

II

**МКТБЈ у склопу једнополарног света
МТБЮ в контексте однополярного мира
ICTY in the context of unipolar politics**

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POLITICAL BACKGROUND OF THE YUGOSLAV CRISIS

1. The causes of war / “Serb Aggressors”

a) The legacy of the past

1.1. Josip Broz Tito, Yugoslav president-for-life from 1945–1980, ruthlessly eliminated all opposition to his Communist Party. In 1948, following his split with Soviet leader Stalin, Tito completed the process by purging remaining traces of dissent within his party. Politics in Yugoslavia had effectively ended. Tito then achieved ideological consensus among the populace in two ways: internally through the concept of “Brotherhood and Unity” and externally through the threat of invasion — by either the Soviet Red Army or by NATO, whichever was most plausible at a given moment. The bitter ethnic tensions of the past were largely swept under the carpet, along with other disruptive forces. Communism had not done much to aggravate such grievances; nor had it done much to resolve them.

b) Political disintegration

1.2. The foundation stone of the case for demonising the Serbs is the allegation that they were the “aggressors” in all the conflicts that broke out in former Yugoslavia, in pursuit of their ambition for a “Greater Serbia”. This does not stand up to examination. The process of disintegration, which started many years before the conflicts began, involved all the Yugoslav ethnic groupings.

1.3. Even before Tito died, the system he had introduced was beginning to show strains. The huge sums of foreign aid, readily forthcoming since his break

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with Stalin, had begun to dry up as the decline of the USSR made Yugoslavia's non-aligned position of less strategic importance. The prosperous lifestyle of many Yugoslavs in the late 1970s concealed the fact that the country had built up \$20 billion foreign debt, and was saddled with hopelessly inefficient state-run industry.

1.4. Fearing the resurgence of the old World War II divisions, Tito had bequeathed a system of rotational leadership to Yugoslavia. This prevented immediate crisis on his death, but — in continuing a long succession of decentralising reforms — ensured political breakdown in the longer term. By the last years of the 1980s, central government had become ineffective and the economy was on the verge of collapse, with inflation reaching 1,250%. This was exacerbated on 5 November 1990 when the US passed legislation making further aid payments conditional on the holding of “democratic” elections in each of the Yugoslav republics (elections which were bound to give a boost to nationalists and encourage the secession of republics). In practice, this meant an effective end to aid; it also threw the Yugoslav Federal government into crisis because it was unable to pay the enormous interest on its foreign debt or even to arrange the purchase of raw materials for industry. Credit collapsed and recriminations broke out on all sides.

1.5. Politicians throughout Yugoslavia had not been slow to read the signs. In April 1987, Slobodan Milosevic — consolidating his power within the Serbian League of Communists — attended a rally near Priština, the capital of Kosovo, and witnessed Serb demonstrators being beaten up by the local, mainly Albanian, police. His denunciation of the police action endeared him to Serb nationalists, and helped pave the way for his election as Serb President in 1990. A similar process was taking place in Croatia at the same time. Former Communist leader, Franjo Tudjman (an active member in the “Croatian Spring” nationalist movement in the early 1970s, and later a nationalist historian) travelled to Canada, Australia and other countries in the spring of 1987 to raise money from the Croatian diaspora — cash that was used to fund his campaigning and to buy arms. As Steve Hrkač, who now represents diaspora Croats in Tudjman's government, told the Canadian magazine *Saturday Night* “*The first dollars came from Canada. We bankrolled the revolution*”. In Bosnia, Alija Izetbegović launched a Muslim-only political party, the SDA (Party of Democratic Action) in 1990 — the first of the “ethnic” political parties to be formed in Bosnia. He reissued his 1970 Islamic Declaration, which had provoked his imprisonment in 1983, and released a video to coincide with the launch of the SDA in which he, as principal narrator, set out the party's purpose of restoring Muslim ascendancy. Both the Islamic Declaration and the video were later withdrawn. Izetbegović told the Bosnian Parliament in 1991: “*I would sacrifice peace for a sovereign Bosnia-Herzegovina, but for that peace in Bosnia-Herzegovina I would not sacrifice sovereignty*”.

1.6. It has often been claimed (most notably in the BBC's Brian Lapping-produced series *The Death of Yugoslavia*) that a speech made by Slobodan Milosevic in Kosovo in June 1989 was the starting point of the disintegration of Yugoslavia (*"Without question, it was Milosević who had wilfully allowed the genie out of the bottle"*, was the way Misha Glenny put it in his book *The Fall of Yugoslavia*.) This argument is not sustainable. Nationalism had been emerging well before the Milosević speech. Indeed, it is arguable that it can be dated back before Tito's death in 1980, when Tito had publicly lamented the development of eight separate "autarchies" (the six "Republics" and two "Autonomous Regions") and declared their rivalry with each other was ruining the state of Yugoslavia. Nationalism was certainly in evidence early in the post-Tito era. In Croatia, for example, Franjo Tuđman was expelled from the Yugoslav Communist Party in 1986 when he publicly linked himself to the nationalist cause. (As detailed in 1.5.) From 1987 onwards, he was making many connections abroad using his nationalist credentials. In Slovenia in 1987, secessionist leader Janez Janša had been jailed for publishing a secret report and Milan Kučan, the Slovene President, like many other former Communist apparatchiks, had been busily espousing the nationalist cause as he tried to reinvent himself. In Bosnia, Alija Izetbegović, imprisoned by Tito for three years in 1946 for his involvement with the Mladi Muslimani (Young Muslims) movement, served a further 5 year jail term for separatist agitation between 1983–88 (a period when there was still a reasonably effective, broadly-based SFRY regime). The unsurprising reality of what happened was that, as the grip of the SFRY leadership weakened during the 1980s, nationalism began to emerge as an attractive alternative.

c) The sequence of events — Slovenia / Croatia

1.7. The states of the Communist Bloc collapsed one by one during the second half of 1989. Yugoslavia was seen by many to be subject to the same process, though the circumstances were significantly different. Even so, by the beginning of 1990 it was clear that Yugoslavia was in danger of imminent meltdown. The tough economic policies of Ante Marković, the Federal Prime Minister, (a Croat, despite all the claims of 'Serb domination' in Yugoslavia), had brought inflation under some control, but the Presidents of the various Yugoslav republics were not co-operating and government was paralysed. Successive crisis meetings were held; each one made it clearer that the republics were not particularly concerned about finding a solution. With nationalist leaderships in place in Serbia, Slovenia and Croatia, prospects were grim. Tuđman told the 2,500 at his Croatian Democratic Union party conference in January 1990: *"Our opponents see nothing in our programme but the claim for the restoration of an independent Croatian Ustashi state. These people fail to see that the state was not the creation of fascist criminals; it also stood for the historic aspirations of the Croatian people for an independent state. They knew that Hitler planned to build a new European order."* A few months later the Slovene Assembly declared that Slovene laws would take precedence over federal laws and that Slovene conscripts

would not serve in the federal army outside Slovenia. As The Times Literary Supplement noted on 24 November 1995 (in a review of books on Yugoslavia): *“Before the federalists had time to organise themselves, the nationalist lobbies in Slovenia and Croatia had rushed ahead with republic-level elections which were little more than referenda on national sovereignty. They swept the board at a time when other indicators were still showing that many would have voted for the federal option if they had been given the chance”*.

1.8. Persecution of Serbs in Croatia started with the election of Tudjman’s government in 1990. Serbs were forced from senior jobs and state housing; there was only cursory investigation of many beatings and even murders. This provoked mainly-Serb rural areas to declare autonomy from Croatia; their desire to remain within the Yugoslav Federation led to armed clashes between Croat and Croatian Serb police and between locally-organised militias. There was no grand-scale flashpoint: fighting tended to flare up in areas of mixed population, where tension had been building and little was needed to spark violence.

1.9. Evidence suggests the Croatians were the first to resort to planned violence. Gojko Sušak, later Croatia’s defence minister and Tudjman’s effective deputy, played a significant part: (Extract from article on Sušak from Canadian magazine Saturday Night): *“Late one evening in the spring of 1991, when the republics that made up Yugoslavia were on the edge of civil war, a regional police chief in eastern Croatia was ordered to drive three men [one of whom was Sušak] down the country roads ... They pulled off the road and into some corn-fields outside a Serb village.... The three men opened the trunk, took out shoulder-launched Ambrust missiles, and began firing at the village.”*

1.10. Four days after assuring US Secretary of State James Baker that they would take no unilateral action, Slovenia and Croatia declared independence on 25 June 1991. (Baker had warned Milan Kučan of Slovenia and Franjo Tudjman of Croatia that in no circumstances would the US recognise Slovenia and Croatia.) This took concrete form on 27 June, when Slovenia hauled down Yugoslav flags along the Austrian frontier and helped itself to the customs revenues collected there (on which the federal government heavily depended). Clashes between the Slovene and JNA (Yugoslav Peoples’ Army, the army of the [SFRY] Socialist Federal Republic of Yugoslavia) forces, the so-called “10-day war”, took place when the remains of the federal government sent in 3,000 conscripts. As no resistance had been expected, the men were only lightly armed. After a series of undignified and clumsy encounters, the federal army withdrew. The “war” cost the lives of 19 Slovenes and 45 federal soldiers. Slovenia formally became independent as far as SFRY was concerned on 8 October 1991, and was recognised in January, April and May 1992 by the EC, US and UN respectively. There were no further military clashes of any significance. This fighting, in common with early fighting in Croatia, was characterised by the world’s media as *“freedom fighters”* against *“communist bullies”*. In reality, it was conflict between those striving to preserve the federation and those trying to abandon it.

