

August 8, 2018

Valentin Inzko  
High Representative  
The Office of the High Representative  
Emerika Bluma 1  
71000 Sarajevo  
Bosnia and Herzegovina

Your Excellency,

We are writing to urge you to advocate for a memorial for the 3,167 victims of the aggression perpetrated by the Bosnian Serbs against non-Serbs in Prijedor Municipality, which began in 1992.

The atrocities that were committed have been extensively documented in the proceedings of the International Criminal Tribunal for the former Yugoslavia, and in published books and other reports. There have been numerous convictions of the perpetrators, including on appeal, for the crimes that were committed in Prijedor Municipality. However, while the perpetrators have been glorified, for example, in a memorial adjacent to Trnopolje concentration camp, family members of the victims have not been permitted to erect a memorial either in Trnopolje, or in the location of Omarska concentration camp, or in the center of Prijedor. Repeated efforts to erect a memorial have been frustrated by the Prijedor Municipal Assembly.

With the public glorification of the perpetrators, the prohibition of a memorial for the victims is clearly discriminatory. This prohibition constitutes a human rights violation, as well as a violation of Annex 7 of the Dayton Peace Accords. Annex 7 guaranteed the right of refugee return "without risk of intimidation, persecution, or discrimination." The parties agreed to create "social conditions conducive to the voluntary return and harmonious reintegration of refugees and displaced persons, without preference for any particular group."<sup>1</sup> The discriminatory prohibition of a memorial for the victims is a form of humiliation and psychological intimidation that discourages refugee return, impeding the original intention of Annex 7, and preventing the possibility of local reconciliation that such a memorial could facilitate.

In villages in the Prijedor area, such as Bišcani, Hambarine, and Kozarac, civilian homes, along with mosques, were shelled and burned.<sup>2</sup> In this process, civilians were wounded and murdered. Witnesses reported houses being burned with civilians still inside.<sup>3</sup> Groups of civilians were seized and transferred to concentration camps, including Omarska, Keraterm, and Trnopolje.<sup>4</sup> In the camps, detainees suffered interrogations, inhumane conditions, food deprivation, humiliation, beatings, and murder.<sup>5</sup> Women faced rape.<sup>6</sup> Detainees held in the "white house" at Omarska, faced heinous treatment: "many detainees died as a result of these repeated assaults on

them in the white house."<sup>7</sup>

In his recent book, *Death in the White House*, Mirsad Causevic, who was tortured in Omarska, writes, "I watched my friend's skull cave in from a heavy blow, as his blood spattered everywhere. ...I felt a sharp blow to my left kidney...I looked around and saw my attacker wearing the uniform of a policeman... He hit me again. And again, until I could not take it anymore and collapsed to my knees with a cry of pain...he moved on to my head. I felt warmth as blood spurted from my face...I passed out."<sup>8</sup> This was the first of endless beatings he experienced in Omarska: "Everyday brought new indignities, new cruelties, as dozens would perish to satisfy their bloodlust."<sup>9</sup> Mirsad witnessed others being beaten to death.

With respect to these above-mentioned crimes, the ICTY Trial Chamber found that Radovan Karadžić was guilty of being part of an effort "to permanently remove the Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory."<sup>10</sup> Karadžić was convicted for his individual responsibility of the crimes of persecution, extermination, deportation, and inhumane acts as Crimes against Humanity. Other ranking local political functionaries, such as Duško Tadić, for example, were convicted for war crimes committed in Kozarac as well as in the camps, including persecution, killing, and inhumane treatment as Crimes Against Humanity, and cruel treatment, including beatings and stabbings, as Violations of the Laws and Customs of War.<sup>11</sup>

Even as a "local" political figure, Duško Tadić's crimes were committed in the context of his SDS party's broader eliminationist objective pertaining to the entirety of Republika Srpska. Indeed, Isak Gaši, a survivor of torture in Luka concentration camp in Brčko, reports in his book *Eyewitness: My Journey to the Hague*, that he was called to testify in the Tadić case to show "that there was a similar pattern between the atrocities in Luka and those at Omarska and that it was part of a widespread, systematic campaign against Bosnia's non-Serb population."<sup>12</sup> Hence, from the earliest ICTY prosecution (Tadić) to one of the last prosecutions (Karadžić), the project of Republika Srpska was understood as one that was eliminationist or genocidal in nature.

When a group of human beings has been specifically targeted for elimination it becomes all the more urgent to preserve the memory of the victims. Advocacy for a memorial in Prijedor dedicated to all the victims will be an important first step toward justice and reconciliation. A genuine effort at restorative justice must respond to the needs of the victims and also involve the assumption of responsibility by the perpetrators.<sup>13</sup> Part of the process of the achievement of justice for the victims, and the possibility of local reconciliation, depends on recognition of the Bosnian Serb population of the crimes that were committed. This is why it is so important for the memorials for the victims to be installed in shared public locations in Prijedor.

