

GENOCIDE AWARENESS WEEK

READING FROM A WORK IN PROGRESS:

The Twilight of Impunity: The War Crimes Trial of Slobodan Milosevic

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Introduction to the Reading:

While Eastern European countries threw off the yoke of communism and the Berlin Wall fell, Yugoslavia (expected to make an easy transition) descended into chaos, disintegration and war, as politicians jockeyed for power. Of the six republics constituting Yugoslavia, Slovenia and Macedonia secured independence with little violence. Croatia did not fare so well. But it was Bosnia, the most ethnically diverse and integrated republic, that suffered three and a half long years of genocidal war. It did not have to be that way. People with power to stop it did not want to be bothered, though some of the same people had recently gathered a military force of 500,000 to re-establish Kuwait's sovereignty after Iraq's invasion. As one of the witnesses at the trial of Slobodan Milosevic said, a double standard was at work. The Muslims of Bosnia were not of strategic importance to other states.

One of the readings I have selected from my work in progress highlights the role of accomplices to genocide who will never be punished. The final two selections concern the testimonies of a survivor of Srebrenica and one of the perpetrators. To begin, I will provide a little background on the war and the Milosevic trial.

Two of the major players in Yugoslavia's collapse were Franjo Tudjman in Croatia and Slobodan Milosevic in Serbia. In March 1991, they met at one of former Yugoslav President Tito's old hunting lodges, where they agreed to divide Bosnia between them. Tudjman would get areas dominated by Bosnian Croats, while Milosevic claimed the lion's share for Serbia. Of little concern were the Bosnians themselves, intermixed and intermarried to a high degree. Ominously, the large Bosnian Muslim population was left unclaimed. When the last prime minister of Yugoslavia, Ante Markovic, warned Milosevic and Tudjman that such a plan would result in "blood up to the knees," Milosevic responded, "*Well, then we shall see what we shall do.*" To achieve Milosevic's goal, the Bosnian Muslims would have to "disappear," as Bosnian Serb leader Radovan Karadzic put it at the time. His threat was an early warning of genocide.

As Yugoslavia broke apart into separate states, Slobodan Milosevic, president of Serbia, fashioned himself the titular head of all Serbs, including those beyond Serbia's borders. In a drive for broader power and control, Milosevic essentially created an illegal Serbian state within Bosnia, called the Republika Srpska, and supplied it with an army, largely drawn from the once highly respected Yugoslav army, the third largest in Europe,

which he continued to finance and control through his personally selected commanding general, Ratko Mladic.

The Bosnians, while recognized as a legally constituted state by the United Nations, had no army and few means to create one. To make matters worse, after Serbian forces began their attack on multi-ethnic Bosnia, the UN, ignoring the facts on the ground, imposed an arms embargo that inexplicably applied to Bosnia as it did to well-armed Serbia. Through the actions of the body that had recently recognized its sovereignty, Bosnia was denied the right to defend itself, a right guaranteed by the UN charter.

Unsurprisingly, within a matter of months, the Bosnian Serb army, essentially a terrorist rebel force supported by a neighboring state, had taken control of 70% of Bosnia through a Blitzkrieg campaign of ethnic cleansing, involving murder, mass rape, torture, imprisonment of civilians and POW's in concentration camps, looting and the destruction of houses, businesses and cultural and religious property, a campaign that in itself constituted genocide, though no court has yet so held. For three and a half years, the rebel Bosnian Serbs, with the direction and support of Milosevic and the Serbia he controlled, held onto their gains, while continuing their project to cleanse Bosnia of its non-Serb population, culminating in the genocide of 8 to 10,000 Bosnian Muslim men and boys at Srebrenica over a three-day period in the summer of 1995.