1.11. After Croatia declared its intention to become independent in June 1991, relations with the rest of Yugoslavia were abruptly ruptured. Tudjman ordered that the many units of the federal army stationed in Croatia must either surrender or be deprived of food, light and communications with the outside world. His Territorial Defence forces (TOs), which he had been surreptitiously arming, training and expanding, surrounded army barracks. At the same time, fighting intensified between Croatian and Croatian Serb forces, with the JNA initially intervening to keep them apart. When it became clear that the whole of Croatia could not be retained within the Yugoslav Federation, the JNA set about defending those (the Croatian Serbs) who wanted to remain within the Federation. After the intervention of the EC, via the Hague Conference, and then the UN, in the person of Cyrus Vance, an uneasy truce was put in place by the end of the year.

d) The sequence of events — Bosnia

1.12. In 1991 (the last pre-war census), the population of Bosnia-Herzegovina was approximately 44% Muslim, 31% Serb and 17% Croat. In the first multi-party elections in 1990, about 80% of the votes were for the three main nationalist parties, the Muslim SDA (Party of Democratic Action), the Serb SDS (Serb Democratic Party), and the Croat HDZ (Croatian Democratic Union). The nationalists formed a grand coalition for the second round of elections, and were then able to dictate the political form of the new Bosnia. A seven-member Presidency was formed, with two representatives from each party, one for “minorities” and a rotating President of the Presidency. SDA member Fikret Abdić had gained the most votes for a seat on the presidency by a substantial margin, but he stood aside for the SDA leader, Alija Izetbegović, to become the first President of the Presidency. (The position of President never rotated. Invoking “crisis” measures, Izetbegović retained that position until the September 1996 post-Dayton election, when he achieved the highest count in the vote for the three-man [one Muslim, one Serb, one Croat] Presidency and again became the first rotating President, this time of Dayton Bosnia). However, the coalition agreed that a consensus was required for any major political change to be valid.

1.13. Without any such consensus, the Bosnian Parliament, where combined Muslim and Croat deputies formed the majority, first declared sovereignty on 15 October 1991. The Muslim SDA received Croat HDZ backing for this because the Croatian party hoped that independence from Yugoslavia would be a stepping-stone to Hercegovina’s union with Croatia. The declaration provoked the withdrawal of the two main Serb parties from the Parliament. Aware of the potential problems for Bosnia, Izetbegović argued against the international recognition of Croatia and Slovenia. When his hand was forced by Germany and the EC, Izetbegović applied for EC recognition of Bosnia, even though no centralised control existed in the republic. On 25 January 1992, a debate in the parliament (still boycotted by the Serbian parties, which together represented a third of the population of Bosnia), endorsed the holding of a referendum on

sovereignty between 29 February and 1 March (this referendum had been one of the conditions demanded by the Badinter Commission before the EC would consider recognition of independence.), even though, under the consensus arrangement, the absence of the Serbs should have blocked such a major political change. Following the referendum (99.4% in favour from a 63% turnout), Bosnia declared itself independent on 3 March. On 27 March, Republika Srpska was proclaimed.

1.14. Urgent negotiations were held under the auspices of Lord Peter Carrington, former UK Foreign Secretary, and Jose Cutileiro, the Portuguese rotating head of the EC for that six-month period. On 18 March 1992, an agreement was signed in Sarajevo (the so-called Lisbon agreement) by the leaders of each of the three main political parties [Alija Izetbegović for the SDA; Mate Boban for the HDZ; and Radovan Karadžić for the SDS]. This agreement was for a tripartite constitutional arrangement for Bosnia (what some have called “cantonisation”). However, Izetbegović later withdrew his signature, at the prompting of US Ambassador Warren Zimmerman. [In a letter to *The Economist* 9–15 December 1995, Mr Cutileiro wrote “*After several rounds of talks our ‘principles for constitutional arrangements for Bosnia and Hercegovina’ were agreed by all three parties (Muslim, Serb and Croat) in Sarajevo on March 18th 1992 as the basis for future negotiations. These continued, maps and all, until the summer when the Muslims reneged on the agreement. Had they not done so, the Bosnian question might have been settled earlier, with less loss of (mainly Muslim) life and land. To be fair, President Izetbegović and his aides were encouraged to scupper that deal and to fight for a unitary Bosnian state by well-meaning outsiders who thought they knew better*”.] Then, although the local parties and the EC wanted to continue talking, the Americans insisted that, as part of the process of recognition for Croatia, other republics which wanted to separate had been guaranteed recognition within three months at the latest. The Americans enforced the April deadline: talks were over and only realities on the ground could change the status quo. In Sarajevo, the first recorded violence was the shooting dead of a Serb (waving a Serbian flag at a wedding) by a Muslim.

e) International involvement

1.15. The support of outside nations had encouraged both Slovenia and Croatia to declare independence. Austria was an enthusiastic supporter, though with little real clout. Germany publicly put forward the case for unconditional recognition of Croatia as early as August 1991. It did so again in October. In December, the German Foreign Minister Hans Dietrich Genscher said that, regardless of their EC partners, the Germans would recognise the secessionist states of Slovenia and Croatia before the end of the year. Germany announced its intention to do so on Christmas Eve, in breach of EC policy just agreed at Maastricht. Germany had succeeded in winning the argument for recognition despite repeated European and US support for the unity of Yugoslavia. In doing

so, Germany had clearly shown that it could take a major unilateral political decision and was no longer compromised in this respect by the Nazi legacy.

1.16. Commentators are agreed that the intense fighting in Bosnia in 1992 was triggered by international recognition of the state, which was in turn dictated by the “premature” recognition of Croatia three months earlier. Although it has always been denied, strong suspicions persist that the basis for Croatia’s recognition was a shabby deal between the UK and Germany. In exchange for an opt-out provision in the Maastricht agreement, the UK dropped its opposition to Germany’s drive for the EC to recognise Croatia. In the summer of 1993, after the Europeans had rejected the US “lift and strike” plan, which Secretary of State Warren Christopher had been pressing on them in a tour of European capitals, Christopher provoked a savage diplomatic spat between the US and Germany when he directly blamed German recognition of Croatia for the fighting.

1.17. As noted in 1.14 above, the US forced the recognition of Bosnia three months after recognition of Croatia. But Macedonia, which had sought independence at the same time as Bosnia, and whose application had been received far more favourably by the EC’s Badinter Commission, was not recognised until a year later. This delay was in deference to Greek sensibilities over the name Macedonia and its national symbols. The objections of an outside country were thus given more weight than the objections of the rest of the country of which Bosnia was a part, Yugoslavia.

1.18. Henry Wynaendts, one of three European politicians involved in EC attempts to negotiate a peaceful settlement in Yugoslavia, made clear in his account of the proceedings that Yugoslavia was never treated as a problem in its own right. Instead, it was seen as a splendid opportunity to demonstrate the authority of the new Europe, whose representatives assumed that they had the right to take control out of the hands of the communities living in Yugoslavia and to impose a new order of their own.

f) International law

1.19. International recognition of the new states was in breach of the **Convention of Montivideo 1933** on the recognition of new states [which required “a government in full control”, “clearly established borders” and “a stable population”], and **The Helsinki Final Act of the Conference on Security and Co-operation in Europe 1975**. [“*The participating states will respect the territorial integrity of each of the participating states. Accordingly they will refrain from any action ...against the territorial integrity, political independence, or the unity of any participating state*”. Recognising Slovenia and Croatia, Germany made a deliberate decision to violate the territorial integrity of Yugoslavia, which under the Helsinki Acts was one of the “participating states”. This generated hardly a word of protest.]

g) Borders

1.20. Borders were a considerable aggravating factor in the disputes between the Yugoslav republics. The writer, Milovan Djilas, one of the three men entrusted by Tito in 1945 with drawing up the borders of the constituent components of the Yugoslav federation, reported Tito as saying “*With us [the Communist Party], these demarcation lines will be no more than administrative frontiers*”. In seeking to establish a Yugoslavia that would not be in thrall to powerful constituent elements, the Tito-defined borders took little or no account of where different groups lived. Thus substantial Serb communities in Croatia and Bosnia, and Croat communities in Bosnia, were left exposed when Yugoslavia broke up. Alexander Solzhenitsyn, in *The Times* on 21 August 1997, noted that the roots of the Yugoslav conflicts lay in Tito’s imposition of arbitrary internal borders, adding that “*blame lies also with the venerable community of western leaders, who — with an angelic naivety — took those false borders seriously, and then hastened, at a moment’s notice, in a day or two, to recognise the independence of several breakaway republics whose political formation they apparently found to be advantageous*”.

h) The JNA

1.21. As the wars developed, the former federal army, the JNA, began to play a greater role, taking control of areas in Croatia and then Bosnia. This was represented by the world’s media as a massive land-grab, to further a “Greater Serbia” policy. It was, in fact, limited in scope, and mainly tactical (securing isolated Serb populations and lines of communication) rather than territorial. Much was made of the statistic that the Serbs had “seized” 70% of Bosnia within the first few months of the war — but they had controlled more than 60% before the fighting started (many Bosnian Serbs were peasant farmers). Over the next two and a half years, there were highly publicised campaigns in Bosnia, with some ebb and flow of territory, but overall territorial changes were minor. In Croatia, apart from two Croatian Army incursions, in January and September 1993, which were reversed by the UN, the front lines were static for nearly four and a half years before the “UN Protected” Serb areas of Western Slavonia and Krajina were overrun by the Croatian Army.

