

UN General Assembly Ignores a Real Genocide in Jasenovac to Highlight a Phony One in Srebrenica

Address to the 22nd Annual Days of Jasenovac Commemorative Conference in Toronto, May 19, 2024

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We are witnessing as I speak a train of events that is extraordinary – perhaps utterly scandalous would be a far better word. I wish to draw your attention to it.

A serious attempt is being made at the level of the United Nations to blank out the genocide that occurred in Croatia from 1941 to 1945, during World War II.

That genocide is the subject matter of this conference.

The suppression of that event from public awareness is being done perfidiously. They are not overtly comparing a slaughter of the magnitude of Jasenovac to another, lesser event.

They are trying to ignore Jasenovac altogether, or “cancel” it in contemporary parlance. I am referring of course to the Srebrenica resolution now before the General Assembly of the United Nations. It misrepresents and by disgusting virtue signalling purports to “memorialise” a phony, politically fabricated genocide whilst ignoring a genuine genocide that actually did take place in the recent past and in relative geographical proximity to Srebrenica.

If highlighting a Balkan genocide for the purpose of universal condemnation had been the real concern of the sponsors of the UN resolution, they would not have chosen as their focus a highly dubious example which pales by comparison to a genocide that is unquestionably real. Such a genocide occurred in Croatia, and you come together every year to pay homage to its victims. It is symbolised by the death camp of Jasenovac.

I do not intend to offer any legal or historical arguments concerning the genocide in Croatia during World War II, leaving that task to other presenters who will be speaking today. Instead, I will narrowly focus on the issue of Srebrenica which the global political establishment holds to be a starker example of genocide than even Jasenovac. Does Srebrenica qualify as a genocide and can it legitimately replace Jasenovac as the paradigmatic Balkan genocide?



Ustaše militia executing people over a mass grave near Jasenovac concentration camp (From the Public Domain)

In the mind of the globalist political establishment, that precisely appears to be the case. In their propagandistically reconfigured version of reality, Srebrenica indeed overshadows the massive slaughter of several hundred thousand innocent civilians in Jasenovac. It makes no difference to them that the slaughter in Croatia fully satisfies the criteria laid down in the Genocide Convention. Nor does it matter that it was committed with amply documented intent to exterminate all Serbs, Jews, and Roma within reach, to destroy the ethnic and religious communities to which the victims belonged.

The approach I will take to examine whether Srebrenica was a genocide comparable to Jasenovac, or to any other example of a real genocide that could be cited, is by stating a number of *hard data points*. As you undoubtedly know, a hard data point is a fact that is established, indisputable, and relevant for assessing the truth of a claim. Anyone asserting a contrary position is free to do so, but he must explain such a hard data point and harmonise it with the substance of his claim.

The essence of the Srebrenica genocide controversy, in the legal and political sense, is whether there is evidence of intent to exterminate the Muslim community.



Exhumations in Srebrenica, 1996 (Photograph provided courtesy of the ICTY.)

Absent provable genocidal intent, or *dolus specialis*, the loss of life in Srebrenica may be regretted and condemned but it cannot be raised to the level of genocide. The defining characteristic of genocide is the intent to physically destroy one of the categories of persons, ethnic, religious, or racial, protected under the Genocide Convention. That is not in dispute. All professionals are aware of that and accept it.

If we assume that the ripening of the genocidal design and the logistical preparations for its execution take a certain minimum period of time, it is reasonable to ask at what point and at what temporal distance from the events was genocidal intent established in Srebrenica, if it ever existed?

That is the first hard data point to which I wish to draw your attention. Testifying in November of 2001 before the Srebrenica Inquiry Commission of the French Parliament, the chief investigator of the Hague Tribunal, Jean-Rene Ruez gave the following answer to the question put to him by the Commission, whether it was true that prior to 9 July, 1995, which is two days before Serbian forces entered Srebrenica, there had been no plan to overrun the enclave, in spite of the fact that it was of great strategic significance to the Bosnian Serbs. Ruez responded as follows:

“In fact, the decision to seize the enclave had not been taken before 9 July, when General Mladic realised that it would not be defended. The initial objective was for the enclave to be narrowed down to the city limits of Srebrenica ... ” [1]

This is an extremely significant admission to the effect that the Serbian side had no intention of even capturing Srebrenica prior to 9 July. Ruez’s assessment is based on documents to which Ruez had access in his capacity as the Hague Tribunal’s chief investigator. That is why Ruez’s statement may be considered a reliably proven fact.

