

BALKANS MONITOR 1/7/2023

13 July 2023

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Genocide Deniers in RS Sternly Warned During the 28th Anniversary Ceremony of Srebrenica

Background

The 1995 Srebrenica massacre is regarded as Europe's only acknowledged genocide since the Holocaust. Following the breakup of Yugoslavia, the rise of nationalism and territorial ambitions led the Bosnian Serbs, Croats, and Bosniaks to fight in a bloody civil war between 1992–1995. Initially, the conflict was between the Yugoslav Army units in Bosnia that later became the Army of Republika Srpska – Bosnian Serbs on the one side, and the Army of the Republic of Bosnia and Herzegovina – mostly Bosniaks and the Croat forces in the Croatian Defence Council on the other side. Later, however, as the war dragged on, tensions escalated between the Bosniak and Croatian forces, leading to the Croat–Bosniak War in 1993. The Bosnian war ended after the signing of the Dayton Accord in 1995.

During the war, UN Security Council declared Srebrenica a “safe area” in 1993, presided by Dutch peacekeeping troops. However, as the war drew towards an end, Bosnian Serbs overran the UN-protected safe haven in July 1995, whereby 8,000 Muslim Bosniak men and boys were separated from their families and killed. While over 100,000 died during the Bosnian War, the Srebrenica massacre is the only episode that has legally been defined as genocide, including 2 UN courts. In 2007, the International Court of Justice in the Hague concluded that the Srebrenica massacre did constitute as genocide. Then on June 8, 2021, former Bosnian Serb general Ratko Mladic was sentenced to life in prison after being found guilty of war crimes and crimes against humanity and genocide in Bosnia.

Continued Denial of Genocide

One of the major subjects raised during the ceremony anniversary was the continued denial of the genocide. Without explicitly making reference to politicians in Serbia and Republika Srpska – the ethnic Serb majority entity in Bosnia, it was apparent that the message was directly intended for Serbian and Bosnian Serb officials, including the current president of Republika Srpska Milorad Dodik, who continues to openly refuse to accept Srebrenica as genocide.

During his visit to the Potočari Memorial Center, the Office of the High Representative (OHR) of Bosnia–Herze-

govina Christian Schmidt stated to media, “it is shocking that we still cannot reach a common point of view on the events of the past.” He noted, “I will work to ensure that all those who deny the genocide and who continue on that path are taken legal action against them and prosecuted.” To demonstrate the international community's seriousness, he informed that he had already invited the chief prosecutor from Bavaria to be part of a delegation who work on the issue of Holocaust denial cases to develop a plan of action against people who continue to deny the Srebrenica massacre was a genocide. Meanwhile, he made appeals to officials to continue pursuing the prosecution of genocide deniers and those who glorify war crimes. He reminded that genocide deniers were committing a criminal offense, after his predecessor Valentin Inzko had changed the law two years prior that applied to the whole of Bosnia and that his office was ready to employ all means necessary to assist Bosnia in bringing indictments against such offenders.

What is the Red Line for the International Community?

For the past few years, ethnic tensions between the Serbs of Republika Srpska and Bosnia's central authorities has escalated. More recently, in the months leading up to the anniversary, Republika Srpska's parliament voted on June 27 to suspend recognition of any decisions by Bosnia's multiethnic Constitutional Court. Then on July 7, Dodik signed into law controversial changes approved by the National Assembly of Republika Srpska that made it permissible to disregard decisions made by Schmidt, the country's international envoy. Dodik's move came six days after Schmidt announced his decision to cancel several controversial rulings that he found antithetical to the Dayton peace agreement that ended the country's civil war. According to the 1995 Dayton accords, Schmidt, has the power to impose laws as the final interpreter of the state constitution, although the Constitutional Court of Bosnia has the right to review and questions his decisions, but only with his approval. The so-called Quint nations in Bosnia – US, UK, Germany, France and Italy also have backed and supported Schmidt's decisions.

Political leaders in RS however, in particular Dodik, maintain that Schmidt, who was appointed in 2021 as OHR, does not have the legal authority to make such decisions since his appointment was not endorsed by the Security Council, a contentious issue raised by China and Russia, but downplayed by other nations as not required. Recently, the Chairperson of the three-member Presidency

of Bosnia and Herzegovina, Željka Cvijanović, requested the Secretary General of the United Nations, Antonio Guterres, to deliver the decision of the UN Security Council on the appointment of Christian Schmidt to the position of High Representative in BiH in accordance with Annex 10 of the General Framework agreement for peace (Dayton Agreement) from 1995. Sarajevo Times reports how in her letter, she maintains that only one document has so far been found on an online database concerning Schmidt's appointment, one in which demonstrates in the minutes of the UN Security Council meeting 8823, held on Thursday, July 22, 2021 was not adopted, since the voting result was two votes in favor and 13 abstentions. She then reportedly suggests that it is only through the review of the official decision of the UN Security Council that it can be determined whether Schmidt was "indeed appointed to the position of High Representative in accordance with the relevant resolutions of the Security Council of the United Nations and Article I/2 of Annex 10 of the Dayton Agreement, as well as all other relevant documents in connection with such an appointment."

Whether the UN Secretary General will respond to the request remains uncertain, but it does highlight the seriousness of RS's willingness to bolden its response and actions against the international envoy and undermine decisions of the Constitutional Court of BiH, moves that are unprecedented in the country's post-war history. Schmidt, along with the US and European Union officials, have accused Dodik of blatantly violating Bosnia's constitution and

damaging the Dayton accords with his recent move.

The question that arises is whether verbal condemnation and sanctions on Dodik is enough? Since 2017, Dodik has increasingly faced a wider range of sanctions, the most recent focusing on corruption i.e. asset freezes and visa bans. However, with Russia's continued backing and support, Dodik and his supporters show no signs of backing down from the use of divisive ethno-national rhetoric and efforts to undermine the Dayton Peace Accords.

Implications

If the RS parliament's most recent decision to suspend recognition of any decisions by the Constitutional Court is not a red line for the EU and US, then what is? Until now, Western leaders have demonstrated a lack of willingness to take Dodik's threats seriously, but rather have passed them off as mere political rhetoric. Recently in an interview, for example, the special envoy of the US for the Western Balkans, Gabriel Escobar stated, "We hope that Dodik will not go that far and that it is only political rhetoric. But if not, we are ready to react with political means such as sanctions and Bonn powers." However, considering both methods – sanctions and Bonn powers have already been used, what more can and should be done stop the disintegration process of the state and to maintain the territorial integrity of BiH. As it stands, BiH is currently facing one of the biggest crises since the end of the Bosnian war.