Miroslav Deronjić, who testified that Radovan Karadžić himself told him on 9 July 1995—two days before the fall of Srebrenica—that all of the prisoners “need to be killed—whatever [number] you can lay your hands on.”<sup>74</sup>

The ongoing proceedings at The Hague have been yielding additional evidence and confessions by former VRS personnel.<sup>75</sup> A case in point is the revelation by Nataša Kandić of a videotape filmed by the Scorpions, a Croatian Serb paramilitary group, as they executed six Bosniak men after the town’s capture. That said, the trials have been somewhat overshadowed by the public release in October 2004 of the final report of the Republika Srpska’s Srebrenica Commission, which concluded its own extensive investigation by reaffirming that between 6,500 and 8,800 Bosnian men and boys were killed after the town’s capture, their bodies distributed among thirty-two secret burial sites. While categorically confirming the massacre, RS Commission member Željko Vujadinović lamented that the executioners “should have buried the bodies deeper.”<sup>76</sup> Nonetheless, RS President Dragan Čavić issued a public statement acknowledging the

“staggering” scope of the crime detailed in the commission’s report, terming the events of July 1995 “a black page in the history of the Serb people.”<sup>77</sup>

With Srebrenica firmly in his hands, Mladić turned next to Žepa. To a great extent, the two towns’ wartime experiences paralleled one another. Led by ARBiH Colonel Avdo Palić, Žepa’s majority Bosniaks had defeated its small JNA garrison at the same time that Orić was expelling Serb paramilitaries from Srebrenica. Žepa’s majority Bosniaks had cut off and defeated twenty-five JNA soldiers at a communications center in May 1992. When a relief column attempted to reach the garrison it was ambushed by Palić’s men, with the loss of fifty-four Serbs killed, many of whom were from the Bosnian Serb capital of Pale.<sup>78</sup> The ambush infuriated the Serbs, who claimed that they had been promised safe conduct by the colonel. For much of the following twelve months Žepa shared Srebrenica’s experiences as Naser Orić’s Twenty-Eighth Division held and then lost the initiative in the face of the massive spring 1993 VRS counterattack. Because the May 1993 truce that Generals Morillon and Halilović concluded applied to both towns, Žepa experienced the same maddening stalemate among ARBiH forces that failed to surrender their weapons, VRS besiegers who continued to bombard the town, and UNPROFOR peacekeepers who had neither the mandate nor the numbers to enforce the compliance of either side. Not surprisingly, the Bosnian Serbs were willing to negotiate the peaceful evacuation of the town’s estimated 7,000 civilians, whereas the Bosnian government resisted any agreement that would constitute another triumph for ethnic cleansing by ordering Palić to stand and fight.

As with Srebrenica, the VRS commenced operations by shelling the blocking force of UNPROFOR outposts on 8 July. Perhaps it was because of what had happened to DutchBat, that the much weaker 120-man Ukrainian contingent stood its ground, if only to buy what everyone realized was limited time before it would need to surrender. They readily acceded to Palić’s request for the weapons that had been interned under the 8 May 1993 demilitarization agreement and after several tense confrontations eventually turned a blind eye to the seizure of some of their own ordnance by Palić’s desperate men. Yet all hope ceased on 14 July, when the VRS launched Operation Stupčanica 95 in earnest against the Ukrainian and ARBiH defenders. Aside from some flyovers the UN military command ignored repeated pleas for air support. By the eighteenth, with four Ukrainian outposts taken and one of the remaining five surrounded and being openly threatened with annihilation, President Izetbegović and General Smith reached an agreement to evacuate Žepa’s civilian population; as Izetbegović later told Carl Bildt, “ethnic cleansing is better than ethnic murder.”<sup>79</sup>

Indeed, there would be no massacres in Žepa, largely because the Ukrainians still held the town and their weapons, while Mayor Mehmed Hajrić negotiated the evacuations directly with Mladić independently of ARBiH HQ and even

Colonel Palić.<sup>80</sup> By the nineteenth, roughly 5,000 civilians had been transported from Žepa, which was now systematically looted by VRS forces. Meanwhile, Palić's troops broke out of the enclave with perhaps 500 crossing the Drina into Serbia, where they were interned for the war's duration, and another 300 disappearing in the direction of Kladanj. These data do not account for the remainder of Palić's men. But we do know what happened to Palić, who stayed behind, was detained for a meeting with Mladić, and was executed shortly afterward.<sup>81</sup>