Following the Srebrenica genocide, diplomats negotiating with war criminals, allowed the Bosnian Serbs to keep their illegitimate gains under the condition they remain part of the state of Bosnia-Herzegovina. They were given political power over the territory they were allotted and permitted to call the Republika Srpska. To add insult to injury, the peace agreement, known as the Dayton Accords, recognized a special relationship between the Bosnian Serbs and their Serbian motherland, ruled at the time by Slobodan Milosevic. Bosnia had little bargaining power. Devastated by war and genocide, having lost a majority of its territory to Serb aggression, Bosnia could count on no one to champion its cause at Dayton. It agreed to a tripartite government and apartheid-like division of the state. Yet that was not the end of the story. Despite all the politicking, some people still believed in justice. It was with the Bosnian victims in mind that the then chief prosecutor of the International Criminal Tribunal for the former Yugoslavia, Louise Arbour, issued a criminal indictment against the chief architect of all the bloodshed and misery throughout that sorrowful land. It was a document of historic importance.

Slobodan Milosevic was the first sitting head of state to be indicted by an international tribunal for genocide and complicity in genocide, not only in Srebrenica, but in a wide swath of Bosnia violently appropriated by the Bosnian Serbs. He went on trial in The Hague in February 2002. Through many adjournments for his illnesses, the trial limped along for four years until his death in March 2006, shortly before he was to finish his defense case. His untimely death robbed the world and survivors of a legal conclusion on his role in the Bosnian genocide, which, I believe, is much greater than is generally known. Unless the former Bosnian Serb president Radovan Karadzic and the

commander of the Bosnian Serb army Ratko Mladic stand trial, there is unlikely ever to be a legal decision on whether genocide was committed against the Bosnian Muslims other than in Srebrenica in 1995. That is a grave injustice to the victims and an impediment to stability and reconciliation in the Balkans, for the genocide in Bosnia was far more extensive. By keeping the genocide confined to Srebrenica 1995, it appears more an aberration than the culmination of a well-planned campaign. It also makes it more difficult to establish Milosevic's involvement and direction of the genocidal campaign when it is seen as an isolated event.

Introduction to Genocide

Those are my preliminary remarks. The following is a brief introduction to the subject of genocide presented to the Court by Dr. Ton Zwaan, an expert in the relatively new field of genocide studies. Genocide is not a naturally occurring phenomenon within societies, he said. It originates with those who hold power or seek to grasp it. Two fundamental preconditions for its development are: a society in crisis and a society divided. Under such conditions, the originators make a plan to eliminate a group, followed by propagation of an ideology that dehumanizes them, dividing the populace more firmly into "us and them" and providing the impetus needed to overcome people's general resistance to large scale killing. In Bosnia, Serbs were propagandized to fear what was falsely characterized as a rising tide of Muslim fundamentalism. In reality, Bosnian Muslims were almost secular, joking that they preferred to answer the call to prayer five times a day by raising a glass of rakija (a local fruit brandy) than by kneeling and bowing toward Mecca.

In the book, I call the following section: *Being Neutral In a Non-Neutral Situation: The UN in Bosnia.*

Under cross-examination by Milosevic, Charles Kirudja revealed the United Nations 'major weakness in responding to the crisis in the former Yugoslavia: its insistence on being neutral in a non-neutral situation, treating aggressors and victims as if they were equally guilty. As Bosnian President Alija Izetbegovic wrote to the UN Security Council on 1 June 1993: "You say that you do not want to take sides in this conflict. But Excellencies, you implicitly and explicitly took sides in the conflict when the Council imposed an arms embargo on the former Yugoslavia and when the Council decided to enforce the same resolution on Bosnia and Herzegovina The arms embargo substantially helped the well-armed aggressor while tragically weakening the victim. This is today obvious to everyone."

