A Resolution on the Responsibility of the International Communityto Protect Bosniaks and other non-Serbs in Republika Srpska Who Are Particularly Vulnerable to Persecution as a Crime Against Humanity Under International Law.

**Introduction:**

On April 5th and 6th, 2013, two Genocide Prevention Seminars were held in the greater Chicago area: April 5th, “Can We Prevent Genocide?,” and April 6th, “Bosnia and Herzegovina and the Causes and Consequences of Genocide.” The programs were co-sponsored by The Bosnian American Genocide Institute and Education Center, The Northwestern University School of Education and Social Policy, STAND: A student anti-genocide coalition at Northwestern University, The Bosnian American Cultural Association, The Bosnian American Library of Chicago, The Bosnian Islamic Center of Chicago, and The Islamic Cultural Center of Greater Chicago.

As a result of our seminars and discussions on the prevention of genocide in our time, we would like to express our urgent concern in the form of the following **Resolution**:

*Whereas* the *Rome Statute of the International Criminal Court* identifies persecution and other inhumane acts causing psychological suffering as Crimes Against Humanity insofar as they are intended to bring about the “*severe deprivation of fundamental rights* contrary to international law by reason of the identity of the group or collectivity”;1

*Whereas* the *International Convention on the Elimination of All Forms of Racial Discrimination* affirms the “right to freedom of movement and residence within the border of the State”;2

*Whereas* the *Dayton Peace Agreement* asserts that “All refugees and displaced persons have the right freely to return to their homes of origin…. without risk of …intimidation, persecution, or discrimination, particularly on account of their ethnic origin”;3

*Whereas* the *International Covenant on Civil and Political Rights* affirms that “ Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence”;4

*Whereas* the *Convention on the Elimination of All Forms of Discrimination against Women* accords“to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile”;5

*Whereas* the *Universal Declaration of Human Rights* affirms that “Everyone has the right to freedom of movement and residence within the borders of each state”;6

*Whereas* Republika Srpska was founded January 9, 1992 within the existing sovereign borders of Bosnia and Herzegovina, with the intent to expel all non-Serbs from within its boundaries;

*Whereas* the armed forces of Republika Srpska carried out a campaign of aggression and war crimes, including genocide, crimes against humanity, mass rapes, forcible displacement, mass murder, torture, concentration camps, and the destruction of religious and cultural institutions, in order to remove all non-Serbs from its territory;

*Whereas* Republika Sprska was recognized by the *Dayton Peace Accords* in 1995, legitimizing its genocidal accomplishments within its ethnically denominated territory;

*Whereas* the founding leadership of Republika Srpska has either been convicted, or is on trial, for genocide, crimes against humanity, and other war crimes;

*Whereas* the current political and administrative leadership of Republika Srpska continues to pursue widespread acts of psychological intimidation intended to prevent Bosniaks and other non-Serbs from returning to their former homes within Republika Srpska;

*Whereas* such acts of psychological intimidation include genocide denial, posters and banners celebrating convicted war criminals that are publicly displayed in central locations, as well as ethnically charged political slogans implying that non-Serbs are not welcome in Republika Srpska;

*Whereas* such acts of psychological intimidation include the prohibition of memorials for the victims of genocide and other war crimes, such as at the site of the former concentration camp at Omarska;

*Whereas* such acts of psychological intimidation include the order, by the Republika Srpska Ministry of Physical Planning, Civil Engineering and Ecology, that the term “genocide” be removed from the memorial to the victims of the genocide in the Bosnian Muslim Stražište Cemetery in Višegrad;

*Whereas* such acts of psychological intimidation included the authorization, by those same authorities, for a memorial statue to the perpetrators of the atrocities to be erected in the middle of the town of Višegrad;

*Whereas* such acts of psychological intimidation include permission, by the Bosnian Serb authorities in Višegrad, to display posters celebrating the ultranationalist demagogue Vojislav Šešelj on storefronts in the middle of the town;

*Whereas* such acts of psychological intimidation include the discouragement, by the Mayor of Prijedor, of public gatherings in remembrance of the genocide, as well his express prohibition of the use of the term “genocide” at such gatherings;

*Whereas* such acts of psychological intimidation included a ban on a public gathering of genocide victims and human rights groups in Prijedor on Human Rights Day, December 10, 2012;

