

Working Group for Bosnia and Herzegovina

May 31, 2022

His Excellency Abdulla Shahid
76th President of the United Nations General Assembly
The United Nations
405 East 42nd Street,
New York, NY 10017

Your Excellency,

We would like to thank you for the historic United Nations General Assembly Resolution (A/76/L.30), which was approved in January 2022, condemning Holocaust denial and commending Member States which have actively engaged in preserving sites such as Nazi death camps or concentration camps for commemorative and educational purposes. The Resolution also urged Member States to develop educational programs to prevent future genocides.¹

In this context, in commemoration of the 30th anniversary of the beginning of the war crimes occurring as part of the siege of Sarajevo, and the opening of concentration camps in Bosnia and Herzegovina in 1992, we are requesting that you assist us in bringing forth a United Nations General Assembly Resolution that would condemn the denial of genocide and other war crimes in Bosnia and Herzegovina, and advocate for the establishment of memorials and museums at the former sites of concentration camps and other atrocity sites, such as Omarska, Barutni Magacin, Koštana Hospital, and Vilina Vlas, where such memorials have been forbidden.

The leadership of Republika Srpska (an entity within Bosnia and Herzegovina that was created by the Dayton Peace Accords²) denies the atrocities that have been judged to be genocide and other war crimes by the United Nations International Criminal Tribunal for the former Yugoslavia and by the International Court of Justice. The suppression of memorials to the victims at the concentration camps and atrocity sites within Republika Srpska is part of a comprehensive strategy of denial that includes the glorification of convicted war criminals. It should not escape our attention that legal practices and principles in the European Union recognize genocide denial as an incitement of future violence against the previously targeted group.³

We are requesting your urgent assistance for the preparation and passage of such a Resolution to condemn genocide denial in Bosnia and Herzegovina, to support the human right to memorialization so as to ensure that the victims are not forgotten, and to establish memorials and museums to educate this and future generations, preventing a repetition of the genocide and other war crimes.

We have appealed to Mr. Christian Schmidt High Representative to Bosnia and Herzegovina, with letters dated September 25, 2021, and February 28, 2022, for his support and facilitation of the establishment of protected national memorial sites, but thus far he has not responded in any way or shown any interest in our appeal. Thus we are now appealing to you to support the human right to the truth⁴ and to memorialization in Bosnia.⁵

Many of the former concentration camps and other atrocity sites fall within the entity of Republika Srpska in which the genocide is denied and convicted war criminals are glorified. Survivors have been systematically prohibited, for example, from installing a memorial at the former site of the Omarska

Concentration Camp.⁶ Survivors, family members, and supporters are limited to visiting the former camp for a number of hours on August 6 each year, the day that symbolizes the closing of the camp in 1992 when prisoners were transferred elsewhere. Those participating in the commemoration are permitted to gather for statements by survivors and to lay flowers at the White House where prisoners were tortured and killed. Survivors carry out these commemorative practices while surrounded by guards from the mining company where the camp is located.

While a memorial has also been prohibited at the nearby Trnopolje concentration camp, a memorial to the perpetrators stands in front of the former buildings where prisoners were detained. The plaque on the memorial glorifies Serb “fighters whose lives laid the foundation of Republika Srpska”.

Another detention site in Kalinovik (Republika Srpska) -- Miladin Radojević elementary school -- is today once again being used as a school. Prisoners were taken from the school to the nearby Barutni Magacin Concentration Camp prior to their execution.⁷ The human remains of forty-two of the many victims of Barutni Magacin have still not been located or identified. Survivors have not been permitted to preserve the site of Barutni Magacin, which is currently abandoned and is deteriorating. Survivors would like to establish a memorial museum on the site to remember the victims and educate future generations. At the entrance to Kalinovik, a mural of convicted war criminal Ratko Mladić welcomes visitors to the town. Yet another memorial to Mladić stands in the center of the town.

The Bosniak population in nearby Foča was decimated through documented war crimes. In the early months of the aggression in 1992, all twelve mosques were destroyed, including the noted Aladža mosque that had been built around 1549.⁸ In the ICTY Krajšnik verdict we read that as a result of these crimes, “all traces of [Bosnian] Muslim presence and culture were wiped out of Foča.”⁹ Violence against women in Foča led to a landmark ruling by the ICTY, a ruling that inscribed rape in the annals of jurisprudence as a crime against humanity.¹⁰ Survivors have not been permitted to install a memorial of any kind and are limited to gathering on a bridge over the Drina river and tossing white roses into the river in memory of the approximately 3,000 murdered victims.