Kirudja, a former UN official in the Balkans, testified to the accuracy of reports he sent his superiors as early as May 1992 about Serbian forces ethnically cleansing parts of Bosnia. In one report, he relayed information from refugees about the existence of concentration camps in which conditions were "atrocious," including regular beatings and deprivation of food and water. General Sadish Nambiar, force commander of the misnamed United Nations Protection Force (UNPROFOR) in the former Yugoslavia, telephoned Kirudja to express his concern about the allegations. Very politely, the

general asked, "Charles, do you really believe there are concentration camps?" When Kirudja replied yes, it was what they were being told, the general suggested "maybe they were detention camps." Though the witness did not back down, the UN took no action at the time to investigate. Not long after, the images of skeletal men behind barbed wire appeared on television screens around the world, when a British TV crew gained access to one of the camps. If the camps did not sound like a problem to the UN, they certainly looked like one to the public as the images brought to mind the horrors of Dachau, Bergen-Belsen and Auschwitz.

In a written response to his reports about Bosnian refugees streaming into his area of responsibility in Croatia, Kirudja's superiors told him not to get involved in what was going on in Bosnia. He characterized the response as "sad, though not unexpected." "We were not exceeding our concern. We were responding to people in need drawn to where we were by the fact of the UN flag flying." Kirudja informed his staff they would continue to respond.

While UN officials sought to ignore the growing crisis, local Serbian mayors sought UN help in carrying out their ethnic cleansing activities. Kirudja testified that he was shocked when one of them presented him with a computer list of nearly 8,000 names of Bosnian Muslims whom they wanted UN assistance in relocating out of Bosnia. "[The meticulous list of people to be relocated] was a reminder of WWII," he said. When he confronted local officials about how wrong this was, they responded with a lack of comprehension, as well as determination to carry out their plan.

Kirudja and his staff were caught on the horns of a dilemma. On one side were their UN superiors who did not want to hear about ethnic cleansing or concentration camps. On the other were local Serbian officials who tried to implicate and involve them in their ethnic cleansing operation. In the middle were the Bosnian Muslim refugees, homeless and desperate. To aid the refugees to find safety was also to aid the local Serb officials in their project of cleansing Bosnia of its Muslims. In such a situation, Kirudja chose to do the only humane thing -- help the refugees, confront the Serbs and continue reporting the horrific situation to his superiors. If his conscience was clear, too many others cannot say the same.

Many analyses and criticisms have been written about the UN role in the wars of the former Yugoslavia, including by the UN itself. This day's courtroom drama was an apt illustration. Despite reports from their own observers in the field, UN officials continued to put the events into a context that fit their mission. Serb ethnic cleansing in Bosnia was not on the UN agenda in mid-1992. Their mission was to observe the demilitarization of forces in Croatia. . . . Reports of ethnic cleansing and concentration camps were inconvenient. They concerned Bosnia, an area beyond the immediate UN mission. Perhaps, if they did not notice -- or if they called a concentration camp a detention facility -- it would go away. Yet, avoidance is rarely a viable strategy.

In defense of the UN, it is only as good as its members and structure permit -- and its members wanted the Balkan conflict contained more than they wanted a real

resolution that might require more involvement than they were prepared to commit. At a minimum, however, they should have found another name for their mission than UN Protection Force, since they were not designed to nor capable of protecting anyone. A salve to some consciences was a deception to desperate people -- and that was indefensible.

Srebrenica, A "Safe" Area

In 1993, the United Nations designated six "safe areas" in Bosnia. Designed as enclaves within a war zone where Bosnian civilians could be sheltered from the worst ravages of war (and, coincidentally, the rest of the world protected from a massive refugee onslaught), they more resembled prison camps than refuges. Srebrenica was one. Establishment of the safe areas was convenient for the Bosnian Serbs who promptly surrounded them, controlling access into and out of the enclaves. By shelling and shooting into Srebrenica, as well as restricting entry of food, water, medical supplies and other humanitarian aid, they began the process of what Venezuelan Ambassador to the UN Diego Enrique Arria called "slow motion genocide," a process that would take over two years to play out. After heading a 1993 UN mission to Srebrenica, Arria publicly declared that the Serbs were running a concentration camp policed by UNPROFOR.

