

KARADŽIĆ VERDICT UNSATISFACTORY
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March 24, 2016

On March 24, 2016, after a five-year trial, wartime Bosnian Serb leader Radovan Karadžić was sentenced to forty years in prison for five counts of crimes against humanity, four counts of war crimes, and genocide in Srebrenica. But the conviction on ten out of eleven charges leaves the need for justice in Bosnia-Herzegovina unsatisfied, because he was not convicted on the eleventh count, for genocide in other parts of the country.

Genocide took place in numerous other parts of Bosnia – and the International Criminal Tribunal for the former Yugoslavia (ICTY), which tried Karadžić, has acknowledged this. So, did genocide happen, without anyone planning it?

Radovan Karadžić was the wartime president of the Bosnian Serbs and commander-in-chief of the separatist army that created the autonomous entity called the Republika Srpska (the Serb Republic, or “RS”). The RS was enshrined in the 1995 Dayton agreement as one of two “entities” of the postwar state of Bosnia-Herzegovina.

The partition of Bosnia was achieved through the displacement of about two million people, or half of Bosnia’s entire population. Some 100,000 people were killed, thousands of women were raped, and thousands of civilians were held in Serb-run concentration camps. Serb forces besieged the capital city of Sarajevo and shelled it for nearly four years. As leader of the separatist forces, Karadžić was responsible for directing the mayhem that destroyed a lovely and peaceable country. Out of that carnage was born the Serb-controlled entity.

Now Karadžić has received his punishment, but justice is wanting. He was found innocent of the charge of genocide pertaining to extermination of non-Serbs in the municipalities of Foča, Ključ, Prijedor, Sanski Most, Vlasenica, and Zvornik. Muslims and Croats who were placed in concentration camps in those locations and then expelled from their homeland have not received satisfaction from the recent verdict.

In Prijedor alone there were some twenty Serb-run concentration camps, which held over 30,000 innocent civilian prisoners. In that municipality over 3,000 non-Serbs were killed, and at least 50,000 expelled. The organizational effort required to pull off such a crime fulfills the legal definition of genocide, which describes the crime as involving “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”

Serb separatist forces committed such acts against non-Serbs in the municipalities named here. The ICTY has even acknowledged – for example, in the trial of Karadžić’s confederate, Momčilo Krajišnik – that genocide took place in the Prijedor area.* But with the exception of Srebrenica, the court has failed to discern intent, the critical component denoting authorship of the crime at the top level of command. So in this Alice-in-

Wonderland world of justice, we have a meticulously-organized genocide, but no one “intended” it.

In the Prijedor area, as in Srebrenica, it is common to meet people whose relatives were murdered by the dozens, merely because of the religion of their ancestors. The record shows that Radovan Karadžić had threatened extermination of the Bosnian Muslims numerous times. For example, on the eve of the war, Karadžić announced in Parliament, “The path you have chosen is the same highway that led Croatia to hell, only that hell will be even worse in Bosnia, where the Muslims could cease to exist.”

Apparently the ICTY was not able to perceive the connection between his threats and the fact that, in many places, Serb extremists indeed carried out extermination.

A survivor of the Prijedor complex of concentration camps once told me, “I don’t need any court decision to know there was genocide; I felt it on my own shoulders.” However, if the terribly devalued phrase “never again” is to mean anything at all, then the genocide in many parts of Bosnia-Herzegovina must be recognized in the court record. It is to be hoped that an appeal will rectify this.

Much of Karadžić’s wartime agenda and the separatist goals for which the forces under his command rampaged remain in place today. Half of Bosnia-Herzegovina essentially remains under occupation in the form of the Serb-controlled entity. Perhaps some ten to fifteen percent of the non-Serbs – Croats, Bosniaks, Roma, and others – driven out of that territory returned, but many of those returnees were elderly, and those who can leave for a country not beset by modern Apartheid are doing so. In another generation, what is sometimes called “biological ethnic cleansing” will have taken a severe toll.

Meanwhile, those relatively few war criminals who were processed by the Hague Tribunal are quickly being released from prison; some have returned to politics in the Republika Srpska, and others walk the streets of Prijedor, facing their victims on a daily basis.

Just before the sentencing, Republika Srpska President Milorad Dodik ceremoniously named a student dormitory in Pale, the wartime capital of the Serb-controlled entity, after Radovan Karadžić. The heart of justice beats very weakly in Bosnia-Herzegovina today.

These are difficult days for those of us who are concerned with justice and recovery in Bosnia, and doubly so for the survivors. Here is what one friend wrote me from Sarajevo:

“All of that courtroom process brought me a terrible unease, and brought me back to those days that I lived through, minute by minute, and that left in me scars and sickness that I struggle with all the way up to today.”

“I had hoped that the Hague Tribunal would comprehend that that genocide [in other parts of Bosnia] was equal, if not more terrible, than that in Srebrenica. And then you realize that it is all just politics, and you just feel sickened. The punishment does not even interest me, nor is it any satisfaction for the human pain involved. But an admission (in the form of a guilty verdict) to the people who lived through that pain, and still carry it with them, is the only thing that would make any sense.”

As soon as it became known that the ICTY failed to find Karadžić guilty of genocide outside of Srebrenica, speculation began as to the reasons for this failure. What is in the minds of the judges is not possible to know, and I would reject any facile conspiratorialist reasoning. However, it is clear that the international community – that is, the UN Security Council and the leaders of the most powerful Western states – have long since settled on a restricted acknowledgment of genocide as having taken place only at Srebrenica. For those leaders, life moves on, as does their attention – to the next war, and the next, and the next.

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*The Prijedor genocide: In the case of Momčilo Krajišnik, the ICTY found that evidence provided was “sufficient to infer genocidal intent in relation to both Bosnian Muslims and Bosnian Croats.” The finding also concluded that Krajišnik had acted in collusion with other leaders who had acted with genocidal intent. At the end of the trial, judges found that acts of genocide had been committed in the areas mentioned in Krajišnik’s charges, but that intent on his part could not be proved.

[Transcript of proceedings in the Krajišnik case](#), page 17130, line 20, through page 17131, line 11, August 19, 2005.

[ICTY trial judgment in the case of Momčilo Krajišnik](#), September 27, 2006, page 305.

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