We must not be cowed or silenced by the recent upsurge of ultranationalist rhetoric in Republika Srpska and by the implied threats. Such rhetoric is poisoning efforts for justice, reconciliation, and reunification, whether President Dodik's re-assertion of the myth of Serb victimization and the need for ethnic homogeneity and autonomy as articulated at his speech in Andrićgrad on June 28, 2018, or Rajko Vasić's denial of the past genocide and threat of a new genocide, on July 10, 2018. In the face of such hatred and denial then, this is a time to stand for justice for the victims and not to be silent.

Your Excellency, in your moving comments at the July 11, 2018 commemoration of the Srebrenica genocide, you stated that "a dignified funeral is the oldest right of humans – the oldest human right of every human, of every victim."<sup>14</sup> You suggested that such a practice is an expression of our very humanity. As you know, this oldest human right has been challenged by the cruel practice of hiding the evidence of the crimes that were committed in mass graves within the territory of Republika Srpska. In the case of Srebrenica, Prijedor, and elsewhere, some victims' human remains have still not been located or identified: a brother from Hambarine, grandparents from Kozarac, and others have still not been found. Hence the installation of a memorial or memorials is profoundly important for the grieving relatives, as it would be the only possible social alternative to a proper burial.

We urge you to reach out to local activists and organizations to determine a number of suitable locations that have been proposed for memorials at Trnopolje, in Omarska, and in the center of Prijedor. If your Offices are capable of facilitating the installation of memorials for the victims in Prijedor, this would plant the seeds for future local reconciliation projects. Finally, we believe that the memorial sites need to be designated as national lands so that they can be protected against vandalism and defamation.

We extend our sincere appreciation to the Office of the High Representative for hearing our concerns. We look forward to the opportunity to meet with you and discuss this at your convenience. We would be grateful for the opportunity to be in touch when our representative is in Sarajevo.

Thank you for your consideration. As always, we stand prepared to assist you in any way that we can.

Sincerely,

Prof. Dr. David Pettigrew, Professor of Philosophy and Holocaust and Genocide Studies Southern Connecticut State University; Member, Steering Committee, Yale University Genocide Studies Program; Board Member, Bosnian-American Genocide Institute and Education Center; Member, International Team of Experts, Institute for Research of Genocide, Canada; Board Member, Post-Conflict Research Center, Sarajevo

*with*

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<sup>1</sup> Office of the High Representative, "The Dayton Peace Accords, "The General Framework Agreement for Peace in Bosnia and Herzegovina," [http://www.ohr.int/?page\\_id=1252](http://www.ohr.int/?page_id=1252)

<sup>2</sup> *International Criminal Tribunal for the former Yugoslavia*, Trial Chamber Judgement, Karadžić (IT-95-5/18-T), (Kozarac) §1621 (Hambarine) §1666; (Bišcani) §1695, March 24, 2016, [http://www.icty.org/x/cases/karadzic/tjug/en/160324\\_judgement.pdf](http://www.icty.org/x/cases/karadzic/tjug/en/160324_judgement.pdf)

<sup>3</sup> §1621.

<sup>4</sup> (Kozarac) §1628; (Hambarine) §1780

<sup>5</sup> §1754, §1756, and §1757.

<sup>6</sup> §1769.

<sup>7</sup> §1761.

<sup>8</sup> Mirsad Čaušević, *Death in the White House* (Chicago: Bosanska Medijska Grupa, 2017), 93-94.

<sup>9</sup> *Ibid.*, 101.

<sup>10</sup> *International Criminal Tribunal for the former Yugoslavia*, Trial Chamber Judgement, Karadžić (IT-95-5/18-T), §3447, March 24, 2016, [http://www.icty.org/x/cases/karadzic/tjug/en/160324\\_judgement.pdf](http://www.icty.org/x/cases/karadzic/tjug/en/160324_judgement.pdf)

<sup>11</sup> *International Criminal Tribunal for the former Yugoslavia*, Trial Chamber Sentencing Judgement, Duško Tadić (IT-94-1-T), §, July 14, 1997, <http://www.icty.org/x/cases/tadic/tjug/en/tad-sj970714e.pdf>

<sup>12</sup> Isak Gaši and Shaun Koos, *Eyewitness: My Journey to the Hague* (Brandylane Publishers, Inc., 2018), 190.

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<sup>13</sup> Howard Zehr and Ali Gohar, *The Little Book of Restorative Justice* (New York: Good Books, 2014), 19 and 21.

<sup>14</sup> Office of the High Representative, "Address of the High Representative at the Commemoration for victims of Srebrenica genocide," July 11, 2018, <http://www.ohr.int/?p=99761>