

Bosnian Advocacy Center

SAFEGUARDING THE TRUTH ABOUT THE SREBRENICA GENOCIDE THROUGH PARLIAMENTARY RESOLUTIONS

a review

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INTRODUCTION

Recognizing war crimes, including legally proven genocides, is an important step in the reconciliation process and for ensuring that such events are not repeated. The recognition of the Srebrenica genocide, the worst crime on European soil since WWII, remains to be a challenge for many, including political, religious, and social leaders. In fact, not only Serb politicians in Bosnia and Herzegovina and Serbia are not willing to recognize the Srebrenica genocide, but they also engage in genocide denial and glorification of war criminals.

In order to fight genocide denial, state resolutions remain an essential asset as they pave the way for countries' policies despite their non-binding character. Namely, resolutions represent non-binding opinions of governments on a specific event. They are part of the so-called "soft law" acts. Although non-binding acts, they can still imply certain obligations and improve the existing positive norms. For example, the UN General Assembly resolutions are not binding, but if member states acknowledge that a certain resolution reflects the general will, they often consent. Furthermore, resolutions can be regarded as codified customs of states and hence recognized as part of the general will and practice of society (the International Court of Justice (ICJ), in Article 38 of the ICJ Statute, supports resolutions as accepted general practices).

Lastly, resolutions also reflect the values that a particular state is fostering. Therefore, resolutions on genocide in Srebrenica reflect the utmost importance of protecting lives, recognizing pain and suffering, as well as determining steps so that such events do not repeat.

UN Genocide Convention

The UN Genocide Convention is the first codification of the crime of genocide adopted by the United Nations (UN). The General Assembly of the UN adopted the Convention on December 9th, 1948, following the atrocities of World War II. The definition of the crime of genocide, as set out in the Convention, has been widely adopted at both national and international levels, including in the 1998 Rome Statute of the International Criminal Court (ICC).

Article IV of the Convention imposes an obligation on the State to prevent and punish the crime of genocide. The critical aspect of this obligation is that the State can take measures through legislation or carry out punishments regardless of who the perpetrators are as individuals. The individuals who commit such crimes are to be punished irrespective of their social or political status. The Genocide Convention has been ratified or acceded to by 152 States (as of July 2019).

SREBRENICA GENOCIDE RESOLUTIONS

Ten years after the genocide in Srebrenica, the US Congress and the EU Parliament adopted the first resolutions regarding the mass killing campaign in Eastern Bosnia. In the coming years, and especially after major verdicts issued by the ICJ and the International Criminal Tribunal for the Former Yugoslavia (ICTY), other legislative bodies joined the US Congress and the EU Parliament in issuing Srebrenica genocide resolutions. This research covers 16 adopted resolutions: three by the US and the EU Parliament, two by Canada, one by Belgium, Lithuania, Montenegro, Croatia, Luxembourg, Kosovo, Austria and Albania.

US Congress Resolutions

Congressional resolutions cover every aspect of genocide in Bosnia and Herzegovina. The first resolution – S. RES. 134 – was adopted unanimously by the US Senate in June 2005. Senator Gordon Smith sponsored, and senators Joe Biden and Joseph Liberman co-sponsored the resolution and continued to advocate for Bosnia on Capitol Hill for years after their memorable advocacy activities during the 1990s.

The resolution reiterated that Srebrenica was proclaimed a „safe area“ on April 16th, 1993. Despite the such proclamation, Serb forces massacred „thousands of men and boys who had sought safety in the United Nation-designated safe area.“ The US Senate also used the terms aggression and ethnic cleansing to describe the events in Srebrenica in July 1995.

The resolution also referred to the failure of the UN to prevent genocide. It noted that on July 6th, 1995, Bosnian Serb forces had attacked UN outposts and held Dutch soldiers hostage. According to the resolution, the siege of Srebrenica „deprived the entire population of humanitarian aid and outside communication and contact“ as well as “reducing the ability of the Dutch peacekeeping battalion to deter aggression or otherwise respond effectively to a deteriorating situation”. The deteriorating situation, as Senate concluded, caused people to flee through the lines of Bosnian Serb forces to reach the territory under the control of the Bosnian Army.

