

An investigation into the irregular military dynamics in Yugoslavia, 1992-1995

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Abstract

This dissertation makes an original contribution to knowledge of how irregular military actors operate in modern mass atrocity crises, providing an evidence-based multi-perspective analysis of the irregular military dynamics that accompanied the violent collapse of Yugoslavia (1991-1995). While it is broadly accepted that paramilitary or irregular units have been involved in practically every case of genocide in the modern world, detailed analysis of these dynamics is rare. A consequence of paramilitary participation in atrocity crises –which can be seen in academic literature, policy-making, and in popular understanding– has been to mask the continued dominance of the state in a number of violent crises where, instead of a vertically organised hierarchical structure of violence, irregular actors have comprised all or part of the military force. Here, analysis of structures of command and control, and of domestic and international networks, presents the webs of support that enable and encourage irregular military dynamics. The findings suggest that irregular combatants have participated to such an extent in the perpetration of atrocity crimes because political elites benefit by using unconventional forces to fulfil devastating socio-political ambitions, and because international policy responses are hindered by contexts where responsibility for violence is ambiguous. The research also reveals how grassroots armed resistance can be temporarily effective but, without the benefits of centralised capabilities, cannot be easily sustained. While the variety of irregular military activity that took place in former Yugoslavia was significant, it is clear that the irregular dynamics were more substantial and more effective when operating within, or in close coordination with, structures where the state retained greater powers of central command and control. Furthermore, the dissertation identifies substantial loopholes in current atrocity prevention architecture and suggests the utilisation by state authorities of irregular combatants as perpetrators in atrocity contexts will continue until these loopholes are addressed.

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Prologue

In 1992, Yugoslavia was fracturing along lines of conflict and identity. The former communist state, first created in 1918 and put back together in 1945 in the wake of the Second World War, was a federation of six republics; Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Slovenia. After 1974 and the adoption of a new constitution, two autonomous provinces, Kosovo and Vojvodina, flanked Serbia. It was a religiously and culturally mixed state but not all the republics reflected the same demography; Slovenia was the most homogenous, Bosnia the more mixed. Under Marshal Tito, who had led the multiethnic 'Partizan' resistance to Axis occupation, Yugoslavia had embraced communism and forged a unique path of socialist politics. The Yugoslav experience of the Second World War had involved civil war and an attempted genocide of Serbs at the hands of Croatian Ustaše as well the trauma of the Nazi maelstrom. The communist party succeeded in uniting the republics under a banner of "Brotherhood and Unity," which subverted older identities of religion, culture, republic-patriotism, and perceived ethnic differences, with a collective identity of Yugoslavism. But when Tito died in 1980 it was clear that the communist state needed to reform. Economic and political crisis worsened in Yugoslavia as other communist countries in Europe began to repudiate the regimes that had been forced upon them by Moscow. In the constituent Yugoslav republics, communities rediscovered and reinvented past identities as nationalism filled the political vacuum left by the dead patriarch.

In 1990 Slovenia voted to leave the federation, leading to a ten-day conflict between the Yugoslav Peoples' Army (JNA) and the Slovenian Territorial Defence. Unlike what was to follow in Croatia and Bosnia, the Slovene government had protected its defence structures from being stripped by the JNA. Croatia and Bosnia both held referendums and also voted for independence but here the rediscovered identities clashed; many Serbs living in Croatia and Bosnia wanted to remain in a Yugoslav federation ruled by Belgrade while Croats and Muslim Bosnians (sometimes referred to as Bosniaks) sought self-determination. What followed was a series of bitter conflicts in Croatia, Bosnia, and later in Kosovo, that broke apart the federation and destroyed all remnants of Tito's brotherhood and unity.

Part I

Introduction

While it is broadly accepted that what are commonly referred to as non-state armed groups are often present in modern instances of mass atrocity, little is known about the causal processes that have led to the phenomenon.¹ Since the end of the Cold War it has been suggested that irregular military combatants have increased in both number and significance in many conflicts around the world.² This perceived rise of non-state combatants and military formations has been interpreted as being demonstrative of declining state strength.³ States or regions where non-state armed groups are present are therefore considered to be weak or failing.⁴ As a result these violent actors are frequently assumed to operate independently of state auspices.⁵ Observations that non-state armed groups have become a significant feature in post-Cold War conflicts have led to linear divisions being drawn between violent situations where non-state forces are present and where they are not, irrespective of the nature of the violence being perpetrated.⁶ The effect has been to similarly diminish the role of the state in the analysis of non-state, or irregular, armed groups and modern atrocity crimes.⁷

¹*Non-state armed groups* is used by many international policy-making and monitoring institutions, including the European Union's External Action Service and the United Nations, in particular the Office of the Special Advisor on the Prevention of Genocide (OSAPG); Mass atrocities is a non-legal term for genocide, crimes against humanity, war crimes, and ethnic cleansing. For more see David Scheffer, 'Defuse the Lexicon of Slaughter,' *New York Times*, February 23, 2012

²Among the first to do so was Mary Kaldor in 1999, *New Wars, Old Wars*, (Second Edition), Stanford University Press, 2007; see also Martin Shaw, *War and Genocide; Organised Killing in Modern Society*, Polity Press, 2003, p155

³James D. Fearon and David D. Laitin. 'Ethnicity, Insurgency, and Civil War,' *American Political Science Review*, 97:1 (2003), pp75-90; Ariel I. Ahram, *Proxy Warriors; The Rise and Fall of State-Sponsored Militias*, Stanford University Press, 2011

⁴Robert H. Bates, 'Probing the Sources of Political Order' in (ed.) S. N. Kalyvas, I. Shapiro, and T. E. Masoud, *Order, Conflict, and Violence*, Cambridge University Press, 2008; David T. Mason and Dale A. Krane, 'The Political Economy of Death Squads: Toward a Theory of the Impact of State-Sanctioned Terror,' *International Studies Quarterly*, 33:2 (1989) pp175-198; Ariel I. Ahram, 'The Role of State-Sponsored Militias in Genocide,' *Terrorism and Political Violence*, 26:3, (2014) pp488-503; Sabine C. Carey, Neil J. Mitchell, and Will Lowe, 'States, the Security Sector, and the Monopoly of Violence: A New Database on Pro-Government Militias', *Journal of Peace Research*, 50:2, (2013), pp249-24

⁵Kaldor, *New Wars*, p.9-10; for misinterpretation of the militias during the Rwandan genocide see Linda Melvern, 'Missing the story: The media and the Rwandan genocide,' *Contemporary Security Policy*, 22:3, (2001), pp91-106

⁶Kaldor, *New Wars*; also Fearon and Laitin, 'Ethnicity, Insurgency, and Civil War'

⁷Ahram, 'State-Sponsored Militias'; John Mueller, 'The Banality of Ethnic War,' *International Security*, 25:1 (2000) pp42-70, regarding Yugoslavia p47-8

The research findings presented in this work challenge two dominant assumptions that prevail in parts of scholarly and policy-making communities; first, that the presence of non-state armed groups in mass atrocity situations are interpreted as evidence of a loss or absence of state control, and second, that such actors are seen to belong to independent perpetrating structures of violence that may for a time run in parallel to those of the state.

This work focuses on the period between the outbreak of violence in Croatia in 1991 and the end of the Bosnian war in 1995, and represents the first detailed analysis of the structural relationships and informal supporting networks that led to the significant participation of irregular armed groups, many of which claimed to be non-state. The irregular military dynamics of the Yugoslav conflicts were substantial and armed groups that purported to operate independently of official structures fought on all sides. Studying the Yugoslav conflagration provides a unique opportunity to compare the use of irregular combatants, by several states, as purveyors of violence within very different military and political formations, but contained within a relatively small region with shared historical, cultural, geographic and economic experiences. Uncovering the multi-dimensional processes that preceded and accompanied the irregular military dynamics of Yugoslavia's collapse has made it possible to more accurately compare the different national strategies side-by-side. Although I do not seek to present new paradigms, this comparative analysis has highlighted certain commonalities among the ex-Yugoslav states that can be seen beyond Balkan borders.

Identifying the primary sources held by the International Criminal Tribunal for former Yugoslavia (ICTY) that relate to the irregular military dynamics and then collating those findings has exposed a coherency hitherto ignored not only in the history of Yugoslavia but in the broader study of irregular armed groups in mass atrocity crimes. The ICTY sources reveal covert structures of command and control existed between sovereign powers and the armed groups that were considered to have operated independently, and thus challenge the assumption that non-state armed groups operate at their own behest and always in pursuit of their own interests. Such arguments have ignored the impetus of state elites as architects of mass atrocities and the operational role of state structures of command and control. Perhaps most importantly then, the findings laid out in this work reveal how states are able to conceal their relationships with irregular or paramilitary armed groups in order to present such groups as existing outside of state structures, and of thus being 'non-state' actors. In the collapsing Yugoslavia, direct responsibility for committing acts of violence was frequently

devolved, away from the central bodies of the state, to different forms of armed groups that were not always officially under state command; while some small, local armed groups emerged spontaneously, many of the most ‘effective’ formations were intentionally created, funded, trained and directed by state bodies. These non-linear command structures were replicated on the local level in many parts of Croatia and Bosnia, where local enterprises of violence and corruption were formed between local state elites and paramilitaries. Evidence of formal and informal networks connects local bureaucracy with local and more national irregular armed groups. Irregular combatants were supported by familial and community networks that emerged as social norms became increasingly radical and exclusionary, creating a distorted societal environment or what I term a wartime (a)moral social order. Sources from the ICTY and contemporaneous accounts of the decade preceding the violence indicate that Serbian and Croatian state policies and practices shifted the moral parameters of Yugoslav societies, producing a pervasive normalisation of violence and fermenting anticipation of violence that would occur outside of the parameters of the state.⁸ It is clear that identifiable processes such as propagandist rhetoric, divisive scapegoating and marginalisation, patterns of cultural appropriation, and the conscious stimulation of identities, cannot be separated from the paramilitary processes that occurred during the conflicts. Thus affirmative state influence, rather than state failure, facilitated the more spontaneous dimension of pro-Serb and pro-Croat irregular “non-state” military activity during the conflicts. In contrast, the irregular dynamics that operated in support of the Bosnian government and the Bosnian Muslims was initially almost wholly a spontaneous defensive response to attack *because* the state was unable to protect its citizens.

The presence of ostensibly non-state combatants were frequently stage-managed by the Yugoslav political leaderships in order to purposefully misdirect attention from their own roles or manipulate international opinion, which served to both protect those most responsible and to obscure the final objectives of the crimes long enough to ensure they were largely fulfilled. These processes were facilitated in part by the propagation of (pseudo)historically driven narratives of non-state violence in domestic and international discourse. Pre-existing narratives of community violence present in Yugoslavia’s domestic cultures, and the

⁸Here, and throughout, morals and morality are addressed using Durkheim’s position that morality can never teach us what is right, but only what or why people believe things to be right, or wrong. see Emile Durkheim, *Emile Durkheim on Morality and Society*, (ed.) Robert H. Bellah, University of Chicago Press, 1973

western international (imperialist) cultural experience of Balkan history, served to legitimise such strategies and obscure state influence.⁹

Finally, the findings present evidence that a more defined, well organised, and better equipped structure of violence was operating in support of Serbian powers. The use by Serbian elites of irregular combatants was planned and the instigation of community-based formations was intentional. There were substantially more irregular groups fighting in support of Serbian aims and their influence substantially greater.¹⁰ Thus, in the pages that follow there is a somewhat inevitable bias of attention towards Serbian and Bosnian Serb structures, reflecting the disproportionate information available relating to, and the disproportionate role played by, Serbian forces.

The implications of these findings are significant and have bearing not only on understanding the Yugoslav conflicts, but how we conceptualise the roles of non-state armed groups in modern atrocity situations.¹¹ It is evident that irregular military dynamics obscure the realities of the conflict situations. The presence of different combatants creates confusion. In conflicts that are ostensibly about identity, paramilitarism of all kinds can conceal patterns of mass violence and obscure the context in which the violence occurs, which can sufficiently perpetuate false or murky narratives that justify, legitimise or deny the rationality of the crimes. When we consider that paramilitary groups have, in various forms, been involved in ‘virtually every case of genocide in the twentieth century’¹² it is clear that the presence of irregular actors in identity-based mass violence should not be understood to be a new trend.

Although the scope of this work is limited to the geographic area of former Yugoslavia, the findings present evidence of structural military habits and patterns that are recognisable in other modern (even contemporary) contexts of

⁹Edward Said, *Orientalism; Western Conceptions of the Orient*, Routledge & Kegan Paul, 1980; Ivan Čolović, *The Balkans: The Terror of Culture: Essays in Political Anthropology*, Nomos, 2011

¹⁰Final Report of the Commission of Experts, Established Pursuant to Security Council Resolution 780 (1992), United Nations Security Council, 27 May 1994, Annex IIIA ‘Special Forces,’ p6

¹¹I do not question that Bosnia and Croatia experienced mass atrocity crimes during the period covered here; for such discussion see Norman L. Cigar, *Genocide in Bosnia; The Policy of ‘ethnic Cleansing,’* Texas A&M University Press, 1995; Michel Anthony Sells, *The Bridge Betrayed; Religion and Genocide in Bosnia*, University of California Press, 1998; Cathie Carmichael, *Ethnic Cleansing in the Balkans: Nationalism and the Destruction of Tradition*, Routledge, 2002; Norman M. Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth-century Europe*, Harvard University Press, 2001

¹²Uğur Ümit Üngör, ‘Team America: Genocide Prevention?’ *Genocide Studies and Prevention*, 6:1, (2011), pp32-38, p33

identity-based mass violence. Sabine Carey, Neil Mitchell, and Christopher Butler recently presented new data showing that between 1982 and 2007, in over 60 countries, governments were linked to and cooperated with informal armed groups within their own borders, which they term pro-state militia.¹³ While their paper does not address why and how states ‘delegate to informal armed groups,’ the authors do question ‘why pro-government militias are likely to increase the risk of human rights violations.’¹⁴ Their data set reveals the extent to which states engage irregular armed groups in contexts of human rights abuses and emphasises that, if future crimes are to be prevented, understanding how regimes use complex and purposefully confused military and political structures, including the use of paramilitary-type units, to carry out violence against civilian groups is crucial.

Governments benefit by using unconventional forces to fulfil violent socio-political ambitions. Deniability and devolved responsibility make paramilitary groups the perfect tools with which to carry out atrocity crimes, while the obscurity of military and political commands conceal the intentions behind the participation and actions of those groups.¹⁵ This clouds responsibility, which hinders external intervention responses and can prevent those most accountable from facing justice. Furthermore, irregular structures of violence or war-making are more difficult to combat on the international stage, when applying political pressure, economic sanctions, or military action.¹⁶ In the west, irregular military structures operating abroad are simultaneously seen as increasing threats to global security¹⁷ and as being an inhibitor to international action to prevent atrocity crimes.¹⁸

In an increasingly globalised international system, combative or chauvinist states have increasingly more to gain by devolving direct responsibility for violence. The case of Darfur is perhaps the most explicit¹⁹ but similar ef-

¹³Sabine Carey, Neil J. Mitchell, and Christopher Butler, ‘The Impact of Pro-Government Militias on Human Rights Violations,’ *International Interactions: Empirical and Theoretical Research in International Relations*, 40:5, (2014) pp812-836

¹⁴*Ibid.*, p813-4

¹⁵Alvarez ‘Militias and Genocide,’ *War Crimes, Genocide and Crimes Against Humanity*, 2 (2006), pp1-33; and Ahram, ‘State-Sponsored Militias’

¹⁶It is worth noting here that the west is far more likely to succeed in conflicts against similar structures to their own, see Bart Schurman, ‘Clausewitz and the “New Wars” Scholars,’ *Parameters*, 2010, pp89-100, p89

¹⁷*Armed Non-State Actors: Current Trends & Future Challenges*, Horizon Working Paper 2015, DCAF (Geneva Centre for the Democratic Control of Armed Forces), p12

¹⁸Unclear chains of military command or what were claimed to be non-state armed groups were cited by western policy makers and member states at the UN as reasons not to become militarily involved in Bosnia, Rwanda, initially in Darfur, and more recently in Syria.

¹⁹ICC-02/05-01/09 *The Prosecutor v. Omar Hassan Ahmad Al Bashir*; ICC-02/05-01/07

forts to conceal state responsibility for atrocity crimes or identity-based mass violence committed by irregular forces can be seen today in Syria and Myanmar/Burma.²⁰

International relations since the end of the Cold War have been characterised by a gradual but perceptible shift in attitudes towards collective responsibility to prevent and punish atrocity crimes.²¹ As norms towards the prevention and punishment of such crimes increases, the incentives for architects of identity-based mass violence to conceal their practices will increase.

0.1 *Towards a methodology*

Specific research into irregular military actors in Yugoslavia during the 1990s is limited.²² The many accounts written by foreign journalists during and in the immediate aftermath of the Bosnian war contain numerous references to paramilitaries and volunteers, and formed the initial vivid –if sometimes clichéd– picture of the fighters.²³ Tim Judah, for example, wrote in the *Times* during the height of the ethnic cleansing in Bosnia, that war was “being waged by a kaleidoscope of militias, armies and freelance groups. Accurate numbers are impossible to ascertain, loyalties overlap, and who really controls whom, if any-

The Prosecutor v. Ahmad Muhammad Harun (“Ahmad Harun”) and Ali Muhammad Ali Abd-Al-Rahman (“Ali Kushayb”); Philipp Kuntz is currently undertaking research into how the Khartoum government presented paramilitary perpetrators of genocide in Darfur as non-state; ‘Selling mass atrocities abroad: Analyzing the rhetorical strategies of perpetrator regimes’ (paper presented the International Network of Genocide Scholars Conference 4-7 December 2014, University of Cape Town)

²⁰ ‘Syria Human Rights Report 2013,’ United States Department of State, Bureau of Democracy, Human Rights and Labour, 2013; “The Government Could Have Stopped This” Sectarian Violence and Ensuing Abuses in Burma’s Arakan State,’ Human Rights Watch, 1 August 2012

²¹This can be seen in the unanimous agreement during the 2005 World Summit of a Responsibility to Protect (R2P) populations from mass atrocity crimes, ‘2005 World Summit Outcome Document,’ United Nations General Assembly, 24 October 2005, paras 138 and 139; the creation in the US of an Atrocity Prevention Board in 2011, and growing reference in national, regional and international policy making and political discourse to R2P and humanitarian responsibilities.

²²Despite reading more like a thriller than studied research, Christopher S. Stewart’s *Hunting the Tiger; The fast life and violent death of the Balkans’ most dangerous Man*, provides interesting insights. (Thomas Dunne Books, 2007); frequent reference to the paramilitary dynamic is made through Peter Anders, *Black Market and Blue Helmets; The Business of Survival in the Siege of Sarajevo*, Cornell University Press, 2008, Jame’s Gow’s *The Serbian Project and its Adversaries* includes detailed analysis of some major Serbian paramilitary formations (Hurst, 2003)

²³In addition to those mentioned above, see Misha Glenny, *The Fall of Yugoslavia; The Third Balkan War*; Penguin, 1992; Marcus Tanner, *Croatia A Nation Forged in War*, Yale University Press, 1997; David Rieff, *Slaughterhouse; Bosnia and the failure of the West*, Vintage, 1995

one, is a moot point."²⁴ The question of who controlled whom, surely, was –and remains–anything but a moot point.

Paramilitaries are commonly associated with the Yugoslav collapse and their participation is frequently referenced in academic literature as well as in the contemporary reports of the international press, yet to date there is no comprehensive academic study of the irregular activity. James Gow's deconstruction of the Serbian war machine contains detailed analysis of the dominant paramilitary groups operating with and in direct support of the Serbian and Bosnian Serb governments, and exposes the role certain armed groups played in state strategy in Bosnia and Croatia.²⁵ Although they did not know each other until after the war, throughout the 1990s Ivan Čolović (in Belgrade) and Ivo Žanić (from Zagreb) both wrote about the paramilitary dimension of the conflicts as social anthropology and discussed how Yugoslavia's historical tradition of banditry and non-state violence was being reinvented in the (Croatian and Serbian) nationalist image.²⁶ Research into paramilitaries who fought on the side of Bosnian Muslims is dominated by post-9-11 retrospective histories of the Mujahideen.²⁷ For the most part, a few better known paramilitary groups, such as Arkan's Tigers, dominate common conceptualisation of what was a much larger, more complex dynamic, which was influenced by and impacted upon all strata of political, military, and societal life. Thus, while paramilitaries are known to have played a role in the violence, even in popular discourse, for the most part this knowledge remains relatively superficial. Most conclusions in this work then are evidence based, although the context has of course been informed by the secondary literature relating to the region.

