

SREBRENICA

Questions for the future

MSF-Holland, 4 April 2002



An enclave protected by the UN falls

On 11 July 1995, the east Bosnian city of Srebrenica fell into the hands of the Bosnian-Serb army (BSA). This resulted in a mass exodus from the enclave; approximately 7,000 men have since been killed or are missing. The Srebrenica massacre was one of the most shocking crimes against humanity during the horrific Bosnian war - and the largest single massacre of civilians on European soil since World War II.

The people of Srebrenica lived in a 'safe area' as labelled by the United Nations. They were convinced that those same UN forces that carried the word 'protection' in their name would protect them: UNPROFOR (*United Nations Protection Force*). The UNPROFOR battalion in Srebrenica at the time of the fall was the Dutch battalion, Dutchbat.

Lulled into a false sense of security by the UN promise, the population became the ultimate victims of genocide in July 1995. This started a painful and wearisome debate in the Netherlands. The sensitivity surrounding the Dutch role in the Srebrenica massacre was confirmed recently by the uncharacteristically sharp responses of Dutch politicians to criticism levelled at Dutchbat in the report of a French Parliamentary Commission.

Following a number of attempts to clarify the events, the government asked the Netherlands Institute for War Documentation (NIOD) to perform an independent enquiry. Almost seven years have passed since the massacre and more than five years since the government decided to launch an enquiry.

Open and honest debate needed for survivors and Dutch society

The NIOD enquiry was not the first enquiry that was carried out; a number of reports have been written about Srebrenica. The discussions have revolved around the role and mandate of the UN, but the specific role and mandate of the Netherlands remains a sensitive issue and a taboo until now. MSF-Holland applauds the release of the NIOD report and looks forward to an open and honest debate about the lessons that can be learned from the Srebrenica massacre and the international failure to prevent such horrors. However, MSF-Holland is disheartened that it has taken more than five years to produce this independent report. The lessons learned from Srebrenica would have been useful for the Netherlands and the international community that have been involved in various military interventions since Srebrenica. Moreover, the survivors of Srebrenica are still struggling to piece together their lives and their country. It is essential to gather all info about the events preceding the fall of the enclave so that the survivors can cope with the aftermath.

In the interest of the survivors, MSF-Holland would like to know if the NIOD has had access to all relevant sources of information and if these sources have been used in the investigation. Was everyone who played a role in this tragedy questioned - including members of the Bosnian society and survivors of the mass murder?

Why is MSF speaking out now?

In March 1993, Médecins sans Frontières (MSF) started working in the enclave of Srebrenica. In July 1995 two international staff workers, Christine Schmitz and Daniel O'Brien, were present with national staff in the enclave at the time of the fall, the deportations and the executions. As the only international aid organisation with international staff in Srebrenica at that time, MSF witnessed the panic and fear of death amongst the population during the fall of the enclave and the days that followed. MSF witnessed the international community's failure to act, which resulted in the deaths of many thousands of people. The fact of our presence bearing witness to events provides us with the responsibility to demand total disclosure of the facts.

This openness is required to ensure that no population is ever left to face such a destiny, to guarantee that our soldiers never face such unfeasible responsibilities and failure, and to ensure that civilians are never again lulled into believing they are safe - a belief that may have influenced their decision not to flee while they still could. That is why the NIOD report and the subsequent parliamentary debate are crucial.

And, even if the Serb forces are ultimately responsible for the massacres, the survivors of Srebrenica deserve an open and honest explanation of the failure of the UN forces in Bosnia to meet their promise of protection.

Prior to the publication of the NIOD report, MSF would like to raise a few important questions for which responsibility now needs to be taken. MSF are in part so involved because the organisation worked closely with the hospital staff in Srebrenica. Of the 128 employees, 22 never arrived in Tuzla. MSF succeeded in evacuating 13 of its Bosnian colleagues. Meho Bosnjakovic chose to stay with his family and is one of the many thousands that were murdered.