1.22. Charges of “Serb aggression” were rooted in the notion that the JNA was an invading force sent in by Serbia. In reality the JNA, though Serb-dominated at officer-level, was a genuinely pan-Yugoslav conscript army which had emerged from Tito’s WW2 Partisan forces. Multi-ethnic and with a high-command that was strongly Yugoslav (rather than Serbian) in character, by 1990 the JNA was the last remaining truly “Yugoslav” institution. Its job was to defend the Federation; the high command would refuse orders which were not consistent with this. There were several purges of the more “Yugoslav” senior officers from May 1991 onwards, and officers who wanted to be part of the emerging Croatian forces were leaving of their own accord. There was a final

round of purges as, in June 1992, the JNA was dissolved and became the VJ, the army of a Yugoslavia which was now only Serbia and Montenegro.

1.23. Much as the British Army has bases in Scotland, Wales and Northern Ireland, the JNA had bases throughout the republics of Yugoslavia. It was already in Croatia and Bosnia when fighting started — as it had every right to be as a federal army. When Bosnia gained international recognition, the JNA formally withdrew as of May 18, 1992, and the fact of its withdrawal was confirmed by the UN. Many members of the JNA who came from Bosnia were demobilised and became members of the Bosnian Serb Army (BSA), retaining much of their military equipment including heavy weapons. They were ever after characterised as “Serb aggressors”, even though they were Bosnian. That the JNA remained at least partially non-partisan is witnessed by the fact that, as late as April 1992, Alija Izetbegović, chairman of the Sarajevo-based presidency, called on the JNA to intervene to prevent fighting. Presumably it was only later that he realised that the JNA had “invaded” Bosnia.

i) Civil War / International Conflict

1.24. The concept of Serb “invasion” was of crucial importance. If the conflicts in the former Yugoslavia were deemed to be civil, there was no legal basis for international intervention of any kind. The continuing sensitivity of this point was demonstrated when the CNN teletext service recently referred to the Bosnian conflict as a “civil war”: in a statement, the party of Bosnia’s war-time Prime Minister Haris Silajdžić said that this interpretation “*helps to indemnify the aggressor and the ideologues of the genocide and the greatest crimes against humanity committed in Europe since the second world war*”. In consequence, while in Sarajevo to accept a prize for their reporting of the war, a CNN executive found his organisation accused of supporting evil-doers.

1.25. Such “confusion” was widespread. Politicians the world over, from Douglas Hurd to Bill Clinton, repeatedly described the war in Bosnia as a “civil war”. Henry Kissinger, in *The Washington Post* on 22 September 1997, wrote: “*In Bosnia, populated by Croats, Serbs and Muslims whose reciprocal hatreds had broken up the much larger Yugoslavia, the attempt to bring about a multi-ethnic state evoked a murderous **civil war***”.

1.26. The conclusion that “aggression” occurred in the former Yugoslavia is based entirely on the decision of the United States, the members of the EC, and the United Nations to recognise Croatia and Bosnia over Belgrade’s vehement objections. By declaring the Yugoslav state defunct and disregarding the desires of those who (in all the republics) wanted to keep the federation intact, the US/ EC/ UN arbitrarily redefined civil wars, which had been under way since June 1991 and April 1992 respectively, as wars of external aggression. The tortuous nature of such explanations is shown by the UN War Crimes Tribunal at the Hague [ICTY], which regards anything which happened in Bosnia prior to the April 1992 recognition as “internal”, anything that happened whilst the JNA

were still in Bosnia (until mid-May '92) as “international”, and after that time mostly “internal” again — though “internal” to Bosnia, not Yugoslavia.

2. Prison and rape camps

2.1. In August 1992, ITN broadcast a report on the Omarska and Trnopolje camps, which included the arresting image of a highly emaciated man, Fikret Alić, standing at the front of a crowd of men behind a barbed wire fence. The commentary did not describe Trnopolje as a concentration camp, but throughout the world the ITN report was seen as confirmation of earlier stories (Newsday 19 July 1992; 2 August 1992) about Serb concentration camps by the American journalist, Roy Gutman. Gutman later admitted that he had made his claims on the basis of hearsay information. In addition, WTN — which distributed the ITN pictures worldwide — described Trnopolje as a concentration camp in the information despatched with the pictures.

2.2. In 1997, Thomas Deichmann's article in a publication called *Living Marxism* claimed that the ITN report on Trnopolje had seriously misrepresented the nature of the camp. According to the article, the ITN rushes, which had been leaked to him, showed that the camp was not fully surrounded by a fence, let alone by barbed-wire, and that the “prisoners” were free to leave if they chose to do so.

2.3. Pero Ćurguz, a regional Red Cross manager stationed at Trnopolje during the operation of the centre, was interviewed by British journalists in August 1992. He told them that many of the people there had come to the camp of their own free will for protection. He said also that during the entire time of the operation of the camp, no barbed-wire fence had been erected.

2.4. Even if Trnopolje is discounted, serious allegations remain about a number of other Serb camps, notably Omarska. It seems likely that conditions in these camps were generally poor and that some atrocities took place. But an ICRC report published in August 1992 gave details of camps run by all sides; the Serbs did not have proportionately more than the other groups. Tadeusz Mazowiecki, UN Special Rapporteur for Human Rights, said in his 1994 report that “...As of December 31, 1993, there were 5,500 detainees on the active register. According to reliable estimates around 40% of detainees are held by Bosnian Croat authorities, 25% by the Government (Muslim) and 13% by the Bosnian Serbs and the remainder by the forces of the so-called ‘autonomous’ province of western Bosnia”. There is little evidence to suggest that one side's camps were better than another's. But with the media highlighting Bosnian Serb-run camps and largely ignoring the others, non-Serb camps existed for periods of several years whereas the Bosnian-Serb camps had been largely closed down. It is also worth noting that ITN was invited, under challenge, to go to the camps by Radovan Karadžić; the Croats and Muslims did not extend similar facilities. Claims that substantial numbers of people were held in camps (Muslims imprisoned 117,000; Serbs imprisoned 40,000) and killed (Muslims

12,000+; Serbs 6,000) have never been substantiated and look like little more than crude propaganda.

2.5. One of the most influential pieces of evidence put forward to substantiate the argument that the Serbs had committed far more atrocities than the other sides was a CIA report, leaked to Roger Cohen of The New York Times in 1994, which claimed that 90% of all atrocities committed in the early stages of the war were committed by Serbs. The newspaper did not give details of the methods used to determine the ethnicity of perpetrator and victim; nor did it reveal how many atrocities were involved; nor did it specify the period covered by the report. It has been deduced that much of the information in the report was based on satellite data — but even the best satellite photographs would show no distinction between Serbs, Croats and Muslims, groups that cannot generally be distinguished from one another in terms of appearance face-to-face, let alone from overhead satellite photographs able to determine individual items only if larger than six inches in diameter.

2.6. In the late autumn of 1992 the world was horrified by reports that the Serbs had set up a chain of rape camps in Bosnia, and that more than 50,000 Bosnian women had been raped. This was compounded by a communiqué issued at the EC summit in Edinburgh in December 1992, by a UN resolution, and by Lawrence Eagleburger's naming of "war criminals". Governments expressed grave concern and aid agencies sprang into action. But no such camps were found by those who bothered to look. Ann Leslie of The Daily Mail could find only a single possible rape victim, despite spending two weeks searching in the relevant area. Marie Stopes' staff, sent to support rape victims, found themselves unneeded and ended up giving advice on family planning — and even on sewing. International agencies now say privately that they have no evidence whatsoever to support the rape camp allegations.

2.7. The story was, however, lent credibility by the EC Investigating team, headed by Dame Anne Warburton. After returning from a fact-finding tour in January 1993 she gave an interview to The Times which avoided all detail but appeared to give general endorsement to the claims. On 4 January The Independent reported that "*systematic rape camps*" "*had been well-authenticated by Dame Anne Warburton*", who estimated 20,000 cases of rape. In fact, a dissenting member of the investigation team, Simone Veil (a former French Minister and President of the European Parliament) revealed that the estimate was based on interviews with only four victims, two women and two men. An inquiry by the UN Commission on Human Rights soon presented a more moderate estimate: in its report published on 10 February 1993, the Commission refrained from giving an official total, but mentioned a figure of 2,400 victims, based on 119 documented cases. The report concluded that Muslims, Croats and Serbs had been raped, with Muslims making up the largest number of victims.

2.8. The EC's Committee on Women's Rights held hearings on the Warburton findings on 17 and 18 February 1993. It concluded by rejecting the

Warburton estimate of 20,000 Muslim rapes because of the lack of documented evidence and testimony. The Annex to the UN Commission of Experts' Report also dismisses the Warburton figure — though, curiously, the Commission's Final Report found it credible.

