

May 4, 2012

Dear Colleagues,

I am writing to express my concern over your invitation to host Michael Parenti at your fundraiser.

I am a human rights lawyer and activist and author of "Twilight of Impunity: The War Crimes Trial of Slobodan Milosevic." In addition to living in the former Yugoslavia (Serbia, Montenegro and Macedonia) for three years, I headed the Kosova War Crimes Documentation Project during the Kosova war. I lived under Milosevic's rule. I am concerned that you may be giving Mr. Parenti a forum for his harmful and erroneous views, i.e. that there was no genocide in Srebrenica, and his support of Slobodan Milosevic. While I strongly support freedom of speech, I wonder if you would feature a Holocaust denier. As with the Holocaust, it is wrong and misleading to promote the concept that there are two legitimate points of view on whether genocide occurred in Srebrenica.

A friend of mine was the only male in his family to survive the Srebrenica genocide. At the Tribunal, I listened as a young man told of crawling out from under bodies, wounded in two places, in a desperate attempt to flee the killing fields. He was aided by one of the other few survivors who kept encouraging him to continue when he felt he couldn't go on any more. Another witness described how he was forced to execute 100 Bosniak men and boys until he just couldn't anymore even if he himself were killed. I'm attaching below the excerpts from my book so that you might understand the horror that was Srebrenica and why it is so important to honor the 8,000 men and boys who were killed and the few who survived, as well as the women and children who loved and lost them.

Please consider this when you make your decision whether or not to withdraw your invitation to Mr. Parenti. Thank you.

Regards,

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Excerpts from *Twilight of Impunity: The War Crimes Trial of Slobodan Milosevic*, Armatta, Judith, Duke University Press, 2010, pp. 292 -296.

*"I just wanted to live another minute or two."*

B-1401 was a 17-year-old refugee when he and his family were caught in the maelstrom of war, ethnic cleansing and mass executions that became known to the world as "Srebrenica." When the Bosnian Serbs attacked the UN safe area on 6 July 1995, B-1401, along with other able-bodied Muslim men and boys, was faced with the decision to seek shelter at the UNPROFOR base in Potocari among the women and young children or flee into the woods. Understandably lacking confidence that UNPROFOR would protect them, B-1401, his father, uncle and other male relatives headed for the woods.

They joined a column of 15,000 men led by one to three thousand Bosnian army troops, heading toward Bosnian-controlled territory. In fierce fighting, the ABiH soldiers broke through enemy lines, leaving civilians and some of the soldiers behind. When Milosevic questioned the witness about the army's abandonment of civilians, he responded, "They had to save themselves. If they'd taken us, no one would have survived."

The remaining civilians spent the night in the woods under heavy shellfire. B-1401 described a scene of extraordinary chaos. Men were wounded and dying. Some were hallucinating and a few killed themselves rather than surrender. They did not know where they were. The witness lost contact with his father and never saw him again.

Next day the shelling let up and Serb forces demanded the column surrender. While some men headed deeper into the woods, many thousands walked toward Serbian forces with hands raised. B-1401 described walking over corpses, seeing men with their faces and hands blown off from shells. He estimated about 500 men were killed in the woods.

After demanding the men throw down their weapons, valuables and German marks, their Serb captors crowded them onto trucks, where they spent the night without food or water. The following morning, they were crammed into a school building in Petkovci under even worse conditions and forced to repeat, "This is Serb land. It always was and always will be." The men were so thirsty they drank their own urine.

As night fell, they were taken out in groups of three to five, followed by the sound of gunfire. None returned. Soldiers later led the remaining men out, tying their hands and loading them onto a truck. The witness described feeling a sticky substance on his foot and seeing a large pile of corpses in front of the school. After a five to ten minute ride, the truck stopped. Men were unloaded in groups of five. Each time, the men remaining heard shots. B-1401 said

they tried to avoid getting off the truck, knowing they were going to be executed. Many begged for water. They did not want to die thirsty. The witness said he tried to hide, too. "I just wanted to live another minute or two."

When it was his turn, Serb soldiers ordered his group to find a place to lie down among the dead bodies. "Everything happened so fast," he told the Court. "I thought I'd die soon and not suffer any more, that my mama would never know where I am." The soldiers opened fire. B-1401 was shot in his right side. When the next group came and the shooting resumed, he was wounded again -- in his left foot. Later, he was hit once more. He was suffering so much from his wounds, he testified, he wanted to cry out and beg to be killed. The moaning of the man next to him elicited a bullet in the head. The killing continued for another hour.