The resolution is also important because it highlights the fact that prior to the Srebrenica genocide, there was no evidence of systematic and years-long processes of hiding and dismembering bodies anywhere in the world. The resolution noted such crimes committed by Bosnian Serb forces who “murdered and buried captives in mass graves” scattering bodies in northeast Bosnia under their control. According to the US Senate, the Bosnian Serb forces did not commit genocide and other crimes alone. “The conflict in Bosnia and Herzegovina from April 1992 to November 1995, during which the policies of aggression and ethnic cleansing pursued by Bosnian Serb forces with the direct support of authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) ultimately led to the displacement of more than 2,000,000 people, an estimated 200,000 killed, tens of thousands raped or otherwise tortured and abused”, according to the resolution.

The second resolution was adopted in the House of Representatives the same year. Introducing H. RES. 199, Rep. Christopher Smith recalled the video released the same year when the Skorpion unit executed six young civilians. He continued: “There are four primary motivations for passing this resolution today. First, there are those who, despite being indicted for genocide, continue to evade justice. Second, some continue to deny that atrocity occurred and contend it was something other than genocide. Third, the international community must learn from its failure to stop slaughter from taking place in declared safe areas. Finally, ten years after Srebrenica, the survivors came to the United States as refugees and became the American citizens who still feel the excruciating pain of losing so many innocent loved ones.” Tom Lantos, Holocaust survivor and one of the co-sponsors of the resolution, referring to Mladić and other war criminals, said: “...he remains at large in Serb controlled areas in Bosnia or in Serbia itself... It is an outrage that such war criminals continue to be sheltered and protected by Serb officials in Bosnia and in Serbia.” The only Congressman who voted against the resolution was Ron Paul due to his isolationist policy views.

S. RES. 134 and H. RES. 199 are very similar with tiny differences. Both noted that 7,000 and perhaps more people were massacred. However, H. RES. 199, added the term “executed” to the term “killed.” H. RES. 199 also named the supporters of the Bosnian Serb forces. “The policies of aggression and ethnic cleansing pursued by Bosnian Serb

forces with the direct support of the Serbian regime of Slobodan Milosevic and its followers ultimately led to the displacement of more than 2,000,000 people, an estimated 200,000 killed, tens of thousands raped or otherwise tortured and abused."

In 2015, another resolution was adopted by the House of Representatives (not by the Senate). This resolution, introduced by Rep. Christopher Smith, stated that the Bosnian Serb forces held more than 8,000 men and boys at collection sites and summarily executed and buried them in mass graves. It also included the Prijedor concentration camp, which was important in recognizing other sites of mass killings outside of Srebrenica and Sarajevo. The House welcomed the indictment and conviction of three dozen individuals before Bosnian and Serbian courts, as well as the arrest and transfer of Karadžić and Mladić to the ICTY. Denial and trivialization of genocide by Serb officials were not put aside – "...prominent Serbian and Bosnian Serb officials, among others, have denied or at least refused to acknowledge that the massacre at Srebrenica constituted a genocide, or have sought otherwise to trivialize the extent and importance of the massacre." The H. RES. 1045 went on to label Milorad Dodik as a denier and marked his words with reference to genocide as "fabricated myths" and "the greatest deception of the twentieth century."

EU Parliament Resolutions

Contrary to the resolutions passed by the US Congress, the European Parliament resolutions, adopted in 2005, 2009, and 2015 respectively, are shorter and rely more on the ICTY verdicts. The 2005 resolution clearly stated that more than 8,000 Muslim men and boys were executed by the Bosnian Serb forces under Ratko Mladić's command and assisted by paramilitary units. Declaring it was a genocide, the EU Parliament called upon ICTY verdicts to be respected and acknowledged. It is interesting to note that the EU Parliament did not refer to the UN Genocide Convention.