Alleging misinformation, cover up and withholding information at the highest levels of the United Nations, Arria told the Trial Chamber that the UN's failure to take decisive action against ethnic cleansing by Bosnian Serbs produced a climate of impunity that permitted genocide against the Bosnian Muslims in Srebrenica from 1993 to its culmination in 1995. He testified that the "culture of impunity" started when the vice-president of the Bosnian Government was assassinated in front of UNPROFOR troops and nothing was done to the assassin. It was reinforced every time the UN received reports of ethnic cleansing and crimes against the Bosnian Muslims and failed to respond.

Arria told the Court a double standard operated for some UN members who approved intervention to protect Kuwait from Iraq while doing nothing to protect the new state of Bosnia. The diplomats feared the presence of a Muslim nation in the heart of Europe, he said. When Bosnia's UN Representative wrote letters of complaint to the UN, they were "almost totally disregarded." The UN operated under a "climate of denial" of what the whole world knew was taking place.

In an 18 March 1993 letter to UN Secretary General Boutros Boutros-Ghali, Sadako Ogata, UN High Commissioner for Refugees, warned that "everything indicates a massive humanitarian catastrophe is unfolding" in Bosnia and key leaders should be informed. Though he was serving on the Security Council at the time, Arria first saw the letter 11 years later. Arria did not know whether permanent Security Council members were privy to the letter in 1993. The non-permanent members were not. To some degree, the Egyptian Boutros-Ghali may have withheld the letter out of his disdain for a war he called a "rich man's war," viewing it through the lens of decades of international disregard for Africa's conflicts and the millions of defenseless people who were murdered in them.

Ogata wrote a second, follow-up letter to the Secretary General. She described the situation in Srebrenica as disturbing and advised that the UN needed to immediately enhance its presence or provide other assistance in order to save lives. She again urged the secretary general to involve key leaders in the matter. While this letter was passed on to the Security Council, it took the Secretary General 12 days to do it, Arria told the Court.

In April 1993, Arria succeeded in persuading the Security Council to send a mission to Bosnia to investigate the horror stories they were hearing. The president of the Council appointed Arria to head the mission. Arria testified that the situation on the ground in Srebrenica when he visited in 1993 was worse than what the media had reported. It was "unimaginable," so bad that he told a Russian diplomatic colleague it was reminiscent of the WWII siege of Leningrad, though on a smaller scale. When he saw it, Arria vowed not to be a bystander. On its return, the team's unanimous report on the disaster in Srebrenica finally led the UN to pass a resolution detailing the situation on the ground. It concluded that genocide was in progress with the potential for a massacre of 25,000 people.

Media attention and a UN resolution may have slowed the process of genocide in 1993, but it did not stop it. The Bosnian Serbs, like Milosevic, promised to abide by UN resolutions and agreements but never did. Bosnia and Srebrenica soon dropped off the UN's radar screen. The international body's failure to hold the Serb leaders accountable in 1993 created a culture of impunity that led inexorably to the July 1995 genocide at Srebrenica.

Despite claiming he remained ill after more than a week off, Milosevic conducted one of his better cross-examinations when he confronted Arria. The accused turned to a statement of Arria's that international negotiators Cyrus Vance and Lord David Owen, together with Milosevic, were proposing a form of "apartheid" in what became known as the Vance-Owen Peace Plan (VOPP). It was not apartheid, Milosevic declared, because the proposed cantonization of Bosnia was not wholly along ethnic lines. That was precisely why the Bosnian Serbs, supported by Milosevic, wanted Srebrenica, Arria answered. With a Serbian Srebrenica, there would be a more complete ethnic division in Bosnia. Milosevic confronted the witness with another part of his statement where he claimed that giving Srebrenica to the Serbs was necessary to secure a peace deal. "In your opinion, Owen, Vance and the Security Council, with me, created the basis for a Greater Serbia. There is a lack of seriousness in that," Milosevic said dismissively. Arria disagreed: "The outcome reflects what was intended: ethnic partition." Today, Bosnia-Herzegovina consists of two republics: one for Muslims and Croats, the other for Serbs, constituting territory they took by violent aggression and ethnic cleansing.