The paramilitary dimension of the Bosnian and Croatian conflicts existed on three levels, each with its own networks and dynamics: the state, the regional/local, and community and or family. Organised crime became integrated into the paramilitary structures fighting in support of all national entities and spanned national and societal infrastructure. The following chapters present a

²⁴Tim Judah, 'Kaleidoscope of Militias Fights over Bosnia,' *The Times*, 30 May 1992

²⁵Gow, *The Serbian Project*

²⁶Ivo Žanić, *Prevrarena povijest: gusarska estrada, kult hajduka i rat u Hrvatskoj i Bosni i Hercegovini 1990-1995. godine.*, Durieux (Zagreb), 1998; see also Žanić, *The Flag on the Mountain; A political anthropology of the war in Croatia and Bosnia-Herzegovina, 1990-1995*, (translated by Graham McMaster, with Celia Hawkesworth), Saqi Books, 2007, p500-508; Čolović, *Bordel Ratnika; folklor, politika i rat*, Čigoja štampa (Belgrade) 1993

²⁷Evan F. Kohlmann, 'The Afghan-Bosnian Mujahideen Network in Europe,' Swedish National Defence College, 2006; also *Al-Qaida's Jihad in Europe: The Afghan-Bosnian Network*, Berg, 2004; Vlado Azinović, 'Al-Kai'da u Bosni i Hercegovini', Radio Slobodna Europa (Radio Free Europe), Sarajevo 2007

new, evidenced-based interpretation of the irregular military dynamics during the Croatian and Bosnian conflicts that examine the military, political, social, cultural, criminal –even familial– contexts that the irregular combatants existed within. Therefore, the methodology and approach are interdisciplinary. The guiding and most constant thread of the work is rooted in the tradition of historical study but tools from sociology, anthropology, international relations and policy, and international law, have leant valuable perspectives and analytic techniques. Nevertheless, this work is largely an historical one. The conventions of the discipline can be seen in the analysis of the rich source material from the ICTY archives that forms the backbone of the work and inform many of its conclusions. Thus, the methodology is for the most part a simple one of situating the sources and their contentions within the historical context to which they belong.

Several core theoretical tenets form cornerstones of this approach. Benedict Anderson and Eric Hobsbawm’s concepts of nationalism and the construction of national identity, or in this case perhaps its *reconstruction*, are discussed as processes integral to the paramilitary phenomenon.²⁸ The nation-building projects that emerged in the republics of the Yugoslav federation created new paths of nationalist discourse, propagating imagined histories and mythical shared experiences, which altered social and political conceptualisation of irregular or paramilitary violent actors.²⁹ Understanding myth-making and historical memory as invented tradition is of course taken from Hobsbawm and Ranger³⁰ but the theoretical approach has also been influenced by Tony Judt’s study of a common continental desire in post-war Europe to create modern national myths that reflect historical, mythical, even mystical, and other imagined national experiences.³¹

Bound to the construction of national identities, memory and myth, the centrality of language in pre-atrocity processes is well documented, although not

²⁸Benedict R O’G Anderson, *Imagined Communities; Reflections on the Origin and Spread of Nationalism*, Verso, 1991 (revised ed.); Eric J. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality*, Cambridge University Press, 1990

²⁹On the rise of nationalism see Snježana Milivojević, ‘Nacionalisacilja svakodnevnog života’ in *Srpska strana rata: trauma i katarza u istorijskom pamćenju*, (ed.) Nobojša Popov, Republika (Belgrade), 1996; also Vjekoslav Perica, *Balkan Idols; Religion and Nationalism in Yugoslav States*, Oxford University Press, 2002

³⁰Eric Hobsbawm & Terence O. Ranger (ed.), *The Invention of Tradition*, Cambridge University Press, 1992

³¹Tony Judt, ‘The Past is Another Country: Myth and Memory in Postwar Europe,’ *Theoria: A Journal of Social and Political Theory*, 87 (1996), pp36-69; and *Postwar; A History of Europe Since 1945*, William Heinemann, 2005

universally accepted.³² Propaganda and agitation has preceded all instances of mass violence; the significance of perpetuating grievance is crucial in the formation of “us” versus “them” identities.³³ Here, taking Wittgenstein’s contention that words are actions, and that as such language should be interpreted in the same way as behaviour, the methodological approach is rooted in the tradition of discourse analysis.³⁴ Such an approach is all the more apt here because, as became clear during the research process, efforts were repeatedly made by state elites to both separate themselves from the irregular perpetrators of violence, and to stimulate paramilitary criminality, through their use of language. Thus the spoken and written word are examined from three perspectives: what they are about, what the speaker or author does with them, and their effects on the listener or reader.³⁵ The role of words, rhetoric, and language forms a theme of this work, and, if indeed words *are* deeds, then so too does the question of responsibility for linguistic misdeeds.

It is my belief that better understanding of mass violence is our strongest tool in the prevention of future catastrophes. Marc Bloch wrote in reference to the study of the Holocaust that ‘a single word, “understanding” is the beacon of light in our studies’.³⁶ It is this conviction that has served as motivation for this project. The work is therefore consciously situated in the emerging academic fields of genocide and mass atrocity studies, a multidisciplinary school that seeks to better understand the world’s worst crimes through diverse scholarly approaches.

Many scholars of genocide have observed the phenomenon of paramilitary participation in mass violence but few have made detailed studies of irregular perpetrators³⁷ and some case studies have been carried out into the paramilitary

³²Cathie Carmichael and Stephen Barbour, *Language and Nationalism in Europe*, Oxford University Press, 2000; note that William Schabas has challenged the causal role of propaganda in mass violence; William A. Schabas, ‘Hate Speech in Rwanda: The Road to Genocide’ *McGill Law Journal*, 2000

³³On Yugoslavia see Mark Thompson, *Forging war: the media in Serbia, Croatia, Bosnia and Hercegovina*, Indiana University Press, 1999; Carmichael, *Ethnic Cleansing in the Balkans*, p33-35; for overview of works on the media and propaganda in Rwanda see Allan Thompson (ed.), *The Media and the Rwanda Genocide*, Pluto Press, 2007; on link between every-day rhetoric and propaganda of genocide see Adam Jones, *Genocide: A Comprehensive Introduction*, Routledge, 2006, p299

³⁴Ludwig Wittgenstein, *Culture and Value*, trans. Peter Winch, (ed.) G. H. von Wright, University of Chicago Press, Chicago, 1984, p46

³⁵Linda A. Wood and Rolf O. Kroger, *Doing Discourse Analysis; methods for studying action in talk and text*, Sage, California, 2000, p5

³⁶Marc Bloch, *The Historian’s Craft*, Manchester University Press, 1992 (revised ed.), p118

³⁷General works include Shaw, *War and Genocide*, p155; Philip Spencer, *Genocide Since*

dynamics in particular identity-based conflicts.³⁸

A stand-out influence has been Alex Alvarez and his tripartite approach to the study of genocide through the social sciences.³⁹ First, Alvarez considers genocide to be a political crime, and therefore explores the role that the state plays in perpetrating it.⁴⁰ Second, noting that genocide is often carried out through bureaucratic institutions, Alvarez suggests that genocide should be considered as a form of organisational crime and examined from the perspective of logistics and structure.⁴¹ Finally, Alvarez uses the study of criminology to understand how individuals come to participate in genocide crimes.⁴² Alvarez takes an interdisciplinary approach that encourages a broader, more comprehensive explanations that avoids the either-or-debate of structuralist and intentionalist theory, presenting instead more robust multidimensional analysis.⁴³ As a result, Alvarez's discussion of paramilitary perpetrators in genocide contains analysis of their relationships with the state, their place in the perpetrating structure, and the psychological behaviours that enable paramilitaries to commit mass violence.⁴⁴ Nevertheless, for the most part Alvarez's conclusions are general and based on observations rather than source material.

Martin Shaw similarly notes that examination of paramilitaries in genocide must be governed by the understanding of genocide as a political crime.⁴⁵ In noting that states often leave the execution of the mass violence to ancillaries, Shaw addresses the sometimes contradictory issue of spontaneity and militia forces in genocide.⁴⁶ Writing in 2003, Shaw stated that '*génocidaires* of the current era...usually include people recruited more or less spontaneously into killing operations' but emphasised that '[g]enocides are political processes, not

1945, Routledge, 2012, p43-4; similar observations are made by Üngör in 'Team America' and Sheri Rosenberg, 'Responsibility to Protect: A Framework for Prevention', *Global Centre for the Responsibility to Protect*, 1 (2009), pp442-477, p451-52; see also for development in 1990s of significant movement towards pursuing individual accountability for mass atrocities.

³⁸Columbia and other states in South America have attracted much attention, as have Northern Ireland, Sri Lanka, Indonesia, and many African states, however, this is rarely from the perspective of genocide, mass violence or identity-based violence.

³⁹Alvarez, *Governments, Citizens, and Genocide; A Comparative and Interdisciplinary Approach*, Indiana University Press, 2001, p8 for discussion of methodology

⁴⁰*Ibid.*

⁴¹*Ibid.*

⁴²*Ibid.*

⁴³On structuralism and intentionalism in the social sciences; Stuart McAnulla, 'Structure and Agency' in (ed.) David Marsh and Gerry Stoker, *Theory and Methods in Political Science (Second Edition)*, Palgrave Macmillan, 2002, p274-278

⁴⁴Alvarez, *Governments, Citizens, and Genocide*, p91-97 for discussion of paramilitaries

⁴⁵Shaw, *War and Genocide*, p155; for genocide as political process see also Shaw, *What is Genocide? A New Social Theory*, Polity Press, 2007, p74

⁴⁶Shaw, *War and Genocide*, p153-4

spontaneous outbreaks of mass hysteria.⁴⁷ However, like Alvarez, Shaw speaks of generalisations rather than evidence-based research relating specifically to paramilitary or irregular dynamics. Nevertheless, Shaw offers a useful warning against conceptualising the implementation of genocidal projects as highly rational or consistent, citing the unique dynamics of destruction that lead to shifts in targeting and methods.⁴⁸ From the perspective of the implementing structures in Yugoslavia, the further away the actual violent perpetration of mass atrocities were devolved from the state to armed groups, the greater the inconsistency of execution. Shaw reminds us to look for nuance, even if this means that the explanations we offer must appear less neat and tidy. In this ambiguity between violent implementation and commanding structure lie fundamental questions about how we perceive the relationship between the state and individual choice. If violence, as Hannah Arendt argued, is bound with power, then there is a perceptible logic to the ambiguity that benefits both states and irregular violent actors.⁴⁹

Ethnic cleansing, perhaps even more so than genocide, is about political power and, put more simply still, land. Where genocide seeks to destroy in whole, or in part, a group, the intent that lies behind ethnic cleansing is the removal of a group by any means that are necessary. Genocide is ideological and therefore less 'rational'; ethnic cleansing may also become ideological in order to justify the policy to the public or international community but the destruction of the group is secondary to the political objective. The inconsistency of implementation articulated by Shaw in regards to genocide can then perhaps be seen as more integral to the process of ethnic cleansing. Thus policies of ethnic cleansing can include incidents of genocide or genocidal methods, as well as numerous other forms of human rights abuses that will lead to the removal of victim group(s). The presence of paramilitaries and irregulars in ethnic cleansing therefore becomes crucial; their utilisation by state elites as prominent perpetrators is not only inherently logical from the perspective of implementing a shared military tasks but of also fostering an process of violent societal entropy that will facilitate the realisation of the ultimate objective. In a sense then, this work uses the paradigm of ethnic cleansing more than paradigms of either war or genocide to provide a theoretical context.⁵⁰

⁴⁷ *Ibid.*, p155

⁴⁸ Shaw, *What is Genocide?*, p74

⁴⁹ Hannah Arendt, *On Violence*, Harvest Books, 1970, p35

⁵⁰ On the paradigm of ethnic cleansing; Ilan Pappé, *The Ethnic Cleansing of Palestine*, Oneworld Publishing, 2006, p.xvi; see below for discussion of terminology used in this work

Since the Bosnian war, studies of paramilitary-type groups have been overshadowed by works influenced by Mary Kaldor's *New Wars, Old Wars*. Kaldor was inspired by the Bosnian conflict and she saw in its irregular military maneuvers evidence for a new type of war, waged by a new type of combatants;

In contrast to the vertically organised hierarchical units that were typical of 'old wars', among the units that fight these [new] wars are a disparate range of different types of groups, such as paramilitary units, local warlords, criminal gangs, police forces, mercenary groups and also regular armies, including breakaway units from regular armies.⁵¹

Michael Ignatieff, also influenced by his observations of Yugoslavia's collapse, put forward a similar thesis in *Blood and Belonging* when he wrote '[t]he key narrative of the new world order is the disintegration of nation states into ethnic civil war; the key architects of that order are warlords'.⁵² Mueller made similar claims regarding the criminal and self-interested nature of new irregular combatants.⁵³

Without entering the more protracted scholarly disputes over Kaldor's theory, two problems with her approach are worth drawing out as they have left a deep impact upon the literature. First, suggesting that these actors are (or, perhaps more accurately, were) 'new' is highly problematic; the irregular actors listed in the quotation above have been present in some capacity or another since warfare began. In labeling them new, Kaldor breaks any links that such groups have with historical or cultural pasts, thus presenting her new milieu as spontaneous, which is misleading. The second issue is that in her presentation of an unpredictable coalition of combatants Kaldor greatly reduces, or removes all together, the role of the state and political rationality in conflicts where irregular combatants are present. Kaldor's presentation of these new wars, of which Bosnia was her case study example, serves to entrench three of the fundamental errors of analysis that dominated foreign responses to Yugoslavia's

⁵¹Kaldor, *New Wars*, p9

⁵²Michael Ignatieff, *Blood And Belonging: Journeys into the New Nationalism*, Farrar, Straus, and Giroux, 1994, p2

⁵³Mueller, 'The Banality of Ethnic War,' p43

crises: that irregular military dynamics were the product of spontaneity; that the state structures were not central to the conflicts; that the conflicts were not rational.

Unlike the explicitly political struggle over ideology that had dominated international relations for the previous five decades, this “new” phase of conflict in the 1990s was interpreted as an expression of older identities, which seems to be immediately contradictory. While, it was assumed, you could choose your politics, your religion, race, culture, and ethnicity were considered innate. As a result, conflicts committed in the name of any such attribute were interpreted as instinctive and therefore irrational, and were thus distinct from the Euro-centric experience of war in the post-Enlightenment era, where national interest and rational politics had been explicit. The 1990s brought a number of identity-based conflicts, particularly in Africa, but it was the Bosnian crisis because of its proximity to European powers, and, because of its scale, the Rwandan genocide of 1994, that came to represent a kind of war that was understood as both new and ancient. In part because of the visibility of irregular combatants, it was described as *ethnic conflict*, which in its very terminology bound motivation with identity.⁵⁴ Neither conflict was interpreted as the product of a classical Clausewitzian continuation of politics but instead as spontaneous and irrational, implicitly reducing sovereign responsibility and elevating the role of the community.⁵⁵ The genocidal elements of both crises complicated rather than simplified international analysis because external observers could not reconcile the apparent primitiveness of ethnic conflict with the modernity of Hitler’s holocaust.⁵⁶ This is a problematic extrapolation as it assumes that community-based violent activity precludes state influence and strategy.

Using the evidence of the ICTY trials, this work shows that in Croatia and Bosnia, many of the irregular formations that were interpreted as local and autonomous in fact operated as part of state structures of violence and often under state command. Thus, the findings below refutes Kaldor’s original premise and challenges the assumptions that persist as a result of similar misreadings of irregular military dynamics, especially in Bosnia.

⁵⁴For refutation of “ethnic conflict” see *Ibid.* but note Mueller’s overemphasis of non-state actors

⁵⁵Cigar wrote in 1993 that the Serbo-Croat conflict of 1991 was Clausewitzian; ‘The SerboCroatian war, 1991: Political and military dimensions,’ *Journal of Strategic Studies* 16:3 (1993), pp297-338

⁵⁶Such interpretations of the Holocaust do not take into consideration the significant degree of spontaneous, and more visceral violence that contributed to the destruction of the Jews and other groups

Although separated by geography and historical experience, the visible presence of paramilitary perpetrators during the mass violence committed in both Bosnia and Rwanda meant that both atrocity situations shared similarities not only in the formation of the perpetrating structures but of how those structures were interpreted by the international community. Both crises occurred during the same period of the 1990s and, in their aftermath, contributed as a pair to altering attitudes towards paramilitaries, local violence and genocide.⁵⁷ In both Rwanda and throughout the Yugoslav crisis, the paramilitary dynamic was complex and one of layers.⁵⁸ However, as with the Yugoslav literature, there have been few studies into the structural relationships between the militia, local armed groups, and state elites. A tension exists in the literature of Bosnia and Rwanda between arguments of state responsibility and civilian (or community) spontaneity.⁵⁹ Ariel Ahram, for example, not only interprets the presence of the *interahamwe* as evidence of voluntary and spontaneous local participation in the violence, but of the frailty of the Rwandan state.⁶⁰ Ahram's interpretation of the Rwandan militia groups stands in stark contrast to the observations made by UN Force Commander Lieutenant-General Roméo Dallaire who, as much as six weeks before the genocide began, "no longer questioned that there were direct links between the cadre of powerful ministers that controlled the interim government and the militias"⁶¹ Yet perhaps Ahram is correct when he claims

⁵⁷A resurgence of interest in the subject of paramilitaries came in response to the visual brutality of paramilitary actors in genocidal violence in both Rwanda and Bosnia in the 1990s. Kaldor's *New Wars* was written in response to both conflicts, prompting further interest in the topic; see also Mueller and Alvarez who both compare the paramilitary dynamics present in Rwanda and Yugoslavia; for Rwanda's paramilitary component also see Scott Straus, 'How many perpetrators were there in the Rwandan genocide? An estimate', *Journal of Genocide Research*, 6:1 (2004), pp85-98

⁵⁸Philip Gourevitch, *We wish to inform you that tomorrow we will be killed with our families; Stories from Rwanda*, Picador, 1998; this was followed by Alison DesForges, *Leave None to Tell the Story; Genocide in Rwanda*, Human Rights Watch, 1999

⁵⁹In literature about Yugoslavia this is characterised by those (often journalists) who put forward cultural explanations of "ancient hatreds," epitomised by Robert D. Kaplan, *Balkan Ghosts; A Journey Through History*, Vintage, 1994, but there are many others, including Tim Judah, *The Serbs; History, Myth and the Destruction of Yugoslavia*, Yale University Press, 1997; Peter Maass, *Love Thy Neighbour; A Story of War*, Macmillan, 1996, and more generally William Shawcross, *Deliver Us From Evil; Warlords and Peacekeepers in A World of Endless Conflict*, Bloomsbury, 2000, in relation to Yugoslavia see p33; those who emphasise the continued and rational role of Serbian state include Gow, *The Serbian Project*; also Naimark, Sells, and Cigar.

⁶⁰Ahram, 'State-Sponsored Militias,' p488

⁶¹Roméo Dallaire, *Shake Hands With the Devil; The failure of humanity in Rwanda*, Vintage Canada, 2003, p194; in early January 1994 Dallaire's informant within the *interahamwe* warned the Rwandan leadership was preparing to distribute weapons to every *interahamwe* cell in Kigali, prompting the infamous "genocide fax" to UN Secretary General Kofi Annan. The episode revealed the reluctance to understand the militia groups as under the instruction

that ‘the prevalence of these groups is a significant puzzle for state-centric theories on genocide.’⁶² For this reason, Ahram’s notion of “devolving violence” is helpful in establishing both a theoretical approach to the organization of violence, but also in better conceptualising the spectrum of relationships between states or elites and irregular combatants.⁶³ The conceptual and organisational framework of ‘devolved structures of violence’ used in this work is adapted from Ahram’s. The term conveys a relationship with a state-centre from which the violence has been intentionally devolved, and therefore encompasses many of the political and (para)military networks that formed on all sides during the Croatian and Bosnian wars.

Luke Fletcher’s paper on community and individual choice during the Rwandan genocide draws attention to an absence in the current historiography regarding elite state structures of command and control and local autonomy for the violence.⁶⁴ It is interesting that Fletcher poses many of the same questions that arise in this work regarding the relationships between different paramilitary cohorts and levels of state infrastructure. Both this work and Fletcher’s own conclusions suggest that more research is needed into these relationships on the local level, particularly regarding local bureaucracies and local elites.

