

April 26, 2012

The Honorable  
Patrick S. Moon  
Ambassador of the United States  
American Embassy  
Sarajevo, Bosnia and Herzegovina

Dear Mr. Ambassador,

I am writing to express my concern about the election law in Srebrenica, Bosnia and Herzegovina. As a result of the genocide that was committed in Srebrenica –so named by two international courts—the demographics have shifted dramatically, drastically reducing the number of Bosniaks in the Srebrenica municipality. As you know, the 2008 amendment allowed Bosniaks, who were Srebrenica residents from 1992-1995 but who are now living elsewhere because of the genocide, to vote in the election for Mayor. If the 2008 amendment to the election law is not renewed or extended, then it would seem highly likely that a Bosnian Serb would become the next Mayor of Srebrenica.

The election of a Bosnian Serb-run administration in Srebrenica would constitute the completion of a process that began with the siege of the town of Srebrenica in 1992, and then continued with eventual occupation of the enclave and the subsequent genocide in July 1995. Moreover, the installation of a Bosnian Serb municipal administration in Srebrenica – due precisely to the Bosnian Serb majority resulting from the genocide—could then be understood as the accomplishment of the genocidal plan; an “accomplishment” that will further hinder the process of the return of the refugees. Such an outcome must be seen as morally reprehensible and unacceptable to the international diplomatic community.

I am a Professor of Philosophy at Southern CT State University in New Haven, CT. My research and teaching focuses on genocide. I have been undertaking research in Bosnia over the course of the past decade. This year, for example, I was invited by the Institute for Research of Crimes Against Humanity and International Law at the University of Sarajevo and the Sarajevo Canton Government to present a lecture on February 29<sup>th</sup>, and the conference concluded with a presentation of my documentary film “The Geography of Genocide in Bosnia: Redeeming the Earth” (US, 2011, 50 min.), a film I made with my son. I was honored to be part of the conference delegation that laid a wreath at the memorial to the murdered children in Sarajevo on March 1st. On the evening of March 1st I was interviewed on the Federal Television station concerning the political situation in Bosnia. In 2009, for example, I joined a small group of survivors in the village of Klotjevac –a village that was 97% destroyed -- in a symbolic effort to re-inhabit the space. In 2010, I accompanied the ICMP team to the exhumations in Višegrad. It is in the context of my ongoing research that I want to bring my concerns about the election law to your attention.

In order to further contextualize my concern, I would like to tell you about my experience in Srebrenica last September 2011. I was invited to present the documentary film I made with my son Jonah at the Srebrenica Film Festival. Near the opening date of the Festival, the director of the Festival told me that there was a concern about our film because the local Bosnian Serbs did not want to see or hear about the word “genocide.” The director of the Festival suggested there were tensions and that I should maintain a “low profile” and be careful not to be a “target”. Also, unbeknownst to me, the director of the Festival had decided to actually remove the full title of my film from the Festival program so as to not “provoke” the local Bosnian Serbs. He also informed me that another documentary filmmaker had been afraid and had “pulled his film from the Festival,” and he asked me repeatedly whether I was still planning to attend.

I felt that it was imperative that I not yield to the threats and intimidation, implied or otherwise. I resolved to attend the Festival and to present the film. When I was in Srebrenica the director of the Festival said that the local Bosnian Serbs on the program committee had told him to remove our film from the program altogether but that he had refused. Then, on the day of the screening, I was informed that my film would not be presented in the regular location but that the screening had been re-located to the third floor of an office building. When he introduced the film, director of the Festival apologized for the sudden relocation of the screening, as well as for the deficient projection and sound facilities and explained that it was due to the political concerns. I then introduced the film and stated that I hoped that our film, and my presence, would be part of a discourse of resistance to genocide denial.

After the screening there were some tense exchanges but I do not want to focus further on my experience. Rather, I am reporting to you on the political culture of Republika Srpska, a political culture of denial and intimidation. As you know, many Bosniaks find it difficult to return to Srebrenica --and to many other places across Republika Srpska-- both for practical as well as psychological reasons. Potential returnees face a lack of employment, and in many cases their homes have been destroyed. But there are also psychological disincentives. Due to the trauma caused by the genocide and other war crimes, the rupture of the symbolic order was so severe that many Bosniaks find the resumption of normal activities in their former homes or locales to be quite difficult.