To the west, in the Herzegovina region, there was a network of concentration camp sites, locations where Bosnian Croat majority municipalities have prohibited memorials, such as Dretelj, (Čapljina), Koštana Hospital (Stolac), Ljubuški, Gabela (Čapljina) and Heliodrom (Mostar). At Koštana Hospital in Stolac, for example, a plaque dedicated to the victims has been removed.¹¹ Survivor associations have sought to secure the site as a memorial but have been stymied in their efforts.¹² According to the ICTY Trial Judgement, the HVO [Croatian Defence Council] requisitioned Koštana Hospital for use as a place to illegally detain Bosnian Muslims from the community, detainees who were subjected to regular savage beatings, sexual abuse and murder. Six senior Herceg-Bosnia officials were convicted of being part of a Joint Criminal Enterprise to remove the Muslim population from the territory claimed as Herceg-Bosna (as part of “Greater Croatia”).¹³ The Koštana Hospital concentration camp in Stolac was part of this eliminationist criminal enterprise. Former prisoners have reported that when they attempted to visit other sites they were physically attacked.¹⁴

The town of Višegrad, near the eastern border with Serbia, was another location of unspeakable atrocities, where women and children were burned alive in two separate houses in May 1992. The ICTY condemned the “unique cruelty” and the “viciousness of the incendiary attack...for the sheer...brutality of...trapping and locking the victims in the two houses...rendering them helpless in the ensuing inferno...as they were burnt alive.”¹⁵ The Municipality has threatened to destroy the remains of one of the houses, which serves as the only memorial to these horrific crimes. In the same time period, victims young and old were murdered on the Mehmed Paša Sokolović bridge and cast into the Drina River. The Municipality desecrated the local Muslim cemetery and the monument in memory of the victims by grinding the word

“genocide” off the monument. At the Vilina Vlas Hotel in Višegrad, some two hundred girls and women were confined in the spa suites and repeatedly raped by soldiers.¹⁶ Estimates suggest that fewer than ten of the women at Vilina Vlas survived. No memorial has been permitted at the hotel, which is fully operational today.¹⁷

Your Excellency, the Resolution we are urgently seeking would condemn the denial of genocide and other war crimes, and advocate for the establishment of memorials at the former atrocity sites, whether plaques, or memorial museums according to the wishes of survivors. These must be protected national memorial sites. The model for such protected national memorial sites is the Srebrenica Memorial Center. The Srebrenica Memorial Center is located within Republika Srpska. Its creation was a collaboration of survivors, allies, and representatives of the international community, including three High Representatives who made four decisions (with their BONN Powers) over the course of seven years. Their profoundly important decisions secured the land, appropriated buildings, established an administrative structure, and entered the existence of the memorial site into law.¹⁸

Given the political stalemate created by the Dayton Peace Accords, and the escalation of provocations from both Serb and Croat nationalists, we are seeking a United Nations General Assembly Resolution to condemn genocide denial and advocate for these national memorials. In conjunction with the Resolution, we call upon the current High Representative, Christian Schmidt, to use his BONN Powers to begin the process of working with victims associations to establish memorials at the sites we have identified as well as others to be determined subsequently.

Even with the establishment of the Srebrenica Memorial Center it has become clear recently that the nearby Kravica warehouse, where some 1,300 of the victims of the Srebrenica genocide were executed before being buried in mass graves, also urgently needs to be protected.¹⁹ The local authorities have authorized renovations to the Kravica warehouse that will remove holes and damage caused by shrapnel and bullets.²⁰ Survivors and civic associations object to the renovations and protest that there is still no memorial plaque at the site. Other Srebrenica execution sites, such as the Pilica Cultural Centre, are also at risk.²¹ There is no memorial at the Pilica site, and part of the building has been re-purposed as a polling station.²²

Your Excellency, the Resolution we are requesting can be part of the one of the five rays of hope of your “Presidency of Hope”: 4. “Respecting the rights of all” by addressing injustices, raising “the collective conscience of the international community to counter the rising tide of racism, racial discrimination, xenophobia and related intolerance, as well as all other forms of discrimination.”²³ The Universal Declaration of Human Rights asserts that “Everyone has the right freely to participate in the cultural life of the community”.²⁴ Such a right must include the right to engage in process of commemoration, and to educate this and future generations about the truth.

Thank you for your consideration. We would be honored to work with you and any co-sponsors on the text of the Resolution.