Thus, while it is assumed that paramilitary and other “non-state” armed groups are important actors in mass atrocity contexts, as perpetrators and defence forces, irregular military dynamics have yet to be explored specifically in relation to identity-based mass violence. Perhaps this is because the study of mass atrocity crimes is an emerging field. The analytical tool of an atrocity (prevention) lens, recently termed by Alex Bellamy in 2011, is useful here.⁶⁵ While Bellamy intended the mass atrocity lens as a methodological viewfinder through which to assess current and future crisis situations, the lens is equally helpful in the study of historical contexts. Applying a mass atrocity lens assists the researcher in ensuring the violence lies at the heart of the work without having to first situate the crimes on a scale of violence.

of Rwandan state entities. p144

⁶²Ahram, ‘State-Sponsored Militias,’ p490

⁶³Ahram, *Proxy Warriors*, p2

⁶⁴Luke Fletcher, ‘Turning interahamwe: individual and community choices in the Rwandan genocide,’ *Journal of Genocide Research*, 9:1 (2007), pp25-48

⁶⁵Alex Bellamy, ‘Mass Atrocities and Armed Conflicts; Links, Distinctions, and Implications for the Responsibility to Prevent,’ *Policy Analysis Brief; innovative approaches to peace and security from the Stanley Foundation*, The Stanley Foundation, 2011

0.2 Working with ICTY Sources

The ICTY archives contain the single most significant body of source material relating to modern mass atrocity.⁶⁶ Thanks to the work of the tribunal, thousands –perhaps millions– of documents are now available online, and within the archives the most comprehensive, although uncollated, data on paramilitaries in identity-based conflict ever collected.⁶⁷ Local scholars have also noted the wealth of material that the ICTY has created relating to the society and culture of the 1990s.⁶⁸ While its search tools could certainly be improved, the database provides easy access to transcripts, indictments, judgements, and exhibits. This thesis represents the first substantive investigation into these archives with a focus on the paramilitaries that fought on all sides of the conflicts. It is the first attempt to filter and then synthesise evidence brought to light at the ICTY with an analytical focus of the irregular military dynamic that so characterised the period. Examination during the ICTY trials of the paramilitary component has not been consistent, nor was it ever an explicit goal of the tribunal to establish an understanding of the irregular military dynamic. Thus there remain substantial gaps in what the ICTY investigated or examined. Filtering documents that were not relevant to this project and locating those that were was a long and difficult process, and there will inevitably have been some that have been missed. Furthermore, accessing the data requires careful and detailed reading through each case and its supportive body of evidence. There are scholarly precedents for historical investigation into paramilitary actors in mass violence using primarily legal documents. Christopher Browning’s study into the Reserve Police Battalion 101 similarly relied upon legal documents relating to the indictment of the battalion’s members and of their judicial interrogations.⁶⁹ Nevertheless, when dealing with court documents and testimonies it does well to consider the tension of methodological difference which exists between his-

⁶⁶The International Criminal Tribunal for Rwanda (ICTR) and the domestic Gacaca courts of Rwanda have recorded a larger body of evidence and testimony regarding the role of militia groups such as the *Interahamwe* and *Impuzamugambi* however the archives of the ICTR are only partially available online and it was only recently announced that the Gacaca documents are to be digitalised to form an online archive, Collins Mwai, ‘Gacaca archives digitisation starts in January, CNLG says,’ *The New Times*, December 12, 2014 (Rwanda), (n.b.. CNLG is The National Commission for the Fight against Genocide)

⁶⁷For website of the ICTY see <http://www.icty.org> or for legal library of court records see <http://icr.icty.org>

⁶⁸Dunja Rihtman-Auguštin, ‘Haški sud i antropološka ekspertiza,’ *Narodna Umjetnost*, 39:2 (2002), pp9-32

⁶⁹Christopher R. Browning, *Ordinary Men; The Reserve Battalion 101 and the Final Solution in Poland*, Penguin Books, 2001, for notes on Browning’s sources and methodology preface p.xvi

torians and lawyers, and that distinguishes the approaches and conclusions in this work from those of the ICTY enterprise. Richard Ashby Wilson, in his discussion of the ICTY and the historical record sets out the differences thus:

History...is more pluralistic, open, and interpretative in both its methods and conclusions. Courts ultimately must embrace one entire account to the exclusion of all others, whereas historians often accept aspects of competing accounts. Historians live more comfortably with difference of opinion, and they often recognize that their evidence and conclusions are not always falsifiable or verifiable.⁷⁰

The relationship between the scholarly and legal communities has become still more blurred during the experience of the ICTY as numerous historians and other scholars have taken the stand as expert witnesses for both the Defence and Prosecution. Robert Donia, whose work on Sarajevo I cite often, was one such witness and described his experience as “more an extended lecture on regional history than court testimony.”⁷¹

In his discussion of the pitfalls of studying mass violence Uğur Ümit Üngör advises scholars to avoid legalistic approaches in their work: ‘We should avoid the overuse of terms such as “crime,” “criminal(s),” “punishment,” “blame,” and especially “guilt.”’⁷² He adds, ‘[l]egal responses to genocide lack relative autonomy from power and do not offer a useful mode of orientation.’ I heed Üngör’s advice and make no attempt to pursue legal methodologies. However, dealing with so many legal sources has meant that at times legal language is difficult to avoid. Furthermore, studying the ICTY archives has revealed significant gaps in the tribunal’s conceptualisation of devolved structures of mass violence, which has led to legal loopholes in the prosecution process. Constraints that govern the practice and theory of international law are therefore sometimes discussed.

More practical difficulties arise from relying upon a still active tribunal. The trials move slowly and are beset by the (willful) delays brought by many of the Defence teams. Appeals are brought and new judgements given, making assess-

⁷⁰Richard Ashby Wilson, ‘Judging History: The Historical Record of the International Criminal Tribunal for the Former Yugoslavia,’ *Human Rights Quarterly*, 27 (2005) pp908-942, p912

⁷¹Robert J. Donia, ‘Encountering the Past: History at the Yugoslav War Crimes Tribunal,’ *The Journal of the International Institute*, (University of Michigan), 11:2-3, (Winter 2004)

⁷²Üngör, ‘Studying Mass Violence: Pitfalls, Problems and Promises’, *Genocide Studies and Prevention: An International Journal*, 7:1, (2012) pp68-80, p71

ment of how the ICTY has responded to the irregular military dynamics more difficult to determine. Pieces of evidence have been released and verdicts made throughout the course of the research project, often shifting the research context significantly. In January 2015, for example, the ICTY Appeals Chamber reversed an earlier judgement regarding the genocide at Srebrenica that had previously included the paramilitary organisation the *Scorpions* in the Joint Criminal Enterprise (JCE) to Murder.⁷³ Although the judgement did not significantly alter the convictions of the accused, the removal of the paramilitary group from the JCE had two implications for the context of the research. The Appeals Trial Chamber concluded that while they accepted the *Scorpions* had been a unit of the Serbian Interior Ministry (MUP), the unit ‘was not included in the military and civilian structures of the [Bosnian Serb Army (VRS)]’ and therefore could not be considered part of the JCE; inference that there had been any coordination between Serbia’s professional paramilitaries and the Bosnian Serb command was considered speculative and therefore not admissible.⁷⁴ The decision was made in spite of the established fact that the murders carried out by the *Scorpions* in Trnovo, filmed by one of the paramilitaries, ‘share certain features with other crimes committed in furtherance of the common plan, namely that the victims were Bosnian Muslim men from Srebrenica, the killings occurred “in July 1995, after the fall of Srebrenica,” and the victims were lined up and shot with automatic rifles.’⁷⁵ The initial inclusion of the *Scorpions* in the original JCE judgement over the massacres in Srebrenica had set a precedent that perpetrators did not necessarily have to be found to be themselves a member of a JCE for the principal perpetrator to be found guilty if the crime in question forms part of the common purpose.⁷⁶ The Appeals judgement removed that premise, which had connected a paramilitary organisation to a JCE to Murder during a period of genocide, thereby altering the jurisprudence and increasing the threshold of evidence required to establish convictions for state parties for crimes committed by forces (apparently) operating within a different command structure. This impacted the research context not so much because of its legal implications but rather in the assessment of advantages gained by the Serbian and Bosnian Serb state as a result of the devolution of violence. The second implication for the research was simply to underline the importance

⁷³IT-05-88, *Vujidin Popović et al*, Appeal Judgement, 30 January 2015, p368, para 1063

⁷⁴*Ibid.*, p369, para 1067

⁷⁵*Ibid.*, p368-9, para 1066; for the video recording, IT-05-88, Exhibit P03249, ‘Scorpion video and accompanying transcripts’

⁷⁶IT-05-88, Judgement, 10 June 2010, p413, para 1080

of uncovering covert devolved structures active in mass violence. The Appeal judgement drew upon the Scorpions being part of the MUP structure and not the VRS, effectively emphasising the (legal) ambiguity that results from involving multiple chains of command and control in the perpetration of mass violence, which is subtly –but significantly– distinct from focussing solely on the benefits of devolution.

More frustrating has been the slow progress made in the Šešelj and Karadžić trials.⁷⁷ Until judgements are released, accessing case exhibits is much more difficult and so a number of potentially significant documents relating to the Serbian command structures remain inaccessible until verdicts are reached. Without the key judgements, and that of Ratko Mladić,⁷⁸ the question of whether the Serbian leaderships benefitted personally by utilising irregular combatants cannot be satisfactorily answered. During the research project, the acquittal of the Croatian Generals Markac and Gotovina, and then of Serbian State Security chiefs Stanišić & Simatović, challenged what appeared to be an emerging understanding in international jurisprudence of command responsibility in joint criminal enterprise.⁷⁹ Instead, the acquittals cemented in law the benefits of obscuring command responsibility through the use of irregular military forces.

The limited international jurisprudence relating to paramilitary structures and issues of aiding and abetting provide significant legal benchmarks in this emerging arena of international law, but the lack of autonomous process and consistency in application suggests legal norms regarding paramilitaries in mass atrocity crimes have yet to develop. The most notable and relevant case relates to Nicaragua and the judgement implicitly raises questions regarding the conclusions of the ICTY and current gaps in international law.⁸⁰ In 1984, the Nicaraguan government submitted to the International Court of Justice (ICJ) that the ‘United States, in recruiting, training, arming, equipping, financing, supplying and otherwise encouraging, supporting, aiding, and directing military and paramilitary actions in and against Nicaragua, has violated and is violating its express charter and treaty obligations to Nicaragua.’⁸¹ In its judgement of the ICJ Trial Chamber, relating to these specific claims of the structural rela-

⁷⁷IT-95-5/18 *Radovan Karadžić* and IT-03-67 *Vojislav Šešelj*

⁷⁸IT-09-92 *Ratko Mladić*

⁷⁹IT-06-90 “Operation Storm” *Gotovina et al.* and IT-03-69 *Stanišić & Simatović*

⁸⁰Case Concerning Military and Paramilitary Activities in and Against Nicaragua (*Nicaragua V. United States of America*)

⁸¹*Nicaragua V. United States of America*, Application, 9 April 1984, p16

tionship between the US state and paramilitaries operating on the ground in Nicaragua, was as follows:

By twelve votes to three, [the Chamber] Decides that the United States of America, by training, arming, equipping, financing and supplying the contra forces or otherwise encouraging, supporting and aiding military and paramilitary activities in and against Nicaragua, has acted, against the Republic of Nicaragua, in breach of its obligation under customary international law not to intervene in the affairs of another State⁸²

The judgement poses an interesting comparison for those made by the ICTY. Serbian state security services, for example, were found to have recruited, trained, armed, equipped, financed, and otherwise supported the paramilitary activities of certain armed groups that committed international crimes, but the personnel who oversaw this relationship were not found guilty themselves.⁸³ The shifting legal landscape serves to support's Üngör's warning to avoid legal approaches in the study of mass violence; not only does the legal meridian change according to the political pressures and contexts of a court but interpretations of the evidence can only ever be subjective. However, if irregular military actors are frequently present during mass atrocity situations, and the international community continues to pursue a legalistic approach to prevention, these gaps in the international jurisprudence will need to be addressed.

The success of the court's efforts is widely contested, throughout the former Yugoslav region, in the field of international law, and across academic disciplines. From the historian's perspective, however, the temporal context of the court –questions of political influence, or more methodological criticisms that are leveled at the ICTY enterprise– may not appear of primary concern. We may have serious objections regarding the legality of the Nuremberg tribunal, but the source material collected as a result of the trials remains 'uniquely valuable' to students of Nazism.⁸⁴ If nothing else, the ICTY has provided an unrivaled historical record of the period of conflict that saw the Yugoslav federation disintegrate. Yet legal investigation into the crimes of the Holocaust,

⁸² *Nicaragua V. United States of America*, Judgement, 27 June 1986, p136

⁸³ IT-03-69 *Stanišić and Simatović*, Judgement Summary, 30 May 2013

⁸⁴ Donald Bloxham, *Genocide on Trial; War Crimes Trials and the Formation of Holocaust History and Memory*, Oxford University Press, 2003, p2

not only on the international level but also within national jurisdictions, has contributed so greatly to our historical understanding of the Nazi experience, which suggests that the context of those investigations are also relevant. Writing in reference to Nazi atrocities, Donald Bloxham warns that, ‘[a]s so much evidence on the murder of the Jews has emerged from the legal milieu, understanding that context is an important step in understanding the genocide, and in breaking down generalisations used to construct all-encompassing concepts like “the Holocaust”’.⁸⁵ Where necessary then, the cases and their sources were assessed with reference to the court and its particular peculiarities.

Despite its difficulties, the evidence heard at the ICTY trials contains exceptional source material concerning the irregular military dynamic during the wars of Yugoslav secession. While the irregular military structures have not been addressed systematically, a number of the trials centred upon efforts to establish if and where chains of command and control connected state elites to those suspected of having perpetrated crimes.⁸⁶ Of all the cases heard by the tribunal, that of Serbian security chiefs Jovica Stanišić and Franko Simatović most explicitly addressed the issues of irregular and paramilitary forces and their relationships with state authorities. Despite what many see as a disappointing judgement, the case documents contain substantial and crucial details regarding this relationship, and, when pieced together, how it was concealed.⁸⁷ The case of Naser Orić, for example, tracked the development of the irregular corps in Srebrenica and its integration into the Bosnian army (ARBiH). Numerous trials of political leaders on the national and local level, from all sides of the conflict, contain references to their individual and professional relationships with irregular combatants that have either been forgotten or never drew attention at trial or during the wars. Piecing these references together has been like putting together the middle sections of a jigsaw puzzle. There are still pieces missing, or waiting to be found, but the findings set out below present a fuller and in parts more

⁸⁵ *Ibid.*, p222

⁸⁶ see Article 7 of ICTY Statute; Individual Criminal Responsibility, particularly (1) person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 5 of the present Statute, shall be individually responsible for the crime. and (2) The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment, *Updated Statute for the International Criminal Tribunal for the Former Yugoslavia*, United Nations (as amended 7 July 2009 by Resolution 1877), 2009, p6

⁸⁷ IT-03-69 *Stanišić and Simatović*, Judgement Summary, 30 May 2013

detailed picture of the paramilitary process and presence than has hitherto been achieved.

I would like to add one final note in reference to the ICTY sources and acknowledge that the voices of victims are prominent in the trials, and, I hope, also have a voice in this work. The courage of those who have given testimonies has created a substantial record of victim experiences during the conflict. This is in contrast to the absence at Nuremberg of Nazi victims or survivors, where documents were used in lieu of victim testimony.⁸⁸

Other sources

Most of the findings contained within this work are based upon sources available through the ICTY database, however many contemporary reports compiled by international observers have provided important corroborative evidence. Unlike the majority of the conflicts that preceded Yugoslavia's collapse, the political and military commands in Croatia, Serbia and Bosnia were aware that they were being closely observed by the international community. From 1993, the world's first international tribunal was being established and began collecting evidence. Not only was Yugoslavia's demise rigorously observed by teams of experts from the European Commission, United Nations, Amnesty International, Human Rights Watch/Helsinki Watch and the Red Cross, but it was filmed practically in real time, by perpetrators as well as journalists.

The report completed by the United Nations Commission of Experts contains a list of all paramilitary groups identified by international observers, together with notes (although not always accurate) on their relationships with the official command structures, as they were perceived at the time.⁸⁹ Although its analysis of paramilitaries is limited, it represents a kind of encyclopaedia of what was known and recorded during the conflict.⁹⁰ The research and publications of civil society organisations such as Human Rights Watch, Amnesty International, and

⁸⁸For discussion of the voices of victims in international justice see Susanne Karstedt, 'From Absence to Presence, From Silence to Voice: Victims in International and Transitional Justice Since the Nuremberg Trials,' *International Review of Victimology*, 17:1 (2010) pp9-30; or Lawrence Douglas 'From IMT to NMT; The Emergence of a Jurisprudence of Atrocity,' in (ed.) Kim C. Priemel and Alexa Stiller, *Reassessing the Nuremberg Military Tribunals*, Berghahn, 2014, p287

⁸⁹For list see UN Experts Report, Annex IIIA

⁹⁰*Ibid.*

the Red Cross, during the conflicts and up to the present day, constitute a small but detailed library that has proved invaluable.⁹¹ The transcripts of the many interviews that were carried out by the BBC team for the *Death of Yugoslavia* series, filmed before the end of the Bosnian war and aired in September 1995, are remarkable for the candour, even brashness, with which so many of the Yugoslav elite present their interpretation of and roles in the federation's collapse.⁹²

International reportage holds many references to paramilitaries during the wars, particularly those operating in Sarajevo. The accounts by journalists offer descriptions of their experiences on the ground and a sense of how the conflict was viewed and discussed abroad. The Hansard Archive serves as a window into the British political discourse of Yugoslavia's collapse, which revealed discernible trends in both Houses of Parliament that characterised attitudes of the political establishment towards the conflicts.⁹³ Similarly, CIA and other US state documents that have either been released to the public or leaked by WikiLeaks give insight into the American view of the violence. Memoirs, diaries, and other first hand accounts of politicians, journalists, soldiers, victims, and other actors have also been useful.⁹⁴ Unconventional online sources such as YouTube videos, Facebook profiles and discussion forums give insight into the countercultures that the paramilitary dynamics left behind, and occasionally can point the researcher towards hidden stories of the irregulars that would be otherwise remained concealed.

0.3 Definitions & terminology

The inconsistency of the lexicon associated with devolved violence poses a

⁹¹These include; 'Yugoslavia: further reports of torture and deliberate and arbitrary killings,' Amnesty International, March 1992; 'War Crimes in Bosnia-Herzegovina: U.N. Cease-Fire Won't Help Banja Luka,' Human Rights Watch, 6:8 (June 1994); 'Bosnia and Herzegovina Unfinished Business; The Return of Refugees and Displaced Persons to Bijeljina,' Human Rights Watch, 12:7 (May 2000); 'The Unindicted: Reaping the Rewards of "Ethnic Cleansing,"' Human Rights Watch, January 1997

⁹²Television series in 5 episodes *The Death of Yugoslavia*, BBC, Norma Percy (producer), Released 3 September 1995; Laura Silber and Allan Little, *The Death of Yugoslavia*, (Revised Edition), BBC Books, 1996; note that the transcripts are available in the English translation only and the original interviews are either lost or damaged. The transcripts are now held by the Liddell Hart Military Library, Kings College London.

⁹³Kate Ferguson, *The Bosnian Debates: Bosnia in British political discourse, 1992-1995*, MPhil thesis, Oxford University, 2010

⁹⁴Veljko Kadrijević, *Moje videnje: nojska bez države*, Politika, 1993; Sefer Halilović, *Lukava strategija*, Maršal: PJ "Matica Sandžaka" (Sarajevo), 1997; Richard Holbrooke, *To End A War*, Randomhouse, 1999; David Owen, *Balkan Odyssey*, Victor Gollanz, 1995; Emil Suljagić, *Postcards from the Grave*, The Bosnian Institute, 2005

challenge to the researcher. At its simplest paramilitary groups can be defined as formations that carry out military activity usually considered to be outside the remit of a state's regular army, but particular definitions or usages of the term varies greatly.

'Non-state armed groups' (or NSAGs) is used in many international policy documents but, as this research demonstrated, there are conceptual and practical problems in how the term is applied. Hofmann and Schneckener suggest that 'non-state violent actors can be defined as being willing and capable to use violence to pursue their objectives; not being integrated into formalised state institutions; and therefore possessing a certain degree of autonomy whether in regard to politics, military operations, resources, or infrastructure.'⁹⁵ Yet to use *non-state* as a blanket categorisation for all irregular actors that are not visibly integrated into state institutions is to ignore the possibility of covert structures of command and control that connect the violent actors with state bodies. Determining what groups are legitimately non-state and which are state-sponsored or operating covertly as part of state structures of command is necessary for both effective academic and policy analysis. Furthermore, NSAGs encompass a wide spectrum of characters, from local volunteers who may be untrained and politically uneducated, to private security firms, mercenaries, professional militia, or rebel armies. Such a range of actors all warrant their own investigation, and in relation to different forms of conflict. The evidence make plain that applying the term 'non-state' to describe the entire irregular Yugoslav milieu is misleading. As the term implies, non-state armed groups should refer only to formations of combatants that operate entirely outside of and independently from state auspices.

Throughout this work I prefer to use terms such as 'paramilitary' and 'irregular,' and do so interchangeably. Both terms are sufficiently flexibly descriptive to be applied to all the armed actors and formations that are the focus of this study while providing terminological and conceptual boundaries that ensure the regular armed and civilian actors remain separate. Employing these terms also enables the use of the words and descriptions favoured by actors themselves and that appear in the primary and secondary sources. However, where possible I distinguish between terms that imply additional descriptive information or value judgements. 'Volunteers' for example represent a particular group of

⁹⁵Claudia Hofmann and Ulrich Schneckener, 'Engaging non-state armed actors in state-and peace-building: options and strategies,' *International Review of the Red Cross*, 93:883, September 2011, pp603-621, p604

irregulars who chose to participate in an armed struggle in a paramilitary capacity from a civilian position; thus some paramilitaries are volunteers and not all volunteers are paramilitaries. ‘Special Forces’ or ‘Special Purpose units’ tend to be paramilitary formations more closely associated with official military or political structures, they are usually better trained, more disciplined and form part of a chain of command, but in Yugoslavia these terms were at times appropriated by the independent formations, adding further to the confusion. The word mercenary has become something of a pejorative and so it is only used in this work when the pursuit of mercenary aims are explicit, or when the term has been used by the combatant themselves or some other persons. It is worth making the distinction between paramilitary or parainstitutional groups and private security (military) contractors whose roles are explicitly set out in contracts between the state and the firm.