The Dutch involvement in the Srebrenica tragedy can be divided into four stages:

1. The first stage was the run-up, the decision-making process that led to the dispatch of a battalion of the Air-Mobile Brigade to the enclave of Srebrenica.
2. The second stage was the stay of Dutchbat in Srebrenica from February 1994 to the beginning of July 1995.
3. The third stage was the seizure of Srebrenica and the subsequent reactions of Dutchbat and the United Nations.
4. The final stage was the period after the fall in which the mass murders were carried out.

There is one question that is central to all four stages: Was the population offered protection and if so, how was this protection realised in practice?

The questions

The NIOD report must provide an answer to the following questions:

Question 1

Was the concept of ‘safe area’ credible and tenable?

Question 2

Could the fall of the enclave have been foreseen?

Question 3

Could it have been foreseen that so many people would be killed after the enclave had fallen?

Ad 1: Was the concept of ‘safe area’ credible and tenable?

Should the promise of safety have ever been made to the people of Srebrenica? If so, was it understood that there had to be a readiness as well as funds to guarantee the status of ‘safe area?’

Was it fully understood during the decision-making process that this was an operation fraught with risks? If so, did the political and military analyses that preceded the actual stationing of the peace troops in the enclave take account of these risks? Were they properly identified and assessed? Was there a commitment to use military force to defend and protect the enclave and the people of Srebrenica?

In the course of 1995 more and more indications and reports emerged that indicated that an attack on the enclave could not be ruled out. Were steps taken and plans made in this period for the effective protection of the population in the event of an attack and aggression by the Bosnian Serbs?

The main motivation of those who advocated sending out Dutch troops was a deeply felt need to protect the Bosnian Muslims against the terror and ethnic cleansing that they were exposed to. How responsibly did the Security Council address the need to offer protection by committing international forces? Was UNPROFOR realistic and serious about protecting civilians from ethnic cleansing? Did UNPROFOR effectively develop scenarios for the changing situation and make plans for the real protection of the people trapped in the enclave of Srebrenica?

The UN Secretary General himself has concluded after July 1995 that the protection of the enclave and its inhabitants was an illusion.¹

Were UNPROFOR and the Dutch government really prepared to protect the population of the enclave? If not, what role, if any, did the UN and Dutch military expect Dutchbat to play in the protection of the population?

¹ Report of UNSG, 15 November 1999

Ad 2: Could the fall of the enclave have been foreseen?

It is important to ascertain whether there were signs of an attack during the mission. Could Dutchbat have foreseen an attack on Srebrenica? Many officials² said that they received a constant flow of alarming reports before the enclave fell. Some of them have admitted that they underestimated the significance of these reports, which were coming in almost daily from the 'safe areas.' It was, however, known that the enclaves of Srebrenica and Zepa, in particular, were important targets for the Bosnian Serbs.

Shortly before the capture of the enclave, disquieting reports arrived from Dutchbat and UN military observers. These reports not only described the abysmal humanitarian conditions in the enclave, they also mentioned the concentration of the troops, adding that these "may indicate that an attack is in preparation." The report sent by the observation team on 4 June 1995 specifically referred to the threat of a Serb attack and subsequent mass murder, and stressed the need for safety guarantees for the civilians. At the beginning of July, the MSF team was warned by the UNHCR and UNPROFOR staff that Bosnian Serb troops had concentrated around the enclave.

Mr. Voorhoeve, who was Minister of Defence at the time, knew a year before the fall of the Muslim enclave of Srebrenica that Dutchbat could never protect it³. The evacuation of the forty thousand Muslims from the area was rejected for various reasons. During the questioning, another option, namely that Dutchbat "simply drive away," was described as "morally repugnant" and "infeasible."

The UNPROFOR commander in Bosnia and the UN High Commissioner for Refugees both raised the question of the indefensibility of the safe areas in the event of a Bosnian Serb attack⁴. Did the Dutch Government address this question? If so, did they make their concerns public? Or did they raise the matter of the protection of the enclave and its inhabitants with the Contact Group for former Yugoslavia or the Security Council?

The UN Secretary General had put the concept of safe areas on the agenda at the beginning of 1995. However, the Security Council remained divided over the conclusion that there were serious flaws in the 'safe area' concept. No decision was taken, and the untenable and shortsighted situation regarding the safe areas continued despite the widely held belief that the resources on hand could not afford adequate protection.

