

GENOCIDE IN SREBRENICA: 28 YEARS LATER

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Introduction

On July 11 each year, thousands come to the Srebrenica Memorial Centre to commemorate the 1995 [Srebrenica genocide](#), one of the worst crimes committed on European territory since the Holocaust. This year marks its 28th anniversary. Although many verdicts of international and domestic courts have recognised this horrific crime as genocide, it is still largely denied and convicted war criminals are glorified.

UN 'Safe zone'

On 16 April 1993, the United Nations (UN) Security Council adopted [Resolution no. 819](#) which demands that all parties to the conflict in the Republic of Bosnia and Herzegovina consider Srebrenica and the area around it as a 'protected zone', in which there will be no armed attacks or hostilities. About 400 poorly armed Dutch UN peacekeepers (*Dutchbat III*) were stationed there and tasked with protecting refugees arriving in the town. When Bosnian Serb units attacked the UN safe area at the beginning of July 1995, the commander of the Dutch battalion, Thomas Karremens, called for NATO military air support – which arrived too late and was too little to stop the Serbian advance. On 11 July 1995, the Bosnian Serb troops under the command of Ratko Mladić marched into the safe area and into the city of Srebrenica, where Dutch troops offered no resistance, handing over all observation posts and guarded barriers. But what was particularly [incriminating](#) is that they assisted with the deportation of over 300 Muslim boys and men who had sought sanctuary from the Serbs in the Dutch military compound. [The genocide of Srebrenica](#) took the lives of more than [8,000](#) human beings, mostly Bosniak men and boys, and displaced 30,000 people. This mission is considered one of the [greatest failures](#) of the [UN Peacekeeping](#) and the international community.

During a ceremony in Potočari in 2022, and for the first time since the 1995 massacre, Dutch Defense Minister Kaja Ollongren [apologised](#) to survivors for the Dutch peacekeepers' failure to prevent the killings: "the international community failed to offer adequate protection to the people of Srebrenica. The Dutch government shares responsibility for the situation in which that failure occurred. And for this, we offer our deepest apologies".

So far, 6 955 genocide victims, whose remains were found in 95 different mass graves, have been buried at the Memorial Centre. This year marked the 28th anniversary of the Srebrenica genocide and 30 newly identified victims were laid to rest. That usually means just [few bones](#) which the family of the victims decided to bury after a long wait and lost hope of finding more of the victim's remains. In order to conceal the crime and make identification more difficult, perpetrators moved the bodies of the murdered victims several times, leading to remains being found in as many as two or three mass graves.

The two key figures responsible for the Srebrenica massacre, [Republika Srpska leader Radovan Karadžić](#) and [military commander Ratko Mladić](#), were finally caught in 2008 and 2011, respectively. They and several accomplices have been [sentenced to life imprisonment](#) by the International Criminal Tribunal for former Yugoslavia (ICTY). Many other perpetrators, however, remain free to this day and live in Serbia, without ever having faced consequences.

This year, the Appeals Chamber of The International Residual Mechanism for Criminal Tribunals handed down its [last judgment](#) concerning crimes committed during the conflicts in the former Yugoslavia, in the case against Jovica Stanišić and Franko Simatović. This conviction is historical and establishes highly important precedents in the international criminal law.

As the chief and senior deputy in the Serbian State Security service under Slobodan Milošević, Stanišić and Simatović, state of Serbia and its security agency was involved in the international conflict on the territory of Bosnia and Herzegovina and Croatia as proxy aggressor. Although the late Serbian President, Slobodan Milošević, died in detention before his verdict and Jovica Stanišić and Franko Simatović were not convicted for a long list of additional crimes they were involved in, the recent judgment brought some comfort to the victims and contribute to healing and reconciliation. Before this, no Serbian state official had been convicted by the ICTY, although their involvement in the Bosnian war is widely known.

While the international trial and appeal processes for the former Yugoslavia and Rwanda are coming to an end, domestic-level procedures are still ongoing. All countries must support them, especially those involved in the past conflicts.

Genocide denial

Instead of recognising it as one of the vilest chapters of Europe's contemporary history and working towards reconciliation, Serbia and one entity of Bosnia and Herzegovina (*Republika Srpska*), very often use genocide denial. According to the [report](#) of the Memorial Center in Srebrenica, within the project 'Truth, dialogue, future', supported by the Government of the United Kingdom, in the period 2021-2022, 693 cases of genocide denial were recorded in the public media space of the Western Balkans. It was monitored that the largest number of cases of genocide denial came from the Republic of Serbia, with 476 cases, followed by Bosnia and Herzegovina (entity *Republika Srpska*), where 176 occurrences were recorded.

