

## Verdict on Bosnia Genocide

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Last week, the highest UN court cleared Serbia of direct responsibility for genocide in Bosnia during the 1990s, but ruled that Serbia failed to prevent and punish the genocide that occurred in Srebrenica.

The Srebrenica massacre of 8,000 Bosniaks (Bosnian Muslims) in July 1995, is the largest mass murder in Europe since World War II. An earlier tribunal described the atrocity: “[the Bosnian Serb forces] stripped all the male Muslim prisoners, military and civilian, elderly and young, of their personal belongings and identification, and deliberately and methodically killed them solely on the basis of their identity.”<sup>1</sup>

Graceland alum, Matthew Bolton, currently in Bosnia, described general reactions to the recent verdict, “People here are quite upset with the ruling, which they feel does not hold Serbia fully accountable for their role in arming, encouraging and supporting Serb forces in Bosnia.”

“[The ruling] is a huge event for all of us in Bosnia and also a potentially huge event for the world,” writes Dzemila Helac who graduated from Graceland last year. It is the first time a State has been tried for allegations of genocide and an important precedent in international law. However, Helac was not satisfied with the ruling and attended protests in Sarajevo (the capital city) to express disagreement.

Helac summarizes recent discussions in Bosnia: the ruling may be good for “keeping stability in the region,” but the standards set by the court “might pretty much ensure that no country *ever* is found guilty for committing genocide.”

In this case, the Court had authority only to rule on issues of genocide, as defined by the Genocide Convention. Court president, Judge Rosalyn Higgins said, “...we were confronted with substantial evidence of events in Bosnia and Herzegovina that may amount to war crimes or crimes against humanity—but we had no jurisdiction to make findings in that regard.”<sup>2</sup>

Higgins further states, “The Applicant [Bosnia] had argued that the specific intent [of Serbia] could be inferred from the pattern of atrocities. The Court could not accept this. ...a pattern of conduct will only be accepted as evidence of its existence if genocide is the *only* possible explanation for the conduct concerned.”<sup>3</sup>

Current Graceland student, Damir Čengiđ, was initially very disappointed with the ruling. Now he is “happy that they are saying there was a genocide,” but suspects politics played a part in the court’s decision.

General Ratko Mladić, who directed the Bosnian Serb offense at Srebrenica, and former Bosnian Serb leader Radovan Karadzic were both indicted for genocide in 1995, but neither have been captured. Referring specifically to Mladić, the court found that Serb authorities failed to do “what they could and can reasonably do to identify his

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<sup>1</sup> International Criminal Tribunal for the former Yugoslavia (ICTY); "Prosecutor vs. Krstic: Appeals chamber judgement"; United Nations, <http://www.un.org/icty/pressreal/2004/p860-e.htm> (Visited: 6 March 2007).

<sup>2</sup> Rosalyn Higgins, “Statement to the Press,” [http://www.icj-cij.org/icjwww/ipresscom/SPEECHES/ispeech\\_president\\_higgins\\_bhy\\_20070226.htm](http://www.icj-cij.org/icjwww/ipresscom/SPEECHES/ispeech_president_higgins_bhy_20070226.htm) (26 February 2007; Visited: 5 March 2007).

<sup>3</sup> Ibid.

location and arrest him.” The court calls on Serbia to “immediately take effective steps” towards full compliance with the Tribunal.<sup>4</sup>

President Boris Tadic of Serbia said his country was rightfully cleared of direct responsibility, but added that “the part of the judgment that said that Serbia did not do all in its power to prevent genocide against Bosniaks in Srebrenica is very hard.”<sup>5</sup> Tadic hoped the verdict could open a new page in the relations between the two countries.<sup>6</sup>

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<sup>4</sup> Ibid.

<sup>5</sup> Arthur Max, “Court: Serbia Failed to Prevent Genocide,” *Associated Press*, <http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2007/02/26/international/i033600S38.DTL&type=politics> (26 February 2007; Visited: 6 March 2007).

<sup>6</sup> “Bosnia genocide ruling splits regional media” *BBC News*, <http://news.bbc.co.uk/2/hi/europe/6401583.stm> (28 February 2007; Visited: 6 March 2007).