

David Pettigrew: Hague verdict betrays victims of Prijedor, Foča...

Justice exists, but it is limited and imperfect, says an American Holocaust expert and a member of the Yale University Genocide Studies Program.



The verdict is an important confirmation that the crimes were committed as part of a joint criminal enterprise with genocidal intent, claims David Pettigrew (Al Jazeera Balkans)

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Ratko Mladic is guilty of genocide, and that is important, but, as I anticipated, the Hague verdict is a betrayal of justice, said David Pettigrew-- a professor of Philosophy, Holocaust and Genocide Studies at Southern Connecticut State University, and a member of the Steering Committee of Yale Genocide Studies Program--in an interview with Al Jazeera Balkans.

Pettigrew, a genocide expert, said he was extremely disappointed that Mladić's genocide verdict did not include crimes from six other BiH municipalities, in which the Hague tribunal found the Bosnian Serb force commander not guilty of Genocide.

"Unfortunately, and sadly, this verdict is what I expected. Mladić's conviction for Genocide for Count 2 for Srebrenica was upheld, as well as his sentence of life in prison, which is of course positive. But, the ICTY has had a kind of "blind spot" or perhaps a "tunnel vision," since the Karadžić and Mladić verdicts have not included a genocide conviction for Count 2 pertaining to the municipalities. I did not expect the Appeals Chamber of the International Residual Mechanism for Criminal Tribunals to have the courage to change the verdict," says Pettigrew.

Is the verdict fair and is it even possible for Mladic to pass a verdict that a large number of genocide victims and their families could call fair?

-The judgement for genocide and the life sentence are important, as the verdict establishes many of the facts, and the process involved painful but profoundly important testimony from survivors. But the failure to convict for genocide in the municipalities is a betrayal of the victims of

Prijedor, Foča, and elsewhere. In this respect it is a betrayal of justice. As I said, there is a kind of "blind spot" or "tunnel vision: at the ICTY. In the Mladić conviction, while the Chamber found an eliminationist intent, namely, a "*common objective of permanently removing Muslims and Croats from Serb-claimed territory in Bosnia-Herzegovina*," they did not properly connect this removal of Muslims and Croats from Serb-claimed territory through the commission of heinous atrocities, to *genocide*. For me this is inexplicable and tragic. There is justice but it is limited, imperfect.

You are dissatisfied in part with the six municipalities in BiH and the crimes committed there, for which Mladic was not found guilty of genocide. In your opinion, what did the court overlook on this point?

- It seems that the Trial Chamber and the Appeal Chamber have taken great pains to avoid a conviction for count 1 for genocide in the municipalities. Recall that in the Karadžić case, in October 2009, the Prosecution and the Chamber actually agreed to *remove* municipalities from the indictment. Eight municipalities were eliminated from the indictment of Radovan Karadžić to expedite the proceedings in the so-called "the interest of justice." The excluded municipalities were literally crossed out in the marked-up indictment by mutual agreement. And the removal of the municipalities from the indictment may well have led to the failure to achieve a genocide conviction for Count 1 in the Karadžić case.

Višegrad was one of the municipalities that was removed from the Count 1 of the Karadžić case, even though the atrocities committed there have been identified by the Judgement in the Lukić case as the worst acts of inhumanity that could be inflicted, with women and children being burned alive. When I challenged one of the prosecutors on the Lukić case for failing to achieve a genocide conviction for the Pionirska and Bikavac fires, he said they felt fortunate to have achieved a conviction for extermination as a crime against humanity, since, in his opinion, the numbers of victims in the two houses "did not rise to the level of genocide". But his whole way of thinking simply fails to recognize that the murders at Pionirska and Bikavac were part of the larger genocidal strategy, again, "to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory..." And his thinking failed to respond to the massive and tragic impact on the Bosniak population in Višegrad.

This may have been the last chance for the atrocities committed in the municipalities to be identified legally, as genocide. Hence, in that respect, the Mladić judgement, in my opinion, is a betrayal of the truth.

What could be the historical significance of this verdict for the Balkan region? Why is it important for the future?

- The second instance verdict convicting of Ratko Mladic for genocide for the crimes committed at Srebrenica is a profoundly important reaffirmation that crimes were committed as part of a joint criminal enterprise with genocidal intent.

The outgoing High Representative, Valentin Inzko, has indicated that a second instance verdict empowers him to address the glorification of convicted war criminals in Republika Srpska. After

the second instance verdict in the case of Karadžić, for example, the High Representative has finally taken action to see that the plaque for Karadžić was removed from the student dormitory in Pale. Hence, with this verdict, according to his logic, we can demand that the plaque for Mladić on Vraca Hill will be removed. Further, banners, T-shirts, and murals celebrating Mladić should be challenged and removed wherever they are found.

Yet the historic nature of the genocide conviction for Count 2 is diminished by the acquittal of Mladić on Count 1 for Genocide in the municipalities. With this acquittal, the Tribunal betrays the victims in the municipalities who were victims of the genocidal intent of the Bosnian Serb forces under the command of Karadžić and Mladić.

The first reactions of the representatives of the Serbian political elite to the verdict are not at all optimistic, but can this verdict help in the fight against the growing denial of genocide?

- It is highly problematic that there have been such a very small number of life sentences and even fewer genocide convictions handed down by the ICTY. In addition, many of the convicted perpetrators received relatively short prison sentences and have been released early from prison, returning to a "hero's welcome," as in the case of Krajišnik. Arguably, these results have actually emboldened denial and revisionism in Republika Srpska and Serbia, denial and revisionism exemplified by the commissions appointed in Republika Srpska on Sarajevo and Srebrenica, by Dodik's recent comments on Mladić, and by the proliferation of murals and posts on social media in support of Mladić.

But as you imply, this is why the existence of the Genocide conviction and life sentence-- as a result of a second instance verdict-- are, in the end, so important. And this is why it is so crucial for the High Representative to establish laws against denial, glorification of war criminals and hate speech in order to restore the rule of law. In terms of justice, perhaps we can do justice to the memory of the victims if we resolve to tell the truth about the genocide and to resist denial in all of its forms. We can continue to say, based on the findings and facts that genocide happened not only in Srebrenica, but also in Bosnia. Srebrenica was a culmination of the overall plan. We need to support all survivors, including in the municipalities. Survivors should be permitted to install memorials in Prijedor, Omarska, and elsewhere, including Višegrad.