*Whereas* such acts of psychological intimidation include the campaign slogan of Milorad Dodik’s party (SNSD): “Serb from house to house,” that appears on campaign posters throughout Republika Srpska, implying that there is no room and no welcome for non-Serbs;

*Whereas* the *Glasaću za Srebrenicu* and *Prvi mart* voter registration initiatives seeking to provide refugees and internally displaced persons with access to voting rights in their former places of residence in Republika Srpska have faced constant challenges and harassment from the authorities and the media in Republika Srpska;

*Whereas* insofar as such orchestrated and widespread acts and symbols of psychological intimidation discourage Bosniaks and other non-Serbs from exercising their fundamental human right of returning to their former homes, the acts can be identified as persecution and other inhumane acts, that is to say, as crimes against humanity under international law;

*Whereas* the *Rome Statute of the International Criminal Court* identifies “apartheid” as inhumane acts “…committed in the context of an institutionalized regime of systematic oppression and domination by one racial (or ethnic)7 group over any other racial group or groups and committed with the intention of maintaining that regime”;8

*Whereas* the *International Convention on the Suppression and Punishment of the Crime of Apartheid* condemns“Any legislative measures and other measures calculated to prevent groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing … *the right to freedom of movement and residence*, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association”;9

*Whereas* within Republika Srpska, Bosniaks and other non-Serbs have become subject to persecution and psychological intimidation by virtue of their identity or ethnicity, as well as by virtue of their identity as women of those groups;

*Whereas* the above mentioned official policies and practices of persecution, discrimination, and exclusion that are carried out with the knowledge of the political and administrative leadership of Republika Srpska can be identified as “Apartheid”;

*Whereas* persons in leadership positions in Republika Srpska should be held responsible for the above named acts of persecution, psychological intimidation and discrimination;

*Whereas* the United Nations has evolved the doctrine of the “responsibility to protect” those who are utterly powerless;10

*Be it resolved that*,

The international community must recognize and undertake its *responsibility to protect*, through all appropriate diplomatic, political and legal avenues, the Bosniak and non-Serb populations who are subject to persecution, psychological intimidation and discrimination in Republika Srpska;

*Be it further resolved that*,

All necessary measures must be taken to prosecute and punish the political and administrative authorities in Republika Srpska who can be held personally responsible for crimes against humanity under international law for willfully persecuting and discriminating against Bosniaks and other non-Serbs in an effort to continue to secure the goals of the genocidal aggression and exclusion that began 1992-1995.

*Signatories:*

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*NOTES*

1 *Rome Statute of the International Criminal Court*, Part 2 Article 7 http://untreaty.un.org/cod/icc/statute/romefra.htm

2 *International Convention on the Elimination of All Forms of Racial Discrimination*, Part I, Article 5 (i),http://www1.umn.edu/humanrts/instree/d1cerd.htm

3 *The Dayton Peace Agreement* Annex 7: Agreement on Refugees and Displaced Persons, Chapter One: Protection, Article I, Rights of Refugees and Displaced Persons, http://www.state.gov/www/regions/eur/bosnia/dayann7.html

4 *International Covenant on Civil and Political Rights*, Article 12, http://www1.umn.edu/humanrts/instree/b3ccpr.htm

5 *Convention on the Elimination of All Forms of Discrimination against Women*, Part IV, Article 15 (1),http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm

6 *Universal Declaration of Human Rights*, Article 13, http://www.un.org/en/documents/udhr/index.shtml

7 *International Convention on the Elimination of all Forms of Racial Discrimination,* Part I, Article I (1), states that the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national *or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life*.” http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx

8 *Rome Statute of the International Criminal Court* Part 2 Article 7, http://untreaty.un.org/cod/icc/statute/romefra.htm

9 *International Convention on the Suppression and Punishment of the Crime of* *Apartheid,* Article II (c),http://www1.umn.edu/humanrts/instree/apartheid-supp.html

* 10 “The three pillars of the responsibility to protect, as stipulated in the Outcome Document of the 2005 United Nations World Summit: 1) The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement; 2) The international community has a responsibility to encourage and assist States in fulfilling this responsibility; 3) The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations.” http://www.un.org/en/preventgenocide/adviser/responsibility.shtml
Also see: <http://www.un.org/en/preventgenocide/adviser/pdf/World%20Summit%20Outcome%20Document.pdf#page=30>, and <http://www.un.org/ga/search/view_doc.asp?symbol=A/63/677>