2.9. The Bosnian government was able to provide the UN Commission of Experts with data on 126 cases of rape.

2.10. Along with the credibility given to the story by Western politicians came a blizzard of media coverage. In early January pictures of “rape babies”, a few months old, were published. Not even the impossibility of the arithmetic could detract from that story (the war at that point had been under way for some seven to eight months). British Minister Tim Yeo announced that special dispensation would be made for the adoption in the UK of such Bosnian children, but the offer was never taken up. In addition, absurd arguments were put into the mouths of Bosnian Serbs, and then passed on without criticism — for example, that Bosnian Serbs were making Muslim women pregnant so that there would be more “ethnically-pure” Serb babies. The fact that the ‘mothers’ were Muslim seemed to escape attention.

3. Ethnic cleansing

3.1. This term has been used to cover everything from Red Cross / UNHCR evacuations of people in danger, to ‘voluntary’ evacuations, to expulsions, to murder, to allegations of genocide (after the start of NATO's September 1995 bombing campaign, UN spokesman Alex Ivanko stated that “*as far as the United Nations is concerned, ‘ethnic cleansing’ is genocide, and always has been*”).

3.2 It has been claimed that the Serbs invented the concept of “ethnic cleansing”. This is nonsense. Most conflicts in modern history have involved the forced expulsion of civilians on the basis of race or religion. Because the Serbs had the early military edge, it was argued that they started the process in the Yugoslav conflicts. In fact, Croatia had started discriminating against non-Croats in 1990/91. Simon Wiesenthal noted in *The International Herald Tribune* of 12 August 1992: “*the first refugees [in the former Yugoslavia] were the 40,000 Serbs who fled Croatia after a constitutional amendment defined them as a minority*”.

3.3. The possibility that many of those “cleansed” simply fled, as people quite sensibly do the world over when threatened by war, was barely acknowledged in the media. The UN Commission of Experts was uncritically quoted, for instance, as saying that 52,811 non-Serbs from Prijedor, in northwest Bosnia, were “*killed or expelled*”. Apart from failing to give a breakdown of the figure (which is somewhere between one killed and 52,810 expelled and 52,810 killed and one expelled) there was no recognition by the Commission that people might have fled from Prijedor simply because there was a war. The idea is dismissed on the (unexplained) basis that this would include “*limited numbers of refugees*”.

3.4. The late Nora Beloff, an expert on Yugoslavia for over 40 years, wrote in her book *Yugoslavia: an avoidable war*: “*The exodus of Serbs started as soon as Tudjman was elected [spring 1990]. When I visited Croatia soon afterwards, I could see that the Serbs had good reasons to be afraid. Serbs living among Croats were the victims of arson, beatings and expropriation, and could expect no justice from Tudjman’s courts. Individual Serbs, whose names had been printed on “death lists” published in Croat newspapers, were often kidnapped and presumed killed.*”

3.5. Serbs, Croats and Muslims in Bosnia began large-scale expulsions at much the same time. As they prepared for what promised to be bitter conflicts, all sides wanted to clear their own lines. Suggestions that the Serbs did far more than the others have been made repeatedly; the evidence indicates otherwise: by the end of 1992, according to the UNHCR, there were 516,000 refugees in Yugoslavia (Serbia and Montenegro).

3.6. For those who perceive ‘genocide’ whenever there are substantial casualties, there was perhaps some argument for its corrupted usage when it was believed that more than 200,000 people had died during the conflicts. But most aid agencies and experts have now revised the figures down to below 100,000. While some cold-blooded executions took place on all sides, the likelihood seems to be that they were on a small scale. A realistic estimate of overall deaths is probably 60–90,000, but the actual total might be lower. The UN has recorded fewer than 20,000 confirmed deaths and the ICRC has fewer than 20,000 names on its outstanding list of “tracing requests” from families searching for loved ones missing from the conflicts in Croatia and Bosnia (including more than 7,000 “missing” from Srebrenica — see section 6).

3.7. George Kenney, former acting head of the Yugoslav desk at the US State Department (who resigned in protest at the soft line being taken against the Serbs by the Bush administration), wrote on 15 September 1997: “*The news media’s fundamental, pervasive lie has been to report uncritically, in lockstep, wildly inflated death statistics provided by the Bosnian government. This stirred up massive public outcry, in turn ultimately leading to formal charges of genocide being rendered against the Bosnian Serbs. But there has never been a shred of evidence — none at all — for repeated claims that two hundred thousand or more people, mostly Muslims, were killed.*”

3.8. Serbs were also accused of orchestrating mass “deportations”, of the kind practised by the Nazis. But deportations in Bosnia were of people from all sides who were sent / forced / encouraged to move behind their own ethnic lines — an entirely different process from Nazi deportations to areas behind the fronts for slave labour / extermination purposes (i.e. from relatively safe to extremely dangerous areas — the exact opposite of the “deportations” in Bosnia).

3.9. Dr Zoran Stanković, a former JNA officer and now a colonel in the new Yugoslav Army (VJ), led a team of pathologists which by 1995 had carried out 5,000 autopsies on war victims from Croatia and Bosnia. The autopsies are

detailed, and are supported by photographs. Of those who have been identified, most were Serbs. The reports include injuries and causes of death, including pre- and post-mortem mutilation, which are as horrifying as anything reported in the media (and the media reports were made without such forensic evidence). About 1,000 of the dead are from Eastern Bosnia (the Srebrenica-Bratunac area) from 1992 and early 1993. Despite the later importance of Srebrenica, media coverage of these 1,000 dead was minimal.

4. Sarajevo siege

4.1. *“The mauling of Sarajevo, the worst single crime against a community in Europe since Auschwitz, cannot be watched impassively night after night on television news bulletins,”* — this was how Robert Fox of The Daily Telegraph put it, and it became a general view.

4.2. The world’s media focused attention on Sarajevo as a Muslim city, kept under harsh siege by the Bosnian Serbs for well over three years. The Muslims were apparently subject to Serb-inflicted deprivation of electricity, water and food, as well as constant Serb shelling and sniping.

4.3. In fact, the wartime population of Sarajevo included some 90,000 Serbs out of a total of somewhere over 300,000. There were up to 20,000 Serbs behind government lines: some genuinely loyal to the SDA-led government; others mobilised for a war they wanted no part of and which they wanted to escape from as soon as possible. All Serbs on the government side were under suspicion; it has recently been revealed that numbers of these were “disappeared” by Sarajevo’s defending forces (estimates range from a few dozen up to 3,000). Serb areas were subject to sniping and shelling from Muslim areas. Serbs suffered the same food shortages, as well as the deprivation of water and electricity. The central Serb-held district of Grbavica was continually referred to as a “suburb” despite the fact that it extended all the way to the centre of Sarajevo.

4.4. Conditions in Sarajevo were often unpleasant for everyone, but by contrast with other sieges in history the dangers were not all that great. Throughout the “siege” (which in practice was more of a partial blockade) food was generally available, though with little variety. Shortages were often to do with black-marketeering rather than genuine deficiencies. At the height of the apparent deprivation, a World Food Programme Survey in May 1994 found that, after a hard winter, no one in the city was malnourished and only a small percentage of the population was undernourished. The same picture was endorsed by the United Nations Commission of Experts, which could not confirm a single death from starvation in Sarajevo. Similarly, relatively few people were killed by sniping and shelling. And some of the suffering was unnecessary — the government cut water and electricity for propaganda reasons at various times. According to the media, the “siege” lasted longer than that of Leningrad — whilst strictly true, the comparison is meaningless. The estimates of dead in

Leningrad start from one million and head upwards towards three million. The Bosnian government's figure for Sarajevo dead is just over 10,600.

4.5. As early as July 1992, senior Western diplomats had stated publicly that Bosnian Muslim forces in Sarajevo were repeatedly provoking Serb shelling of the city to trigger Western military intervention. But few journalists bothered to report that artillery barrages and ceasefire violations were frequently not initiated by Bosnian Serbs. While officials said repeatedly that the Serbs were often returning fire from Muslims who had fired on Serb targets and neighbourhoods, media stories implied that the Serbs alone were to blame (for journalists, it was not enough that the UN would frequently describe Bosnian Serb retaliation as 'disproportionate'). To compound this, UN observers were positioned to detect artillery actions by Serbs, and kept no systematic record of the volume of non-Serb artillery fire, which was often observed to be almost as intense as Serb shelling. When counts were made of Muslim shelling, they showed considerable activity. On March 23, 1993, Major Pepe Galagos of UNPROFOR in Sarajevo described the previous day's exchanges; *"There were 341 impacts recorded: 133 on the Serbian side and 208 on the Bosnian side with 82 artillery rounds, 29 mortar rounds and 22 tank rounds hitting the Serbians; and 115 artillery, 73 mortar and 20 tank rounds hitting the Bosnians."*

4.6. News reporters ignored statements from UN officials that Bosnian Muslim units frequently initiated their own shelling of Muslim quarters of the city.

4.7. George Kenney has concluded that *"the number of war dead buried on each side of the Sarajevo front lines, as a percentage of population, is about equal."*

5. Sarajevo mortar / bomb outrages

5.1. No serious efforts were made by the international media to investigate Muslim claims that Bosnian Serbs were responsible for the Sarajevo bread queue massacre of May 1992, and the Sarajevo market place massacres of February 1994 and August 1995. It was taken for granted that the Serbs were the perpetrators.