Sincerely,

The Working Group for Bosnia and Herzegovina

With the following signatories

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and with the support of

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cc: His Excellency Christian Schmidt, High Representative, Bosnia and Herzegovina
His Excellency Sven Alkalaj, Ph.D., Permanent Representative for Bosnia and Herzegovina to the
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Notes

¹ United Nations General Assembly Resolution on *Holocaust Denial* (A/76/L.30), Seventy-sixth session, January 13, 2022, <https://documents-dds-ny.un.org/doc/UNDOC/LTD/N22/230/12/PDF/N2223012.pdf?OpenElement>.

² *The General Framework Agreement for Peace in Bosnia and Herzegovina*, Initialed in Dayton on 21 November 1995 and signed in Paris on 14 December 1995, OHR, <http://www.ohr.int/dayton-peace-agreement/>.

³ *Official Journal of the European Union*, "Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law," <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008F0913&from=EN>.

⁴ "Right to the truth: Report of the Office of the High Commissioner for Human Rights," United Nations General Assembly, Human Rights Council, 21 August 2009, <https://undocs.org/A/HRC/12/19>.

⁵ See "With the recognition that civilians bear the main brunt of atrocities, memorialization has become a political and sociocultural imperative in reconciliation processes." "Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed: Memorialization processes," Human Rights Council Twenty-fifth session, UN General Assembly, January 23, 2014. Also See "World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance" (2001), <https://www.un.org/WCAR/durban.pdf>: "106. We emphasize that remembering the crimes or wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity."

⁶ The first case prosecuted by the ICTY documents the crimes against humanity and other war crimes committed at Omarska, Trnopolje, and Keraterm, as well as in the surrounding towns and villages. See, Prosecutor v. Duško Tadić. Trial Judgement IT-94-1-T International Criminal Tribunal for the Former Yugoslavia. 14 July 1997, <https://www.icty.org/x/cases/tadic/tjug/en/tad-sj970714e.pdf>.

⁷ See, for example, Prosecutor's Office of Bosnia and Herzegovina v Ratko Bundalo, Nedo Zeljaja and Đorđislav Aškra. (Second Instance Verdict). X-KRŽ-07/419. *The Court of Bosnia and Herzegovina*. 28 January 2011, https://www.asser.nl/upload/documents/20121108T112147-Bundalo_et_al_Second_Instance_Verdict_28_01_11.pdf.

⁸ "Bosnian war: Aladza Mosque reopened after 1992 bombing," *BBC*, 4 May 2019, <https://www.bbc.com/news/world-europe-48160101>.

⁹ Prosecutor v. Krajšnik. (Trial Judgement). IT-00-39-T. *International Criminal Tribunal for the former Yugoslavia* (ICTY). 27 September 2006, <https://www.icty.org/x/cases/krajisnik/tjug/en/kra-jud060927e.pdf>.

¹⁰ Prosecutor v. Dražljub Kunarac, Radomir Kovac, and Zoran Vukovic. (Trial Judgement). IT-96-23-T& IT-96-23/1-T. *International Criminal Tribunal for the Former Yugoslavia*. 22 February 2001. <https://www.icty.org/x/cases/kunarac/tjug/en/kun-tj010222e.pdf>.

¹¹ Igor Spahic, "Bosnia's 'Bone Hospital' Still Haunts its Victims," *BalkanInsight*, Sept 25, 2017, <https://balkaninsight.com/2017/09/25/bosnia-s-bone-hospital-still-haunts-its-inmates-09-22-2017/>

¹² "Bivšim logorom upravljat će Općina Stolac, Bošnjaci ogorčeni," *Dnevni Avaz*, Dec. 1, 2017, <https://avaz.ba/vijesti/bih/327536/bivsim-logorom-upravljat-ce-opcina-stolac-bosnjaci-ogorceni>

¹³ See *The Prosecutor v. Prlić et.al.*, (Trial Judgement). IT-04-74-T. *International Criminal Tribunal for the former Yugoslavia* (ICTY). May 29, 2013, <https://www.icty.org/x/cases/prlic/tjug/en/130529-3.pdf>; also see <https://www.icty.org/x/cases/prlic/tjug/en/130529-4.pdf>.

¹⁴ Personal conversation with former camp detainee.