If we bear in mind that the alleged genocide in Srebrenica took place between 13 and 17 July, this fact is of capital significance, coming from a knowledgeable source within the Hague Tribunal. It means that the intent to physically destroy the population of Srebrenica, or a part of it, could not have existed before 9 July, whilst the alleged genocide is said to have been conceived and launched only four days later.

The next hard data fact is provided by the military expert for the Prosecution of the Hague Tribunal, Richard Butler. His testimony concerning the sequence of events also is against the interest of the institution which he served, which enhances its credibility.

Testifying as a Prosecution witness in a Sarajevo Srebrenica trial in 2010[2] Butler furnished important information which bears on the issue of genocidal intent. As a prosecution expert, Butler also had access to the most sensitive and relevant documents. In that capacity, he testified that at least up to 11 July he had found no hint of the existence of a plan to exterminate Srebrenica Muslims. That is the date when Serbian forces took control of the enclave. Ruez's chronology is therefore moved forward by Butler by at least two more days, confirming that there was no evidence that on the Serbian side anyone was planning to commit genocide even forty-eight hours before the imputed crime began to occur.

How could immensely complex logistical preparations for a killing operation of such magnitude be made at such short notice?

Other assertions made by Butler during his testimony make the existence of a genocidal plan equally dubious.

First, Butler confirms Ruez's view that the original aim of the Serbian military operation was only to reduce the UN protected enclave to Srebrenica city limits.

Secondly, he confirms that Karadžić issued the order for Serbian forces to enter Srebrenica only on 10 July, a day before that actually happened.

That suggests that the takeover of the enclave was an improvised decision taken on the spur-of-the-moment and in light of the success of the military operation up to that point and was not part of a premeditated plan to capture the Muslim population in order to exterminate it. Third, Butler testified that he was "not aware" of the Serbian side shooting at civilians after 11 July, when Srebrenica was overrun and the operation ended, which is unusual behaviour for people with genocidal intent. Fourth, with regard to the deportation of the civilian population of Srebrenica, Butler testified under cross-examination that "there is no evidence in the documents" of prior planning to capture the enclave before the morning of 11 July, when the decision to enter Srebrenica was taken, so there could not have been a prior deportation plan either. Finally, Butler agreed under cross-examination that in the ranks of the Army of the Republic of Srpska there was no expectation that prisoners might be harmed "even up to 12 or 13 July."

The critical question is whether this chronology of events, as described by some of the most knowledgeable Hague Tribunal Prosecution experts, can be harmonised with the proposition that the political and military leadership of the Republic of Srpska attacked Srebrenica with the intent to physically exterminate the Muslim population as such, as an ethnic or religious community? The Genocide Convention requires proof of such intention for the crime of genocide to be charged.

You decide.

Viewed from such a perspective, and that is my next hard data point, the questions raised by the distinguished Canadian legal scholar and expert for genocide, William Schabas, are eminently reasonable. Schabas asked:

"Can there not be other plausible explanations for the destruction of 7,000 men and

boys in Srebrenica? Could they not have been targeted precisely because they were of military age, and thus actual or potential combatants? Would someone truly bent upon the physical destruction of a group, and cold-blooded enough to murder more than 7,000 defenceless men and boys, go to the trouble of organizing transport so that women, children, and the elderly could be evacuated?"[3]

Again, you decide.