5.2. It is, however, now widely known that a confidential UN report (which remains classified) had concluded that the Bosnian Muslims had stage-managed the bread queue massacre. The UN Commander in Bosnia at the time, General Lewis MacKenzie, wrote in his book *Peacekeeper — the road to Sarajevo*: *"The streets had been blocked off just before the incident. Once the crowd was let in and lined up, the media appeared but kept their distance. The attack took place, and the media were immediately upon the scene. The majority of the people killed are alleged to be 'tame Serbs'"* [Sarajevo Serbs who had consented to live under Muslim rule].

5.3. UN reports also suggest that the 17 July 1992 mortar salvo, thirty seconds after Douglas Hurd entered a Sarajevo building for a meeting with

Izetbegović, which killed or wounded 10 bystanders, was a “choreographed” incident. [Extract from *The Sharp End — A Canadian Soldier’s Story* by James R Davis: “*At the Bosnian Presidency the TDF mortared their own people again as Hurd arrived. He had just dismounted from Kevin’s truck when several mortars slammed into the square across the road, killing several civilians. It had been staged by the Muslims to impress Hurd. They told him the Serbs did this to them everyday, when in fact they had killed their own people again for political reasons. Animals.*”] The UN noted that a Bosnian guard of honour for Mr Hurd’s security had taken cover before the salvo. Similarly, the UN recorded strong suspicions about the 4 August 1992 explosion at a cemetery where two Bosnian orphans (both of Serb extraction), who had been killed when a bus evacuating them from Sarajevo came under fire, were being buried in front of the world’s media. At the cemetery, the Serb grandmother of one of the children was injured and bundled to safety by journalists. The United Nations report which covered these incidents has never been officially released, but was shown to journalists at the UN HQ in New York in August 1992.

5.4. The Serbs have always strongly denied responsibility for the February 1994 and August 1995 Markale market place incidents; both these Serb denials have received detailed support from UN investigation teams in Sarajevo. Lord Owen, speaking to Panorama in October 1995, said that he had seen two UN papers concerning the February 1994 incident: the first, issued within two days of the event, cast strong doubt on whether the Serbs had been responsible; the second, completed a few days later, was even more emphatic that the mortar had come from Muslim territory. By threatening to disclose this to the world, Owen said that General Rose was able to force the Bosnian government to sign a ceasefire declaration in Sarajevo. It has also been authoritatively reported that Boutros Boutros Ghali told President Mitterrand in May 1994 that the UN knew that the incident was unquestionably a Bosnian government provocation and that Mitterrand had confided this to a large gathering of French VIPs at the Elysée. Yasushi Akashi, former Head of the UN Mission in Bosnia, confirmed the existence of the secret UN report blaming the Muslims in an interview with Deutsche Presse Agentur on 6 June 1996.

5.5. In the case of Markale 2, the atrocity that took place on 28 August 1995, the UN “investigation” was completed in less than 24 hours (surely a record for the UN?). In October 1995, The Sunday Times reported that British and French members of the investigation team were convinced that the mortar had come from Muslim positions. Colonel Andrei Demurenko, Chief of the UN sector in Sarajevo, was another who had expressed this view. On 2 September he went on Bosnian Serb television declaring the UN report a “falsification” which contained many omissions and inaccuracies. The Boston Globe also reported that several UN investigators were unhappy with the conclusions of the report. It is alleged that senior Americans with the UN in Sarajevo prepared the final report with which the various investigators disagreed.

5.6 Considering the infamous nature of the bread queue and market place killings, and how easily and permanently they were attributed to the Bosnian Serbs, it was something of a revelation when the United Nations Tribunal Indictments against Radovan Karadžić and Ratko Mladić alleged responsibility for other individual atrocities in Sarajevo, but not these — to that point, the highest profile atrocities of all, at the top of the list to be investigated.

5.7. The 1992 bread queue massacre was followed within days by the imposition of harsh sanctions on Serbia / Montenegro. The day after the 5 February 1994 Markale 1 incident, UN Secretary-General Boutros Boutros-Ghali urged NATO to approve air strikes on Serb positions in Bosnia: NATO gave the Serbs a 10-day ultimatum to withdraw their heavy weapons from the hills around Sarajevo. The August 1995 Sarajevo atrocity was used to justify over 3,000 NATO air attacks on the Bosnian Serbs carried out in early September 1995.

6. The safe areas and the Srebrenica ‘massacres’

6.1 The original proposals for safe areas in Bosnia came from the ICRC and the UNHCR. With their experience of many conflicts since WW2, they knew that it would be more difficult to get people back to their original homes once they had left the country. The ICRC suggested that instead of shipping people out, demilitarised areas should be created where civilians could live temporarily and receive food and medical care. The idea did not receive support from the governments of the international community.

6.2. With the fall of Srebrenica reported as “imminent” in April 1993, the idea was resuscitated in a new, though still limited form. The UN Security Council declared Srebrenica a “safe area”. The reported “surrender” of Srebrenica involved the withdrawal of the Bosnian Serb Army (BSA), the handing over of weapons by the Bosnian government army, and the installation of an UNPROFOR force to monitor the ceasefire lines. The limited aim of this concept was to prevent a change in the status quo while negotiations for a wider settlement continued. With America preventing negotiations from reflecting the situation on the ground, no solution was reached.

6.3. Five other towns in Bosnia (Sarajevo, Tuzla, Goražde, Žepa and Bihać) were also declared “safe areas” in May 1993. The establishment of safe areas became a mechanism for stepping up pressure on the Bosnian Serbs, as UN Resolutions steadily increased the scope for military force to be used. However, the UNPROFOR mandate to “deter” attacks on the safe areas could be, and was, interpreted as anything between writing a stiff letter to General Mladic and a widespread military campaign.

6.4. In his report to the UN Security Council on 30 May 1995, UN Secretary-General Boutros Boutros-Ghali noted: *“In recent months, Government [Bosnian Muslim] forces have considerably increased their military activities in and around most safe areas, and many of them, including Sarajevo, Tuzla and*

Bihać, have been incorporated into the broader military campaigns of the Government side. The headquarters and logistics installations of the Fifth Corps of the Government army are located in the town of Bihać and those of the Second Corps in the town of Tuzla. The Government also maintains a substantial number of troops in Srebrenica — in this case, in violation of a demilitarisation agreement — Gorazde, and Žepa, while Sarajevo is the location of the General Command of the Government army and other military installations. There is also an ammunition factory in Gorazde”.

6.5. Early in 1992, more than a year before the creation of Bosnian safe areas, the parts of Croatia which had been war-ravaged were declared United Nations Protected Areas (UNPAs). Two months before the much-publicised fall of the UN Safe Area of Srebrenica [July 1995], the UN Protected Area of Western Slavonia was attacked and overrun by the Croatian Army. Three weeks after the fall of Srebrenica, two other UNPAs, which made up Krajina, were also seized by the Croatian Army. From the respective media coverage of these three events, it was clear that there was a marked distinction between a “UN Safe Area” and a “UN Protected Area” — for the media at least.

6.6. The world has been told that between 6,000–12,000 Muslim men were massacred by the Serbs following the Serb capture of the “safe area” of Srebrenica in July 1995. The facts suggest that this is extremely unlikely. The Muslim administration of the safe area reported a total population of 42,000 for the purposes of claiming UN emergency aid — almost certainly an exaggerated figure, designed to secure maximum supplies. The UN officially recorded 35,632 survivors from Srebrenica in early August 1995, not counting “some 4,000–5,000 well-armed” Muslim soldiers seen by UN personnel safely behind Muslim lines in the Sapna Finger. With around 40,000 people safely accounted for, estimates of thousands massacred seem unsustainable. As of 2008, as a result of excavations performed thus far, ICTY forensic specialists have composed post mortem reports for a total of about 3500 cases, far short of the claimed number of victims of about 8,000.

6.7. At a “Rule 61” hearing in July 1996 at the UN Tribunal, even before substantial excavations were made around Srebrenica, Judge Riad said: *“Thousands of men executed and buried in mass graves, hundreds of men buried alive, men and women mutilated and slaughtered, children killed before their mothers’ eyes, a grandfather forced to eat the liver of his own grandson. These are truly scenes from hell, written on the darkest pages of human history.”* As noted in 6.6. above, all the bodies found so far, buried or not, total 3005. No evidence has been provided of anyone buried alive. No corpses of women or children have been found. The “liver” story is unsubstantiated. Yet Judge Riad’s words are often quoted as verified facts.

6.8. For journalist David Rohde, who won a Pulitzer Prize for his reports on the aftermath of Srebrenica, and later wrote a detailed book about it, the story did not have to fit the facts: *“...even if the number of victims proves to be no*

higher than the roughly 500 found so far at four execution sites and 150 found to date at one ambush site, what occurred in Srebrenica was unprecedented in post-war Europe.” To put it another way, even if the story is exaggerated by a factor of 15, or 10, or 5, it is the same.

7. Propaganda

7.1. Both the Croatian and Bosnian governments commissioned powerful public relations campaigns in the US. Agencies including Ruder Finn and Hill & Knowlton International targeted the US Jewish community with material that associated Serbs with a modern-day holocaust. Records which have to be filed under US law show that, for a period of some eighteen months, Ruder Finn received fees of at least \$8,000-\$10,000 per month from Croatia and Bosnia. It has been estimated by some within the industry that the total amount spent on US PR by Bosnia and Croatia amounted to millions of dollars.