His pain was so excruciating he never would have tried to escape had it not been for another survivor. They untied each other's hands with their teeth, crawled on their stomachs across the field of corpses and reached the top of a hill. Next morning, they saw a yellow loader collecting a "very large pile" of dead bodies. Speaking of the trek through the woods with the other survivor, B-1401 testified, "He was the only one who knows how badly I suffered. I couldn't walk. He would leave me, then come back and beseech me to go on. I hurt so badly." After four days of traveling, they reached safety.

Milosevic questioned the witness about the nature of the column of men -- how many were armed, how many were soldiers, how many in the woods were killed in combat. The accused was seeking support for his defense that a large number of the Srebrenica dead died fighting. Yet, if 500 men died fighting in the woods, at least 6,500 more remained to be accounted for. When Milosevic questioned the young man about apparent discrepancies in identifying the execution site, B-1401 responded, "It happened during the night. You'll never be able to understand the feeling when one is taken out to be executed." As one of the prosecutors later wrote, "When this boy testified something happened in the courtroom. We were all -- judges, prosecutors, amici choking back emotion. It was [as] if his having passed through that experience imparted a quality to him that impacted us all."<sup>i</sup>

### *Portrait of a Perpetrator*

For what must have seemed the 100<sup>th</sup> time, Drazen Erdemovic appeared in court to testify about his participation in the murder of 1,200 Bosnian civilians near Srebrenica. He admitted killing 100 of them himself. When asked by the amicus how he carried out the executions, he replied it was too horrible to talk about again. Erdemovic, who earlier suffered

an emotional breakdown, pled guilty to war crimes in 1996 and agreed to testify for the prosecution in its Srebrenica cases.

Erdemovic was 23-years-old when he and other members of the Bosnian Serb army's 10<sup>th</sup> Sabotage Detachment were ordered to Bratunac on 10 July 2005 to take part in the assault on Srebrenica. Five hundred to 700 Serbian soldiers took the town in a few hours, finding only about 200 civilians, mostly elderly, still there. During the assault, the majority had fled to the nearby UN base at Potocari, seeking protection, or to join the column of men trying to escape through the woods.

For Erdemovic and his victims, the real horror began on 15 July when a lieutenant colonel ordered him and seven other members of the 10<sup>th</sup> Sabotage Detachment to go to Branjevo Farm. There, superior officers explained buses would arrive carrying Bosnian civilians, whom they were to execute. When Erdemovic and two other soldiers objected, the officers said they could join the captives and share their fate. For the next four hours, the men of the 10<sup>th</sup> Sabotage Detachment systematically executed approximately 1,200 Bosnian Muslim men and boys between the ages of 16 and 70 in groups of 10, some with hands tied behind their backs and blindfolded. When it was over, the lieutenant colonel ordered the soldiers to Pilica where they were to execute 500 more men. Erdemovic and several others refused, and the job was given to the Bratunac Brigade. Erdemovic testified his orders came from the VRS main staff: "In order to organize anything like that the authorities had to know about it. My unit could not have provided all the buses and things. It is clear that someone very high up was behind it."

Milosevic tried to characterize Erdemovic as a lying opportunist, who agreed to accuse people for the massacre in exchange for a light sentence. The accused also set out to establish the VRS main staff or other "higher ups" had not ordered or approved the killings. He offered General Zdravko Tolimir's 9 July 1995 order to honor the Geneva conventions in taking Srebrenica, and Karadzic's 11 July 1995 order that civilians were to be protected and asked whether they wished to stay or leave Srebrenica. Erdemovic never heard of them.

Erdemovic "was a mere foot soldier" and "a reluctant participant," according to the trial chamber that sentenced him. He attempted to protest the slaughter and was told he would be killed if he refused to follow orders. He was 23-years-old. The sentencing court also noted his exceptional cooperation with the prosecution, his admission of guilt and his continually expressed remorse. These mitigated his sentence, while the horrible nature of the crimes he committed was an aggravating factor. The court concluded: "No matter how reluctant his initial decision to participate was, he continued to kill for most of that day."<sup>iii</sup>

The issue before the *Milosevic* Trial Chamber was the guilt of a man alleged to be responsible for exploiting Erdemovic and other foot soldiers to do his dirty work. Though Erdemovic was guilty of murder as a war crime, he was not guilty of genocide. Unlike those who planned and coordinated the Srebrenica massacre, he lacked the specific intent to destroy Bosnian Muslim men and boys as a group. His intent was to kill to avoid being killed himself, which did not excuse his executing 100 people. In the final analysis, however, it was unlikely Erdemovic, and many more of the foot soldiers, would have become killers without their superiors who devised the plan. Under the law, those superiors were answerable for killing done under their orders, but were not answerable for the harm they did to the young men they turned into killers.

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<sup>i</sup> Dermot Groome, 13 November 2007 correspondence with author.

<sup>ii</sup> Erdemovic served five years in prison and has been released.