With regard to the extent of human losses sustained by the Muslim population of Srebrenica in July of 1995, there is general agreement amongst all the authorities that on the day Srebrenica changed hands, 11 July, 1995, the population in the enclave was about 40,000. But we have another relevant hard data point, and that is the summary report of the UN Command in nearby Tuzla, dated 4 August, 1995. It is stated there that as of that day UN personnel in Tuzla had registered 35,632 refugees who had arrived in Tuzla from the enclave of Srebrenica. This document serves as a key marker of the demographic changes between 11 July and 4 August, 1995. It strongly suggests that the total losses from all causes sustained by the population of Srebrenica could not have exceeded 4,500. That is about half the figure that is commonly claimed.

Image: An agricultural knife nicknamed "Srbosjek" or "Serbcutter", strapped to the hand. It was used by the Ustaše militia for the speedy killing of inmates at Jasenovac (From the Public Domain)



The next hard data point is the generally accepted fact that in July 1995 there were two significant causes of human losses amongst the population of the enclave. One was execution of prisoners of war, the other was combat deaths sustained by the mixed military/civilian column of the Muslim armed forces which was conducting a breakout from Srebrenica to the nearest territory under Sarajevo government control in Tuzla. In international law, execution of prisoners is a punishable war crime. Combat losses however are not subject to criminal prosecution. The Hague Tribunal has accepted the validity of that distinction and that is why it never indicted anyone for inflicting casualties on the retreating Muslim military column.

Estimates of legal combat losses sustained by the column during the break-out vary, but in every instance they are significant. The Hague Tribunal military expert Richard Butler estimates those losses at between 2,000 and 4,000, the UN military observer in Bosnia Carlos Martins Branco puts them at around 2,000. According to US intelligence officer John Schindler who was stationed in Sarajevo about 5,000 Srebrenica military-capable males

were killed in combat after 11 July. EU peace negotiator Karl Bildt's estimate is about 4,000, whilst the UN in their assessment of combat losses put the figure at 3,000. Because of the chaotic conditions there obviously is no precision in these estimates, but they give you a sense of the order of magnitude of post 11 July legitimate combat losses. To repeat, the infliction of these casualties is not a violation of the laws of war, there is no criminal liability attached to them, and these losses cannot be considered victims of genocide.

The remaining issue is how many execution victims could there have been. Execution of prisoners is a crime against humanity but please note that unless other conditions also apply even that is not sufficient to show that genocide was committed.

Between 1996 and 2001 forensic teams sent out by the Office of the Prosecutor of the Hague Tribunal conducted exhumations of mass graves suspected of being associated with the executions of Muslim prisoners. They processed and classified 3,568 cases. Their forensic analysis, supported by detailed autopsy reports, presented the following picture:

- 442 exhumed persons were undoubtedly victims of execution because they were found with blindfolds or handcuffs
- 627 individuals showed injuries from mine fragments or artillery projectiles, which rules out execution and is more consistent with combat death
- 505 individuals died of bullet wounds, which may indicate execution, but is also consistent with combat death

For the remaining cases, Prosecution forensic experts were unable to determine the cause of death.

Thus, the Srebrenica forensic picture is very diverse. It is not generally consistent with execution, as one would expect to find that it would be if the official account were true. That is a very important additional hard data point which the proponents of the death count of 8,000 must explain.

Finally, and with this I conclude my factual review, Hague Tribunal verdicts are highly inconsistent with regard to the actual number of execution victims.

In the Krstić verdict, the Chamber claimed that "7,000 to 8,000" were executed. In the Popović case the Chamber said that "at least 5,336 individuals were executed after the fall of Srebrenica." In the Tolimir case the Chamber found that there were "4,970 executed victims."

All those incompatible figures are final, being stated in the appellate judgments of the cases to which they refer. These diverse body counts are all based on essentially the same corpus of evidence, which did not vary substantially from one Srebrenica trial to another. Besides being drastically different amongst themselves, they also significantly exceed the empirical findings of the Prosecution's own forensic experts.

Once again, you be the jury and assess the credibility of these inconsistent claims.

A quarter century after the event, I would submit that the toxic Srebrenica narrative is significantly more lethal than anything that actually occurred in July 1995.

