

Bivši pregovarač opisuje Miloševića-mirotvorca

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After more than a month hiatus between his direct testimony and completion of cross examination, former UN officer David Harland returned to the witness stand in the trial of Slobodan Milosevic. Mr. Harland was UN Civil and Political Officer for Sarajevo from 1993 to 1999. [See CIJ Article, 'UN Official Says No Evidence Connecting Milosevic to Srebrenica Massacre,' September 18, 2003] In that position, he met and talked with civil and military leaders on both sides of the conflict, as well as experiencing the Siege of Sarajevo firsthand. It was a siege without military purpose, Mr. Harland testified, designed to terrorize the civilian population so their leaders would accept a peace settlement.

The peace settlement they wanted, Mr. Harland said, was not acceptable to the BiH Government. The Bosniaks could have expected little through negotiations when their situation on the ground was so weak. VRS forces, supplied by Serbia and the FRY (Federal Republic of Yugoslavia), had captured substantial territory in the first weeks of the war, leaving the BiH Government in control of only 18% of Bosnia for half its population. It was for that reason, according to the witness, the Bosniaks regularly violated cease fire agreements. Stabilization of the situation did not serve their interests.

On the other hand, Mr. Harland told the Court, if Serbia had seriously limited its substantial military and financial support to the VRS, 'the siege would have been ended' without the consequent loss of life from use of military force. The Bosnian Serbs, he said, relied almost entirely on Serbia for military supplies as well as its officer corps.

When Milosevic attempted to assert his role as peacemaker, the witness disagreed, 'You certainly gave the impression that the Bosnian Serb military were very amenable to influence by you or others in Belgrade. The fact that nothing was done to restrain the VRS at Sarajevo and other places, including Srebrenica, we took as meaning you either acquiesced [in] or supported it.' Mr. Harland told the Court that UNPROFOR was able to detect Milosevic's direct influence on the VRS in Bosnia in only a few situations, e.g.g. to prevent an attack on the safe area of Gorazde and to turn over control of Mt. Igman.

For the most part, however, Milosevic did not exercise his power. Mr. Harland told the Accused directly, 'Your acquiescence for crimes committed against the civilian population of Bosnia Herzegovina is relatively clear.' Milosevic asked if the witness was claiming that 'Yugoslavia' had command of the VRS. 'There was supply, maintenance, and influence from Belgrade and Belgrade used that supply, maintenance, and influence to direct a number of outcomes in Bosnia and apparently did nothing to prevent, over a period of some years, shelling of Sarajevo, for example.' 'Do you mean we could have done more?' Milosevic asked. 'Vastly more,' Mr. Harland replied. 'The Bosnian Serbs were almost entirely dependent on Serbia, as they recognized. Had a serious effort been made to restrain them, they certainly would have been responsive. They told us so.' Milosevic protested that withholding assistance would have allowed Bosnian Serbs to be killed.

Under Milosevic's cross examination, Mr. Harland agreed that the ABiH employed a strategy of provoking fire from the VRS onto civilian targets in Sarajevo. When the Accused read from UNPROFOR Commander General Sir Michael Rose's book to the effect that the ABiH fired a mortar from near the Kosevo Hospital, the witness said it was 'an accurate statement of what was going on.'

Mr. Harland did not agree, however, that the ABiH fired on its own people. Saying it was difficult to determine the source of shells, he concluded, 'When we were able to determine [the source], in almost 100% of the cases, shells landing on the Muslim side of the [confrontation] line came from the Serb side.' He also testified that most of the civilian Serbs killed in Sarajevo on the ABiH side of the confrontation line were killed by Serb snipers and shelling from outside it.

An exception was an ABiH brigade commander known as Caco. Mr. Harland described him to the Court: 'He was commander of a brigade and was very ruthless in the way he dealt with Muslims and murderous in the way he dealt with Serbs. I met him and the Muslim authorities who dealt with him. The Muslim leadership considered him dangerous and ultimately killed him toward the end of October 1993. I wouldn't suggest there was a general policy to kill Serbs in Sarajevo. The numbers were shocking, but in no way near the number Serbs were killing.' Mr. Harland concluded that most Serbs and Muslims killed in Sarajevo by Muslims were killed by Caco's group or those associated with it.

Milosevic presented the witness with his theory that there was no siege of Sarajevo. Serbs were fighting from the areas they inhabited, while Muslims fought from their territory. Mr. Harland exposed the absurdity

of the proposition, since Sarajevo was one of the more intermixed municipalities in the country. He also pointed out that a number of areas that Milosevic claimed were predominantly Serb became that way as a result of ethnic cleansing.

In support of his claim that the ABiH was targeting the citizens of Sarajevo as a media strategy to gain international support, Milosevic read selectively from a letter UNPROFOR sent to UN Headquarters in New York about the Markale Marketplace Massacre of February 5, 1994: 'Judging from its trajectory, experts thought the range [of the shell] was more likely to be under 2000 meters, than 2 to 4000 meters, putting it in Muslim territory rather than Serb.' Mr. Harland pointed to the conclusion of that initial report which Milosevic had failed to read, i.e. the source could not be determined beyond a reasonable doubt. In addition, he informed the Court, a more complete report was filed a few days later. It reported a calculation error in the first report. Adjusting for that, the UN experts concluded the shell was fired from near the confrontation line, but it was not possible to determine which side fired it. Given that UN records showed almost 100% of shells landing on the ABiH side of the confrontation line were fired by the Serbs, it is highly likely this one was as well.