When the 2005 resolution was adopted, war criminals Karadžić and Mladić were still at large. The EU Parliament urged Republika Srpska and Serbia-Montenegro to locate them and bring them to justice. The resolution also welcomed the decision by then-Serbian PM Vojislav Koštunica to release video footage proving how the "Scorpion Unit" executed six civilians, which led to multiple arrests.

On January 15th, 2009, the EU Parliament adopted another resolution on the Srebrenica genocide. During the debate on the Srebrenica commemoration, the President-in-Office, members of European Commission, and Members of Parliament expressed their regrets that "such horrible crimes were perpetrated on European soil."

Several changes and updates were added. The resolution emphasized the number of deported people and the reconstruction of Srebrenica events. It stressed that the European Council and Commission should support July 11 as a commemoration day, bring fugitives to justice, and honor all victims of the war in Yugoslavia. Contrary to the US Congress resolutions, which state the number of all people who were executed, killed, and deported in the entire country, the EU Parliament resolution only refers to Srebrenica victims. The resolution also did not refer to the genocide denial. Another important question that remained unanswered is why this resolution dealt with other wars in Yugoslavia if it is, as its title stated, about Srebrenica.

The latest EU Parliament resolution on the Srebrenica genocide was adopted in 2015. This resolution stated a higher number of children, women, and elderly people expelled during the ethnic cleansing campaign due to the new evidence presented before multiple different courts. The verdict by the ICJ on the role of the Serb paramilitary forces in

Bosnia and Serbia was also included in the resolution. Another addition compared to the previous resolution was the EU Parliament's support for the civil organizations in Bosnia, mainly The Mothers of Srebrenica and Žepa Enclaves.

Other Parliamentary Resolutions

The first resolution (M-416) by the House of Commons of the Canadian parliament was unanimously adopted in 2010. Canada recognized Srebrenica Remembrance Day of 11 July as well as more than "7,000 Bosnian men and boys that were executed and 25,000 who were forcibly removed from their homes." The second resolution was adopted in 2015. It reaffirmed former Motion M-416 and included the Srebrenica genocide as part of "Genocide Remembrance, Condemnation and Awareness Month" every April. In order for Canada to join other countries in adopting the resolution in 2010, years of lobbying preceded. The process started with Jean Augustine, a member of the Canadian parliament, who emphasized the recognition of genocide and crimes committed in Srebrenica as a crime that countries cannot ignore nor deny. The efforts continued with Masse Brian, who acted as the parliamentary sponsor of the Srebrenica genocide resolution enactment. As one of the major countries that welcomed the Bosniak community during and after the war, there was a growing interest among the legislators to finally recognize the Srebrenica genocide in the form of a resolution. Among the opponents were the Conservative Party and Prime Minister Stephen Harper, who rejected the version with the term "genocide" – a crucial part of the resolution due to the Conservative party's strong links to the Serbian and Russian communities in Canada. The Institute for the Research of Genocide Canada played an important role in lobbying during this process. Their efforts helped increase public interest in the topic. Two main parliamentary were Brian Masse and Robert Oliphant. Other MPs who promoted the cause were Irwin Cotler and Stephen Dion.

Significant pressure against the adoption of the Srebrenica genocide resolution was faced by the Australian parliament, too. However, motivated by the losses in his family during the Holocaust, Member of Parliament Michael Danby offered his help and became the resolution's sponsor. Co-sponsor was MP Graham Parret of Queensland, an area with a sizeable Bosnian community. Serbia soon launched another anti-resolution campaign. The Embassy of Serbia, the Serbian Orthodox Church, and the diaspora community members lobbied heavily against such efforts. An example that shows how much the rejection of this resolution was important to them is the official visit of Ivica Dačić, then-Deputy Prime Minister of Serbia, who met with MPs and government officials to convince them to reject the resolution. Despite Serbia's campaign, the Australian parliament adopted the resolution in 2012.

In 2009, the Croatian Assembly adopted the Srebrenica genocide resolution acknowledging the 14th anniversary of the grievous crime committed in Srebrenica. Before the resolution, the Assembly unanimously adopted the statement on Srebrenica in 2007. The statement was filed to the Croatian Assembly by their member, prof. dr. Šemso Tanković, and it condemns the crimes of Bosnian Serbs in Srebrenica, including genocide. The Assembly also declared July 11th as the Remembrance Day of the genocide in Srebrenica.