Of course, as I suggest above, the politics of Republika Srpska, a politics of genocide denial and intimidation, are not limited to Srebrenica. When I accompanied the government exhumation team to Višegrad in 2010, I discovered two posters on a storefront in the middle of the town, near the monument for Ivo Andrić and just near the famous Ottoman bridge. The posters, which were quite prominent, called for the freedom of Vojislav Šešelj and depicted images of “greater Serbia” and of the “White Eagles.” The idea of “Greater Serbia” was central to the ultranationalist discourse that led to the genocide and the “White Eagles” were a military unit responsible for many of the atrocities carried out in Višegrad and elsewhere. The last United States Ambassador to Yugoslavia, Mr. Warren Zimmerman, had harsh words for Mr. Šešelj. It was Šešelj, now awaiting sentencing, who declared in an interview that he would gouge the eyes of Croats with a dirty spoon and drive the Bosniaks back to Anatolia.

I view such posters, which are not uncommon in Republika Srpska, as a form of psychological terror directed against and intended to deter potential Bosniak returnees. Indeed, these posters are, from my experience, part of a concerted effort in this regard. In addition to such posters one finds, including in Višegrad, monuments in the middle of towns celebrating the “defenders of Republika Srpska”. The problem is that these “defenders” are the very ones who carried out the crimes of persecution, deportation and extermination that have been documented by the International Criminal Court for the former Yugoslavia.

Bosniak efforts to install their own memorials face insurmountable hurdles as a result of the political culture of denial and intimidation. In the northwest, survivors have been denied free access to the site of the notorious Omarska concentration camp and have been prevented from commemorating or memorializing the victims of the crimes committed there. In the southeast, approximately 162 victims who have been exhumed from the Drina River and Lake Perućac in 2010 have been identified. But family members are hesitant to bury their loved ones in the Stražište Cemetery because it is now in a Bosnian Serb-controlled town. These anxieties and fears are also frustrating efforts to establish a Memorial Center and Cemetery in Višegrad that would be similar to the Potočari Memorial. Further, the ruins of a house where approximately 70 victims were murdered on Pionirska Street may be conveniently destroyed as part of a municipal construction project, thus effacing the traces of the crime that the ICTY called one of the:

worst acts of inhumanity that a person may inflict upon others. In the all too long, sad and wretched history of man’s inhumanity to man, the Pionirska street and Bikavac fires must rank high. At the close of the twentieth century, a century marked by war and bloodshed on a colossal scale, these horrific events stand out for the viciousness of the incendiary attack, for the obvious premeditation and calculation that defined it, for the sheer callousness and brutality of herding, trapping and locking the victims in the two houses, thereby rendering them helpless in the ensuing inferno, and for the degree of pain and suffering inflicted on the victims as they were burnt alive. There is a unique cruelty in expunging all traces of the individual victims which must heighten the gravity ascribed to these crimes. (from the ICTY Judgment Summary for Milan Lukić and Sredoje Lukić, 20 July 2009)

The “unique cruelty in expunging all traces of the individual victims” to which the Court refers, is being renewed in the municipality’s efforts to bulldoze the scene of the crime.

As part of an orchestrated culture of exclusion, Republika Srpska declared Cyrillic to be its official alphabet in 2006. This was an unfortunate assertion of ethnic difference, or purity, in a region with a language with two alphabets (synchronic digraphia). While the national currency bears both alphabets, in Republika Srpska one finds road signs in Cyrillic letters alone. On the rare bi-alphabetical signage one often finds that the Latin letters have been obscured by spray paint. Bosniaks find the Cyrillic letters to be a cultural affront given the historical association with Serbian Christian Orthodoxy, an affront and an association

further exacerbated by the public role played by Church leaders in fanning the flames of ultra-nationalism. It was the Serb Orthodox priests in Belgrade who informed the Serb Scorpions military unit that "Turks are unlike other men, they are all beasts from Asia," thereby preparing them for their mission in Srebrenica during which they filmed themselves murdering civilians.

The negative effects of the abovementioned symbols of cultural separatism and exclusion have only been intensified by the ultranationalist rhetoric of Mr. Milorad Dodik, the President of Republika Srpska. President Dodik consistently denies the Srebrenica genocide, impugns the integrity of the national courts and demeans Bosniak language and culture. He has made similar statements in many print interviews as well as during his Fall 2011 lecture in the United States at Columbia University.

What I am suggesting is that there is a determined effort to carry out a program designed to instill fear and insecurity in Bosniaks who might consider returning to Republika Srpska. Therefore, one cannot at this point approach the municipality of Srebrenica with the expectation that refugees would willingly return after the Dayton Peace Accords and be able to engage in an open democratic process. A genuine demographic readjustment or realignment is being prevented both by the harsh economic and environmental conditions as well as by the campaign of psychological terror. The political culture of denial and intimidation is not conducive to the kind of open exchange of ideas and opinions that one would associate with the democratic process.