The ambassador clarified that his mission to Bosnia recommended a substantial change in policy regarding the safe areas. First and foremost, the UN should make its objective the protection of civilians. This was not done, nor were the so-called protection forces increased by the UN. Two years later, when Bosnian Serb forces attacked and

overran Srebrenica, UNPROFOR's mandate was to protect its own personnel, not the civilians who looked to it for safety.

Arria's testimony showed that Milosevic was aware of the unfolding tragedy in Srebrenica as early as 1993 and that he was privy to warnings it constituted "slow motion genocide" and could lead to much worse. His testimony was also a grave indictment of the international community as it operated through its world body, the UN. The Venezuelan diplomat reported intentional misleading as well as indifference by the highest UN officials (and some member states) to the unfolding tragedy in Bosnia. Despite lofty declarations of "never again" and the adoption of a Convention that obliged states to take action to stop genocide, confronted with mass crimes directed at the Bosnian Muslims, the institution established to prevent a recurrence of mass killing intentionally looked away. Arria stands out as one of those who did not.

Despite the mass killing, rapes, forcible deportation and property destruction, including mosques and cultural buildings, that looked a lot like genocide even in 1992, and despite states' clear obligation under the Genocide Convention to act to prevent genocide, no state or international body intervened. The political process continued, while the Bosniak population continued to suffer, continued to be in danger. The diplomats negotiated with the war criminals for ceasefires they agreed but never kept and for a permanent end to the fighting on which they could never agree. The Bosnian Serbs wanted all of the territory they had taken through violence and ethnic cleansing. In 1995, Bosnian Serb forces, encouraged by the lack of any real efforts to hold them back, launched the takeover of Srebrenica followed by the massacre of 8 to 10,000 Bosnian Muslim men and boys. As Bosnian Army General Gvero told the Bosnian Serb Assembly a little less than a month after the genocide, "We accomplished [our goal] when we assessed that the international community would not react . . . and we entered the town exclusively because of that. That was one of the strategic decisions of the Main Staff. . . ."

Portrait of a Survivor

Attacked on 6 July 1995 the safe area of Srebrenica quickly fell to the Bosnian Serb army. Thirty-thousand refugees stormed the UN base at Potocari, which had no means to accommodate such a large mass of frightened and desperate people. A segment of the Bosnian Army 28th Division, together with a large number of unarmed men who felt they were in danger if taken prisoner, attempted to break through the Serb encirclement to reach Bosnian government controlled territory. Only the front segment of the column got through, while thousands of mostly civilian men and boys were captured by Serb forces. At the same time, the Serb forces rounded up the remaining people in the safe area, selecting out men between the ages of 16 and 70.

Protected witness B-1401 was a 17-year-old refugee when he and his family were caught in the maelstrom of war, ethnic cleansing and mass executions that became known to the world as "Srebrenica." When the Bosnian Serbs attacked the UN safe area on 6 July 1995, B-1401, along with other able-bodied Muslim men and boys, was faced with

the decision to seek shelter at the UNPROFOR base in Potocari among the women and young children, or to flee into the woods. Justifiably lacking confidence that UNPROFOR would protect the Bosnian men and boys, B-1401 fled with his father, uncle and other male relatives into the woods.

They joined a column of 15,000 men led by one to three thousand Bosnian army troops headed toward Bosnian-controlled territory. In fierce fighting, the Bosnian army soldiers broke through enemy lines. The civilians and some of the soldiers were left behind. When Milosevic questioned the witness about the army's abandonment of civilians, the young man responded, "They had to save themselves. If they'd taken us, no one would have survived."