### III. Conclusion

States act in their own best interest, and where there is no interest, there is no action. This simple corollary of *raison d'état* explains the career of the safe areas from their creation to the fall of Srebrenica and Žepa. Ironically it was the resulting massacre at Srebrenica that finally shamed the great powers into addressing the humanitarian impulse to do something beyond posturing. The realization was particularly embarrassing for President Clinton, who was not only lambasted by Republican presidential candidate Robert Dole but by prominent Democrats like Senator Diane Feinstein, who confronted him with a photograph of a Bosnian girl who had hanged herself after being gang raped by Bosnian Serb soldiers following the fall of Srebrenica.<sup>82</sup> He now reluctantly confronted the inevitability of intervening militarily, either to send in ground troops to evacuate UNPROFOR garrisons that had become ready hostages for the VRS or to enforce heretofore empty UN resolutions and NATO threats by launching air strikes against the Bosnian Serbs. Some of the credit for this volte-face goes to the new French President Jacques Chirac, who readily characterized the Serbs as "unscrupulous people, terrorists" and now overruled his generals by demanding that the West undertake military action against the Serbs.<sup>83</sup> At the same time, the U.S. was eager to avoid the prospective fall of the much more populous Bihać pocket, which portended an even greater humanitarian catastrophe than had happened at Srebrenica.<sup>84</sup> As a result, the U.S. sanctioned the launching of Operation Storm (next chapter) and persuaded the NATO Council to launch punishing air strikes against the VRS upon their next violation of *any* UN safe area.<sup>85</sup>

The launching of Operation Deliberate Force on the morrow of the second Markale mortar attack was swift and decisive in ending four years of war in Croatia and Bosnia.<sup>86</sup> What still remains to be resolved is the full extent of the crimes committed in and around the safe areas. Despite the record of indiscriminate attacks against civilians and the weight of forensic evidence, it may never be possible to prove conclusively that Bosnian Serb forces were responsible for all three of Sarajevo's mortar massacres so long as there remain voices that continue to raise admittedly unsubstantiated claims that the ARBiH fired on its own people. Nonetheless, unanswered questions about the origin of any of these attacks can-

not challenge the overwhelming amount of evidence that the VRS engaged in massive, indiscriminate shelling of civilians. More research also needs to be done to ascertain the extent of the crimes committed against the city's Serb population, particularly in the face of sweeping—but still undocumented—claims first made by RS Prime Minister Pero Bukejlović that the numbers may have been greater than those tallied in the Srebrenica massacres.<sup>87</sup> Although the ICTY has investigated crimes committed by Bosniak gangs against Serb civilians, a thorough accounting will require the assistance of Bosnian Federation officials and civilians who have heretofore proven reluctant to look into them.<sup>88</sup>

Given the evidence, successive judgments by the ICTY and International Court of Justice (ICJ), the RS Srebrenica Commission report, and former RS President Čavić's "confrontation with the truth,"<sup>89</sup> there can be no doubt about the first legally recognized genocide in Europe since World War II. Nonetheless, there remain several subsidiary issues that merit additional research. It may never be possible to estimate accurately the relatively small number of the nearly eight thousand dead who were actually killed in action during the breakout rather than in cold blood by execution squads. On the other hand, interviews with former VRS commanders may enable us to determine whether Mladić intended all along to execute male prisoners or made the decision only after discovering that the bulk of the Twenty-Eighth Division had already escaped his grasp. Although there is considerable peripheral evidence that rump Yugoslavia's civilian and military leadership knew about the massacre and may have assisted in it, it could take years before access to the Serbian state archives will permit scholars to arrive at a definitive judgment. With the ICTY nearing the end of its mandate, it is important that the Bosnian government empower the projected Truth Commission for Sarajevo, so that it can establish the degree to which the city's Serb population was subjected to persecution and violence during the war.