Milosevic accused UNPROFOR of anti-Serb bias, though the initial reports accused the Bosnian Muslims of cynically killing their own people. Mr. Harland vehemently objected that General Rose certainly could not be accused of anti-Serb bias. 'I think there was, in certain parts of UNPROFOR, a certain sympathy with the Serb military because it more closely resembled the military from which they came. . . . In my experience, we went out of the way to give the benefit of the doubt to the Serb side.' When the Accused said there was a worldwide media anti-Serb propaganda campaign, Mr. Harland pointed out that Milosevic had just referred to a BBC report which stated that the trajectory of the shell in the Markale Marketplace put it in Muslim territory without giving the conclusion of the report that its source could not be determined. He went on to say, 'I remember several years later listening to Nick Gowing (BBC reporter) talking about the incident, saying it was actually the Muslims who had done that. He was perpetuating as fact something really not known by anyone who investigated the incident on the ground. . . . There was no clear answer to that question and that is still the case.'

Mr. Harland agreed that the VRS reduced its shelling of Sarajevo almost immediately after the Markale Marketplace massacre which continued into the summer or autumn of 1994. He concluded they feared a NATO attack. Eventually, however, the VRS resumed more aggressive attacks. By this time, the ABiH had developed into a professional army of 200,000 soldiers, was fairly well equipped except for heavy weapons and Croatia had entered the war on its side. Eventually, UNPROFOR recognized that attempts to calm the situation were not bringing the war closer to a conclusion. An acceptable redistribution of territory was required, which could only be brought about militarily given the Bosnian Serb intransigence. Mr. Harland explained to the Court, 'All peace initiatives were really just a cover for a much more aggressive policy on the ground [by the VRS]. We had to confront them militarily if massacres like Srebrenica were not going to be repeated.'

Unlike the general consensus in the RS today, Milosevic accepts that massacres were carried out at Srebrenica. 'Srebrenica was the ugliest thing that happened,' he commented. 'It affected both sides very badly.' He nevertheless contested Mr. Harland's testimony that Mladic met with him in Belgrade on July 7, 1995, just prior to the massacres. It was an official holiday, he said. 'I don't believe it could have happened.' The Accused insisted he first learned of the Srebrenica massacres from Ambassador Carl Bildt at a meeting with Bildt, Asushi Akashi, Thorvald Stoltenberg, General Smith, and Mladic. [General Sir Rupert Smith testified about this meeting before the Tribunal on October 9, 2003. See CIJ Article of October 9, 2003, 'Milosevic Influenced Bosnian Serbs, General Testifies'] Mr. Harland responded, 'I just challenge one aspect. General Mladic must have known there was a massacre going on at Srebrenica. He's on TV in Srebrenica in the hours before it begins. A number of people I spoke to on the Serb side confirmed his role in ordering the massacre. All of us in Belgrade in this period and Ambassador Bildt confirmed he saw General Mladic with you. He did know. It seems surprising he would fail to mention the deaths of 7000 people to you.' 'Everyone learned about it later,' Milosevic insisted. Mr. Harland strongly disagreed.

In response to questions from Amicus Branislav Tapuskovic, the witness agreed all three sides (Bosnian Serb, BiH Government and Croat) used terror tactics against civilian populations during the war. Between the VRS and ABiH in Sarajevo, however, VRS shelling of civilians was by far the greater, he testified. When Mr. Tapuskovic said the French suspected mostly Bosniaks were firing on Bosniaks, Mr. Harland said, 'It was not our view. From 1992 to 1995 one half million shells landed in Sarajevo. Well over 90% and probably well over 99% came from the Serb side.' He agreed, however, that the Bosnian Fifth Corps engaged in ethnic cleansing of Serbs. In addition, the ABiH was responsible for revenge attacks against Bosnian Serb civilians, including hostage-taking and forcing them to engage in de-mining and trench digging. Mr. Harland said he learned of this from Bosniaks 'who were not happy people were being used in this way.'

On re-examination, lead Prosecutor Geoffrey Nice asked the witness if there was any suggestion that Biljana Plavsic or Karadzic, civilian RS leaders, kept their ethnic cleansing agenda from the Accused. Mr. Harland said no.

The picture that emerges from Mr. Harland's testimony is of a politician using and withholding his power as it suits him. Having set the play in motion, he sits back to watch its denouement, interfering only as necessary to insure his own interests. He provides the necessities of war-making and can withdraw them as he wishes. He needn't get his own hands dirty. He can assume the role of peacemaker, contrasting his reasonableness with the aggressive intransigence of the Bosnian Serb leaders. But he will not risk his own power in the interests of real peace, even should he partly desire it. While the bodies pile up, he bides his time until the dirty workers go too far and are in danger of losing everything. Then it's time to get serious and force a peace deal, one that is possible.

The picture of warring parties that emerges is one where all sides committed war crimes, though not to an equal degree. The relative guilt or innocence of the warring parties, however, is not an issue in this trial -- nor is it on the Tribunal's agenda to resolve. In this case, the Court will determine whether war crimes, crimes against humanity and genocide were committed as part of a joint criminal enterprise or were a foreseeable consequence of the enterprise to ethnically cleanse large portions of Bosnia of its non-Serb population -- and whether Slobodan Milosevic was part of that enterprise or materially supported it. Questions of others' guilt or innocence are left for other trials.

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