7.2. Despite being “stung” by such stories as the “Kuwaiti incubators” atrocity (a Hill & Knowlton exercise), the Western press has been surprisingly uncritical of common-or-garden variety of wartime propaganda. On occasions, uncorroborated “witness” testimony became a story confirmed by “multiple sources” by virtue of publication by different news organisations. One such case is that of Alija Lujinović. Lujinović first talked to American journalist Roy Gutman. He and other Brčko “survivors” then talked to a number of other Western journalists; The Times and The Guardian in the UK covered the Brčko story on 7 August 1992. Lujinović was then flown to Washington to give evidence before a Congressional committee in closed session. Several of the United States War Crimes reports to the UN included parts of Lujinović’s account, and it was also included in the work of several NGOs. By the time the UN Commission of Experts came to look at it, they had multiple sources for Lujinović’s allegations — but Lujinović himself was the source each time. Subsequently, the media wrote up references to Lujinovic’s story in State Department reports; later the Commission of Experts provided “confirmation” for a retelling of Lujinovic’s story in January 1996. The tales were of people being fed to dogs, turned into cattle-feed, and tortured by an attractive 18-year-old Serb girl. And where did Lujinović and friends come from in the first place? They were provided to Roy Gutman by the Bosnian State War Crimes Commission, whose job was to collate “evidence” to support outside military intervention.

7.3. Another example of the power of propaganda came when the Bosnian Prime Minister, Haris Silajdžić, used a meeting with General Sir Michael Rose, carried live by the US news networks and reported throughout the world, to accuse Rose of responsibility for the death of 70,000 Muslims in Bihać, which Silajdžić claimed had fallen to the Serbs because of inaction by Rose. Subsequently, Rose was likened to Chamberlain in the US press and widely derided elsewhere. In fact, Bihać had not fallen. There had been no massacre of any kind. But the world’s media never corrected the impression that had been

left. Similarly, pictures presented to the world as evidence of the Serbs' devastation of Goražde were actually the photographic record of Bosnian Muslim destructiveness when they controlled the town and were "ethnically cleansing" local Serbs from their homes. This was reported by BBC Panorama, but otherwise, once again, the world's media used these images uncritically and never corrected the false impression left.

7.4. 7. An example of the way in which a combination of different interests can lead to the creation of "news" is provided by British UNPROFOR soldier, Major Vaughan Kent-Payne, in his book *Bosnia Warriors: Living on the Front Line*. *"We were clearly there at the invitation of the BiH [Bosnian Muslim government authorities] and the bodies had obviously been left there for us to see. The whole thing smacked of cynical manipulation at all levels. The bodies could've been buried long ago but were an essential ingredient of the circus. The press got their story, the BiH got sympathetic coverage in the world's news and the British Battalion received yet more publicity. More vehicles turned up in the form of two French armoured cars and an armoured saloon car. It was no coincidence that General Morillon, the UN commander, was passing by. He joined the circus, providing even more weight to the media coverage. Everyone had a field day and it was no wonder the world appeared to be solidly behind the BiH. It was skilful use of the media and, by the afternoon, there must have been fifty people milling around."*

7.5. In his book *Fighting for Peace*, General Sir Michael Rose wrote: *"As I drove into Sarajevo from the airport for the first time, on the night of January 23, 1994, a detachment of 120mm mortars opened fire close by the road. Bosnian forces were shelling Serbian positions above the city. I asked rather nervously what was happening and Viktor Andreev, the Russian United Nations civil adviser in Sarajevo, told me not to worry. The Bosnian government always greeted new arrivals in this way, as the Serbs inevitably responded with artillery fire on the city. Visitors were thus assured of a practical demonstration of Serbian aggression. In Bosnian government eyes, Viktor explained, there was no such thing as a purely military action. There was only political action. By provoking Serbian retaliation, it hoped to persuade the West to become involved on its side. When I asked about the civilian casualties, Viktor shrugged and replied that civilians mattered less to the Bosnian government than images of suffering and war."*

8. Media bias

8.1. The imbalance in reporting began during the "war" between Slovenian rebels and the forces of the Socialist Federal Republic of Yugoslavia. TV footage showed the "destruction" of Slovenia's capital city, Ljubljana, by the JNA. Accompanying the pictures were stories about the havoc and damage generally wrought in Slovenia by the "invading" JNA. Few reporters and political leaders were bothered that the images and reports of the invasion were either highly exaggerated or staged.

8.2. Croatian efforts to become independent received a decisive boost from sensational reports and pictures of the Yugoslav air force raiding Zagreb's Presidential Palace. More shocking still to Western countries was the apparent Serbian "devastation" of Dubrovnik in December 1991 — the Pearl of the Adriatic "burning". In fact, the old walled town of Dubrovnik suffered little damage. The plumes of black smoke pouring from the city as it stood silhouetted against the Adriatic sunset, used by television stations throughout the world, had been caused by fires outside the walls of the old town and on the breakwater in the harbour. The camera angles made it look as if the old town was ablaze, and so it was reported. The UN Commission of Experts produced a report on Dubrovnik. Despite visiting the town themselves, they relied on written reports, photographs and video tapes. Even so, it became clear to them that the old town was not sufficiently damaged to make the report worthwhile, so its remit was extended to include the 75km-long hinterland as well. (A similar problem was encountered by Michael Foot, when making his film 2 1/2 hours from London: as a regular pre-war visitor to Dubrovnik, he wanted to include the destroyed old town in his film. Finding the old town intact, he instead focused on the new town and especially its suburbs, which were heavily damaged. Foot decided that the story was not that the media had erroneously reported the destruction of the old town, but that they had failed to report the actual destruction of the suburbs).

8.3. Despite steady reports of atrocities committed against Serbs by Croatian soldiers and paramilitary units, which some Belgrade correspondents were later able to confirm, the stories that reached the world concerned only of Serb abuses. The other stories went unreported "*because it was difficult to get close to those villages in Croatia*". "*And it was damned dangerous,*" said one Belgrade correspondent. Reporters tended to stay put in Sarajevo, Zagreb, or Belgrade and depend on their networks of stringers and outlying contacts. Most newly-arrived correspondents spoke no Serbo-Croat; interpreters were often domestic journalists or stringers with established allegiances as well as keen intuitions about what post-communist censors in the "new democracies" in Zagreb and Sarajevo preferred. Reporters increasingly relied on aggressive government spokespeople — the government Information Ministry in Zagreb soon acquired scores of English-fluent publicists, and the Bosnian government also mobilised a troop of handlers for the Western media. In the struggle for media attention, the Serbs were handicapped by their own poor public relations efforts, by the media sense that "the story" lay in the plight of the Muslims and by the isolation of Serbia because of UN sanctions. Martin Bell told Sir Jeremy Isaacs in Face To Face (BBC2, 9 February 1998): "*I often felt that their [the Serb] case went by default, partly because we weren't willing to go through the pain and danger of getting across the front lines and all the hassle and their roadblocks, and partly it was their fault — they were not sufficiently adept, they didn't fully understand the importance of the media*".

8.4. On 23 February 1996, General Sir Michael Rose gave a talk in Oxford to the All Souls College Policy Studies Programme. Rose expressed dismay at

the extent to which the media had repeated propaganda: *“The reporting and commenting of some members of the press corps in Sarajevo came close to being identified with the propaganda machine of the Bosnian government”*. Rose cited as an example an incident just after a cease-fire was signed on 21 December 1994. *“Within days an international satellite news channel was transmitting pictures from Bihać of the total breakdown of the cease fire, showing burning houses, refugees in appalling conditions, horse drawn vehicles escaping the fighting. The only problem was that there was no snow in any of the pictures and it had been snowing for two months.”*

8.5. A clear indication of media prejudice in the UK came in The Sunday Times on 30 July 1995. Andrew Neil (former editor of the paper and now Editor-in-Chief of The Scotsman), without any evidence, suggested that a series of bomb attacks in Paris might have been carried out by Serbs. This was used as part of a piece which called for the summary execution of *“Radovan Karadzic and his kind ... in any way that warfare can accomplish”*. Similarly, initial speculation about the bombing of the World Trade Centre was that Serbs were involved — once again, based on no evidence. As it transpired, neither of these bombings had any connection with events in former Yugoslavia.

8.6. When peace plans were discussed in the media, much was made of the ‘unfairness’ of the land divisions proposed. How could the Serbs, the aggressors, be ‘awarded’ anything, let alone more than 31% of the land when they were only 31% of the population? But in no country in the world is there an exact relationship between land ownership and any particular group within the population. In Bosnia, a higher proportion of Muslims lived in towns, while a higher proportion of Serbs and Croats lived in rural areas. On the basis of where people lived before the war, any land division of Bosnia was bound to be ‘biased’ towards the rural population. Similarly, the war was often described as consisting of an imbalance of military forces — yet what war has ever been balanced or fair in this respect?

8.7. “Greater Serbia”, a concept initially propagated to the world by Croatian spokesmen, was later widely accepted without question as the cause of the wars. By invoking “Greater Serbia”, irrational scenarios were passed off in the media as representations of fact. But there were very few media references to a “Greater Croatia” agenda, and even the potential of a Muslim agenda for Izetbegović’s SDA party was excised from media descriptions during the war. The SDA, according to journalists, stood for a unitary and multi-ethnic Bosnia. After Dayton, Western journalists would routinely describe the SDA as “nationalist” without any explanation of the apparent change in SDA policy.