Finally, more research needs to be undertaken concerning events in and around wartime Tuzla. Whereas VRS responsibility for the May 1995 mortar attack was never disputed until indictments were issued in 2007, other issues remain to be settled. Much as in Sarajevo and Žepa, Tuzla's JNA garrison was ambushed in May 1992 as it evacuated the city in violation of an agreement that it had concluded with Bosnian government civil and military authorities. Although the ICTY found no evidence of complicity by the signers, responsibility for the deaths of thirty-four JNA soldiers—and four members of the Bosnian authorities' security escort—merits closer attention. Belgrade's Serbian Documentation Center also claims evidence that the city's Serb minority was subject to violence, including rape and murder. In defense of its celebrated reputation for multiethnic coexistence, city authorities acknowledged, investigated, and punished seven wartime murders of Serb civilians by sentencing the perpetrators to prison terms averaging thirteen and one-half years.<sup>90</sup> Surely both sides in this and other re-



maining controversies deserve to learn together the extent to which such accusations are true or without foundation.

## Notes

- 1 Jan Willem Honig and Norbert Both, *Srebrenica: Record of a War Crime* (London: Penguin, 1996), 136. Most recently, former UN civil and political officer David Harland, "UN Official Says Serbian Support Made Sarajevo Siege Possible," ICTY: Milošević Trial, 5 November 2003. Council for International Justice, [www.cij.org](http://www.cij.org), accessed 16 December 2003. Harland also characterized Sir Michael Rose's claim that the ARBiH fired a mortar from near Sarajevo's Koševo Hospital as "an accurate statement of what was going on."
- 2 Paul S. Shoup and Steven L. Burg, *The War in Bosnia-Herzegovina: Ethnic Conflict and International Intervention* (Armonk, NY: M. E. Sharpe, 1999), 141.
- 3 Honig and Both, *Srebrenica*, 86, 91–92.
- 4 Ibid., 99; David Owen, *Balkan Odyssey* (New York: Harcourt Brace, 1995), 68.
- 5 Daniel Bethlehem and Mark Weller, eds., *The "Yugoslav" Crisis in International Law: General Issues*, Cambridge International Documents Series 5 (Cambridge: Cambridge University Press, 1997), 35–36, 40–41.
- 6 Such as NATO's Atlantic Council (which authorized responses only to attacks on UNPROFOR but not those on civilians); UNPROFOR General Michael Rose (who deemed *deter* insufficient to justify retaliation); and his successor, General Rupert Smith (who authorized retaliation for attacks on civilians as well as UN personnel).
- 7 Interview with former UNSC Ambassador Diego Arria by Charles Ingrao, January 2005.
- 8 Interview with former U.S. Deputy Chief of Mission Jack Zetkovic by Charles Ingrao, July 1997.
- 9 Interview with Diego Arria by Charles Ingrao, January 2005.
- 10 Thus the Turkish ambassador's judgment that "the 'joint action program' . . . appears to accept the *status quo* imposed by the use of force" and Diego Arria's characterization of Resolution 819 as a "total farce." Bethlehem and Weller, *The "Yugoslav" Crisis in International Law*, 284–93; Arria witness statement, ICTY 1 and 14 April, 22–25 September 2003.
- 11 Roy Gutman and David Rieff, *The Crimes of War: What the Public Should Know* (New York: Norton, 1999), 320. Although Sommaruga himself had assumed these conditions when first broaching the idea of safe zones, Austrian Foreign Minister Alois Mock had pushed for their implementation without requiring mutual agreement or disarmament. Honig and Both, *Srebrenica*, 100–01, 104.
- 12 Although UNSCR 824 did call on "all parties" to respect UNPROFOR and other humanitarian agencies. Bethlehem and Weller, eds., *The "Yugoslav" Crisis in International Law*, 40–41.
- 13 Honig and Both, *Srebrenica*, 85, 89–90.
- 14 Nederlands Instituut voor Oorlogsdocumentatie, *Srebrenica: Reconstruction, Background, Consequences and Analyses of the Fall of a Safe Area* (CD, 2003), part II, chapter 3, section 3 (hereafter NIOD, II:3:3), also available at <http://194.134.65.21/srebrenica/>; Honig and Both, *Srebrenica*, 105–06.
- 15 NIOD, II:3:5; Honig and Both, *Srebrenica*, 107–10.
- 16 Honig and Both, *Srebrenica*, 106; Owen *Balkan Odyssey*, 70–71. According to Lord Owen, VRS commander Ratko Mladić was content to tolerate the safe areas as a

- “dumping ground” for refugees if Bosnian government forces were allowed to keep their weapons. Owen, *Balkan Odyssey*, 82.
- 17 “The Serbs appeared not to want to physically take any of the so-called safe areas, even though they could have done so.” Owen, *Balkan Odyssey*, 214.
  - 18 *Ibid.*, 178, 183, 190–192, 388–89.
  - 19 UN Secretary-General Report S/1994/300, 16 March 1994.
  - 20 Central Intelligence Agency, *Balkan Battlegrounds: A Military History of the Yugoslav Conflict, 1990–1995*, 1 (Washington: 2002), 186–87; Marko Attila Hoare, *How Bosnia Armed: From Milošević to Bin Laden* (London: Saqi Books, 2004).

