

Mladic Witness Casts Doubt on Markale Attack

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Investigator wrote in his diary that media reports of Bosnian Serb responsibility were “propaganda”.

A former United Nations official told the trial of Ratko Mladic last week that it was “impossible” to ascertain which army fired the shell that hit the Markale market in February 1994.

Prosecutors contend that a mortar shell which killed 66 civilians and wounded 140 on February 5, 1994 in a crowded market in central Sarajevo was fired from a Bosnian Serb army position outside the city. The incident is often called the first Markale attack, to distinguish it from a similar one in August 1995, which killed some 40 people and injured around 75.

Defence witness John Russell, who was tasked with carrying out a crater analysis at the site, wrote in his journal on the night of the attack that he believed the Bosnian government army fired the shell. The UN investigation to which he contributed was unable to determine which side was responsible.

The 44-month siege of Sarajevo, which features prominently in the indictment against Mladic and includes the 1994 Markale attack, left nearly 12,000 people dead and many more injured. As wartime head of the Bosnian Serb army, Mladic is charged with crimes of genocide, persecution, extermination, murder and forcible population transfer which “contributed to achieving the objective of the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory”.

Russell, who at the time was serving as an assistant to Sergio de Mello, head of the UN civilian mission in Sarajevo, has previously appeared at the Hague tribunal as a defence witness for former Bosnian Serb president Radovan Karadzic. (See [Karadzic Witnesses Question Markale Attack](#) on that testimony.)

Last week, defence counsel Dragan Ivetic took the witness through his statement in which the Canadian described arriving on the scene in Markale to determine the direction from which the mortar round had been fired.

He had only carried out crater analyses four times before the Markale incident, having received training for this at a two-day UN course in Knin.

Russell said his conclusions were based on the sharp trajectory the shell had taken over high buildings near the market before impact.

He said that as while examining the crater, “I kept on looking up and up until I came to the top of quite a high building, and I found it quite interesting that only one round had been fired and that it had to be at a steep angle to clear that building to where it landed”.

Ivetic noted that “you talk of hearing on CNN, on the evening of February 5, 1994, that the Bosnians Serbs had shelled the market. Do you know if anyone on the UN side had made such a determination by that date?”

“To the best of my knowledge, no,” Russell replied.

Reading from the statement, Ivetic said Russell believed the CNN report “‘was the result of propaganda, and from then on it would be widely believed that the Bosnian Serbs had fired the shell, regardless of the true facts’.

“Whose propaganda did you have in mind?” the lawyer asked.

“Whoever had the most to gain from the particular comment,” Russell replied, going on to assert that reporters had been “in a hurry” to identify the source of the attack.

“The UN had not yet passed on the information they had received on the crater analysis to make it official, but the news media was saying something and I don’t know where they got it,” Russell said. “So that’s all I’m saying, based on that, to the best of my knowledge at that time; that evening the reports of the crater analysis from all of us were in the hands of the UN chain of command and had not been released to the public.”

The defence then turned to the diary Russell had kept as part of his UN duties. Ivetic read out an extract from an entry on February 5, 1994, in which Russell wrote, “I was at the site to do a quick crater analysis, and although I agree with the direction I disagree with the distance, believing that the BiH [Bosnian government forces] shot at themselves. Many here don’t want to think of this, as there are a lot of

casualties, but I think otherwise”.

The witness stressed that this was his “personal opinion” and that his official report had concluded that it was impossible to determine who fired the round.

“I could not, in my investigation, say who did it,” he explained. “In my personal opinion when I was at the site and I looked at the angle of descent... in my own opinion that that round came from a shorter range than a longer range.”

“In the years since, has anything happened to change your conclusion?” Ivetic asked.

“My position has not changed from the position in my report,” Russell answered.

In his cross-examination, prosecuting lawyer Adam Weber went through a number of UN military observer situation reports for the period preceding the Markale massacre. These reports recorded the casualties on both sides as well as the fire coming in and out of respective territories.

“Based on the sit-reps we just looked at, there were a total of 5,536 impacts on the Bosnian side between 19-24 December. So this is in fact disproportionate shelling, correct?” the lawyer asked.

The witness agreed that it was.

Weber asked him whether he was “aware of the impact on the civilian population of Sarajevo” and that at the time of the Markale attack, “civilians were still dying on a daily basis”.

“That is correct,” Russell said, adding, “There were dangers in travelling across open areas of roads from both shelling and snipers. There was an effect on people trying to get food and water, and any general movement around the city.”

Weber turned to a meeting which de Mello held with Karadzic the day before the Markale attack in which the UN chief emphasised his staff’s objectivity in reporting incidents of fire. Karadzic had himself acknowledged this, Weber added.

“You would agree, there was objective information provided to the international press,” he said.

Russell agreed.

Weber turned to the sit-rep for February 5, 1994, the day of the Markale attack.

“UN MOs [military observers] confirmed 55 mixed impacts coming into Bosnian areas and zero outgoing rounds. My question is, the UN MOs observed no rounds being fired by Bosnian forces on this day, right?”

“If that’s what the UN observers observed, yes,” Russell replied.

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