Progress in sanctioning this kind of cruel denial came with the [decision on the amendment](#) of

the Criminal Code of Bosnia and Herzegovina on 22 July 2021 by the then High Representative in Bosnia and Herzegovina, Valentin Inzko. Namely, the High Representative used his '[Bonn powers](#)' and imposed historic new law against genocide denial and glorification of convicted war criminals, according to which violators of these provisions are subject to a prison sentence of three months to five years.

This decision is a significant step forward, but the work of states, non-governmental organisations and international institutions is needed in order to reduce or eliminate the denial of the genocide in Srebrenica from the public discourse. Menachem Z. Rosensaft, Associate Executive Vice President and General Counsel of the World Jewish Congress [stated](#): 'those who deny the Srebrenica genocide, become moral accomplices of the worst crime committed on the territory of Europe since the Holocaust in World War II'.

Despite the verdicts of international courts, [Serbia does not accept](#) that Srebrenica crimes constituted genocide and is prosecuting defendants for committing war crimes against the civilian population instead. Genocide denial has been the official policy of the Serbian state since the 1990s. After the verdict against Stanišić and Simatović, Serbia can no longer whitewash its role in the genocide in Srebrenica and Bosnian War. Is there a place for revision of the [case](#) (B&H v. Serbia and Montenegro) in front of the International Court of Justice? Time will tell.

Unfortunately, we are witnessing that the same practice of denial finds its application today in the [propaganda](#) of the Russian, Serbian, Belorussian and other media when it comes to hiding and justifying the terrible crimes of the Russian army in the aggression against Ukraine and the Ukrainian people. That is why it is important to constantly point out the disastrous practice of human rights violations, bring all perpetrators to justice and establish good precedents in international criminal law.

"It is high time to recognise 11 July as an official International Day of Remembrance of the victims of the Srebrenica Genocide, on the eve of this year's commemoration". [says](#) the Council of Europe Commissioner for Human Rights, Dunja Mijatović. Indeed, glorification of war criminals and the denial of committed crimes - including the genocide in Srebrenica - are unacceptable as they increase the suffering of the victims, hamper reconciliation and long-lasting peacebuilding, thus destabilising the region.

The role of the international community

Although more than 30 years have passed since the war, the role of the international community in post-Dayton Bosnia and Herzegovina is still very important, as is its strengthening towards NATO and the EU membership. Bosnia and Herzegovina finally received [EU candidate status](#) last year, which gives some hope that country is moving forward on the path to full EU membership.

But, the [recent decision](#) of the National Assembly of its smaller entity, *Republika Srpska*, that it will not respect the decisions of the Constitutional Court (and de facto the Dayton Agreement) speaks of the delicate situation in which the country finds itself. Milorad Dodik, *Republika Srpska's* president, said earlier during the session that after the entry into force of the law on non-application of the decisions of the Constitutional Court of Bosnia and Herzegovina, he will ban the activities of the Court and Prosecutor's Office of Bosnia and Herzegovina, as well as the Investigation and Protection Agency on 'his' entity. Although this represents some kind of *coup d'état* and a direct attack on the integrity and rule of law on the territory of Bosnia and Herzegovina, apart from the [decision](#) of the current High Representative in Bosnia and Herzegovina, Christian Schmit, who declared this

decision invalid and amended Criminal Code of Bosnia and Herzegovina, there were only a [few condemnation](#) and no sanctions from the international community. That is a wind at the back of Dodik and his allies for further action in obstructing the normal functioning of the state and its institutions. Schmit's decision and his authority is not much respected in Republika Srpska, so further action in disrupting the legal order can be expected in the future as well. [Stronger condemnation](#), domestic and international sanctions are needed for Milorad Dodik, as well as his allies, to properly act on attempts to deliberately and systematically undermine the constitutional order of the country .

'The Srebrenica genocide marked one of the darkest pages of European history. If we want to write a brighter future, we must remember what happened and promote awareness and education about the Srebrenica genocide, and fight against genocide denial or distortion or falsification of that part of our history. We must acknowledge the suffering of the survivors and of the victims' families. We must make their struggle for justice our goal.'

- Dunja Mijatović, Council of Europe Commissioner for Human Rights

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