The number of Serb victims has been the subject of some dispute without any benefit of serious research. The Bosnian Serb Police Commission put the toll at 221 raped, 800 tortured, and 2,309 killed, with their bodies distributed among twenty-one locations within the besieged city. Both Republika Srpska’s Office of Missing Persons and the Civil Security Center of Serb Sarajevo have placed the number at five thousand. On the other hand, team coleader Darko Gavrilović’s attempts to document the center’s claim that 200 Serb civilians were massacred and buried in a mass grave near the Restaurant Bazenı took on the character of a wild goose chase when Organization of Serbian War Prisoners Director Slavko Jovičić demanded \$10,000 in exchange for the requested documentation; the RS government eventually withdrew the claim of a mass grave at the Bazenı. “Bosnian Serb PM Says Sarajevo Serbs Suffered More than Srebrenica Muslims,” *Agence France-Presse*, 25 March 2005; “Swimming Pools Covered in Blood,” *Glas srpski*, 29 October 2003, 5.

Largely anecdotal evidence of murders committed across the city suggests that Čelo’s and Caco’s men were not alone, although other incidents involved random attacks against individuals or small groups of civilians. Mirko Pejanović, *Through Bosnian Eyes: The Political Memoirs of a Bosnian Serb* (West Lafayette, IN: Purdue University Press, 2004), 186; Faıda Rahmanović, “Caco Wasn’t the Only One,” *Svijet*, 11 November 1997; Reuters, “Serbs Hunt for Bodies in Sarajevo Mountain Crevice,” 1 June 2000.

- 21 Shoup and Burg, *War in Bosnia-Herzegovina*, 152–53.
- 22 This claim by UNPROFOR’s controversial commander Sir Michael Rose has been corroborated by the ICTY testimony of UN Civil and Political Affairs official David Harland, even as he dismissed accusations that ARBiH forces fired on their own subjects. “UN Official Says Serbian Support Made Sarajevo Siege Possible,” 5 November 2003, Coalition for International Justice (CIJ), <http://www.cij.org>, accessed 16 December 2003.
- 23 Although only two of the three judges concluded that Galić personally issued the orders, the evidence against Milošević elicited a unanimous judgment.
- 24 Robert Donia, *Sarajevo: A Biography* (Ann Arbor: University of Michigan Press, 2006), 298.
- 25 Gutman and Rieff, *Crimes of War*, 180, 338; Tom Gjelten, *Sarajevo Daily: A City and Its Newspaper under Siege* (New York: Harper Collins, 1995), 116.
- 26 “And let me tell you this right now, if the Military Hospital falls into the hands of the enemy, I am for the destruction of the Koševo hospital so that the enemy has nowhere to go for medical help.” Transcript of Sixteenth Session of the Assembly of the Serbian People of BiH (12 May 1992), cited in *Prosecutor vs. Slobodan Milošević*, ICTY: IT-02-54, Exhibit 518, ERN 0190-8531–0190-8533.
- 27 Interview with Dušan Bataković by Charles Ingrao, October 1998; Andrés Riedlmayer, “Convivencia under Fire: Genocide and Book-Burning in Bosnia,” in *The Holocaust*