In the surrounding literature used in this work and throughout documents of the ICTY a broad number of terms are used inconsistently and interchangeably. During the trials, witnesses used a range of terms to refer to paramilitary formations, including ‘Specials, Special Forces, Volunteers, Camouflaged Ones, Multi-coloured, Special Purpose, Policemen and Paramilitaries’.⁹⁶ Some witnesses referred to civilians who bore arms as bandits.⁹⁷

In international law, paramilitaries are considered to be lawful combatants and therefore must be under responsible command, carry distinctive signs, carry arms openly and obey the customs of war.⁹⁸ Therefore, if it can be found that they operated during an armed conflict, paramilitaries cannot be tried for simply taking part in hostilities, but like any other combatant can be held accountable for breaches of domestic and or international law.

I reject terms such as ‘non-traditional’ forces largely because of the historical experience in the western Balkans of irregular military formations and for the same reasons I am wary of Kaldor’s descriptions of ‘new’ actors. I do not use the term ‘death squads’ just as I avoid the term ‘death camps’ to describe the network of concentration camps where many prisoners were murdered. The use of emotive definitions, especially when they already hold strong connotations

⁹⁶IT-95-9, *Simić et al*, Judgement and Order recalling Judgement and substituting new judgement, 17 October 2003, p.69; during this case other terms used included The Grey Wolves and “Lugar”’s men

⁹⁷IT-04-75, *Goran Hadžić*, see Transcripts of 17 July 2013, p7237; here and in several other cases Defence lawyers used the term bandit to diminish the military significance of their client or client’s associate(s)

⁹⁸See Rule 4. Customary Human Rights Law, as protected by the International Committee of the Red Cross

with other historical contexts, encourages a slip towards the fetishisation of violence that I reject. In choosing not to use such terms I do not diminish the gravity of the subjects but simply seek to steer clear of comparisons along scales of suffering.

The second challenge of definition relates to the violence itself. Perhaps in latent response to global failures over Yugoslavia (and also Rwanda, and more recently still, during the *Save Darfur* campaign) attitudes to the language of genocide have, in many ways, pluralised since the 1990s. The word is more freely used and better understood. However, to my mind, genocide is a crime and it is therefore primarily the purview of lawyers and legal scholars. Naming mass violence *is* important, but often appears to have more to do with politics and emotion than with academic research.⁹⁹ Instead I prefer, where possible, to use mass atrocities –a nonlegal catch-all for ethnic cleansing, war crimes, mass murder, and genocide¹⁰⁰ –or identity-based (mass) violence, which captures the intent and avoids comparative scales.¹⁰¹ Identity-based violence is distinct from other forms of violence or conflict and deserves different analytical attention. Whether the violence is committed against one person or thousands, each victim suffers specifically because they are perceived by the perpetrator(s) as belonging to an enemy identity group.¹⁰² A further distinction is that identity-based violence is always a crime, whether committed in peace time or during conflict. International law and domestic laws in much of the world criminalise the intentional violent targeting of unarmed people, although identity-based violence remains common across the globe.¹⁰³

⁹⁹For good discussion on terming mass violence see Mahmood Mamdani, 'The Politics of Naming: Genocide, Civil War, Insurgency,' *The London Review of Books*, 29:5, 8 March 2007

¹⁰⁰Termining mass atrocities in response to the politicisation of genocide see Scheffer, 'Defuse the Lexicon of Slaughter'

¹⁰¹I am not aware of any previous use of the terms *identity-based violence* or *identity-based mass violence* as a conceptual framework in the study of mass violence, mass atrocities, or genocide, or as a catch-all definition. I have developed the term in order to assess as a whole the different levels of violence that were committed in Bosnia and Croatia by irregular military actors while being to emphasise the shared impetus or intentionality of the violence, but without having to distinguish between legal categorisations or numerical scale.

¹⁰²Conceptualising the victim group as defined by the perpetrators is adapted from Chalk and Jonassohn's discussion of typology of genocide using the frame of reference of the perpetrator, Frank Robert Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies*, Yale University Press, 1990, p31

¹⁰³A number of international treaties prohibit abuses that constitute acts of identity-based violence; 'International Convention on the Elimination of All Forms of Racial Discrimination,' adopted by General Assembly (resolution 2106) 21 December 1965, entry into force 4 January 1969; 'International Covenant on Economic, Social and Cultural Rights,' adopted by General Assembly (resolution 2200A) 16 December 1966 entry into force 23 March 1976; 'Declaration on the rights of indigenous peoples' adopted by the General Assembly, (Resolution 295) 13 September 2007; 'Convention on the Prevention and Punishment of the Crime of Genocide,'

The ambiguity that surrounds the crime of ethnic cleansing, which rather perversely is a term that Radovan Karadžić himself coined, has, since its introduction into our vocabulary of violence, posed several problems. The first is its association with the crime of genocide.¹⁰⁴ Perhaps because both genocide and ethnic cleansing require identity-based *mass* violence, but also because of the perceived moral weight that the label of genocide bestows, one has become bound to the other; the debate is often “its not genocide, but maybe its ethnic cleansing,” again returning to that rather unpleasant hierarchy of atrocity.

I have written before that the patterns of violence committed by Serbian and Bosnian Serb forces against Bosnia’s Muslim population should be considered genocidal but do not enter that discussion here.¹⁰⁵ This work is framed by examining the human rights abuses that took place during the period. The regular and irregular armed forces acting in support of Serbian and Bosnian Serb ambitions clearly committed the overwhelming majority of abuses, which is reflected in the analysis below.¹⁰⁶ However, the focus is not to rank or categorise the human rights violations, or to take up debates of genocide and counter-genocide that continue to endure in western Balkan politics. Therefore, the findings have been assessed through a mass atrocity (prevention) lens and the analytical deconstruction of identity-based violence as a (preventable) global phenomenon.¹⁰⁷

0.4 *Setting the Scene on the gathering storm*

The decade between Tito’s death in May 1980 and the outbreak of violence in the summer of 1991 transformed Yugoslavia. The federation suffered economic collapse, ideological bankruptcy, international alienation, and internal crisis. As the social order of the communist system fragmented, its values and policies

adopted by the General Assembly (Resolution 260) 9 December 1946; theoretically at least, according to the legal definition of genocide as recorded in the Convention and in the Rome Statute, the killing of persons belonging to the group, with the intent to destroy, in whole or in part a national, ethnical, racial or religious group, constitutes genocide. Thus, it would be possible to argue that many acts of identity-based murder, whether against one person or thousands, should be considered as genocidal.

¹⁰⁴Note that there is no formal legal definition of ethnic cleansing but instead is included in the ICC Statute as a crime against humanity

¹⁰⁵Kate Ferguson, ‘Masking Genocide in Bosnia,’ in (ed.) Cathie Carmichael and Richard C. Maguire, *The Routledge History of Genocide*, Routledge, 2015

¹⁰⁶A CIA investigation found that Serb forces were responsible for ‘at least 90 percent of the destruction, displacement, and loss of life associated with ethnic cleansing,’ ‘Intelligence Report DCI Interagency Balkan Task Force Bosnia: Serb Ethnic Cleansing, December 1994,

p.v

¹⁰⁷On an atrocity prevention lens see Bellamy, ‘Mass Atrocities and Armed Conflict’

were discredited (although many clung on to them). In their place, virulent and sometimes violent nationalism took root. Ambitious politicians, a powerful state-controlled media nexus, and the post-communist desire to reconnect with lost identities collided: the organic celebration of religious and national spirit that spread across the republics, as people experimented with what appeared to be a new freedom of autonomy, became intertwined with an elite fascist revival in Serbia and Croatia. Understanding the changes that took place in the 1980s in social values, popular culture and societal dynamics provides an explanatory backdrop to the political policies that were later pursued.

By early summer of 1980, Yugoslavia had entered what Sabrina Ramet has described as a period of ‘apocalypse culture.’¹⁰⁸ The communist state was being challenged by dissidents and social movements up and down the country, and the authorities had neither the means nor conviction to respond. Not ten years before, in 1971, the Croatian Spring had been crushed ruthlessly but not comprehensively; and as Marcus Tanner puts it, ‘an entire generation that included the majority of the most talented people in Croatia went into exile, or was forced into obscurity.’¹⁰⁹ The increase in international terrorist activity in the name of Croatian nationhood was a direct consequence of the purge of the student movement, which had created a frustrated and radical diaspora that sought to destabilise Yugoslavia from outside of its borders (and its control). Inside Yugoslavia, the economy was failing, the political system had lost legitimacy, and the national question was gaining momentum.

After the boom of the late 1970s, Yugoslavia became locked in economic crisis.¹¹⁰ Prices rose and living costs fell, contributing to the waves of strikes that hit the country throughout 1987-88. On the instructions of the International Monetary Fund (IMF), the Dinar was devalued and free movement of prices was initiated as a precursor to the lifting of all price controls.¹¹¹ The effects of these reforms were limited and Branko Mikulić’s administration was forced to resign *en masse* at the end of December 1988.

The developments in Eastern Europe further contributed to the country’s

¹⁰⁸Pedro (now known as Sabrina) Ramet, ‘Apocalypse Culture and Social Change in Yugoslavia,’ in (ed.) Ramet, *Yugoslavia in the 1980s*, Westview Press, 1985

¹⁰⁹Tanner, *Croatia*, p.202; Furthermore, for many of the younger generation who experienced their formative years between 1967 and 1971, the Spring was a defining political moment; a sixteen year old in 1967 would have been in their early 40s when fighting broke out in the 1990s –the age bracket of many of the wartime paramilitary and political leaders.

¹¹⁰Gow, *Legitimacy and the Military, The Yugoslav Crisis*, Pinter Publishers, 1992, p62

¹¹¹On IMF terms see Branka Magaš, *The Destruction of Yugoslavia: Tracking the Break-up 1980-92*, Verso, 1993, p95-96

economic instability and its psychological sense of alienation. The cooling down and end of the Cold War had a profound and dislocating effect in Yugoslavia that added to the internal crisis and dramatically altered the country's international role and image.¹¹² The polarisation of the Cold War world had brought a strict geopolitical dichotomy of West against East, Capitalism against Communism. Yugoslavia, uniquely, had never been quite out of the middle.¹¹³

As a result, in the late 1980s Yugoslavia's geopolitical security became suddenly unclear. The Yugoslav experience of socialism had not been monolithic but diverse and complex –their revolution had been 'genuine' and home-grown, not imposed at the point of Soviet bayonets. The crisis of domestic and international communist politics impacted Yugoslavia and Yugoslavs considerably. As Mark Thompson describes, 'their socialism could not be thrown off like a suit of someone else's clothes.'¹¹⁴ To 'throw off' socialism, Yugoslavs faced a task far greater than pulling down symbols of occupation and repression; the causes of their frustrations were internal. Thus Thompson wrote in 1992 that federalism and socialism in Yugoslavia were 'Siamese twins' and if the two were to be separated, only delicate surgery could leave the state intact.¹¹⁵

Nationalist politics promised an alternative. In 1981, Dobrica Ćosić, father of Serbian nationalism, demanded that the Titoist limitations on free speech be lifted. In the same year the *Francuska 7 Tribunal* was established and put on a series of evenings "On Kosovo – For Kosovo," where impassioned nationalist intellectuals, including Ćosić, spoke in 'defence of the Serbs'. In January 1986, two hundred Serb intellectuals, led by Ćosić, signed the 'Memorandum of the Serbian Academy of Arts and Sciences', in which they declared that the Serbs were the most oppressed peoples in Yugoslavia and accused the Kosovar Albanians of rape and 'genocide'; Serbia was, they claimed, suffering their third genocide.¹¹⁶ Texts were published by intellectual thinkers such as Dobrica Ćosić and Gtokar Kersovani that were 'permeated with anxiety for the Serbian

¹¹²Mark Thompson, *Paper House*, Pantheon Books, 1992, p7

¹¹³On Yugoslavia's communism and relationship with the Soviet Union see see Aleksa Djilas, *The Contested Country: Yugoslav Unity and Communist Revolution, 1919-1953*, Harvard University Press, 1991; Ivo Banac, *With Stalin Against Tito: Cominformist Splits in Yugoslav Communism*, Cornell University Press, 1988; Alvin Z. Rubinstein, *Yugoslavia and the Non-aligned World*, University of Princeton, 1970; and new legacy edition, 2015

¹¹⁴Thompson, *A Paper House*, p7

¹¹⁵*Ibid.*

¹¹⁶The first being the First World War where they lost one quarter of their population, the second at the hands of the Ustaša, and the third was supposedly being perpetrated in the 1980s through a supposed deliberate policy of rapid reproduction by the Kosovar Albanians (see more below)

people'.¹¹⁷

Resurgent religious patriarchies within the Catholic and Orthodox Churches became politically vocal and championed the Serbian and Croatian national projects. After a decade of growing Muslim identity, the Islamic community in Bosnia proclaimed stricter implementation of Islamic law in order to become free from state interference.¹¹⁸

Up until the end of the 1980s, all television and radio stations belonged to the national governments, and so maintained substantial control over what was broadcast during those crucial years. With newspaper circulation other than the tabloid press becoming ever more the purview of the middle classes, the content and control of TV and radio held the key to social mobilisation. Most programmes were broadcast on all stations but by the mid-1980s, as republics increasingly sought to limit the flow of information, only the Sunday evening news aired to the whole federation.¹¹⁹ In Croatia and Slovenia, this artificially constructed sense of alienation was enforced by strict language rules that prevented programmes from the other republics being aired.¹²⁰ Once in power, Milošević ensured that the *Politika* news agency and Belgrade Television were purged of journalists and editors who were not willing to toe his aggressive party line.¹²¹ The state television stations had the resources to maintain full schedules that transmitted their political messages more regularly and comprehensively than their communist predecessors. The strategy of state-owned media outlets in Serbia and Croatia (but also in the other republics) in the latter years of the federation was similar to those adopted by movements of exclusionary identity politics around the world.

Throughout the 1980s Serbian media singled out Kosovo's Albanians as the focus for nationalist frustrations, and anti-Albanian sentiment was later taken

¹¹⁷Ramet, *Balkan Babel*, p63; see also for example Branko Petranović, *Revolucija i kontrarevolucija u Jugoslaviji: 1941-1945*, Rad (Belgrade), 1983 which painted the Chetniks as anti-fascists as well as anti-communists; for discussion see Pamela Ballinger, *History in Exile: Memory and Identity at the Borders of the Balkans*, Princeton University Press, 2002 p107-08

¹¹⁸Sead S. Fetahagić, Chapter 3.3, 'Islam in Socialism and Post-Socialism' in (ed.) Zilka Spahić-Šiljak, *Contesting female, feminist and Muslim identities : post-socialist contexts of Bosnia and Herzegovina and Kosovo*, Center for Interdisciplinary Postgraduate Studies, University of Sarajevo 2012

¹¹⁹Pedrag Šimić, 'The Former Yugoslavia: The Media and Violence,' *RFE/RL Research Report*, 3:5, 4 Feb 1994, pp40-47, p41; Thompson argues this process did not begin until the late 1980s, see *Forging War: The Media in Serbia, Croatia, Bosnia and Herzegovina*, University of Luton Press, 1999, p16

¹²⁰*Ibid.*

¹²¹Keith Somerville, *Radio Propaganda and the Broadcasting of Hatred: Historical Development and Definitions*, Macmillan, 2012, p75

on by media outlets in Croatia. The latent animosity between Croat and Serbian national programmes grew more visible as the decade came to a close. Documentaries about the Second World War, the Independent State of Croatia (NDH), the Ustaše genocide of the Serbs, and Serbian guerrilla culture drew attention to old wounds and encouraged new resentments among the younger generations. Interestingly, Bosnia’s Muslims were rarely targeted by either the Serbian or Croatian press. As the media wars escalated, exclusionary and often violent narratives became not just common but normalised. The rape of Serbian women by Albanian men, for example, was reported throughout the latter half of the 1980s as a constant threat. Behind the media hype, incidents of reported rapes were in fact lower in Kosovo than in other parts of Yugoslavia.¹²²

The vacuum left by the socialist regime enabled, as Ramet put it, a ‘patriarchal backlash.’¹²³ The new culture of masculinity coincided with and reinforced the regional discrediting of ideals associated with the communist regime, including gender equality.¹²⁴ Sports and supporters’ clubs provided spaces where male identities and localised patriotism could be embraced. In 1986, one month before the Memorandum was leaked, approximately 80 supporters of Red Star Belgrade football club, following a match with Partisan Belgrade, ‘sang nationalist songs and slogans,’ including “Attack the Albanians!” and “the Serbian trumpet can be heard in Kosovo!” while they also targeted Albanian businesses, breaking the windows and equipment of shops and food outlets, beating up the proprietors.¹²⁵ The Red Star fans then moved on to Belgrade maternity hospital and sang nationalist songs; Richard Mills suggests that the location was chosen not only to ‘bear witness to the birth of young Serbs’ but was influenced

¹²²Between 1982 and 1989, inner Serbia recorded, on average, 2.43 cases per year for every 10,000 men in the population; the figure for Kosovo was 0.96. Furthermore, of those rapes in Kosovo, the great majority involved assailants and victims of the same nationality; only 31 rape and attempted rape cases were found involving an Albanian man against a Serbian woman during the same period. Noel Malcolm, *Kosovo; A Short History*, New York University Press, 1999, p339

¹²³Ramet, *Social Currents in Eastern Europe; The Sources and Consequences of the Great Transformation*, Duke University Press, 1995, p226; see also Ramet and Vjieran Pavlaković, *Serbia since 1989: Politics and Society under Milošević and After*, University of Washington Press, 2005, p5

¹²⁴See Wendy Bracewell, ‘Women, Motherhood, and Contemporary Serbian Nationalism,’ *Women’s Studies International Forum*, 19:1-2 (1996) pp25–33; For Yugoslav traditions of machismo and essentialist gender relations see “Because we’re just boys” in Dubravka Ugresić, *Culture of Lies: Antipolitical Essays*, Pennsylvania State University Press, 1998, pp113-127; on the young Arkan being instructed in ‘toughness, machismo, and tenacity’ in the gyms of Belgrade see Stewart, *Hunting the Tiger*, p21; on masculinity in Serbian culture, Colović, (trans. Celia Hawkesworth), *The Politics of Symbol in Serbia*, Hurst, 2002, p48

¹²⁵Richard Mills, ‘Domestic Football and Nationalism in the Construction and Destruction of Socialist Yugoslavia, 1945-1995’, PhD. Thesis, University of East Anglia, 2013, p83

by nationalist anxieties regarding the high Albanian birthrates.¹²⁶ By 1989, Red Star fans, also known as “warriors” (*delije*), sang “*Delije, delije, u nama je spas, Slobodan Milošević navija za nas*”: “Warriors, Warriors, that’s our pride, Slobodan Milošević is on our side.”¹²⁷ Red Star’s supporters’ association would later become run by Arkan Ražnatović and form the basis of his paramilitary group, the Tigers.