The position of the Netherlands in this discussion was at best unclear and at worst invisible. Did the maintenance of a concept that was no longer effective and described as "untenable" create a situation in which a population was not provided the protection it had been promised?

² On 4 June 1995, military observers reported that Serb forces and Arkan's troops were concentrating around Srebrenica. During the French Parliamentary hearings, the former head of the military intelligence office acknowledged that his office had been informed about a Serb offensive.

³ Bakker Commission Hearings, 31 May 2000

⁴ Report of the UNSG, 15 November 1999, page 51

Ad 3: Could it have been foreseen that so many people would be killed after the enclave had fallen?

A distinction needs to be drawn between the fall of the enclave and the mass murders that followed. A few days elapsed between the actual capture of the enclave and the start of the murders. The deportations began on 12 July and the murders took place between the evening of 12 July and 17 July.

Could these have been foreseen?

The methods that the Serbs had previously used to wage war in Bosnia had left no doubt that the objective of the war was not only to gain territorial control but also the ethnic purification of the territory. The policy of “ethnic cleansing” had already been recognised and was one of the motivating factors behind the UNPROFOR intervention. In particular, the previous siege and capture of Vukovar in 1991 had already shown that civilians were a target and that the killing of civilians among whom hospital staff was part of the ethnic cleansing strategy.

By 11 July it was too late to prevent the fall of the enclave; it had already happened.

But could the international community have prevented the mass murders?

The murders and the burials in mass graves of the many thousands of victims took place within a period of a few days. In the same period, the international community passed a resolution on 12 July in New York demanding a halt to the Bosnian Serb offensive. The international community passed resolutions and presented proposals to General Mladic- as did UNPROFOR. In the meantime, ethnic cleansing and the executions continued.

There is evidence that the Bosnian Serb army on a large scale commandeered vehicles in the vicinity of Srebrenica on 11 July 1995⁵. The MSF team reported that terrified civilians that had gathered around the Dutchbat compound were being segregated into groups of males and females. All the evidence pointed towards the organisation of massacres of young men and the mass deportation of women and children. On 11 July, MSF issued a press statement condemning the “inability of the UN to protect the population” and stating that the civilians were “fleeing, terrified of an imminent massacre.”

When Christine Schmitz of the MSF team appeared before the Parliamentary Commission in France, she described the deportation as “so quick and well organised that it looked as if it had been planned in advance.”

Dutchbat soldiers told the MSF team about corpses lying near their compound. In the Ministry of Defence debriefing report, various Dutch soldiers say that bodies had been seen or that they had witnessed events that made them fear the worst. Some Dutchbat soldiers also provided horrifying eyewitness accounts when they arrived in Zagreb at the end of July. It is, however, open to question whether these events were formally reported while Dutchbat was still in the enclave and during the period in which the executions were carried out. The 1999 UN report on the fall of Srebrenica concludes that this was not the case. With so much intelligence pointing to an orchestrated deportation and massacre, it is incomprehensible that Dutchbat had

⁵ Hearing of Jean-René Ruez (ICTY’s Srebrenica enquiry) on 22 February 2001 before the French Parliamentary Commission

no knowledge of the events unfolding around them. Since they did know about it, which was made clear from later testimonies, why was there silence and inaction?

Dutchbat must explain why it omitted to report serious crimes that were witnessed, heard of or suspected at a crucial moment in the developments after the actual fall of the enclave. The next question is then whether the international community would have taken tougher and faster action if Dutchbat and the UN observation team had immediately reported these sinister indications. And if so, could this have prevented some or all of the executions?

The international community and the Dutch parliament must never again allow people in conflict situations to be deluded by a false sense of security; they must never again allow their soldiers and humanitarian aid workers to be placed in such an untenable position; they must put the lessons from 'Srebrenica' into practice to promote real protection of civilians and prevent crimes against humanity. We expect that the NIOD report will fully address all our concerns and catalyse a full and open analysis in the Dutch parliament to ensure that the Dutch military is never subject to such paralysis again. We plead for a carefully planned and determined use of force where this is required.

The eventual aim of peace operations should at all times be the protection of populations in acute crisis situations.