- and the Book: Destruction and Preservation*, ed. J. Rose (Amherst: University of Massachusetts, 2001), 266–91.
- 28 VRS gunners openly admitted the attack to BBC reporter Kate Adie, apologizing profusely for a stray shell that had struck the nearby Holiday Inn, where the international press corps was quartered. Michael Sells, *A Bridge Betrayed: Religion and Genocide in Bosnia* (Berkeley: University of California Press, 1996), 3.
- 29 *ICTY vs. Dragomir Milošević—Judgment*, [www.un.org/icty/milosevic-d/trialc/judgment/](http://www.un.org/icty/milosevic-d/trialc/judgment/), accessed 16 February 2008.
- 30 *Ibid.*, § 909, 927, 937. Moreover, the trams operated only during ceasefires. *Ibid.*, § 969.
- 31 *Ibid.*, § 912–13; Gutman and Rieff, *Crimes of War*, 88.
- 32 Shoup and Burg, *War in Bosnia-Herzegovina*, 145; *ICTY vs. Dragomir Milošević—Judgment*, § 912–13.
- 33 CIA, *Balkan Battlegrounds*, 229–30.
- 34 Lewis MacKenzie, *Peacekeeper: The Road to Sarajevo* (New York: Harper Collins, 1994), 293; Shoup and Burg, *War in Bosnia-Herzegovina*, 167–68.
- 35 Benjamin Rusek and Charles Ingrao, “The ‘Mortar Massacres’: A Controversy Revisited,” in *Resolving the Yugoslav Controversies: A Scholars’ Initiative*, ed. Charles Ingrao and Thomas Emmert, special issue, *Nationalities Papers*, 32, no. 4 (2004): 845; Shoup and Burg, *War in Bosnia-Herzegovina*, 162, 165; Chuck Sudetic, *Blood and Vengeance: One Family’s Story of the War in Bosnia* (New York: Norton, 1998), 248; Charles G. Boyd, “Making Peace with the Guilty: The Truth about Bosnia, *Foreign Affairs* 74 (1995), 22–38.
- 36 For an analysis of the interplay of victimization and international intervention, see Alan J. Kuperman, “The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans,” *International Studies Quarterly* (forthcoming).
- 37 Tom Gjelten, “Blaming the Victim,” *New Republic*, 29 December 1993, 14–16.
- 38 Rusek and Ingrao, “Mortar Massacres,” 837.
- 39 Interview with former UNPROFOR Captain Ken Lindsay by Charles Ingrao 1997; UNPROFOR Investigation Report: Sarajevo Market Explosion, 5 February 1994, reproduced in *Serbian Studies* 17 (2003): 305.
- 40 “UN Officer Insists on Repeat Investigation of Markale Bombing,” Russian Information Agency ITAR-TASS, 4 September 1995; “Russian Colonel’s Conclusions Were Short,” Sense News Agency, 6 July 2007; *ICTY vs. Dragomir Milošević—Judgment*, § 703–13, 722–23.
- 41 Cees Wiebes, *Intelligence and the War in Bosnia* (Münster, London, and Hannover: Lit Verlag, 2003), 847.
- 42 Interview with former UNPROFOR Captain Ken Lindsay by Charles Ingrao, 1997. Indeed, General Smith’s published account of the attack does not say a word about the evidence that led him to conclude VRS culpability. Rupert Smith, *The Utility of Force: The Art of War in the Modern World* (London: Knopf, 2005), 364–65.
- 43 Most notably the attack on the filled Dobrinja soccer stadium (1 June 1993; 12 dead, 200 injured), but also attacks on a crowd in a residential community (12 July 1993; 12 dead, 15 injured), on the Ciglane Market (6 December 1993; 4 dead, 13 injured), on a schoolyard (22 January 1994; 6 dead, 5 injured), and on a humanitarian aid line in Dobrinja (4 February 1994; 8 dead, 23 injured). These attacks and the three contested explosions are examined in greater detail in Rusek and Ingrao, “Mortar Massacres,” 827–52.
- 44 Shoup and Burg, *War in Bosnia-Herzegovina*, 146–51.