As the decade waned, the economy collapsed and the central political infrastructure began to buckle. Milošević’s coup brought political victory for the nationalists but an exclusionary culture was already well established in parts of Serbian and Croatian societies. National symbols and historical myths were consciously appropriated by the nationalist movements and the latent animosity between Croat and Serbian national programmes grew more visible.¹²⁸ Among Serbs, memories of the Second World War Chetnik struggle and myths of Prince Lazar and the Battle of Kosovo Field were revived, creating an ‘historically proven’ legacy of violent Serbian martyrdom.¹²⁹ In 1989, Milošević oversaw the exhumation of the bones of Prince Lazar and their evocative pilgrimage to every village in Serbia.¹³⁰ Such acts stimulated forgotten (or imagined) identities, and created a media sensation that framed Serbia’s defeat at the hands of the Turks exactly 600 years before as something recent and humiliating.¹³¹ Similarly, the trappings of Franjo Tuđman’s new Croatia reflected a conscious tribute to Ustaša legacies; these included the renaming of Croatian currency *kuna*, as it had been in the NDH, the dismantling of the Jasenovac camp museum, and the naming of several streets throughout the country after Ustaša minister Mile Budak (to whom the policy of expelling one third of the Croatian Serbs, converting one third to Catholicism, and murdering the final third, is attributed).¹³² These divisive narratives created new paths of nationalist

¹²⁶Ibid. p83

¹²⁷Marko Lopušina, *Komandant Arkan, Legenda* (Čačak), 2001, p76

¹²⁸Čolović, *The Politics of Symbol*

¹²⁹On Serbian myths Dejan Djokic, ‘Whose Myth? Which Nation? The Serbian Kosovo Myth Revisited,’ in (ed.) Janos M. Bak, Jörg Jarnut, Pierre Monnet and Bernd Schneidmüller, *Uses and Abuses of the Middle Ages: 19th-21st Century*, Wilhelm Fink (Munich) 2009

¹³⁰Judah, *The Serbs*, p39

¹³¹Milošević said in his speech as Gazimestan, “Six centuries later, today we are again engaged in a battle, facing more battles. They are not armed, although armed battles are not to be excluded.’ *Politika*, 29 June 1989 cited in Žanić, *Flag on the Mountain*, p.37

¹³²Marko Attila Hoare, ‘Whose is the Partisan movement? Serbs, Croats, and the legacy of a shared resistance’, *The Journal of Slavic Militaries Studies*, 15:4 (2002), pp24-41, p37; note too Tuđman’s revisionist history of Jasenovac camp in which he argued between 30-40,000 Serbs had died there Franjo Tuđman, *Bespuća povijesne zbiljnosti: rasprava o povijesti i filozofiji zločinja*, Matica Hrvatska (Zagreb), published in 1988, 1999 1990, and 1994; here, 3rd

discourse, altering social and political conceptualisations of irregular or paramilitary violence by presenting identity-based non-state warfare as honourable and part of patriotic tradition.¹³³

By the end of the decade, these forces had overturned the established Yugoslav social order; the political establishment had broken down, economic prospects were bleak, family values changed, concepts of gender equality were threatened, and as western influences flooded the republics consumers struggled to balance new materialist desires with the realities of what was available. Organised crime soared as the socialist infrastructure collapsed and former security agents from Yugoslavia and former communist neighbour states built powerful smuggling networks. The grey and black economies came to subsidise incomes across the federation; what had been considered criminal activity a few years before had quickly become part of life.¹³⁴ The violence that followed in the 1990s and many of the networks that came to support the irregular combatant had their roots in the years immediately preceding 1991. Furthermore, the patriotic pageantry of the late 1980s, by the 1990s succeeded in dressing mass violence in culturally symbolic costume and context. A consequence was that the paramilitary presence during the wars was portrayed by the aggressor elites and their media outlets as the product of historical community hatreds. Another was that many inside and outside of Yugoslavia were prompted by the divisive narratives to volunteer and join either official or unofficial military formations, which served only to reinforce the misconceptualisation of the crises as being non-state led. Thus, when the international community watched the federation fracture in confused dismay, the nationalist framing of the identity-based violence presented a ready-made explanation for the chaos that placed the onus of responsibility on Balkan or Yugoslav cultural traditions. Such a crisis, it was considered, lay outside the accepted sphere of external moral accountability.¹³⁵

edition, p365; Under Tito, 600,000-700,000 were considered to have died at the camp; Robin Okey, 'The Legacy of Massacre; The "Jasenovac Myth" and the breakdown of communist Yugoslavia,' in Mark Levene & Penny Roberts (ed.), *The Massacre in History*, Berghahn Books, 1999, p273

¹³³For the rise of nationalism, Vjekoslav Perica, *Balkan Idols; Religion and Nationalism in Yugoslav States*, Oxford University Press, 2002

¹³⁴'Anti-corruption in Southeast Europe: First Steps and Policies,' Southeast European Legal Development Initiative, Center for the Study of Democracy (Bulgaria), 2002, p16

¹³⁵For situating Bosnia outside western sphere's of responsibility see Gearóid Ó'Tuathail, 'An Anti-geopolitical Eye: Maggie O'Kane in Bosnia, 1992-93', *Gender, Place & Culture*, 3:2, 1996, pp171-186; on western understanding of the violence as Balkan see Maria Todorova, *Imagining the Balkans*, Oxford University Press, 1997, p136-8

Part II

The Architecture of Violence

[War] is being waged by a kaleidoscope of militias, armies and freelance groups. Accurate numbers are impossible to ascertain, loyalties overlap, and who really controls whom, if anyone, is a moot point.

Tim Judah, 'Kaleidoscope of Militias Fights over Bosnia,'
The Times, 30 May 1992

Almost all states use paramilitary groups but even the most militarised regimes shy away from parading their covert and clandestine purveyors of violence. Despite the prevalence of armed formations that exist outside formal armies, understanding how these groups operate remains a core challenge to global peacekeeping and atrocity prevention efforts.¹³⁶ The participation of paramilitary groups in conflicts is not prohibited by international law, so long as they are incorporated into the ordinary command structure. The Rules of War and Customary Human Rights Law state that “the armed forces of a party to the conflict consist of all organised armed forces, groups and units which are under a command responsible to that party for the conduct of its subordinates.”¹³⁷ The problem arises when *extra*-ordinary units participate and do so apparently independently of state or other external control.¹³⁸ It is this obscurity of command that can conceal the intentions that sometimes lie behind the participation and actions of those groups, thereby clouding responsibility and accountability.

The significance of the state is critical when we look at incidents of organised identity-based violence and mass atrocity crimes. Such crimes are political acts that are usually framed in a context of uncontrollable civilian struggle. In the modern world, mass murder, ethnic cleansing, and genocide often require a significant degree of social collaboration and complicity. Perpetuating narratives of non-state violence enables state elites to encourage and sanction a spectrum

¹³⁶The OSAPG for example, cites that non-state armed groups ‘should be held accountable for their actions’ but as yet a strategy to implement R2P in relation to NSGAs or other irregular dynamics has to be formed.

¹³⁷Rule 4. Customary Human Rights Law, as protected by the International Committee of the Red Cross

¹³⁸Such groups can still bound by Customary Human Rights Law and even if a military formation or a guerrilla organisation cannot be considered an independent party to an armed conflict, the combatants of such groups can be bound by the provisions of the Fourth Geneva Conventions if their organisation is related to a state. See Third Geneva Convention, article 4, paragraph 2. This is discussed in more detail in Part V

of actors, civilian or otherwise, to participate in military struggle while themselves remaining on the margins. However, while the presence of paramilitary perpetrators in the history of atrocity crimes is not disputed, understanding the chains of command and control that connect irregular formations to states continues to challenge scholars, policy makers, and civil society groups. Paramilitary or irregular units have participated to such an extent in the perpetration of these particular crimes because governments and political elites benefit by using unconventional forces to fulfil devastating socio-political ambitions.

Deniability and devolved responsibility make paramilitary groups perfect tools to commit atrocity crimes. Such violence is political and committed with intent against civilians identified as an enemy group while being framed by an often artificially constructed context of polarised and defensive struggle that provides both the legitimacy and inevitability of the assault. Social collaboration, whether active or passive, is often secured by perpetuating a state of pervasive fear that escalates “us versus them” dichotomies. The radicalisation of society is usually accompanied by collusion from the media and a militarisation of communities, uniting the ideological cause with the approaching military struggle. It is these processes, or precursors to the crimes that, in their recruitment of civilian supporters, provide the external legitimacy for identity-based violence because it appears to be spontaneous. The role of paramilitary groups here is crucial. Having sanctioned their development, if not created, funded, armed and trained the groups, political powers possess crucial covert networks of communication with irregular military forces who support their own ambitions. Most importantly, these forces can be presented to the public at home and abroad as wholly independent from their politics and strategy. Without detailed investigation or deep understanding of the realities on the ground, it is difficult to disqualify such assertions, especially if they are made by a head of state, or imitate traditions or pre-existing prejudices that overshadow critical analysis.¹³⁹ It is no coincidence that paramilitary or irregular units have played an enduring though often concealed role in the long history of identity-based mass violence. Paramilitary groups have been involved in “virtually every case of genocide in the twentieth century.”¹⁴⁰ And the benefits of using forces detached from the political establishment to fulfil socio-political ambitions such as ethnic cleansing, mass murder, and genocide have only increased as global norms regarding human rights and the responsibility to protect civilians have

¹³⁹For international comparisons see Part VII

¹⁴⁰Üngör, ‘Team America,’ p33

strengthened.

In both the Armenian genocide and the Holocaust, special irregular units were instrumental in destroying ethnic enemy communities. In 1890, the Ottoman Sultan Hamid created a well trained force called the *Hamidiye*, literally *belonging to Hamid*, in order to ‘deal with the Armenians as he wished’.¹⁴¹ The Hamidiye regiments were ‘fanatically loyal’ to the Sultan who exploited Kurdish resentment of the relative prosperity of the Armenians to his political and military advantage.¹⁴² The extensive role played during the Armenian genocide by Kurdish militia, who had their roots in the Hamidiye, occurred in close coordination with the Ottoman army and has been well documented.¹⁴³ Operating within a more recognisable and conventional military command structure, the Nazi *Einsatzgruppen* were special paramilitary taskforces and used as SS death squads in eastern Europe.¹⁴⁴ Often recruiting local civilian and police auxiliary support, the *Einsatzgruppen* were responsible for liquidating one million perceived political and racial enemies behind the German front lines.¹⁴⁵ In military structures such as the Nazi machine, comprehending the chain of command, and therefore of accountability for the crimes committed by paramilitary groups, is relatively straightforward. Determining who is most responsible for crimes committed by groups operating under a more devolved or covert military structure such as the Kurdish militia in the Armenian genocide is more complicated in both legal and moral frameworks.¹⁴⁶

Accountability for the Armenian genocide remains a tortuous issue in the international historiography and Turkish nationalists have used the role of the Hamidiye and Kurdish militia to deflect responsibility from central Turkish authorities.¹⁴⁷ What is more, the Kurdish militia –like the majority of devolved

¹⁴¹ Peter Balakian, *The Burning Tigris; The Armenian Genocide and America’s Response*, Harper Collins, 2003, p44

¹⁴² *Ibid.*

¹⁴³ Uğur Ümit Üngör and Mehmet Polatel, *Confiscation and Destruction; The Young Turk Seizure of Armenian Property*, Continuum International, 2011

¹⁴⁴ Hilary Earl, *The Nuremberg SS-Einsatzgruppen trial, 1945-1958: atrocity, law, and history*, Cambridge University Press, 2009, p4; Einsatzgruppen literally means “recruited for the purpose in hand” and conveys their purpose, but can be translated in English as task force or “specially recruited groups.”

¹⁴⁵ Ronald Headland, *Messages of Murder: A Study of the Reports of the Einsatzgruppen of the Security Police and the Security Service, 1941-1943*, Fairleigh Dickinson University Press, 1992, p124

¹⁴⁶ On individual criminal responsibility as defined by the Statute of the ICTY see Article 7; on superior criminal responsibility see Article 7.3, p8; similar definitions are given in the statutes of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes committed During the Period of Democratic Kampuchea (ECCC), the ICC and ICTR.

¹⁴⁷ For debate of historiography see Janet Klein, *The Margins of Empire: Kurdish Militia in the Ottoman Tribal Zone*, Stanford University Press, 2011, p8-9

parainstitutional perpetrators— often ignored central instructions, pursuing personal interests rather than the state’s exclusionary ideology.¹⁴⁸ In contrast, the *Einsatzgruppen* fell under the ultimate command of Heinrich Himmler and had a clear mandate to pursue the extermination of the European Jewry and other Nazi enemies. There is a wealth of evidence that sets out how the *Einsatzgruppen* were part of Nazi military and political command structures, and the reports *Einsatzgruppen* units sent back from the field detail the crimes they committed in precise, technical detail.¹⁴⁹ It is therefore comparatively more straightforward to establish first, individual and command responsibility; and second, intent to commit the violence. Establishing these factors in covert devolved structures is difficult both in international law *and* from a sociological “moral” perspective.¹⁵⁰

As the Office of the Prosecution (OTP) at the ICTY has found, uncovering the chains of command that existed during the Yugoslav conflicts and prosecuting those most responsible within the existing confines of international law poses several legal as well as practical challenges. This is important because while there is a clear legal obligation in international human rights law for states *not* to commit atrocity crimes, when crimes are committed the law does not implicate states but individuals and therefore, after the fact, seeks to hold individuals most responsible, *not* states, to account.¹⁵¹ Sheri Rosenberg has said, ‘in today’s world, many of the atrocity crimes that we experience around the globe are committed surreptitiously at the hands of non-state actors, with varying degrees of relationship to the state.’¹⁵² Thus, as the international community continues to frame its responses to genocide within the constraints of international law, whereby the onus is placed on proving that the crime has taken place and prosecuting those understood to be most responsible, these difficulties in establishing accountability will need to be addressed.¹⁵³

¹⁴⁸ *Ibid.* p9-10

¹⁴⁹ For analysis of this evidence see Headland, *Messages of Murder* and Earl, *SS-Einsatzgruppen trial*

¹⁵⁰ Again, moral is used here in reference to perceptions of what was or became permissible and what was not.

¹⁵¹ Note ICJ cases involving state parties, which focussed on failure to prevent and punish genocide; Applications of the Convention on the Prevention and Punishment of the Crime of Genocide *Bosnia and Herzegovina v. Serbia and Montenegro*; and *Croatia v. Serbia*.

¹⁵² Rosenberg, ‘A Framework for Prevention,’ p451-52; see also for developments in 1990s pursuing individual accountability for mass atrocities.

¹⁵³ On shift towards individual criminal responsibility see Kirsten Ainley, ‘Responsibility for atrocity: individual criminal agency and the International Criminal Court,’ in Parry, John T. (ed), *Evil, law and the state: perspectives on state power and violence*, Rodopi, 2006

The names of the paramilitary groups, which were usually taken after the leader of the unit (Mecet's babies, *Glavaš Unit*, *Martićevci*), aggressive animals (*Vatrine Konji* –Horses of Fire, *Sokoli* –Hawks, Kiseljak Tigers, Grey Wolves), historical figures (Knights, Četniks, Dušan Silni –Dušan the Great) or historical military formations (Handžar Division, Četniks) suggest that the irregular dynamics were dominated by personal armies, personifications of wild animal behaviour, and a glorification of the violent aspects of the region's history. Other names suggested that paramilitaries did not take their roles or the violence seriously –the Rambos, the *Knidža Turtles*, the *Jokeri* –or Jokers. Muslim formations took names of passive or peaceful creatures –the Black Swans, the Mosque Doves. The formations each had their own identity but much was appropriated from the virulent nationalist narratives that had recently revived historical memories of the Second World War, bandit culture, and identity-based divisions. The interaction between many of the irregular units and official structures changed as the wars progressed and both official and unofficial actors experienced the realities of conflict.

While many of the perpetrators of such crimes during the Yugoslav wars did not wear national uniforms, nor apparently fall under the command of those that did, paramilitary units carried out actions that furthered the political and military ambitions of their state or federal authorities. The relationships between the paramilitary units and the political and military architectures of the emerging states can be understood along two frameworks; one that was demonstrably intentional, organised, and hierarchical; and another that was the indirect product of the entropic processes discussed in the previous chapter. Many of the paramilitary units that committed the worst crimes were created by leading political figures or their parties.¹⁵⁴ Others were established before the conflicts began as organs of interior ministries.¹⁵⁵ The units were recruited on three levels; some like Arkan's Tigers were recruited and trained by the state, the membership of paramilitary structures set up by political parties such as the Patriotic League or the Četniks came from party supporters, while local groups came together through personal networks.

Preparations for war on all sides involved the prioritisation of armed net-

¹⁵⁴Šešelj exercised great influence over the *Beli Orlovi*; from his position in the Croatian Interior Ministry, Tomislav Merčep created the Merčepovi; the HOS was the product of Paraga's political party.

¹⁵⁵Arkan's Tigers and other Red Beret formations were run by the Serbian MUP; Croatian forces incorporated paramilitaries into their ranks and establishes special units that worked directed with the Croatian interior ministry

works outside the official armed forces. This is hardly surprising given that in 1990 the federal structure of the *Jugoslovenska narodna armija* (Yugoslav Peoples' Army or JNA) was systematically dismantled from Belgrade, stripping Zagreb and Sarajevo of conventional means of defence (or, for that matter, of offence.)¹⁵⁶ However, irregular dynamics were more pronounced in both number and activity on the Serbian side. Furthermore, Serb efforts to intentionally create and stimulate an armed coalition of irregular actors, to stretch from the state to the community, were the result of careful planning and organisation. This strategy was pursued in spite of the fact that Serbian military capabilities far exceeded those of Croat and Bosniak structures –even when accounting for the vast numbers of Serbs who dodged the drafts. In Yugoslavia, paramilitaries were not evidence of weak state control. Instead, the research emphasises the flexibility and fluidity irregular military dynamics lend modern warfare, particularly in conflicts characterised by divisions of identity and identity-based atrocities.

A symbiosis existed between the political architects of the atrocity crimes and irregular units that committed them. The nationalist machines elevated the irregular combatants not only to glorify their actions but to normalise their crimes, while simultaneously denying influence over the fighters themselves. At the same time, paramilitary leaders reap the special rewards only political immunity and military capacity can bring. For a relatively short-lived time, these young warriors became a privileged class –exploited by those often more powerful and more educated. Members of extremist irregular groups become catalysts in their own communities, and thus perpetuate a secondary process of violence and legitimisation of violence. Therefore, to look in isolation at the political and military decisions that determined paramilitary involvement is to disregard the significant economic, social and cultural forces that altered the moral and social order of Yugoslavia so dramatically, but also to ignore the manner in which such processes were interpreted abroad. Throughout this and following chapters it is important to recall the themes of the previous chapter and consider the highly charged environment that was the context for the actions discussed below. Encouraged by divisive state media and malevolent politics, there was a radicalisation of swathes of society that adopted the 'tribal' identities being promoted from above but also from below. The coagulation of extremists, criminals, the politically converted, and the ill-informed into volunteer brigades,

¹⁵⁶On restructuring of the JNA in 1990 see Gow, *The Serbian Project*, p57-61

weekend warrior bands-of-brothers, and paramilitary units was a *social* phenomenon as well as a military strategy. Encouraged and legitimised by those in authority, some smaller, less significant groups *were* spontaneously created on the community level. Whether in response to genuine fears for their identity group's survival, or as an opportunity to reclaim lost personal autonomy, the social factors that facilitated the prevalence and glorification of paramilitaries in 1990s former Yugoslavia are as important to understanding their role as those forces that came from the infrastructure of the state.

In the Yugoslav conflicts, all manner of paramilitary actors were present. Their involvement was interpreted as “third-world,”¹⁵⁷ uncivilised,¹⁵⁸ and as evidence that the crisis was in fact a civil war.¹⁵⁹ There was a sense that the paramilitary participation was exceptional in that their presence lay outside the mainstream European experience, and was thus demonstrative of the tribal and spontaneous nature of the violence.¹⁶⁰ Balkan military traditions of guerrilla warfare and bandit culture were exploited by the belligerents to lend a legitimacy to this interpretation that far outstripped the reality.¹⁶¹ External commentators and foreign policy makers also adopted the trope. The then Defence Secretary Malcolm Rifkind registered during a debate in the House of Commons “the ability of the inhabitants of Bosnia of all backgrounds to indulge in guerrilla warfare.”¹⁶² And so the use of paramilitaries through devolved structures of violence provided the belligerent political and military elites with the dual benefits of assisting in the violent implementation, and of obscuring where responsibility for the violence lay by projecting a nightmarish image of indecipherable and uncontrollable conflict, which inhibited external intervention and later protected leaders from prosecution.

This part, subdivided into four chapters, deals with how military and political

¹⁵⁷As the term was then

¹⁵⁸*Guardian* journalist, and Foreign Correspondent of the Year 1993 Ed Vulliamy described Serbian paramilitaries as “a neanderthal bunch” in *Seasons in Hell; Understanding Bosnia's War*, Simon & Schuster, 1994, p54

¹⁵⁹On interpreting the Bosnian crisis as a war of aggression as well as or instead of a civil war see Burg and Shoup, *The War in Bosnia-Herzegovina*, p191

¹⁶⁰See contemporary international reportage; and for analysis Gregory Kent, *Framing war and genocide: British policy and news media reaction to the war in Bosnia*, Hampton Press, 2006, particularly p309

¹⁶¹Tom Gallagher, *The Balkans After the Cold War: From Tyranny to Tragedy*, Routledge, 2003, p.100; Todorova, *Imagining the Balkans*, p33

¹⁶²*Hansard*, 14 January 1993, col.1064

representatives of the different national command structures interacted with the paramilitaries. As well as presenting evidence for how and why paramilitary actors were used by the different commands, the analysis also seeks to draw attention to the manner in which state-elites manipulated domestic and international prejudices by perpetuating myths of non-state combatants as part of their imagined exclusionary narrative in order not only to legitimise identity-targeted violence but to seemingly explain or even predict it.¹⁶³ Beneath the hyperbole there are straightforward and practical reasons why paramilitaries are so often used, and not only by genocidal states. The evidence supports the arguments that paramilitaries can indeed ‘provide a quick and easy augmentation to the regular military forces.’¹⁶⁴ In Bosnia and Croatia, a spectrum of paramilitary formations plugged gaps in the underdeveloped, under resourced and poorly commanded conventional military structures of the Croatian and Bosnian governments. In this regard, the Yugoslav context supports the conceptualisation of paramilitaries as being associated with conflicts involving new or emerging states. Alvarez is one of many to suggest that ‘paramilitary groups offer governments the benefits that military training brings to an organisation without some of the ideological baggage against attacking the defenceless.’¹⁶⁵ However, in addition and perhaps most significantly, the findings relating to the Serbian forces suggest that in utilising and encouraging the growth of irregular non-linear structures of violence Serbian elites were able to conceal their political and military intentions. Underneath and running parallel to the self-perpetuating logic of the entropic violent culture that found expression in community based formations, was a rational, organised hierarchical structure of communication, command, and control. Here Ahram’s euphemistic notion that ‘the devolution of command and control give militia commanders latitude to improvise techniques...suited to their environments’ is evident.¹⁶⁶ The Serbian case demonstrates the strategic merit to be gained from devolving military implementation of campaigns that are driven by violent political objectives such as ethnic cleansing and identity-based mass violence.

