

Victims' Request to Contest Genocide Ruling Refused

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Lawyers for Bosnian war victims argued that judges were wrong to remove genocide charge relating to towns other than Srebrenica.

Appeals judges have rejected a request from Bosnian victims of wartime atrocities to file a submission arguing that it was wrong to acquit former Bosnian Serb president Radovan Karadzic of one count of genocide.

On June 28, tribunal judges dismissed a count of genocide relating to seven named municipalities in Bosnia between March and December 1992. Karadzic still faces a count of genocide relating to the 1995 massacre in the eastern town of Srebrenica, where more than 7,000 Bosniak boys and men were killed.

In their June ruling, judges concluded that “there is no evidence, even taken at its highest, which could be capable of supporting a conviction of genocide in the [seven] municipalities”. (See **[Karadzic Acquitted of One Genocide Count](#)**.)

The prosecution is appealing against the acquittal decision, and the victims’ submission was intended to be in support of that appeal.

On August 31, lawyers for two named victims – Satko Mujagic and Fikret Alic – and the Association of Witnesses and Survivors of Genocide in Sarajevo requested permission to submit a document to the appeals chamber, arguing that tribunal judges were wrong to drop the genocide count for the seven municipalities. (See **[Bosnia Victims Hope to Contest "No Genocide" Ruling](#)**.)

As well as the remaining genocide count, Karadzic’s indictment still includes counts of persecution, extermination, murder, deportation, inhumane acts, terror, unlawful attacks and the taking of United Nations peacekeepers as hostages.

His defence case is due to begin October 16.

The tribunal rules say a national state, organisation or individual can be granted the right to make a submission if it is deemed appropriate. However, the appeals chamber concluded on September 21 that the victims’ brief “does not assist... in determination of the present appeal” and is thus not admissible under the rules.

The four page decision did not go into extensive detail, but stated that the lengthy proposed brief “is not limited to questions of law, but provides interpretation of evidence and repeats the task undertaken by the trial chamber and the parties in their submissions on appeal”.

The victims’ lawyers had argued that the chamber “erroneously determined” that the evidence “failed to rise to some unwritten standard of systematic and organised carnage, and [was] therefore not worthy of being characterised as genocide”.

They also contended that the judges disregarded “multiple chilling threats and declarations personally broadcast by the accused” in the lead-up to the Bosnian war. They referred specifically to prewar statements that have been entered into evidence, in which Karadzic is quoted as saying that Muslims in Bosnia would “disappear from the face of the earth” and “be exterminated” if they insisted on declaring independence from Yugoslavia.

The lawyers argued that these statements were “intended to commence the eradication of the Bosnian Muslim and/or Bosnian Croat populations from territory claimed by the Serbs”, and that they therefore proved genocidal intent.

In their request, the lawyers urged tribunal judges to consider the views of victims, who have a “special right and interest in seeing that the history they experienced, which is now being written by the tribunal, faithfully reflect the truth about what was done to them, why it was done, and who was responsible for it”.

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Location: [Bosnia and Herzegovina](#)

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