- 45 For David Harland's acknowledgment of ethnic cleansing see ICTY, Milošević Trial, 5 Nov 2003; "UN Official Says Serbian Support Made Sarajevo Siege Possible," [www.cij.org](http://www.cij.org), accessed 16 December 2003.
- 46 CIA, *Balkan Battlegrounds*, 248–49.
- 47 Shoup and Burg, *War in Bosnia-Herzegovina*, 155–58.
- 48 Interview with former U.S. Ambassador Peter Galbraith by Charles Ingrao, 28 October 2002; CIA, *Balkan Battlegrounds*, 249.
- 49 Gutman and Rieff, *Crimes of War*, 177–78. Indeed, the incident made its way into the ICTY indictments against both Mladić and Karadžić. UN Press Spokesperson Alex Ivanko characterized the VRS leadership as a "terrorist organization," only to be threatened with "an accident" by an aide to Radovan Karadžić. Raphael Drashtak, *Endspiel* (Vienna: Braumüller, 2005), 87–89.
- 50 David Rohde, *Endgame: The Betrayal and Fall of Srebrenica, Europe's Worst Massacre since World War II* (New York: Farrar, Straus and Giroux, 1997), 27–28; Shoup and Burg, *War in Bosnia-Herzegovina*, 331.
- 51 James Gow, *The Serbian Project and Its Adversaries: A Strategy of War Crimes* (Montreal: McGill-Queen's University Press, 2003), 187, 270–71; Tim Ripley, *Operation Deliberate Force: The UN and NATO Campaign in Bosnia, 1995* (Lancaster, UK: CDISS, 1999), 114.
- 52 NIOD, II:2:4; Honig and Both, *Srebrenica*, 79–81; Rohde, *Endgame*, 44; CIA, *Balkan Battlegrounds*, 151; *ICTY vs. Naser Orić*, <http://www.un.org/icty/oric/trialc/judgement/ori-jud060630e.pdf>, accessed 15 September 2008. Although Serbian sources claim 353 died at Kravica and up to 1,000 more elsewhere, the Office of the Prosecutor (OTP) dismissed these largely undocumented estimates in favor of captured internal VRS reports indicating that only 43 had been killed at Kravica, principally soldiers. <http://www.un.org/icty/briefing/2005/PB050706.htm>, accessed 15 September 2008.
- 53 NIOD, II:3:1.
- 54 NIOD, III:5:8. That these raids constituted part of an overall strategy is reflected by an especially daring ARBiH raid from Goražde that overran a VRS position in Višegrad, inflicting forty-five casualties, including fourteen killed. *Ibid.*, III:5:8.
- 55 For detailed discussion of Mladić's motives, see Wiebes, *Intelligence and the War in Bosnia*, 369.
- 56 Marlise Simons, "Officers Say Bosnian Massacre Was Deliberate," *New York Times*, 12 October 2003.
- 57 NIOD, III:5:8/11, IV:1:7.
- 58 Hoare, *How Bosnia Armed*, 118; Honig and Both, *Srebrenica*, 30, 34.
- 59 Ali M. Koknar, "The Kontraktniki: Russian Mercenaries at War in the Balkans," *Bosnian Institute News*, 14 July 2003.
- 60 Rohde, *Endgame*, 35–36, 49, 65.
- 61 Honig and Both, *Srebrenica*, 45.
- 62 *Ibid.*, 42, 45.
- 63 Gutman and Rieff, *Crimes of War*, 87.
- 64 NIOD, III:6:24.
- 65 Honig and Both, *Srebrenica*, 37–38, 40.
- 66 NIOD, IV:1:1/7; CIJ, "Former Prisoner Testifies about Prison Camp in Serbia," Milošević Trial, Day 267, 10 December 2003.
- 67 Including top military and civil officials and their dependents. NIOD, IV:1:2/4.
- 68 Huseinović's testimony was confirmed in February 2003 by Bosnian Serb construction worker Krsto Simić, who recounted the painstaking process of loading and burying the warehouse victims at one site, then returning several months later to excavate and move