The approach of the diplomatic community to the political process in Srebrenica, then, needs to be sensitive to the culture of exclusion that has taken root in Republika Srpska as a whole, a culture of exclusion which began with the very name: Republika Srpska (Serb Republic), a Republic *of and for* Bosnian Serbs. Of course, the areas upon which Republika Srpska was imposed in 1992 were also inhabited by Bosniaks and in many areas Bosniaks were the clear majority of the inhabitants. It is evident that this exclusionary intention has, over time, become programmed into the cultural fabric of Republika Srpska. The dehumanizing zone of exclusion that began in 1992 as Republika Srpska continues today unabated. Raphael Lemkin, the well-known Polish-Jewish jurist who coined the term genocide and championed its inscription in international law, wrote that the crime of genocide has two phases: "one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor." [1] In Republika Srpska this "imposition" has been carried out, among other ways, through the destruction of over 1,000 Mosques, the construction of Churches on their ruins, the installation of Cyrillic signage, and the implementation of a school curriculum that denies the genocide. Bosniak students in a Srebrenica school were on strike recently because their school's curriculum denied the genocide and forced the students to learn the "Serbian language".

Our response to the political process in Srebrenica must be guided by the moral awareness that a Bosnian Serb takeover of the political administration of Srebrenica municipality would be the accomplishment of a genocide, an accomplishment that would only add to the momentum of the culture of exclusion that has developed in Republika Srpska since the Dayton Peace Accords. The accomplishment of the Srebrenica genocide, or the furtherance of a genocidal ideology, must be unacceptable to the international community.

Finally, I believe that we have the *responsibility to protect* non-Serbs and Bosniaks from the psychological harm to which they are being subjected in Republika Srpska. On the one hand, such a coordinated effort of intimidation seems to border on human rights violations and *persecution*.<sup>[2]</sup> On the other hand, the array of demeaning and intimidating symbols and statements are the all too classical predictors of a genocide to come. The international diplomatic community needs to begin to identify and prevent such hate speech and genocide denial in Republika Srpska. For now, I urge you to communicate with The High Representative, Mr. Valentin Inzko, and with the current Chairperson of the Presidency of Bosnia and Herzegovina, Mr. Bakir Izetbegović, as well as other government officials, about the renewal or extension of the Srebrenica election law. Further, I respectfully request that the U.S. Atrocities Prevention Board be made aware of this case so that they can respond preemptively to prevent the completion of the genocide in Srebrenica and to expose and address the political culture of dehumanizing exclusion and persecution that has taken root in Republika Srpska.

Thank you for your consideration.

Sincerely,

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[1] Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation - Analysis of Government - Proposals for Redress* (Washington, D.C.: Carnegie Endowment for International Peace, 1944), p. 79.

[2] I am using the term “persecution” here as it is defined under Article 7 of the Rome Statute of the International Criminal Court as a “Crime Against Humanity”. Article 7 refers to a “Crime Against Humanity” as a “widespread or systematic attack directed against any civilian population.” “Persecution” is understood as:

Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender ...or other grounds that are universally recognized as impermissible under international law, *in*

*connection with any act referred to in this paragraph* or any crime within the jurisdiction of the Court (my emphasis).

As the definition indicates, “persecution” occurs *in connection with an act* described in the paragraph in question. The relevant “act” described under Article 7 would be “inhumane acts ... intentionally causing great suffering, or serious injury to body or to mental or physical health.”

In the context provided by the Rome Statute, the range of posters and statues celebrating war criminals, the separatism implied by Cyrillic signage, along with hate speech and genocide denial from the highest levels of the political administration of Republika Srpska, can be seen as a systematic attack directed at the Bosniak population, an attack designed to instill fear and insecurity that would cause “suffering” and “injury ...to mental health.”

Further, the Rome Statute defines “persecution” as “the intentional ... deprivation of fundamental rights.” In this respect, I would refer to the measures taken to prevent Bosniaks from commemorating or memorializing the victims of the crimes they suffered. Further, I would suggest that the psychological harm resulting from the iconography of ultranationalism and separatism (mentioned above) is designed to discourage Bosniaks from exercising their right to return to their former homes.

Therefore, insofar as it is the responsibility of the international community to protect Bosniaks from psychological harm and from the deprivation of their fundamental rights we should investigate the extent to which the elements of the political culture of dehumanizing exclusion in Republika Srpska can be identified and prosecuted as “persecution,” that is to say, as a Crime Against Humanity. Such a culture of separatism, intimidation and genocide denial should not be allowed to operate with impunity in a democratic society based on the rule of law.