

Karadzic Rules of War Orders Questioned

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He claims to have ordered troops to abide by Geneva conventions, but witness says this had little effect.

Former Bosnian Serb president Radovan Karadzic contended in court this week that he repeatedly ordered his army and police force to treat non-Serb civilians and prisoners of war in accordance with international law.

His assertions came during a nearly 14-hour cross-examination of retired diplomat and former United States ambassador Herbert S Okun, who served as special adviser and deputy to the personal envoy of the United Nations Secretary General from 1991 to 1997 in the former Yugoslavia.

Okun - who met with Karadzic on numerous occasions during the Bosnian War - kept detailed diaries of their meetings, which were entered into evidence and referred to repeatedly during questioning by prosecutors and Karadzic.

Okun made several references to Karadzic's alleged plan to divide up Bosnia and make the self-declared Bosnian Serb entity, known as Republika Srpska, RS, as "ethnically homogenous as it could be".

To accomplish this, Okun said, the Bosnian Serb army and police used "force, intimidation and violence" to cleanse entire towns of non-Serb residents.

Karadzic, however, read aloud from several orders and declarations in an apparent effort to refute these assertions, which also form the backbone of the prosecution's indictment.

He is charged with the crimes of genocide, persecution, extermination, murder and forcible transfer that "contributed to achieving the objective of the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory".

In one order, issued in August 1992, Karadzic stipulated that the Bosnian Serb army had to "honour commitments to international humanitarian law ... and the Geneva conventions" and "prevent the forced resettlement [of] the civilian population and ... immediately take steps to improve conditions in prison camps in accordance with the orders of the International Committee of the Red Cross [ICRC]".

The document also states that "every organ of the [Bosnian Serb] army and police should carry out a vigorous investigation of violations".

"Your letter is certainly commendable," Okun responded, noting, however, that according to information he received from the ICRC, the conditions in the prison camps did not improve as a result of it.

"This is an order," Karadzic answered. "I didn't send the army letters. I sent orders to the army and the police."

After Karadzic read from a declaration stating that RS should be "based on rule of law and humaneness", Okun responded that the sentiment was "very touching".

"It's a pity it was not carried out in reality," Okun continued.

"It will be shown that it did happen in reality as well," retorted Karadzic, as he referred to a July 1992 document stipulating that non-Serb residents who "hand over their weapons" shouldn't be harmed.

"This message you sent was not observed by its recipients, or perhaps they understood that you didn't mean every word of it," Okun said.

Okun further remarked that when Karadzic made some of these orders and declarations - beginning in the spring and summer of 1992, as war was breaking out - areas of eastern Bosnia were already being ethnically cleansed of non-Serb residents.

"In April [1992], the displacement and ethnic cleansing of the Muslim community was well under way at the hands of ... the Yugoslav army, [followed by] the Bosnian Serb army and the paramilitaries," Okun said.

"I know this is hard for you to hear, but it's the truth and we both know it," he added.

Karadzic bristled at this suggestion.

"That sounds like a judgement rather than testimony," he retorted.

Karadzic read aloud from yet another order issued in March 1993 – reinforcing an existing one from June 1992 – that the Bosnian Serb army was “obliged to continue” allowing passage of international aid supplies and “abide by the Geneva conventions for the protection of victims, as well as the The Hague conventions on the laws of war”.

Okun responded that “food convoys accompanied by UNPROFOR (United Nations Protection Force) were routinely stopped, robbed and made to pay money to get through checkpoints”.

Okun also noted the high number of “directives, instructions, [and] orders” that Karadzic apparently issued to his army and police forces.

“From that I conclude [the orders] were not being followed,” Okun observed. “If [the army and police had been] listening to you, you would not have had to send so many orders. So the orders, while praiseworthy, were not being observed by troops in the field.”

Karadzic remarked that these orders and declarations “passed unnoticed” during the war because he “felt it not in good taste for us to publish steps we were duty bound to take”.

“It’s certainly not in good taste to ethnically cleanse people,” Okun retorted.

The lengthy cross-examination covered a wide spectrum of topics, including the 44- month shelling of Sarajevo that killed nearly 12,000 people, which Karadzic is accused of overseeing.

Karadzic reiterated his contention that the Bosnian army relentlessly shelled its own people in order to court foreign intervention.

Okun did not deny that the Bosnian government wanted foreign intervention because “you occupied most of their country and ethnically cleansed the population, so they were desperate”.

Okun also acknowledged that it was an “open secret” that various countries smuggled weapons to the Bosnian army, which had no way to acquire weapons legally because of a 1991 United Nations weapons embargo on the whole of the former Yugoslavia.

The Bosnian Serb army, on the other hand, had inherited weaponry from the Yugoslav People’s Army, JNA, after it was dissolved in May 1992, Okun said.

Okun stressed more than once that “all sides behaved badly, but the Bosnian Serbs behaved worst of all. They had better arms and were able to do more damage”.

Still, he said that “it’s an unarguable fact that some blame attaches to all sides in wars like this”.

Okun added that some French peacekeepers were likely killed by Bosnian army fire, but that most of the shelling – up to 5,000 shells per day – came from Bosnian Serb positions.

“Even at this late date, I don’t understand why you didn’t order [General Ratko] Mladic to stop shelling Sarajevo,” Okun said to Karadzic. “It did you harm with the rest of the world. It is something of a mystery to me still why you continued this shelling knowing it was bringing you this harm.”

The trial continues next week.

Rachel Irwin is an IWPR reporter in The Hague.

The second of two recent IWPR court reports on the trial of former Bosnian Serb leader Radovan Karadzic that have been cited by New York Time website.

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