8.8. In becoming ‘attached’ during the war, journalists saw significance in only parts of the story, and therefore reported selectively. They divided Bosnia into moral absolutes of Good and Evil. BBC Foreign Editor John Simpson, writing in The Sunday Telegraph on 19/9/97: *“...Once, when I was in Sarajevo, the UN discovered that Muslim troops were holding a couple of dozen Serbs in a*

section of drainage pipe three feet high. They opened the front of the pipe once a day to throw food into the darkness inside. The journalists, many of them committed to the principle of not standing neutrally between victim and oppressor, showed no interest at all in this story. It was inconvenient and, as far I know, was not reported."

9. American non-neutrality

9.1. The Americans were originally committed to preserving Yugoslavia as a multi-ethnic federation. Their policy changed instantly when the EC recognised Croatia. From that point on, the Americans were firmly behind the new states and against the Serbs, though their official position remained "neutral". An early indication of American intervention was the part played by Ambassador Warren Zimmerman in persuading President Izetbegović to renege on the March 1992 Lisbon agreement he had initialled, in common with Karadžić and Boban (see 1.14. above). The US government's "understanding" of Bosnia in particular was never a fixed thing. In a live broadcast, CNN's Christiane Amanpour famously accused President Clinton of "*flip-flopping*" on Bosnia. US policy was always about US interests and unchanging in that regard; there was no US interest in Bosnia itself.

9.2. President Clinton, having denounced George Bush's "wimpishness" on Bosnia, chose hard-liner Tony Lake to be his National Security Advisor. Lake put together an aggressive Bosnia package summed up as "lift and strike" (lifting the arms embargo against the Bosnian Muslims, and bombing the Serbs). Harsh economic and cultural sanctions had been imposed against Serbia and Montenegro after the breadline massacre in May 1992. A report by the UN Secretary General arguing that there was no evidence of continued JNA involvement in Bosnia was ignored and sanctions were progressively tightened until Autumn 1994. By that time the Yugoslav economy had been destroyed; at the end of December 1993, year-on-year inflation was an estimated 116 trillion percent (an Economist Intelligence Unit figure, the highest ever recorded up to that point, far exceeding that of Germany's Weimar Republic).

9.3. Peter Galbraith was appointed as the first US Ambassador to Croatia. He soon became close with President Franjo Tudjman, with Tudjman's son, Miroslav, who had become his father's national security adviser, and with Defence Minister Gojko Sušak. By the summer of 1994 it was clear that the US had usurped Germany's position as Croatia's closest Western friend.

9.4. From at least as early as the spring of 1994 until Dayton, the US was instrumental in arming and training both the Croatian and Bosnian armies, in defiance of the UN embargo. Ambassador Galbraith played the key role in arranging the secret air transfer of arms from Iran to the Bosnians by way of Zagreb, with the personal blessing of President Clinton. Richard Holbrooke later defended the arming of the Bosnian Muslims as necessary to protect them from annihilation. In fact, it went much further than that, even assuming that the

Bosnian Muslims had seriously been threatened with annihilation (for which there is no evidence). In his report of an interview with General Rose (published in *The Times* on 10 November 1998), Michael Evans wrote: “*On another occasion, he (General Rose) was visited by General John Galvin, former Supreme Allied Commander Europe, who had been appointed by President Clinton to advise on a new structure for the Bosnian Army*”.

9.5. On 1 May 1995, when the world’s attention was focused on neighbouring Bosnia where a four-month ceasefire was due to expire, 30,000 Croatian troops overran Western Slavonia (in Croatia), defeating local Serb forces in a massive and well-planned three-pronged attack. The newly-agreed United Nations mandate for Croatia, UNCRO, was ignored by Croatia and not enforced by the UN or NATO. After three bridges leading from the enclave into Bosnia had been destroyed, the Croatians deployed artillery, rockets and aircraft to attack fleeing military and civilians as they crossed the final bridge. Artillery and rockets were directed at targets in Bosnia itself. The United Nations No-Fly Zone in Bosnia was violated by Croatian jets to attack targets within Western Slavonia — what limited air defences there were, were not prepared for an attack from within NATO-run Bosnian airspace.

9.6. The Croatian Krajina campaign (Operation Storm) in August 1995 was supported by arms from US sources, and based on tactical plans taught to Croatian commanders by Military Professional Resources Inc, a Virginia-based organisation with 2,000 former American officers on its staff (including such luminaries as General Crosbie E Saint, commander of the US army in Europe 1988–92, and General Carl E Vuono, army chief of staff during Operation Desert Storm). The contract between Croatia and MPRI was reportedly worth \$40 million.

9.7. The morning Operation Storm began, four US Navy warplanes bombed two Krajina Serbian surface-to-air missile sites “*near the towns of Knin and Udbina,*” as *Navy Times* reported on 21 August 1995. That eliminated danger to Croatian attack planes and helicopters. Up-to-date US intelligence from overhead reconnaissance and radio intercepts was also made available to the Croatian leadership, according to the CIA, by none other than Ambassador Galbraith.

9.8. US-led NATO air attacks, and artillery attacks by the newly-installed UN Rapid Reaction Force, followed within two days of the 28 August 1995 Sarajevo bomb outrage. Attacks continued up to 8 September, when (in Geneva) the Bosnian Serbs agreed to the summer 1994 Western plan (the Contact Group plan) as the basis for a solution in Bosnia. Up to that point, targets in the western part of Bosnia under Bosnian Serb control had not been attacked. On 10 September attacks in the west started, in the form of Cruise Missiles fired from a US warship in the Adriatic. Apparently by sheer co-incidence, the Bosnian Government Army, the Croatian Army, operating in force in Bosnia, and the Bosnian Croat forces, launched attacks throughout western Bosnia. Sophisticated com-

mand-and-control from battlefield headquarters (including laptop computers and communications links) was used to co-ordinate the attacks between Bosnian Army infantry and Croatian tank and fire support. Prior to the war, the JNA had no computer-based command-and-control. Not only had such a system been supplied, with technicians and officers trained in its use, but the system allowed joint control between the Croatian and Bosnian armies — something which is not always possible within NATO. Although journalists should have been aware of these indications of outside military aid, because they were revealed in film reports and in books written by journalists, there was never any comment on, or questions raised about, this surprising situation. In fact, many journalists were insistent that high-tech military equipment was not being supplied to the Bosnian and Croatian governments.

9.9. General Charles G Boyd, Deputy Commander-in-Chief US European Command November 1992-July 1995, in an article in *Foreign Affairs* (Vol. 74 No 50 Sept/Oct 1995), wrote: *“The views I share here are the product of seeing this war up close, almost continually, in all its ugliness. These views differ from much of the conventional wisdom in Washington, which is stunted by limited understanding of current events as well as a tragic ignorance or disregard of history. Most damaging of all, US actions in the Balkans have been at sharp variance with stated US policy. The linchpin of the US approach has been the underinformed notion that this has been a war of good versus evil, of aggressor against aggrieved. From that premise the United States has supported UN and NATO resolutions couched in seemingly neutral terms — for example, to protect peacekeepers — and then has turned them around to punish one side and attempt to affect the course of the war. It has supported the creation of safe areas and demanded their protection even when they have been used by one warring faction to mount attacks against another. It has called for a negotiated resolution of the conflict even as it has labeled as war criminals those with whom it would negotiate. It has pushed for more humanitarian aid even as it became clear that this was subsidizing conflict and protecting the warring factions from the natural consequences of continuing the fighting. It has supported the legitimacy of a leadership that has become increasingly ethnocentric in its makeup, single-party in its rule and manipulative in its diplomacy”.*

10. The Hague War Crimes Tribunal

10.1. Claims that terrible war crimes were being committed caught the world's close attention in the summer of 1992. From August 1992, international organisations (and many journalists) were descending on Bosnia in a rush to find the wider proof of the big story. At the United Nations Commission on Human Rights, America took a lead, and was supported by the other members of the Commission. (During the Cold War, the UNCHR was used primarily by the non-aligned movement to criticise the US. Now the US Ambassador was warmly received, as the Commission held an extraordinary meeting and passed its first ever Resolution.)

10.2. The groundwork for the Tribunal itself was prepared by the United Nations Commission of Experts, established by a Security Council resolution. Despite the high-sounding name, the Commission of Experts did little beyond collating reports from the media, NGOs, the governments of the parties concerned, and other governments — in particular, the USA. (The US State Department supplied reports to the United Nations for consideration. At the same time they included a copy of a Conference on Security and Co-operation in Europe report, and a report from Human Rights Watch. They also claimed that because of the public nature of press reports, they would only include reports where the journalist had actually witnessed an atrocity. They dropped this claim for their seven later submissions to the UN). The Commission did nothing to verify the material; its final report to the Security Council was no more than a summary of selected propaganda and news coverage; an “integral part” of the report was amended after it had been submitted. Such methods and procedures are not consistent with the credibility given to the work of the Commission by the media.