The broad spectrum of different paramilitary groups operating in Croatia, Bos-

¹⁶³Kate Ferguson, ‘Paramilitaries as prophecies and proxies for genocide,’ International Network of Genocide Scholars Fourth International Conference, University of Cape Town, 4-7 December 2014

¹⁶⁴ Alvarez, ‘Militias and Genocide,’ p21

¹⁶⁵ *Ibid.*, p24

¹⁶⁶ Ahram, *Proxy Warriors*, p14

nia, Serbia (and later in Kosovo) represent the various methods and structural relationships that regimes can employ during times of crisis. The Serb, Croat and Bosniak authorities all made use of non-regular military groups. Each opted for different structures of command and control. The decade of economic, social and ideological disintegration, as we saw in the previous chapter, fused dangerously with the rise of chauvinist politics and nationalist culture, leading to a rapid collapse in moral perspective. Attitudes and actions towards “others” were infected by ethnically specific vilification by the media outlets in the republics. The Serbian and Croatian state organs began preparing for armed conflict in 1990, although in 1989 Serbia began to amend its constitution and assume control of the TO and police not only in Serbia but in its autonomous provinces.¹⁶⁷ The Bosnian government in Sarajevo made no such preparations until December 1991, when Sefer Halilović, later the first commander of the Bosnian Army, urged President Izetbegović to accept his strategy for the defence of Bosnia and Herzegovina.¹⁶⁸

In the months preceding the Croatian and Bosnian referendums on independence two simultaneous processes were taking place, one on a national level and another on the local. Both resulted in the emergence, in different forms, of paramilitary groups. Formations organised on the national level (although not necessarily by the state) tended to be disciplined, well trained units established along lines of command and control that operated in planned coordination with the ordinary armed forces, and whose leaders formed part of the national military command staff. From the local and community level came sporadic bands of armed individuals, who took part in localised action on an ad hoc or spontaneous basis.¹⁶⁹ Many political organisations established their own units, as did local police forces. Diaspora soldiers returned home to join the fight for the homeland, creating their own formations, or simply attaching themselves to existing groups.¹⁷⁰ From late 1992, Islamic *jihadists* arrived in Bosnia –although

¹⁶⁷Gow, *The Serbian Project*, p40

¹⁶⁸Transcript of interview with Sefer Halilović, July 1994-July 1995, document 3/28 *Death of Yugoslavia Archive*, p2; see also Gow, *The Serbian Project*, p244

¹⁶⁹Even within this umbrella group, the difference between local self-styled defence units and ‘weekend warriors’ who travelled into Bosnia to participate was substantial and will be discussed in more detail below. On weekend warriors see Louise Branson, ‘On the front line with Serbia’s bold “weekend warriors,”’ *Sunday Times*, 16 August 1991; however, even weekend warriors and other ‘proven’ volunteers were endorsed by the authorities in a number of Serbia municipalities, where they were able to claim paid leave, annual holiday, and sick leave. See Ofelija Backović, Milos Vasić and Aleksandar Vasović, ‘Who Wants to be a Soldier? The call-up crisis –an analytical overview of media reports,’ in Magaš & Žanić, *The War in Croatia and Bosnia-Herzegovina*, p335

¹⁷⁰Vjekoslav Perica, ‘Ethnic diaspora as political actor and national myth,’ in Bosković *et.*

perhaps not how we imagine jihadists today— from the Middle East and Europe (notably from the United Kingdom). Their presence reinforced the distorted narrative of a civilisational conflict between East and West.¹⁷¹

Within Yugoslavia, conscription to military service meant that almost all men in the federation had some kind of basic training.¹⁷² What is more, the legacy of Tito's Partisans meant that the Yugoslav forces were designed for the mobilisation of small, semi-autonomous units.¹⁷³ As a result, the majority of (native) paramilitary personnel had received some kind of training from the JNA before the conflicts began, which would have included an understanding of international law regulating the conduct of war.¹⁷⁴ Many of the official Serbian paramilitary and irregular units that carried out violent instructions had also been trained often by state subsidiaries, while other formations provided their own adhoc training, which was rarely bound by the kind of formal codes of conduct that feature so strongly in national armies.¹⁷⁵ In situations where armies were engaged for other tasks such as combat situations with the enemy and paramilitary groups were deployed to carry out atrocities against civilians, these irregular actors, unlike their regular comrades, were operating in a distorted (and often traumatic) moral environment. It is also reasonable to consider that the fraternal bonds of paramilitary service took on a significance beyond the formative masculine war-time self-identification; as the political tensions rose various kinds of military units began to consolidate around local leaders and familiar faces. The bonds of pre-war military service proved insufficient to counter the ethnic divisions that separated many men who had trained together; Milutin Kukanjac, JNA Commander in Sarajevo, and Hasan Efendić, Commander of the Bosnian Territorial Defence, had been classmates at the Military Academy but in 1992 found themselves on opposite sides of the battle lines.¹⁷⁶ It was a situation replicated across the federation as pressures from the political and institutional structures were reinforced by popular pressures from within communities.

The following chapter examines the strategy employed by Serbian elites,

al., *Political Myths*, p60

¹⁷¹Kohlmann, 'The Afghan-Bosnian Mujahideen Network'

¹⁷²Although a number dodged the draft, even before the outbreak of war

¹⁷³See UN Report of Experts, Annex III. *The military structure, strategy and tactics of the warring factions*

¹⁷⁴This was taught in the military academies. IT-01-48 *Halilović*, Testimony of Salko Gušić, 03 Feb 2005, p19

¹⁷⁵Erdut training camp in Eastern Slavonia was set up by the Serbian MUP for the purpose of training paramilitary formations and local combatants

¹⁷⁶Transcript of interview with Milutin Kukanjac, (no date), (*DoY*) doc.3/46, p24

both from Belgrade and the Bosnian Serb capital of Pale. The covert structures of command and control connecting paramilitary groups with state auspices were better planned, more clearly organised, and received comprehensive support from military and political hierarchies. Unlike the Croatian and Bosnian (Muslim) forces (addressed in the subsequent chapters) that evolved during conflict period to become more centralised and better disciplined, to the detriment of many non-state irregular formations, paramilitary processes were an intentional part of Serbian strategy.

1 *Serbian Command*

Zvornik was one of the first towns to be attacked and can be seen as a template for how the coalition of Serbian forces collaborated. On April 8 1992, two days after Bosnia's independence had been recognised by the European Community (EC), units of the JNA shelled the town of Zvornik from across a river, from inside Serbia proper. Thousands of the town's inhabitants attempted to flee. On April 9, leader of Belgrade-based paramilitary group the Tigers, Arkan Ražnatović, issued Zvornik's sixty percent Muslim population with the order to surrender.¹⁷⁷ On April 10, the Tigers entered the town and carried out the first ethnic cleansing of the war. The Muslims had not surrendered, but nor were they equipped to defend themselves. On the same day, by coincidence, the UNHCR's most senior official in the region, José Maria Mendiluce, travelled through Zvornik, on his way to Sarajevo, following a meeting with Milošević in Belgrade. He witnessed the JNA units along the Serbian bank of the Drina, the heavy artillery, and the smoking Serbian cannons.¹⁷⁸ In the town he recalled seeing "trucks full of dead bodies. I could see militiamen taking more corpses of children, women and old people from their houses and putting them on trucks. I saw at least four or five trucks full of corpses."¹⁷⁹ Having escaped the besieged town, Mendiluce met the five thousand refugees attempting to flee. Mendiluce witnessed the collaboration of JNA troops and trained paramilitaries of the Serbian Ministry of the Interior (MUP) and the security services (DB).¹⁸⁰ It should have been clear that it was an operation, as paramilitary leader Vojislav Šešelj later boasted, that was "planned in Belgrade".¹⁸¹

And it had been well planned. As the war in Croatia reached its crescendo in 1991, Belgrade had transferred Bosnian Serbs into JNA units across Bosnia and Herzegovina, mobilising them to key communications points and strategical positions along the border. Simultaneously, the Serbian DB had established and in some cases hired secret units of paramilitaries to carry out 'special military actions' in Bosnia-Herzegovina, just as they had in Croatia.¹⁸² The pattern

¹⁷⁷For an account of the destruction of the Muslim community in Zvornik see Ismail Selimović, *Stradanje muslimana Općine Zvornik: 1992-1995*, Breza, 2010

¹⁷⁸For full account Mendiluce's testimony see, Silber and Little, *The Death of Yugoslavia*, p223

¹⁷⁹*Ibid.*, p246

¹⁸⁰IT-03-69, *Stanišić and Simatović*, Judgement II, May 30 2013, p49918

¹⁸¹Gerard Toal and Carl T. Dahlman, *Bosnia Remade: Ethnic Cleansing and Its Reversal*, Oxford University Press, 2011, p112

¹⁸²IT-03-69, *Stanišić and Simatović*, Indictment, 15 May 2006, p1

Mendiluce witnessed in Zvornik was repeated across Bosnia and Herzegovina throughout the summer and autumn of 1992. Millions of Muslim civilians were expelled from their towns and homes; thousands were killed.¹⁸³ Ethnic cleansing was not a blanket policy that was carried out uniformly across Bosnia; it was strategically pursued by irregular formations that had been armed by, received payment from, and were in regular communication with Serbian and Bosnian Serb state structures.

The structures of command and control from Belgrade, Krajina, and Pale were flexible and fluid but identifiable. The Serbian DB positioned itself at the heart of Serbian military operations by deploying its paramilitary units, distributing arms, and providing military, financial, political and logistical support to JNA and local structures. The conflict in Bosnia and Herzegovina, far more so than the fighting in Croatia, was planned in Belgrade and implemented through a combination of regular and irregular military units from BiH and Serbia. State assistance was not limited to the larger or better trained irregular formations. The Serbian irregular dynamics in both conflicts was multilayered and stretched from state and state-building enterprises to the localised community level. As the conflicts changed and as the balance of power of the other internal and external actors shifted, so too did the power dynamics on the field. In Croatia, the power structure was much more local, but was backed ideologically, financially and logistically by Belgrade.¹⁸⁴ The paramilitaries under state instruction proved an essential conduit of this support. Their discipline and ruthlessness pushed forward Belgrade's political objectives and radicalised community-level violence. This was replicated in Bosnia but on a greater scale, with a more sophisticated coordination of multiple actors working in coalition. The application of Serbian strategy was not always consistent in Croatia, and the participation of paramilitary auxiliaries less prominent (although no less significant) than in Bosnia. In both cases, state controlled paramilitaries dominated patterns of identity-based mass violence and worked with local official and unofficial military formations in order to cement Serb gains.

Two simultaneous and mutually reinforcing processes characterised the Serbian irregular military dynamics in both Croatia and in Bosnia. One was state

¹⁸³On numbers; Ewa Tabeau and Jakub Bijak, 'War-related Deaths in the 1992–1995 Armed Conflicts in Bosnia and Herzegovina: A Critique of Previous Estimates and Recent Results,' *European Journal of Population*, 21:2-3 (2005) pp187-215

¹⁸⁴See testimony of Reynaud Theunens, IT-04-75, *Hadžić*, 9 May 2013, particularly p4365

led, and took many forms, and the other was a community response to what was perceived to be. Describing the structural relationship between community-based irregular groups and state command in some rural areas of Croatia, Milan Babić, first President of the self-proclaimed Republic of Serbian Krajina (RSK), stated that it was the Serbian police who distributed weapons to the largely autonomous Serbian village defence units, suggesting that despite some low level support the local military defence units in some rural parts of Krajina had few strong contacts with JNA command.¹⁸⁵ The regular, military, and special police operated as paramilitary structures, augmenting the Serbian structure and following varied chains of command. However, Babić also described how villagers in the same region began to sell their cattle in order to purchase hunting guns manufactured in a factory in Kragujevac; that papers were forged to get authorisation to buy arms; and that many weapons were of a World War II vintage, recalling an almost comically amateur attempt by local volunteers to break into the Samarica museum to steal all the weapons on exhibit.¹⁸⁶ Local networks and community-level patterns of behaviour that developed will be addressed in Part IV but it is important to hold in mind the impact that pro-state irregular violence had upon Serbian communities who witnessed it. Neither the fighting nor civilian-targeted violence occurred in every canton, either in Croatia or Bosnia; for the most part, where state strategy was pursued, local irregular military dynamics emerged but in areas that were not part of that strategy, community relations were often able to continue without disintegrating into violence.

There were said to be at least 83 identified paramilitary groups operating in the former Yugoslav territories; 56 of which worked in support of the Belgrade government and the Serbian cause, numbering somewhere between 20,000 to 40,000 combatants.¹⁸⁷ This number does not include foreign volunteer units nor many of the small, local, often temporary formations. Of the pro-Serb groups at least five were organised by political parties: the Serbian Guard (*Srpska Garda* –SG) was led by Vuk Drašković of the Serbian Renewal Party; Šešelj's Serbian Radical Party established the Serbian Chetnik Movement (*Srpski Četnički Pokret* –SČP); and the Serbian People's Renewal Party created both *Dušan Silni* and the White Eagles (*Beli Orlovi*).¹⁸⁸ Red Berets referred generally to MUP special forces because of their uniforms and included the *Skorpions* (or Scorpi-

¹⁸⁵Transcript of interview with Babić, no3/5, (DoY)p12; p25

¹⁸⁶*Ibid.* p17

¹⁸⁷UN Experts Report, Annex IIIA, p6

¹⁸⁸Taken from discussion in Gow of Serbian political paramilitaries, *The Serbian Project*, p81

ons) and the Serbian Volunteer Guard. The Serbian Volunteer Guard (*Srpska Dobrovoljačka Garda* –SDG, also known as the Tigers¹⁸⁹) was convened by the Serbian DB and is described by James Gow as ‘effectively the paramilitary wing’ of the League of Communists-Movement for Yugoslavia, led by Milošević’s wife, Mira Marković.¹⁹⁰ Some of these were born out of the Serbo-Croat conflict but all participated in some way in the violence in Bosnia. The state’s role is still denied and remains ambiguous, in part because of the obscurity of the command structures of the irregular military networks.

The Red Berets and Šešelj’s formations were the most active paramilitary forces in both the Croatian and Bosnian theatres of war¹⁹¹ and of the Berets, the units led by Arkan Ražnatović became the most well known. Arkan’s groups, the Tigers and the Scorpions, were better organised, more disciplined and received logistical, financial and substantial general support from the political and military elites in Serbia and throughout the RS structures.¹⁹² Other formations such as the groups commanded by Šešelj, though utilised by the Serbian war effort and in the strategies of ethnic cleansing, were considered more peripheral in centralised manoeuvres.

Relationships between state auspices and the paramilitary units varied according to their size, political weight, and military capability but Belgrade’s support was strongest for the units created and trained by the DB and MUP. In their final judgement, the ICTY found that the Serbian DB and MUP, following a series of meeting in Belgrade in early 1991, established a string of military camps for the recruitment, training and support of their paramilitary formation the Red Berets.¹⁹³ The first camp to be set up was Golubić, and was run jointly by MUP chiefs Stanišić and Simatović. Training was carried out by a number of personally selected individuals, including now well known paramilitary leaders Captain Dragan and Arkan.¹⁹⁴ Initially formed of between twenty-five and thirty men in the Summer of 1991 (between April/May and July), the Red Berets grew to 300-700 strong by the end of August.¹⁹⁵ The Chamber found that the Serbian DB provided financial and logistical support to the units, and

¹⁸⁹As MUP units, the SDG and the Scorpions were also known as Red Berets. Use of these different terms in the source material is rarely consistent; unless I am quoting sources, I differentiate where possible between the Tigers, Scorpions, and the Red Berets in general.

¹⁹⁰Gow, *The Serbian Project*, p83-4

¹⁹¹UN Expert Report, Annex III.A, p.17

¹⁹²Ref Stanisić judgement; Scorpions in Srebrenica judgement

¹⁹³IT-03-69, *Stanišić & Simatović*, Judgement, Part II, p460

¹⁹⁴*Ibid.* p461

¹⁹⁵*Ibid.* p462-3

from 1991 controlled deployment through its leading members.¹⁹⁶ In 1993, the Red Berets became formally a part of the DB. The DB also financed the SAO Krajina police, organised logistical support and supplied weapons.¹⁹⁷

In Krajina, Milan Martić, through his position as chief of the local police force-turned military organiser, became the most prominent paramilitary leader in the territory of the RSK. His militia fought together with official Serbian forces and had access to federal uniforms, vehicles and weapons, although the *Martićevci* never had a national reach.¹⁹⁸ Nevertheless, Martić and his men were integrated into the emerging structures of the RSK and more established chains of command from Belgrade. Martić became Secretary of Internal Affairs of the new government.¹⁹⁹ Like many irregular formations that fought in particular geographic areas, the *Martićevci* began as Serbian members of the police, the TO and volunteers.

The Special Police also came under the command of the Serbian MUP and formed an additional paramilitary component of the Serbian military structure. The Special Police developed a reputation as an elite force and by autumn 1995 numbered 15,500 to 21,400 outside of Kosovo.²⁰⁰ The Special Police were least as numerous as Serbian Army (VJ) special forces and some were better trained.²⁰¹ According to a CIA report undertaken in 1995, in part to establish the relationship between the MUP and the paramilitaries, the Special Police operated under the command of the State Security Service (headed up by Stanišić & Simatović) at least for operations outside of Serbia, but it remained unclear if this was the official or unofficial chain of command.²⁰² The report describes the training and skills of the Special Police, and sets out how paramilitary forces were prioritised by Serbian state structures:

Service in the Special Police is voluntary, according to defence attaché reporting. Each volunteer reportedly is given physical, psychological, and medical tests. He then undergoes a year of special

¹⁹⁶ *Ibid.*, p849; furthermore, the Trial Chamber concluded that “these contributions of the Accused assisted the commission of the crimes.”

¹⁹⁷ *Ibid.*, p462-43 and IT-95-11 *Martić*, (Witness JF-041), 23-25 May 2006), pp4436-4437; Witness JF-041, p.7901-7902, 7951, 8004

¹⁹⁸ UN Expert Report, Annex IIIA, p61 (ref.517)

¹⁹⁹ *Ibid.*

²⁰⁰ *The Military Role of the Serbian Interior Ministry in the Yugoslav Conflict*, Intelligence Report DCI Interagency Balkan Task Force, Central Intelligence Agency, 26 October 1995, p2-3

²⁰¹ *Ibid.*

²⁰² *Ibid.*, p3; on commission of report see Holbrooke, *To End A War*, p211-212

training, including basic, specialised, and team/unit training. The volunteers learn a variety of skills, including basic infantry tactics, martial arts, knife fighting, mountain climbing, parachuting, use of explosives, foreign weapons familiarisation, and team training for specific missions.²⁰³

The Special Police came to include a large number of VJ officers; at a Yugoslav Supreme defence Council meeting in January 1994, it was reported that 30 percent of the VJ's company grade officers had left to join the Special Police where they received better pay and privilege.²⁰⁴ Research undertaken by the CIA in 1995 found that the Special Police deployed to Banja Luka reported directly to Stanišić.²⁰⁵

Thus, the acquittal of the Serbian State Security officials ostensibly responsible for a number of paramilitary groups that committed atrocity crimes has proved problematic for the thesis laid out below. The acquittal of Jovica Stanišić and Franko Simatović in May 2013 was seen by many, this author included, as controversial because evidence catalogued throughout the trial and the 800-plus pages of the Trial Chamber Judgement established beyond reasonable doubt the significant degree to which the Serbian DB had coordinated, trained, funded and monitored certain paramilitary groups, particularly the Special Purpose Unit of the MUP (Red Berets), and to a lesser extent the Serbian Volunteer Guard (Tigers) and the Scorpions.²⁰⁶ Specifically in relation to the Red Berets, between 1990 and 1995, Stanišić and Simatović established training camps; recruited experienced military commanders; directed and organised the formation of the unit; organised its involvement in a number of operations in Croatia and Bosnia-Herzegovina; directed and organised its financing, logistical support and other substantial assistance or support.²⁰⁷ What is more, the Trial Chamber acknowledged that such was the scale of the units' crimes, both Stanišić and Simatović must have been aware of the crimes being committed by the Red Berets in Bosnia.²⁰⁸ The charges included crimes against humanity and murder; however,

²⁰³ *The Military Role of the Serbian Interior Ministry*, p3; note that this training would have been in addition to the 18 months JNA training most recruits would have received during their conscripted military service.