The remaining civilians spent the night in the woods under heavy shellfire. Witness B-1401 described a scene of extraordinary chaos and panic. Men were wounded and dying. Some were hallucinating and a few killed themselves rather than surrender. They did not know where they were. The witness lost contact with his father and never saw him again. The next day the shelling let up and Serb forces demanded that the column surrender. While some men headed deeper into the woods, many thousands walked toward the Serbian forces with their hands raised. B-1401 described stepping over corpses, seeing men with their faces and hands blown off from shellfire. He estimated about 500 men were killed in the woods.

After demanding the men throw down their weapons, valuables and German marks, their Serb captors crowded them onto trucks. They spent the night in the vehicles without food or water. The following morning, they were crammed into a school building in Petkovci under even worse conditions. They were forced to repeat, "This is Serb land. It always was and always will be." By this time, the men were so thirsty they drank their own urine.

As night fell, the captives were taken out in groups of three to five, followed by the sound of gunfire. None of them returned. Soldiers later led the remaining men out, tying their hands and loading them onto a truck. The witness described feeling a sticky substance on his foot and seeing a large pile of murdered prisoners in front of the school. After a five to ten minute ride, the truck stopped. Men were unloaded in groups of five. Each time, the men remaining in the truck heard shots. B-1401 said they tried to avoid getting off the truck, knowing they were going to be executed. Many begged for water. They did not want to die thirsty. The witness said he tried to hide, too. "I just wanted to live another minute or two."

When it was his turn, Serb soldiers ordered his group to find a place to lie down among the dead bodies. "Everything happened so fast," he told the Court. "I thought I'd die soon and not suffer any more, that my mama would never know where I am." Then the soldiers opened fire. B-1401 was shot in his right side. When the next group came and the shooting resumed, he was wounded again -- this time in his left foot. Later, he was hit once more. He was suffering so much from his wounds, he told the Court, that

he wanted to cry out and beg to be killed. The moaning of the man next to him elicited a bullet in the head. The killing continued for another hour.

The witness testified his pain was so excruciating he never would have tried to escape if it had not been for another survivor. They used their teeth to untie each other's hands, crawled on their stomachs across the field of corpses and made it to the top of a hill. The next morning, they saw a yellow loader collecting a "very large pile" of dead bodies. Speaking of the trek through the woods with the other survivor, B-1401 testified, "He was the only one who knows how badly I suffered. I couldn't walk. He would leave me, then come back and beseech me to go on. I hurt so badly." After four days of walking, he and his companion reached safety.

Milosevic questioned the witness about the nature of the column of men -- how many were armed, how many were Bosnian army soldiers, how many of the men in the woods were killed in combat. He was seeking support for his defense that a large number of the Srebrenica dead died in combat and were not executed. That this was a proper and relevant line of questioning does not mean it was successful. Even if 500 men were killed in fighting, another 6,500 or more remained to be accounted for. When Milosevic questioned the young man about apparent discrepancies in his identification of the execution site, B-1401 responded, "It happened during the night. You'll never be able to understand the feeling when one is taken out to be executed."

Portrait of a Perpetrator

For what must have seemed the 100th time, Drazen Erdemovic appeared in court to testify about his participation in the murder of 1,200 Bosnian civilians near Srebrenica. He admitted killing 100 of them himself. When asked how he carried out the executions, he replied that it was too horrific to talk about again. Erdemovic, who earlier suffered an emotional breakdown, pled guilty to war crimes before the ICTY in 1996 and agreed to testify for the prosecution in its Srebrenica cases.

Erdemovic was 23-years-old when he and other members of the 10th Sabotage Detachment of the Bosnian Serb army were ordered to Bratunac on 10 July 2005, to take part in the assault on Srebrenica. There was little resistance. Five hundred to 700 Serbian soldiers took the town in a few hours, finding only about 200 civilians, mostly elderly, still there. During the assault, the majority of the people had fled to the nearby UN base at Potocari, seeking protection or to join the column of men trying to escape through the woods.