The Parliament of Kosovo has recently adopted the resolution condemning the genocide committed in Srebrenica in 1995. Following the example of the Parliament of Montenegro, the Republic of Kosovo recognized the genocide and condemned any denial of this grievous crime. Kosovo expressed regrets to Srebrenica genocide victims and referenced the UN Genocide Convention, as well as the EU resolutions and ICJ and ICTY verdicts. The resolution was initiated by a member of Parliament, Bahrim Sabani,

who represents the Bosniak community. Kosovo Prime Minister Albin Kurti supported the resolution and its adoption as an act that represents the “universal humanity.” The resolution has six points that condemn the denial of the Srebrenica genocide and was supported by 89 lawmakers in the 120-seat parliament. Only the Srpska List (the coalition of the Serb representatives) did not take part in voting. The members of Srpska List left the assembly session in the act of boycott against the resolution adoption since, in their view, the resolution is against the entire Serbian people. Kosovo President Vjosa Osmani also supported the resolution emphasizing that “Srebrenica is a lesson for all unpunished crimes.” The president stated that “no one knows the pain of Srebrenica better than Kosovo. Reçak, Meja, Poklek, Prekaz, and many other massacres in different parts of Kosovo, are part of the same pain and of the same experience”.

The Parliament of Lithuania adopted the resolution “in memorial to victims of Srebrenica genocide” in May 2010, and supported the international efforts towards reconciliation between “Yugoslav nations” and constructive cooperation which would lead to stability in the Western Balkans.

The Luxembourg resolution, adopted on July 15th, 2015 encouraged authorities in Serbia and Bosnia to reconcile. It also emphasized the role of media, school system and religious communities in the reconciliation process.

The resolution adopted by the Belgian Parliament mentioned Jews and Tutsi, yet without reference to Bosniaks as the victims of the Srebrenica genocide. This resolution only outlined the genocide committed in Srebrenica without the connections to perpetrators and victims.

Adopting the resolution on June 17th, 2021, Montenegro called to punish those who deny and trivialize genocide and outlined that “only the individuals are responsible for such crimes, not the whole nations.”

Austrian and Albanian parliaments were also among the parliaments which adopted the Srebrenica genocide resolution. The Austrian resolution stated that almost 30,000 women, children, and elders were expelled due to ethnic cleansing and that “tragic events in Srebrenica caused trauma and deep emotional scars which burden current relations between ethnical groups in BiH today.” The resolution provided suggestions on the prevention of genocide in terms of researching and learning of causes and origins of genocide in schools, as well as raising awareness on peacebuilding, human rights, and tolerance towards ethnical and religious groups. After Austrian resolution came into force, Albania followed and adopted the resolution.

	Country/organization	Number of resolutions	Years of adoption
1	United States	3	2005, 2015
2	European Union	3	2005, 2009, 2015
3	Luxembourg	1	2015
4	Lithuania	1	2010
5	Croatia	1	2009
6	Kosovo	1	2021
7	Montenegro	1	2021
8	Belgium	1	2020
9	Australia	1	2012
10	Canada	2	2010, 2015
11	Iran	1	-
12	Austria	1	2022
13	Albania	1	2022

CONCLUSION

While non-binding in most cases, the resolutions on the Srebrenica genocide are still an essential part of the memorialization of this crime. We purposefully highlighted the differences in language between the resolutions to show that the right terms in such documents matter. Furthermore, while some resolutions significantly rely on the UN Genocide Convention, others do not mention it at all. Also, some resolutions clearly state who were the victims and who were the perpetrators, while other resolutions completely avoid that part.

Nevertheless, these resolutions remain part of the legal systems of the countries and can be referenced in future legal matters. We thank the individuals and organizations who helped pass these resolutions despite significant pressure from the local Serbian diaspora communities and the official Serbian authorities.

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