²⁰⁴ *Ibid.*, p3

²⁰⁵ *Ibid.*, p.4

²⁰⁶ See IT-03-69, *Stanišić & Simatović*, Judgement, Parts I and II, 30 May 2013, p848

²⁰⁷ *Ibid.* p.482-83

²⁰⁸ *Ibid.*, p465-68 and evidence given of Serbian MUP wiretapping Daniel Snedden (Captain Dragan) from as early as December 1990

the Trial Chamber, Judge Picard dissenting, was unable to establish the *intent* of the accused with regards to their participation in a joint criminal enterprise, of which the alleged objective was the forcible and permanent removal of the majority of non-Serbs from large areas of Croatia and Bosnia-Herzegovina.²⁰⁹ A major issue here, which is one for legal scholars rather than the historian to address, is of the problems that the premise of *joint criminal enterprise* has generated throughout the ICTY experience. On a more straightforward point, even without the *special intent* necessary to prove counts of *genocide*, international prosecution of elites who have been able to devolve responsibility of grave international crimes to others is exceptionally difficult to achieve.²¹⁰ So as we begin our dissection of the structures of command and control that existed, often covertly, it does well to bear in mind the legal loopholes that have benefitted at least some of the commanders and punished many of the foot soldiers.

There is no clearer relationship between the Serbian state and irregular units that committed grave international crimes than that of the MUP and its network of official and unofficial paramilitary formations. However, in both Croatia and Bosnia, it was individual paramilitary leaders such as Arkan Ražnatović and Captain Dragan Vasiljković that provided the bridge between the official structures of national political and military command and the irregular devolved military structures of the paramilitary groups that pursued their objectives, although not always at their explicit behest. Arkan never faced the ICTY and Dragan has yet to stand trial so their position as lynchpins in the irregular dynamic has never been scrutinised in court. Nevertheless, ICTY and other sources give insight into the national architecture of violence, the roles played by paramilitary groups and their leaders, and their clandestine interaction with Serbian state chains of command.

Arkan's celebrity status during and after the war, and his assassination following his ICTY indictment, has ensured that his figure looms large in the popular understanding of Serbian paramilitaries. Much more is known of his activities than of most of his contemporaries. Together with Šešelj, their infamy has overshadowed the paramilitary dimension of the 1990s and come to

²⁰⁹ *Ibid.*, p.849; For Judge Picard's dissenting opinion see pp.852-867; He concluded saying "If we cannot find that the Accused aided and abetted those crimes, I would say we have come to a dark place in international law indeed."

²¹⁰ Special or specific intent (or *dolus specialis*) is the *intent to destroy* in whole, or in part, national, racial, ethnic, or religious group

personify what in reality was a complex interaction of top-down and grass-roots socio-cultural and political processes. Of all the Yugoslav paramilitaries, the story of the Tigers is the best known but it is also the most damning for the political leaderships who promulgated narratives of spontaneous conflict and denied knowledge or responsibility for the irregular violence. Through Arkan, official structures and informal networks met; as this epitome of paramilitary prowess, Arkan's biography is of a shadowy but consistent relationship with state authorities and the criminal underworld.²¹¹

Arkan, born Željko Ražnatović in 1950, was a petty criminal as a youth but was soon hired by the socialist ministry for Internal Affairs (SSUP) as a hit-man.²¹² On the side, he was a sophisticated bank robber and was convicted in Belgium, Holland, Sweden and Germany.²¹³ In 1986, Željko became a pastry-shop owner but continued to work for the SSUP.²¹⁴ In 1990, he became head of the fan club for Belgrade's Red Star football team –an intimidating masculine milieu of hardened criminals and frustrated unemployed youth. Through the club he recruited the core of his own paramilitary group, the Serbian Volunteer Guard but better known as Arkan's Tigers, which he formed on 11 October 1990.²¹⁵ While the Tigers were fighting in Croatia, Željko reportedly once boasted to a visitor to one of the unit's dormitories that there were 250 years' worth of prison time in the room.²¹⁶

Where the onus lay for the creation of the Tigers is not clear, although investigative journalist Filip Švarn, who has studied Arkan closely, believes that the state security service at the Serbian interior ministry tasked Arkan with setting up the unit in autumn 1990 in order to carry out "black operations" in Croatia.²¹⁷ Arkan was involved in the Serbian war strategy from the beginning. He was present with Milan Martić at the planning meeting of the war council of the Knin uprising,²¹⁸ through to the end of the decade, when he and many of the Serbian Red Berets were responsible for some of the worst war crimes committed in Kosovo.²¹⁹ From 1991, the Tigers were closely involved in Belgrade's

²¹¹For a full biography of Arkan, see Stewart, *Hunting the Tiger*

²¹²*Ibid.*, p19

²¹³*Ibid.*, Chapter 5, from p46

²¹⁴Alvarez, 'Militias and Genocide', p9

²¹⁵IT-02-54, *Milošević*, 16 April 2003, p19419

²¹⁶See IT-04-75, *Hadžić* 02 September 2013, p7913

²¹⁷Denis Dzidić *et. al.*, 'Arkan's Paramilitaries: Tigers Who Escaped Justice', *Balkan Investigative Reporting Network*, (BIRN), 8 Dec 2014

²¹⁸UN Experts' Report, Annex IIIA, p18

²¹⁹'Under Orders; War crimes in Kosovo,' Human Rights Watch, 26 Oct 2001, Chapter 3.4 Forces of Conflict; paramilitaries

military strategy in Croatia and Bosnia. They saw action in Eastern Slavonia in Croatia between 1991 and 1992, and in various locations in Bosnia and Herzegovina up to 1995. While Arkan's death in 2000 and Milošević's in 2004 put an end to criminal investigations against them and prevented further evidence of their working relationship coming to light, the statements, documents and witness testimony that remain present a pattern of collusion between the Serbian President and Yugoslavia's most infamous paramilitary that was central to the military, paramilitary, and political objectives of the Serbian strategies in Croatia, Bosnia, and in Kosovo.

Through the investigations of the ICTY, a potentially more detailed understanding of the relationship between Arkan and the Serbian authorities has come to light, and indicates a long term network, largely hidden from the ordinary ranks of the JNA that began in Croatia and was perfected in Bosnia. The turning point came in 2003, during the Milošević trial, and the testimony of witness B-129. The former secretary of Arkan's headquarters gave evidence that described the intimate relationship between Arkan, the Serbian DB, and the Republika Srpska leadership, including details of regular telephone and radio communication, and the exchange of soldiers.²²⁰ B-129 herself was in daily contact with Arkan throughout the Bosnian conflict and was able to identify his voice and that of Milorad *Legija* Ulemek on an intercepted telephone call where they discuss a joint operation with the "Stinkers" –the Stinkers being shown to be a codename for the Serbian State Security Services.²²¹ Central to her testimony was that the Tigers operated under the command of the Serbian DB in Belgrade; "Arkan would always say that without orders from the DB, the state security, the Tigers were not deployed anywhere."²²² She gave evidence that argued Biljana Plavšić, second in command at the Presidency of the Bosnian Serb republic, was in regular contact with Arkan and Legija, and so too was Ratko Mladić.²²³

The Defence team for Goran Hadžić argued that the Serbian Volunteer Guard were under the command and control of the JNA.²²⁴ As a defence witness in the same trial, JNA General Aleksander Vašiljević testified that when the Tigers were in Slavonia and Srem, Arkan was subordinated to Radovan

²²⁰IT-02-54, *Milošević*, 16 April 2003, pp.19417-8; See also Judith Armatta, *Twilight of Impunity: The War Crimes Trial of Slobodan Milošević*, Duke University Press, 2010, p230

²²¹*Ibid.*, pp19436; For Armatta's discussion of the witness and her testimony see pp230-233;

²²²IT-02-54, *Milošević*, 16 April 2003, pp19426

²²³*Ibid.*

²²⁴Hadžić was first Prime Minister of Eastern Slavonia, Baranja and Western Srem (SAO) and then President of RSK. *Sense Agency*, 'Who was in charge of Arkan', 4 Sept 2013

Badža (Brute) Stojičić,²²⁵ head of the public security services (the MUP) and considered to be part of Milošević's Belgrade inner circle, reporting directly to the Serbian President, bypassing the interior minister.²²⁶ Like state security chief Stanišić, Stojičić had access to information most likely only shared with Milošević. Vasiljević claimed that Stojičić was sent by Belgrade to the Croatian front lines to command "all these local units in the territory of Baranja and Srem" adding that he "in fact, had the greatest authority, authority behind which the president of the Republic of Serbia stood. And he was a man who had a decisive say for everything regarding these units."²²⁷ Put more clearly still, Stojičić 'had such power that he could remove people, move them from one place to another, engage them, and so on.'²²⁸ According to Judith Armatta, Stojičić was sent to Slavonia to set up an anti-terrorist unit and to organise the local TO.²²⁹ Stojičić received weapons, equipment and his salary from Serbia and 'of the fifteen men he brought with him to Croatia, ten worked for the SDB.'²³⁰ During the same period of cross-examination, a video-clip was played to the court in which Arkan Ražnatović is seen to state "You know that we are under the command of the 11 Territorial Defence of the Serbian District of Slavonia, Baranja, and 12 Western Srem."²³¹ Following his stint in Croatia, Stojičić was made assistant minister of internal affairs at the MUP. Thus there is evidence of Arkan taking instruction from the JNA, the VRS, the Serbian DB and MUP. His unit was fully integrated into the Serbian, Krajina, and Bosnian Serb structures, yet each constituent department or organisation was able to deny command or control over their actions.

Stojičić was gunned down in 1997 in downtown Belgrade while dining with his teenage son, preventing any legal investigation into his own war record. Like so many of the Serbian elite connected to the irregulars of the war, *Badža* was assassinated before evidence that he was also heavily involved in the Belgrade mafia scene came properly to light.²³²

Even during the conflicts, state responsibility for Arkan's unit was acknowledged. Sometime military ally but later political adversary Šešelj claimed dur-

²²⁵IT-04-75-T, *Hadžić*, 02 September 2013, p7911-2

²²⁶Armatta, *Twilight of Impunity*, p273

²²⁷IT-04-75-T, *Hadžić*, 02 September 2013, p7912

²²⁸*Ibid* p7913

²²⁹Armatta, *Twilight of Impunity*, p165

²³⁰*Ibid.*

²³¹IT-04-75, *Hadžić*, 02 September 2013, p7913

²³²Tracy Wilkinson, 'Key Ally of Serb President Gunned Down Yugoslavia: Leader of Milošević's feared security forces is slain in attack inside Belgrade restaurant,' *Los Angeles Times*, April 12, 1997; this is discussed in more detail in Part IV

ing the war that the Tigers were operating under the auspices of the MUP²³³ and though this was reported in the western press, his comments were usually presented in context of the emerging rivalry between Šešelj and Arkan.²³⁴ JNA General Andrija Biorčević was commander of the 12th JNA Novi Sad Corps in November of 1991 and was videotaped after the brutal Battle of Vukovar praising Arkan's involvement, where his unit were responsible for a catalogue of crimes.²³⁵ Biorčević denied that Arkan's men were paramilitaries²³⁶ and in the same video describes Željko as "a just and honourable Serb."²³⁷

Arkan himself left the Bosnian front lines in 1993 to establish a political platform, creating the Party of Serbian Unity with hopes of winning a seat in the Serbian Parliament as a representative for the Kosovo Autonomous Region of Serbia. It was widely believed that Milošević was supporting, if not sponsoring, Ražnatović's political manoeuvres throughout the 1993 snap elections.²³⁸ In autumn 1995, as the HVO and ARBiH were pushing Serbian forces back, Arkan returned to the front to lead his unit, this time in Sanski Most, where men under Arkan's direct command committed a series of gross human rights violations, war crimes and crimes against humanity.²³⁹

While it is clear that Arkan's leadership instilled a loyalty in his unit and a personality cult in parts of Serbian culture, Ražnatović was created by the powers in Belgrade. His men, though loyal, were paid by the Serbian DB, including for their participation in the massacres at Srebrenica.²⁴⁰ The DB, often through representatives of the MUP, remained in constant contact with Arkan's unit, the Scorpions, and the Red Berets.²⁴¹ The Stanišić Defence argued that Arkan was supplied with weapons by the Serbian MUP and the JNA, and not

²³³UN Experts Report, Annex IIIA, p18

²³⁴Chuck Sudetic, 'Rival Serbs are Admitting Bosnia-Croatia Atrocities', *New York Times*, 13 November 1993

²³⁵Videotape used as evidence, see IT-04-75, *Hadžić*, 16 October 2012, p102

²³⁶*Ibid.*

²³⁷IT-04-75-T, *Hadžić*, 2 September 2013, p7914

²³⁸Jonathan S. Landay, 'New Star of the Serbian Right Željko Ražnatović, Also Known as Arkan, Pushes His Dark Background Aside and Promises His Supporters 'Everything,' *Christian Science Monitor*, 3 Dec. 1993

²³⁹It should be noted that according to his ICTY indictment, which was issued in the year before his assassination, responsibility for the crimes committed in Sanski Most is attributed solely to Ražnatović rather than his superiors in the Serbian military or political command; IT-97-27 *Ražnatović*, Initial Indictment, 23 Sept 1997

²⁴⁰IT-03-69, *Stanišić & Simatović*, Exhibit P467 (JATD List of Persons Who Are Receiving Daily Allowances from 16 to 30 June 1995), p15; Exhibit P468 (JATD List of Employees to be Paid Daily Spending Allowance for 1 to 15 July 1995), p6; Exhibit P540 (JATD List of Employees to be paid Daily Allowance for 1 to 15 July 1995), p7

²⁴¹IT-03-69, *Stanišić & Simatović*, Judgement II, p663; p826 and with Milan Martić see p790

the Serbian DB, but it is clear that the interior ministry and the security services worked closely and that payments were made to the irregulars by the DB.²⁴²

Like Arkan, Captain Dragan Vasiljković acted as a bridge between senior state representatives and various paramilitary formations. Vasiljković is alleged to have trained and commanded Red Beret units, the *Kninže*, the Martićevci, and Italian volunteers known as *Garibaldis*.²⁴³ Although he did not serve in the JNA, Dragan had served for four years in the Australian army and then as a weapons inspector in Africa and South America.²⁴⁴ In the 1980s Vasiljković was involved in a series of convictions in Melbourne for brothel ownership. In many ways, Vasiljković can be seen as an archetype of the successful Serbian paramilitary profile: pained upbringing; part of the diaspora; military expertise; a criminal past. In 1990, he returned to Belgrade where, it is alleged, he was recruited and trained by the Serbian MUP before being sent to Knin to meet Milan Martić.²⁴⁵ Giving testimony during the Milošević trial, Vasiljković stated that Simatović was “the first man I met from that service in Yugoslavia, who later became my family friend.”²⁴⁶ Serbian Defence Minister General Simović’s Chief of Staff, Dobrila Gajić-Glišić, testified that Vasiljković had told her he had been “invited” to fight by Radmilo Bogdanović, Minister of Interior Affairs.²⁴⁷ Gajić-Glišić added “that was all directed by Jovica Stanišić” and that Vasiljković was one of seven men in the first despatch to Knin from the state security service.²⁴⁸ Gajić-Glišić’s testimony points further to the working relationship between the MUP and DB regarding these particular paramilitary units and presents the Red Berets and their units as constituent parts of the official military structure. However Vasiljković also suggested that setting up the training camp for “anyone issued with any kind of weapon” was a suggestion he made to Simatović by way of assisting the Serbian efforts in Krajina.²⁴⁹ Perhaps most significantly, Vasiljković claimed that he was acting on Karadžić’s

²⁴²IT-03-69, *Stanišić & Simatović*, Stanišić Defence Final Trial Brief, 17 December 2012, paras 438-445; the Trial Chamber did not find this argument persuasive, see Judgement II, p644

²⁴³This name was probably taken in homage to the *Camicie Rosse* volunteers supposedly established in either Buenos Aires or New York who followed Giuseppe Garibaldi to southern Italy during his Mille expedition, demonstrating that the desire among irregular combatants to emulate national historical figures is not solely a Balkan one. The Red Shirts were in many ways the archetypal guerillas. On Garibaldis see UN Experts Report, Annex IIIA, p46-7

²⁴⁴Trevor Bormann, ‘The Real Captain Dragan,’ *ABC Australia*, 27 May 2011

²⁴⁵*Ibid.*

²⁴⁶IT-02-54, *Milošević*, 19 February 2003, p.16445

²⁴⁷IT-02-54, *Milošević*, 22 October 2003, p27880

²⁴⁸*Ibid.*

²⁴⁹IT-02-54, *Milošević*, 19 February 2003, p16474

orders when he set up the training camp in Zvornik in 1992.²⁵⁰ This is in keeping with the testimony of Expert Witness historian Christian Nielsen at the Hadžić trial, in which he argued police stations in Serb-held parts of Croatia were run from Belgrade during the first months of war, before being handed over to local Serbian command.²⁵¹ Either way, Captain Dragan was able to form an irregular network that not only fought in support of Serbian objectives, with official army forces and paramilitary groups such as Arkan's Tigers and Martić's militia, but that participated in crimes against civilians. By July 1993, Dragan himself claimed that as many as 114 missions had been performed by units trained by him at the camp.²⁵²

The third major Serbian paramilitary leader was Vojislav Šešelj. In 1989, he had travelled to the US and met with the chairman of the *Movements of Chetniks in the Free World* Momčilo Djujić, who on the day of the 600th anniversary of the Battle of Kosovo appointed Šešelj *Vojvoda*, or duke.²⁵³ After leaving Djujić, Šešelj travelled widely in throughout the States, Canada, Australia, and western Europe, reportedly collecting funds to support nationalist activities back home.²⁵⁴ As well as financial support, Šešelj's militias attracted foreign fighters too.²⁵⁵ From within the diaspora network emerged what we could term a combatant column that became an integral component of the irregular military dynamic, providing funds, fighters, and patriotic fervour.

Despite their later differences, Šešelj was in close contact with Milošević at the beginning of the Bosnian conflict, and was encouraged by him to mobilise his paramilitaries:

In '92 in May, I started seeing Milošević very intensively. And at that point every time directly Milošević asked for volunteers to be sent. He didn't really need to convince us very much. We understood this as an obligation of our duty.

At that time (1991, '92 and '93), when we were sending volunteers, we had a good collaboration with Slobodan Milošević who

²⁵⁰Natasha Robinson, 'Dragan Vasiljković 'took orders from Radovan Karadžić,' *The Australian* December 16 2011

²⁵¹Marija Ristić, 'War-time Paramilitary Camps Under Belgrade's Control' *Balkan Insight*, 11 Jan 2013

²⁵²UN Experts' Report, Annex IIIA, p48

²⁵³IT-03-67, *Šešelj*, Initial appearance, 26 Feb 2003, p9

²⁵⁴*Ibid.*

²⁵⁵IT-03-67, *Šešelj*, Exhibit P256

gave us uniforms, weapons, buses, barracks...we had all the necessary equipment.²⁵⁶

By this point Šešelj had already played a significant part in the Serbian campaign in Croatia, particularly leading paramilitaries during the battle for Vukovar, which he said would be “razed to the ground.”²⁵⁷ Šešelj was charged with having

participated in the recruitment, formation, financing, supply, support and direction of Serbian volunteers connected to the SRS and/or SČP through and/or with the assistance of the SRS Crisis, then War Staff. These volunteer units were created and supported to assist in the execution of the joint criminal enterprise through the commission of crimes in violation of Articles 3 and 5 of the Statute of the Tribunal.²⁵⁸

He contributed to the planning of Serb take-overs of territory and contributed volunteers under his command as well as financial support to the operations, working with local and national structures, including central powers in Belgrade. His irregular units were involved in ethnic cleansing in SAO SBWS (Slavonia, Baranja and Western Srem), and in the municipalities of Zvornik, “Greater Sarajevo”, Mostar, and Nevesinje in Bosnia and Herzegovina and parts of Vojvodina in Serbia. The crimes include the murder of civilians on ethnic, racial or religious grounds, forced deportation, establishment and perpetuation of inhumane living conditions, killings and repeated torture and beatings of detainees, sexual assault, destruction of property, and direct and public denigration through “hate speech” of non-Serbs.²⁵⁹ In all these territories, Šešelj’s irregular units coordinated with Serbian authorities and regular military forces.