For Erdemovic and his victims, the real horror began on 15 July, when a lieutenant colonel ordered him and seven other members of the 10th Sabotage Detachment to go to Branjevo Farm. There, superior officers explained their assignment. Soon, buses would arrive carrying Bosnian civilians, whom they were to execute. When Erdemovic and two other soldiers objected, the officers said they could join the captives and share their fate. For the next four hours, the men of the 10th Sabotage Detachment systematically executed approximately 1,200 Bosnian Muslim men and boys between the

ages of 16 and 70 in groups of 10, some with hands tied behind their backs and blindfolded. When it was over, the lieutenant colonel ordered the soldiers to Pilica where they were to execute 500 more men. Erdemovic and several others refused, and the job was given to the Bratunac Brigade.

Erdemovic testified his orders came from the Bosnian Serb army main staff, financed by Serbia at Milosevic's direction. He added, "In order to organize anything like . . . [the massacre] the authorities had to know about it. My unit could not have provided all the buses and things. It is clear that someone very high up was behind it."

Milosevic tried to characterize Erdemovic as a lying opportunist, who agreed to accuse people for the Srebrenica massacre in exchange for a light prison sentence. Milosevic also set out to show the killings were not ordered or approved by the Bosnian Serb army main staff or other "higher ups." He presented an order by a Bosnian Serb general dated 9 July 1995 that the Geneva conventions were to be honored in taking Srebrenica, and another order by Bosnian Serb President Radovan Karadzic dated 11 July 1995 to the effect that civilians were to be protected and asked whether they wished to stay or leave Srebrenica. Erdemovic said he had never heard of either one. They were drawn up as a smokescreen to hide what was really happening. Their creation pointed to advance planning by high level officials.

Erdemovic "was a mere foot soldier" and "a reluctant participant," according to the trial chamber that sentenced him. He attempted to protest the slaughter and was told he would be killed if he refused to follow orders. He was 23-years-old. The sentencing court also noted his exceptional cooperation with the prosecution, his admission of guilt and his continually expressed remorse. Because of what he had participated in, he was a broken man. These mitigated his sentence, while the horrible nature of the crimes he committed was an aggravating factor. The court concluded, "No matter how reluctant his initial decision to participate was, he continued to kill for most of that day."

The issue before the *Milosevic* Trial Chamber was the guilt of a man alleged to be responsible for exploiting Erdemovic and other foot soldiers to do his dirty work. Though Erdemovic was guilty of murder as a war crime, he was not guilty of genocide. Unlike those who planned and coordinated the Srebrenica massacre, he lacked the specific intent to destroy Bosnian Muslim men and boys as a group. His intent was to kill to avoid being killed himself, which was nevertheless insufficient to excuse his executing 100 people. In the final analysis, however, it was unlikely that Erdemovic, and many more of the foot soldiers, would have become killers without their superiors who devised the plan. Under the law, those superiors were answerable for killing done under their orders, but were *not* answerable for the harm they did to the young men they turned into killers.

Conclusion

Despite the lack of a verdict in the Milosevic case, the trial created a significant and extensive record which will be of use in other trials as well as to historians and, one

hopes, the peoples in the former Yugoslavia whenever they are able to face this tragic part of their past. The trial record stands as a bulwark against revisionism. It should also prove useful to the growing worldwide community who care about the suffering of strangers at the hands of their fellows and are working to substantially lessen, if not eliminate it altogether. With that in mind, I hope to complete my work in progress sometime in the near future, with its rather hopeful, some would say naïve, working title: “Twilight of Impunity: The Trial of Slobodan Milosevic.” I intend it as a contribution to the struggle against our inhumanity and the evil we generate, and as a way to acknowledge and remember the suffering of the victims and survivors, who are so easily forgotten in a rule-focused legal process and by a busy world that avoids feeling the suffering of others at all costs.

I will end with a quote that has sustained me over the last 30 years. It is from Julian Beck’s *Life of the Theater*, Meditation 1966: “When we feel, we will feel the emergency; when we feel the emergency, we will act; when we act, we will change the world.” It is our only hope.