Firstly, Srebrenica has served as the basis of the murderous Right to Protect doctrine which

the collective West has abused to attack, devastate, and plunder a series of countries, beginning with the attack on Yugoslavia in 1999, followed by the military destruction and occupation of Iraq, Libya, Syria, Afghanistan, and a number of other countries. The human cost of this global aggression unleashed using Srebrenica as the pretext so far has been about two million, ironically mostly Muslim lives. The official Srebrenica narrative served as the rationalization for the killing of at least 100 times more human beings than the number of lives presumably lost in Srebrenica in July 1995.

It is scarcely necessary to point out that the fostering of the official Srebrenica narrative, which may soon be enshrined in a UN resolution, is provoking permanent enmity between the Orthodox and Muslims, the two largest constituent groups in Bosnia and Herzegovina. One suspects that this animosity perfectly suits the globalist political agenda. Mutual distrust and hatred amongst the local population makes it possible for foreign interests to extend their presence and tutorship indefinitely and keep that strategically important part of Europe permanently under their control.

The sacralisation of the Srebrenica narrative as the contemporary model of genocide and the simultaneous suppression of Jasenovac, which by contrast fully qualifies as the true legal and moral standard by which to measure that heinous crime, is sad testimony to the disarray that prevails in the post-truth world in which we are trapped. All the more reason for both the Jasenovac Research Institute and Srebrenica Historical Project to press on with their noble task and never give up.

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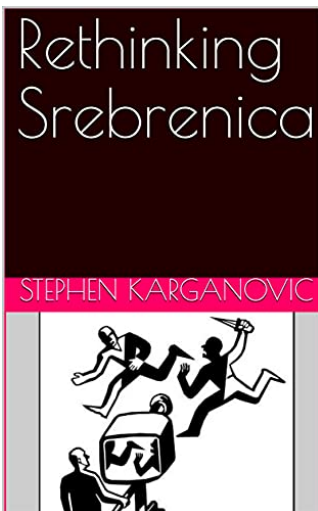
Notes

[1] RAPPORT D'INFORMATION No. 3413, National Assembly of France, 22 November 2001, p. 43.

[2] State Court of Bosnia and Herzegovina, War crimes division, Prosecutor v. Pelemiš at al., X-KR-08/602, 22 March 2010.

[3] William A. Schabas, "Was Genocide Committed in Bosnia and Herzegovina? First Judgments of the International Criminal Tribunal for the Former Yugoslavia," *Fordham Journal of International Law*, Vol. 25, No. 23, 2001-2002, p. 46.

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Rethinking Srebrenica

By Stephen Karganovic

Rethinking Srebrenica examines the forensic evidence of the alleged Srebrenica “massacre” possessed by the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague. Even though the ICTY created more than 3,500 autopsy reports, many of these autopsy reports were based on bone fragments, which do not represent complete bodies. An examination of the matching femur bones found reveals that there were only about 1,900 complete bodies that were exhumed. Of these, some 1,500 autopsy reports indicated a cause of death consistent with battlefield casualties. Only about 400 autopsy reports indicated execution as a cause of death, as revealed by ligatures and blindfolds. This forensic evidence does not warrant the conclusion of a genocide having taken place.

Karganovic examines the events that took place in Srebrenica in July 1995 in a wholistic manner instead of restricting it to a three-day event. The ten chapters cover:

- 1) Srebrenica: A Critical Overview;
- 2) Demilitarization of the UN Safe Zone of Srebrenica;
- 3) Genocide or Blowback?;
- 4) General Presentation and Interpretation of Srebrenica Forensic Data (Pattern of Injury Breakdown);
- 5) An Analysis of the Srebrenica Forensic Reports Prepared by the ICTY Prosecution Experts;
- 6) An Analysis of Muslim Column Losses Attributable to Minefields, Combat Activity, and Other Causes;
- 7) The Genocide Issue: Was there a Demonstrable Intent to Exterminate All Muslims?;
- 8) ICTY Radio Intercept Evidence;
- 9) The Balance Sheet; and
- 10) Srebrenica: Uses of the Narrative.

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