10.3. 10. Initially the Tribunal received material support overwhelmingly from the United States (in marked contrast to the US failure to keep up its normal UN subscriptions), with extensive American representation among its legal and administrative staff, including between 15 and 20 lawyers on loan from the State Department and the Department of Justice. The Tribunal was biased against the Serbs from the outset. All allegations against Serbs have been set in a framework of a systematic Serb policy of genocide. Allegations against Croats, and especially Muslims, concerned isolated incidents which were not part of a “programme”. Thus the Tribunal’s indictments have been labelled differently depending on the ethnicity of victim and perpetrator.

10.4. 10. After initially making its indictments public, the Tribunal subsequently introduced a policy of issuing “sealed” or secret indictments. This violates the Tribunal’s own Statute, which permits such a step only in exceptional circumstances. These secret indictments have been used to allow the Tribunal’s investigators to assume police powers (as in the arrest of Slavko Dokmanović), and to enable NATO to shoot dead one Serb and injure one Croat while attempting “arrest”. (NATO’s “police powers” come solely from NATO’s governing body, the North Atlantic Council.) A precedent has now been set for the Tribunal to arrest anyone, on their own authority, anywhere in the world. [As Alexander Solzhenitsyn wrote in *The Times* on 21 August 1997: “*The Hague Tribunal now hands down indictments in secret, not announcing them publicly. Somewhere, the accused is summoned on a civil matter, and immediately captured — a method beyond even the Inquisition, more worthy of barbarians circa 3,000 BC.*”] All this has escaped serious public attention.

10.5. The Tribunal has had an unhappy history. Having been established to investigate crimes committed in the course of wars of “international aggression”, it extended its authority to cover crimes committed in “civil war”. Neither the UN nor the Tribunal has the power to do this. Its record in dealing with specific

cases has been equally wayward: for example, General Djordje Djukić and Colonel Aleksa Krsmanović were illegally arrested and detained by Bosnian authorities in Sarajevo. Not to be outdone, the UN Tribunal illegally transferred them to The Hague, then illegally detained them there. Even under the threat of indictment, Djukić refused to “cooperate” with the Tribunal, so he was indicted. Krsmanović was held for another month, under increasing pressure to give “evidence”, before being released without charge. At Djukić’s initial court appearance it became clear that the Prosecution was unable to provide any details of the charges. The Prosecutor later applied to have the charges against Djukić dropped “due to his ill health”; the judges did release Djukić — but, in case it was a Serb plot, the charges were not dropped. Three weeks later Djukić died in a Belgrade military hospital. There was no media criticism of this appalling treatment, though it does not take much to uncover.

10.6. Another case that attracted international attention was that of Dušan Tadić, who was convicted by the Tribunal, even though one principal witness appearing against him (who could not be properly cross-examined “for fear that it might compromise his safety”) confessed to perjury (the story relayed to the court by a Tribunal investigator was that he had been coached in his false testimony by the Bosnian government, under threat). Although they had risked charges of contempt of court, the Defence had found sufficient evidence in only a few hours to discredit his testimony — yet he had been put forward by the Prosecution as a credible witness and they provided extensive support in court for his 147 pages of testimony. Another witness, who claimed to have taken part in the infamous “testicles” incident at Omarska (when one prisoner was allegedly forced to bite off the testicles of another) and who had known Tadić before the war, swore under defence questioning (the Prosecution had not thought it relevant) that he had never once seen Tadić in Omarska. A further witness, expected to give evidence that he had been the one forced to bite off the testicles, refused to testify at all.

10.7. In the Lašva valley indictments, Bosnian Croats are charged with atrocities against Bosnian Muslims, but no-one is charged in connection with the minority Serbs who had lived in the same area prior to the war and had been previously “cleansed” by joint Muslim-Croat forces before extensive fighting broke out between those forces.

10.8. 10. Carl Bildt, in a review of Richard Holbrooke’s book *To End A War* (published in The Financial Times on 2 July 1998) wrote: “*With only marginally more sophisticated techniques than the Bosnian Serbs, the Croat army conducted a policy of ethnic cleansing and scorched earth during August and September 1995 (in Krajina). It remains one of the enduring mysteries that the International Tribunal in the Hague has turned a blind eye to this*”.

10.9. There were no international war crimes trials following more than 100 wars since the Second World War, many involving far more deaths than in former Yugoslavia.

POST-DAYTON

- Croatia, having destroyed the Serb enclaves of Krajina and Western Slavonia, has further reduced the formal status of Serbs within the republic.
- Under economic and diplomatic pressure, Croatia has forced the surrender of a number of Bosnian Croats to the UN war crimes tribunal. Foreign interference has been such that on occasion its now late wartime president, Franjo Tudjman, has publicly protested that “*Croatia is not a colony*”.
- Post-Dayton Bosnia is the most non-independent country in the world. It is now run by formal and informal international agencies. Croatia and Serbia are regularly invited to put pressure on their own constituencies in Bosnia to comply with international measures.
- The media describe the OSCE role as “monitoring” elections in Bosnia. Instead, they and the vice-regal Office of the High Representative (OHR) run the elections, the registration of voters, and decide which parties and candidates are to be struck off voter lists.
- NATO has closed down Bosnian Serb Television based in Pale, the war-time Bosnian Serb capital. Pressure has been applied also to Croatian TV in Mostar and even Sarajevo TV.
- The colonial-sounding High Representative in Bosnia/Hercegovina has dictated the design of Bosnia’s currency, car number plates and flag, and several times has threatened to replace the collective, elected, presidency if they do not adhere to policies he prescribes. More diktats are certainly on the way. Bosnia’s currency and central bank are controlled by foreign officials — there is no possibility of a Bosnian running the central bank in the foreseeable future.
- The spokesman of the Office of the High Representative, Duncan Bullivant, described Bosnia as “*a deeply sick society, ill at ease with even the most basic principles of democracy*” — apparently without being aware of the irony.
- In the years since Dayton, less than 3% of international aid has gone to Republika Srpska (which makes up 49% of Bosnia).
- Despite the existence of a Muslim-Croat Federation since the March 1994 Washington Agreement, the Federation part of Bosnia remains partitioned between Muslims and Croats. In practice, Bosnia is still divided into three parts, with the international community attempting to force unification.
- The Dayton Agreement has been subject to constant re-interpretation. The spring and summer of 1997 saw the invention of the “Spirit of Dayton”: new policy not envisaged at the time of Dayton can be legitimised by invoking “the Spirit”. Those who signed Dayton had no idea they were putting their names to a series of moving goalposts.

- The international community faces the dilemma that, until their vision of unified Bosnia exists, they cannot pull out. But events have shown, from Tito's time to the post-Dayton period, that genuine and lasting co-operation cannot be imposed by diktat.
- The international media, which has given strong support to the concept of an independent, multi-ethnic Bosnia, has failed to report that Bosnia is now entirely subservient to the representatives of the international community.

APPENDIX — HISTORICAL BACKGROUND

A.1. On 25 March 1941, Yugoslav premier Dragiša Cvetković signed the Tripartite Pact with the Nazis. Immediately following this, the Royal Yugoslav Army organised a coup. Since control of Yugoslavia was deemed important to prevent a potential thorn in the side of the future Nazi campaign against the Soviets, Hitler ordered the defeat of the new regime. This was carried out in two weeks by the German army from the north, the Bulgarian army from the east and the Italian army from Albania in the south. The Yugoslav Royal Family and government fled to London.

A.2. The Nazis created a puppet Croatian state, the Independent State of Croatia (NDH — the first modern Croatian state). NDH encompassed the whole of the current Croatia and Bosnia, and northern Serbia as far east as Belgrade, which had been heavily bombed by the Luftwaffe. The Ustashi, based on fascist émigrés returning from exile in Italy and Hungary, was the Croatian terror militia. Some remnants of the Royal Army formed themselves into Chetniks, in the 19th Century tradition of Serbian guerrilla fighters. Muslims, especially from the Sandžak and eastern Bosnia, formed militia bands to settle scores for the privileges they had lost with the WW1 collapse of the Ottoman and Habsburg empires.

A.3. POWs from the Royal Army were treated by the Germans on an ethnic basis: Croats were returned to Ustashi-run Croatia; Germans (who had settled in northern Serbia under Habsburg rule) were released, Albanians and Muslims were allowed to form new SS units to fight in German uniform (the Prinz Eugen, Skender Beg and Handžar divisions respectively) and Serbs were interned in concentration camps in Greater Germany. The Ustashi massacred Serbs and fought the Chetniks. The Chetniks massacred Muslims and Albanians. The Muslims and Albanians massacred Serbs.

A.4. Amongst all this, there were several popular uprisings against the invaders. Tito's communist party, by concentrating on the task of repelling the invaders above all else, gained political control of the uprisings. Many of the senior military were former Royal Army officers, and decidedly non-communist. The Partisans, non-communist but communist-led, were born.

A.5. As well as the military fighting, and slaughters of villagers who had supported the Partisans when they were forced into their many retreats, the Ustashi organised a death camp system for Serbs, based around Jasenovac just

across the current border between Croatia and Bosnia. Credible estimates vary from 300,000–750,000 for the numbers who were killed, including some 20,000 Jews and a few thousand gypsies, and homosexuals. Many communists and leftists of all ethnicities, including Croats, also ended up in Jasenovac. The Ustashi plan for the Serbs in NDH was to kill a third, convert a third and expel a third; the plan was largely successful.

A.6. Journalists have failed to recognise this historical sequence of events as a necessary background for understanding post-WW2 Yugoslavia and its breakup.