¹⁵ *The Prosecutor v Milan Lukić and Sredoje Lukić*. (Trial Chamber Judgement). IT-98-32/1-T. *International Criminal Tribunal for the former Yugoslavia* (ICTY). §740 and §1062. 20 July 2009, https://www.icty.org/x/cases/milan_lukic_sredoje_lukic/tjug/en/090720_j.pdf.

¹⁶ Ehlimana Memisevic, "Promoting a Bosnian War 'Rape Hotel' Means Erasing History," *BalkanInsight* August 17, 2020, <https://balkaninsight.com/2020/08/17/promoting-a-bosnian-war-rape-hotel-means-erasing-history/>. Also see Hikmet Karčić, *Torture, Humiliate, Kill: Inside the Bosnian Serb Camp System*, Ann Arbor: University of Michigan Press, 2022, p. 88.

¹⁷ The Vasiljević and Lukić cases document the use of Vilina Vlas as an operational base where atrocities were committed and from which they were launched. See *The Prosecutor v Milan Lukić and Sredoje Lukić*, https://www.icty.org/x/cases/milan_lukic_sredoje_lukic/tjug/en/090720_j.pdf and *The Prosecutor v Mitar Vasiljević*. (Appeals Chamber Judgement). IT-98-32-A. *International Criminal Tribunal for the former Yugoslavia* (ICTY). 25 February. 2004, <https://www.icty.org/x/cases/vasiljevic/acjug/en/val-aj040225e.pdf>.

¹⁸ The four decisions were: Wolfgang Petritsch High Representative, "Decision on the location of a cemetery and a monument for the victims of Srebrenica," OHR, 25 October 2000, <http://www.ohr.int/?p=67588>; Wolfgang Petritsch High Representative, "Decision establishing and registering the Foundation of the Srebrenica-Potocari Memorial and Cemetery," OHR, 10 May 2001, <http://www.ohr.int/?p=67761>; Paddy Ashdown, High Representative, "Decision ordering the transfer of ownership of the Battery Factory "AS" a.d.-Srebrenica to the Foundation of the Srebrenica-Potocari Memorial and Cemetery and establishing an ad hoc Battery Factory "AS" a.d.- Srebrenica compensation Commission," OHR, 25 March 2003, <http://www.ohr.int/?p=65883>; Dr. Christian Schwarz-Schilling, High Representative, "Decision Enacting the Law on the center for the Srebrenica-Potocari Memorial and Cemetery for the Victims of the 1995 Genocide," OHR, 25 June 2007, <http://www.ohr.int/?p=64715>.

¹⁹ Evidence of the atrocities committed in and around the Kravica warehouse--as well as the transport of the bodies of the victims to mass graves near the villages of Glogova and Ravnice as part of the Srebrenica genocide--are detailed in the Mladić Judgement. See *Prosecutor v. Ratko Mladić*. (Trial Chamber). IT-09-92-T 22. *International Criminal Tribunal for the Former Yugoslavia*. November 2017, https://www.icty.org/x/cases/mladic/tjug/en/171122-4of5_1.pdf.

²⁰ "Renoviranje maganica u Kravici je konačni pokušaj brisanja tragova genocida/SDA: Tužilaštvo BiH mora hitno reagovati," *Oslobodjenje*, April 26, 2022. <https://www.oslobodjenje.ba/vijesti/bih/renoviranje-maganica-u-kravici-je-konacni-pokusaj-brisanja-tragova-genocida-sda-tuzilastvo-bih-mora-hitno-reagovati-754615>.

²¹ Evidence of the atrocities committed at the Pilica Cultural Centre are detailed in the Mladić Judgement. See *Prosecutor v. Ratko Mladić*. (Trial Chamber). IT-09-92-T 22. *International Criminal Tribunal for the Former Yugoslavia*. November 2017, https://www.icty.org/x/cases/mladic/tjug/en/171122-3of5_1.pdf.

²² Aida Hadžimušić, "Masovna strijeljanja: Ispovijesti preživjelih i neprocesuiranje odgovornih" *AlJazeera Balkans*, July 12, 2021, <https://www.youtube.com/watch?v=fkNjYYZSXWE>.

²³ "A Presidency of Hope: Delivering for People, For the Planet, and For Prosperity, Vision Statement," H.E. Mr. Abdullah Shahid, President, UN General Assembly, 76th Session, <https://www.un.org/pga/76/vision-statement/#respecting>.

²⁴ Universal Declaration of Human Rights, United Nations United Nations General Assembly Resolution 217, 10 December 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

²⁵ Please contact Prof. David Pettigrew, pettigrewd1@southernct.edu.