- the bodies to a new location. "A Suspect Speaks Out," Sence News Agency, 24 February 2004.
- 69 Wiebes, *Intelligence*, 340–53. A combination of satellite, U-2, NATO fighter jets, and some UAV Predators was employed.
- 70 Honig and Both, *Srebrenica*, 52–62.
- 71 Karadžić Indictment, Attachment A, Article 28; "The Events in and around Srebrenica," RS Srebrenica Commission Report; "Number of DNA-Identified War Victims in Balkans Reaches 10,000," Agence France-Presse, 5 July 2006, and "More than 700 Skeletons Found so Far in Bosnian Mass Grave," Agence France-Presse, 27 July 2006; data updates through June 2012 courtesy of the ICMP. Remains are housed in a specially built structure for the Podrinje Identification Project (PIP) in Tuzla, Bosnia.
- 72 *ICTY vs. Momir Nikolić*. <http://un.org/icty/cases-e/cis/nikolic/cis-mnikolic.pdf>, accessed 15 September 2008. During his ICTY trial, Nikolić issued a statement apologizing "to the victims, their families and to the Bosniak people for my participation in the crime. I am aware I cannot bring back the dead, that I cannot mitigate the pain of families by my confession. But I wish to contribute to the full truth about Srebrenica."
- 73 Marlise Simons, "Officers Say Bosnian Massacre Was Deliberate," *New York Times*, 12 October 2003; "I Am To Blame,' Srebrenica Defendant Tells Court." *CII*, 31 October 2003. During his trial Obrenović apologized to the victims' families, asserting that "I am guilty for what I did and did not do. . . . Thousands of innocent people were killed, only the graves remain. . . . Part of that is to be blamed on me."
- 74 Toby Sterling, "Appeal of Only Yugoslav Genocide Convict Begins at Hague War Crimes Tribunal," Associated Press, 21 November 2003.
- 75 Perhaps including Marko Boskić, whose August 2004 account of the executions corroborated the ICTY testimony of his fellow Bosnian-Croat Dražen Erdemović that all witnesses to the massacres, including bus drivers, were given the choice of shooting prisoners or being killed themselves. Shelley Murphy, "Written Account Says Boskić Confessed to 1995 Massacre," *Boston Globe*, 10 March 2005.
- 76 As related by Darko Gavrilović following interviews with Željko Vujadinović, October–November 2004.
- 77 Dragan Čavić, "Public Address on the Srebrenica Commission Report," 22 June 2004.
- 78 The attempted relief is covered in Slobodan Srdanović, *Pale: ratna hronika* (Belgrade: Edicija Dokumenti, 1998).
- 79 Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (London: Weidenfeld and Nicolson, 1998), 66.
- 80 Although Palić's chief of staff, Hamdija Torlak, participated in the agreement, ostensibly without the colonel's permission.
- 81 Palić's disappearance has spawned at least one story that he colluded with the Serbs to surrender Žepa in return for the peaceful withdrawal of its civilian and military personnel, only to be executed afterward. Interviews with the former mayor of Pale, Savo Vasiljević, and the head of Žepa's Bosniak DP community, Alija Pavica, by Victor Bezruchenko, 1995.
- 82 Drashtak, *Endspiel*, 105–07.
- 83 Daniel Eisermann, *Der lange Weg nach Dayton: Die westliche Politik und der Krieg im ehemaligen Jugoslawien 1991 bis 1995* (Baden-Baden: Nomos, 2000), 309–10; Brendan Simms, *Unfinest Hour: Britain and the Destruction of Bosnia* (London: Allen Lane, 2001), 325–26; Brian Rathbun, *Partisan Interventions: European Party Politics and Peace Enforcement in the Balkans* (Ithaca: Cornell University Press, 2004), 141–45.
- 84 Interview with Ambassador Peter Galbraith by Charles Ingrao, January 2004.

- 85 The British went along only after an agreement in London that any attack on Gorazde would elicit a massive NATO air assault to protect the beleaguered British garrison. Ivo Daalder, *Getting to Dayton: The Making of America's Bosnia Policy* (Washington: Brookings Institution, 2000), 68–79.
- 86 Charles Ingrao, “Western Intervention in Bosnia: Operation Deliberate Force,” in *Naval Coalition Warfare: From the Napoleonic Wars to Operation Iraqi Freedom*, ed. Bruce Elleman and Sarah Paine (London: Routledge, 2010), 169–82.
- 87 “Bosnian Serb PM says Sarajevo Serbs suffered more than Srebrenica Muslims,” *Agence France-Presse*, 25 March 2005.
- 88 Pejanović, *Through Bosnian Eyes*, 142–43. The silence assumes more sinister dimensions in the face of charges by one Sarajevo journalist that certain newspaper editors “care more about the safety of their journalists” than ascertaining the extent of the crimes. Zlatko Dizdarević, “We Didn’t Know,” *Svijet*, 11 November 1997.
- 89 Čavić, “Public Address.”
- 90 Dušica Borić, “The War in Bosnia, with a Description of Events in the Tuzla Region,” *Serbian Studies* 17 (2003), 245–46, 251–59, and Sinan Alić, “Suffering of the Serbs in Tuzla: Reality or Deception?” *Serbian Studies* 17 (2003): 264–65, 268.