The case against Šešelj also included charges of *instigation* regarding his speeches, communications, acts and/or omissions that contributed to the perpetrators’ decision to commit the crimes including mass deportation, forcible

²⁵⁶Interview with Šešelj, (DoY); brackets in original transcript

²⁵⁷IT-03-67, *Šešelj*, 5 November 2008, p11422

²⁵⁸IT-03-67, *Šešelj*, Third Amended Indictment, 7 December 2007, p4

²⁵⁹*Ibid.*, p6-7

transfer and inhumane acts.²⁶⁰ In the summer of 1991 Šešelj gave almost daily rallies where he called for Serb unity and war against Serbia's "historic enemies", namely the ethnic Croat, Muslim and Albanian populations within the Yugoslav territories.²⁶¹ Vesna Bosanac, the former director of the Vukovar hospital, told the ICTY that he "came to Vukovar on various occasions [in 1991] to encourage his followers to enjoy the slaughter, poisoning them with his well-known politics of hatred"²⁶²

Once mobilised, Šešelj's SRS groups were usually subordinated to the local command structure, but whether it was the local Serb TO, JNA or VRS forces, it was Šešelj they considered their supreme commander.²⁶³

In these regards, though himself often outside official structures of command and control, Šešelj performed a similar role of other paramilitary leaders like Arkan and Dragan who were more integrated into the national infrastructure. Yet unlike Arkan and Dragan, and perhaps in part as a result of his radical diaspora connections, Šešelj became an example of the 'unintended consequences' for state elites of paramilitary collaboration. His political potential grew as Serbian society became increasingly radicalised by the brutalities of ethnic war and he was supported by a body of armed extremists, posing what was considered to be a considerable threat to Milošević.

* * *

While there was a significant overlap in paramilitary personnel, the presence of an integrated state structure of command and control is much more evident in the actions in Bosnia than in Croatia. Planning for ethnically-based nation-building began earlier, and was supported by military and paramilitary manoeuvres before BiH declared independence in 1992. Serbian strategy in Bosnia was not more coherent simply because military and political structures had gained experience in Croatia. Their intentions in Bosnia were more ambitious and as a result more ruthless and systematic. The local component in Krajina had in fact undermined Serbian efforts and the parallel chains of command

²⁶⁰ *Ibid.*, p2

²⁶¹ *Ibid.*, p2

²⁶² Elma Mahmutović, 'Doctor Says Šešelj Incited Vukovar Paramilitaries,' *Institute for War & Peace Reporting (IWPR)*, 7 November 2008

²⁶³ IT-03-67, *Šešelj*, Final Trial Prosecution Brief, 25 July 2007; see p13; see also IT-03-67-T 7 March 2012, p17272 and Exhibit P256

from SAO, RSK and Belgrade demonstrated the ideological differences of their respective political elites, like the ideological divergence between the Tudjman leadership and the more radical Croatian Party of Rights (HSP). In Bosnia, state infrastructure was in a position to reinforce (or prepare for) the paramilitary actions. As a result, the integration of the key paramilitary formations into political and military commands was not only more evident but more effective. The programme was set out explicitly in a confidential document called the *Instructions for the Organisation and Activity of Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances*, issued from Sarajevo in December 1991 by the Main Board of the Serbian Democratic Party of Bosnia and Herzegovina (SDS).²⁶⁴

The *Instructions* elaborate uniform tasks, measures and activities which will be carried out within the national community of the Serbian people in Bosnia and Herzegovina for the purpose of carrying out the results of the plebiscite at which the Serbian people in Bosnia and Herzegovina decided to live in a single state.²⁶⁵

The instructions set out two variants of strategy to be carried out in all the municipalities where Serbs lived; Variant A required the instructions to be carried out ‘in their entirety, in municipalities where the Serbian people form a majority’ whereas Variant B called for partial implementation in those municipalities where Serbs were not in the majority.²⁶⁶ Both variants formed parts of the same strategy; to first strengthen or create municipal political structures staffed by SDS representatives, and to then implement joint political and military objectives along those structures. The secretariat of the SDS Municipal Boards were, according to the document, considered responsible for monitoring the local situation and taking ‘necessary measures’ as to ensure such objectives were met. The SDS Municipal Boards were each to form their own ‘Crisis Staff of the Serbian people in the municipality’ that would consolidate local Serbian political command with Serbian organs of control, such as the municipal pub-

²⁶⁴IT-00-39, *Krajišnik*, ‘Instructions for the Organisation and Activity of Organs of the Serbian People in Bosnia and Herzegovina in a State of Emergency,’ 19 December 1991, Exhibit P529.375.1; various copies of this document have been used throughout the trials held as the ICTY

²⁶⁵*Ibid.*, p2

²⁶⁶*Ibid.*

lic security, police, T.O and National defence forces.²⁶⁷ The Municipal Boards centralised local networks of political and military structures and connected the municipalities to the national leadership. Expert analyst of the Bosnian Serb War Presidencies Dorothea Hanson concluded that:

By ensuring this crucial coordination at municipal level and regional level, the Crisis Staffs were the mechanism by which the Bosnian Serb leadership seized and maintained control of territory in the initial months of the war. They supported, enabled, and in some cases directed the armed units in the municipalities; they carried out the procedures and the policies for the forcible departure of non-Serbs from the territories claimed for the Bosnian Serb state.²⁶⁸

Hanson's analysis presents a 'spectrum of different relations' between the municipal Crisis Staffs and the military, but 'no significant conflicts between them.' She adds that '[t]he common denominator everywhere [was] *coordination* and *support* by the Crisis Staffs. The further end of the spectrum is the Crisis Staff giving operational orders to the armed units, and the head of the Crisis Staff personally commanding armed units.'²⁶⁹

The document provides evidence of the intentionality on the part of the Bosnian Serb state to secure municipalities as ethnic property belonging to Serbs. It reveals too that the 'spectrum of different relations,' including irregular armed groups, were intentionally created and encouraged as part of the implementation process, further undermining the interpretation of the multiple irregular actors present in Bosnia as evidence of a cultural rather than state-led conflict.

Before Bosnia's referendum, Serbian command had worked to prevent Bosniak resistance, which would have taken the form of irregular volunteer defence brigades. Giving evidence at the ICTY, a protected witness described how in Višegrad, in February or March 1992;

[t]he Yugoslav People's Army issued an order that all firms, companies, and institutions who had arms in their possession intended

²⁶⁷ *Ibid.*

²⁶⁸ Dorothea Hanson, 'Bosnian Serb Crisis Staffs, War Presidencies and War Commissions 1991-1995', 4 July 2012, Research report prepared for the cases of Ratko Mladić, (IT-09-92), see executive summary

²⁶⁹ *Ibid.*

for Territorial Defence purposes were to lay down those arms and hand them to the army; that is to say, to the Yugoslav People's Army. And that's what happened during this period of time.²⁷⁰

The witness went on to describe how weapons were distributed by the JNA to Serbs in villages.²⁷¹ The implementation of the Instructions was seen across Bosnia before war broke out. Then, in the first months of war, the Serbian forces systematically attacked strategically significant towns, and meticulously dismantled the local Muslim communities.

At the outbreak of war in Bosnia, the Serbian forces, though organised, were made up of a variety of formations; the regular JNA and TO formed a centralising core, supported by the irregular units of the political parties that had seen action in Croatia. By June 1992, the composite elements were being combined into the Republika Srpska Army (VRS) and the JNA merged with local structures to become the official Bosnian Serb army.²⁷² The bulk of the VRS was divided into six geographically-based corps all subordinate to, and under the command of, General Mladić and, in turn, the Commander-in-Chief, Radovan Karadžić.²⁷³ Despite his postulating of spontaneity, from its creation Karadžić situated the VRS within the context and language (and thus the perceived political legitimacy) of a burgeoning Bosnian Serb state.²⁷⁴ Haphazard and spontaneous groups of volunteers *were* present but were engaged either in localised skirmishes or infrequently joined loose coalitions. In Bosnia, the JNA, the VRS, and a small number of elite paramilitary groups participated in coordinated manoeuvres during the first months of the war and successfully secured strategic military and geo-political positions. This meant besieging towns and villages and "cleansing" their Muslim inhabitants.

At Višegrad a number of these different strands came together and therefore serves as a useful case study of Serbian command structures in action; Višegrad was both strategically and symbolically important, and was one of the first targets of the conflict. It was also the site for some of the more violent and visceral war crimes. The town is located on the main road connecting Sarajevo

²⁷⁰Witness VG22, Case IT-98-32-T, 10 November 2001, p136

²⁷¹*Ibid.*; and James Gow has written extensively about how the JNA, local Serb officials and police ensured that Muslims were disarmed throughout the last months of false peace and given expert testimony himself at the ICTY

²⁷²Hanson, 'Bosnian Serb Crisis Staffs'

²⁷³UN Experts Report Annex IIIA, p27

²⁷⁴See *Ibid.*, Hanson also quotes the Trnovo Crisis Staff from May 1992; "The army is the product of the policy of the SDS"

to Belgrade but also connects Titovo Užice just across the border in Serbia with Goražde in Bosnia. It was this road that became the thoroughfare for the Užice Corps of the JNA with its base camp in Uzamnica, five miles or so down the road from Višegrad.²⁷⁵ The Uzamnica Camp was later used as a detention centre for local Muslim prisoners and is where a number of violations, including crimes against humanity, were committed, predominately by paramilitaries belonging to the White Eagles unit.²⁷⁶

There were other reasons for Višegrad's geopolitical significance too. The hydroelectric dam that controls the water levels of the Drina valley lies outside the town and was seized by the JNA, after some local Muslim resistance during the first days of the war, on 12 April 1992. Historically, the Drina had been an important symbol for Croats and Serbs but continued to resonate with Serb nationalists 'long after it had dwindled in importance for Croatia.'²⁷⁷ Ivo Andrić's 1945 Nobel-winning novel, *Bridge over the River Drina*, is set in Višegrad where, upon the bridge, the Serbian hero is brutally and vividly impaled. As the young man dies, he curses "Turks on the bridge...may you die like dogs."²⁷⁸ Furthermore, the Drina valley witnessed some of the worst atrocities committed by Chetniks against Muslims during the Second World War, and by Serbian paramilitaries against Muslims in the 1990s.²⁷⁹

Particularly in Višegrad but also in Zvornik, Goražde, and throughout the Drinska banovina, violence in the 1990s against the local Muslim population was often highly ritualised. In the Drina valley the two narratives fused. The political objective to *cleanse* the towns of their majority Muslim populations was legitimised by the exclusionary hate speech campaigns of Karadžić and Šešelj, but largely accomplished by historicised violence perpetrated by units that apparently lay outside the official command structure. While there is no evidence that Serbian units, whether paramilitary or otherwise, ever received orders to commit ritualised crimes, the incitement to violence employed by the state and its key allies was saturated with historical resentment and (re)invented symbolism. The use by Serbian authorities, for example, of the 1915 nationalist

²⁷⁵ *Ibid.*

²⁷⁶ IT-98-32, *Milan Lukić and Sredoje Lukić*, See Second Amended Indictment, 24 February 2006

²⁷⁷ The Drina only remained important for more extreme Croatian nationalists who pursued Luburić's vision of a Croatia to the Drina, whereas the Drina in Serbian nationalism is more mainstream. Cathie Carmichael, 'Watch on the Drina: Genocide, War and Nationalist Ideology', *The Historical Association*, John Wiley & Sons, 2013, pp592-605, p599

²⁷⁸ Ivo Andrić, *Bridge Over the River Drina*, The Harvill Press, 1995, p51

²⁷⁹ For World War II massacres in the Drina valley see Carmichael, 'Watch on the Drina,' p600

anthem, *Marš na Drinu* –March on the Drina– purposefully imbued the present with the past. Women in detention centres in Foča knew when they heard *Marš na Drina* being played from the loudspeaker of the local Mosque that the rapes were about to begin.²⁸⁰

The culture and atmosphere that national authorities created in the Drina valley, and elsewhere, should not be considered distinct from their incitement to violence and facilitation of irregular military groups outside of the national infrastructure. The rhetoric and historical glorification had specific and malignant purpose. Often, histories of identity-based violence examine either the social environment in an attempt to explain the psychological factors behind the atrocities, or focus on the military manoeuvres; consider here that as the Drinska strategy was implemented, the historicised and symbolic backdrop to the crimes had already been well established by 1992. The effect in Višegrad was to further dehumanise the Muslim civilians targeted for expulsion or worse; the Muslim neighbour became instead the Turk that slayed Serbia’s greatest literary hero and therefore deserved “punishment”.²⁸¹ The Drina River, ‘the backbone of the Serbian national body’, was strategically important and therefore became, once again, symbolically important; beneath the superficial pseudo-historical staging, the Bosnian-Serb Parliament declared on May 12 1992 their commitment to “establish a Drina valley corridor, thereby eliminating the Drina River as a border between Serb states.”²⁸² The valley was a priority. The Drina Corps, created in November 1992, consisted of about 15,000 men in thirteen geographically-based subordinate units, which fought alongside local police and special forces under the RS Ministry of Interior.²⁸³ Incorporated into the units were official paramilitary battalions including the Red Berets and the Drina Wolves. The Višegrad campaign involved coordinated action between the JNA

²⁸⁰US State Department Dispatch, July-August 1992 (published by the Bureau of Public Affairs); *Marš Na Drinu* continues to be a symbolic touchstone, on 16 January 2013 the song was played at the United Nations at a concert organised by Serbian Ambassador to the UN, Vuk Jeremić who at the time was General Assembly President. The incident sparked outcry from survivor groups and human rights organisations. Secretary General Ban Ki Moon apologised but Jeremić defended the performance. Reportedly, the song formed part of the encore and therefore was not included on the programme. ‘Serbian military song at U.N. concert sparks Bosnian outcry’, *Reuters*, 17 January 2013

²⁸¹Lynda E. Boose, ‘Crossing the River Drina: Bosnian Rape Camps, Turkish Impalement, and Serb Cultural Memory,’ *Signs*, 28:1(2002); and Dubravka Žarkov, *The Body of War; Media, ethnicity, and gender in the break-up of Yugoslavia*, Duke University Press, 2007, p87; also see more generally for Andrić, Višegrad and impalement in Serbian cultural memory ²⁸²Poet Milutin Savčić described the Drina as the “backbone”; and decision of Bosnian Serb Parliament both quoted in Edina Becirević, *Genocide on the Drina River*, Yale University Press, 2014, p81

²⁸³IT-02-56 Momir Nikolić “Srebrenica” Indictment: Annex III, p8

units from Republika Srpska, JNA units from across the border in Serbia, and paramilitary formations. It was one of a number of coordinated campaigns to secure key communication points during the first few weeks of war. Bosanski Brod was taken on 27 March, in April Bijeljina fell on the 2nd, Kupres two days later, Foca and Zvornik (as witnessed by Mendiluce) on the 8th, followed by Višegrad, Bosanski Šamac, Vlasenica, Brčko and Prijedor by the end of the month.²⁸⁴ The successful encirclement of the Bosnian centre by the JNA and its irregular and paramilitary allies was rumoured to have been the implementation of an operational plan known as RAM –a possibility that James Gow describes as “very likely well-founded.”²⁸⁵ Certainly evidence of coordination in action and objectives between JNA forces and the paramilitary type groups is clear.

In Višegrad, on 6 April 1992, Serb JNA units targeted the town, particularly Muslim neighbourhoods and the surrounding Muslim villages. When a small group of local Muslim men retaliated by seizing the dam and holding it as a bargaining chip for negotiations, a large contingent of JNA forces from Serbia –the Užice Corps– crossed the border and took control of Višegrad. The JNA then positioned tanks and heavy artillery to secure the town before publicly assuring the safety of the local Muslim population. However, according to witness testimony, Lieutenant-Colonel Jovanović intimidated 4,000 Muslim civilians by saying that he had the Beli Orlovi under his command.²⁸⁶ According to ICTY judgements in cases involving members of the White Eagles operating in Višegrad in spring 1992, after the JNA left the town, Serbian and Bosnian Serb paramilitary formations moved in, killing and abusing the non-Serb population.²⁸⁷ The UN Experts Report includes in their list of special forces supporting Serbian war aims a Beli Orlovi unit operating in Višegrad, under the twenty-five year old Milan Lukić.²⁸⁸ It describes their uniform as ‘masked with camouflage uniforms and “Četnik’ insignia.”’²⁸⁹ However, during his ICTY trial, Lukić was described contradictorily by witnesses as being either the leader of a White Eagles unit made up of members mostly from outside Višegrad (namely from Serbia) or as leader of a local company of volunteers called the Avengers, drawn from and around Višegrad.²⁹⁰ Journalist Ed Vulliamy claims that Lukić

²⁸⁴see Gow, *The Serbian Project*, p174

²⁸⁵*Ibid.*

²⁸⁶IT-98-32 *Mitar Vasiljević “Višegrad,”* Witness VG22, 10 November 2001, p159

²⁸⁷‘Hague Tribunal Upholds Višegrad Crimes Verdict’, *Balkan Insight*, 4 Dec 12

²⁸⁸UN Experts Report Annex IIIA, p57

²⁸⁹*Ibid.*, p58; although for a more detailed account of their uniforms see IT-98-32, *Lukić et al.* Judgement (Part I), 20 July 2009, p31

²⁹⁰IT-98-32, *Lukić et al.*, Judgement, p29-30, para 71-73

‘assembled a gang of 15 bravos, including members of his family’ in the spring of 1992.²⁹¹ During interviews with the Serbian police at the end of 1992, Lukić himself stated that he was leader of the Avengers, known initially as the *Obrenovac* Detachment, with a mixed membership from the outskirts of Višegrad and from Serbia, and had been attached to both the Višegrad SUP and the Višegrad TO.²⁹² There are frequent accounts linking Lukić with the White Eagles and it is probable he was involved in the command of both units, or that the local unit was later subsumed into the better organised paramilitary group.

The relationship between the White Eagles unit in Višegrad and Vojislav Šešelj as overall commander of the national paramilitary group known as the White Eagles is addressed throughout Šešelj’s trial.²⁹³ Šešelj himself denies that the Eagles were associated with his Serbian Radical party (SRS) and specifically denied knowledge of Lukić’s paramilitary manoeuvres or his membership to the SRS, however the established presence of so many paramilitary personnel from Serbia points strongly to coordinated outside influence of command.²⁹⁴ What is clear is that Lukić, himself from Rujiste, a small town about 15 kilometres from Višegrad, had spent time before the war in Germany, Switzerland and Obrenovac, Serbia, but returned in 1992 to form a local paramilitary unit that played a leading participatory role in the ethnic cleansing of Višegrad.²⁹⁵

There are rumours that Lukić enjoyed a close relationship with the Bosnian Serb leadership and has been described as an aide of Karadžić.²⁹⁶ According to a joint investigation by the Institute for War and Peace Reporting and the Balkan Investigative Reporting Network, Lukić was part of Karadžić’s ‘business network,’ and in charge of a lucrative drug manufacturing operation where drugs were smuggled through Serbia into Bosnia, and vice-versa.²⁹⁷

Before the conflict started in 1992, Višegrad had a population of over 21,000 of whom 61 percent was Muslim. The entire Muslim population was ‘cleansed’ during the war; 12,000 were forcibly removed or killed.²⁹⁸ After Srebrenica,

²⁹¹Vulliamy, *The War is Dead, Long live the War; Bosnia: the Reckoning*, The Bodley Head, 2012, p97

²⁹²IT-98-32, *Lukić et al.* Judgement (Part I), p30, para 73

²⁹³IT-03-67, *Šešelj*, Third Amended Indictment, 3 December 2007, p12

²⁹⁴IT-03-67, *Šešelj*, Transcript, 12 May 2010, p16085

²⁹⁵IT-98-32, *Lukić et al.*, Amended Indictment, 12 July 2001

²⁹⁶Nerma Jelačić, ‘Lukić Set to Face Trial for Višegrad Terror,’ *IWPR*, August 10 2005

²⁹⁷Jelačić, Tanja Matić, and Hugh Griffiths, ‘Serb police target Karadžić informer,’ *Balkan Crisis Report, IWPR*, May 4 2004

²⁹⁸Rachel Irwin, ‘Hague Tribunal: Truth, Justice – and Reconciliation Too?’ *IWPR*, 6 June

Višegrad ‘lost’ the most people –many, mostly men and teenage boys, are still missing. Furthermore, wartime loyalties and anti-Muslim networks still persist preventing local memorialisation or acknowledgement of the crimes that were committed there. In 2014, Bosnian Serb municipal authorities, supported by local police, removed the word “genocide” from a memorial to Bosniak victims in a Muslim cemetery.²⁹⁹ This post-atrocity legacy is confronted in the Bosnian film *For Those Who Can Tell No Tales*, about an Australian tourist who during her first visit to Višegrad stays a night in hotel Vilina Vlas and is forced to confront the apparent amnesia that endures in the town twenty years after the atrocities were committed.³⁰⁰ Paramilitaries under Lukić’s command used the Hotel Vilina Vlas as a base and as a rape camp.³⁰¹ The protagonist Kym Vercoe (playing herself) observes “I didn’t really know that you could just clean up a place and pretend that nothing ever happened.”³⁰²

In Višegrad the post-atrocity divides run particularly deep because of the high level of local paramilitary participation in the violence. As is the case elsewhere in Bosnia, many local paramilitaries were not prosecuted and continue to live side-by-side the surviving Muslim community. In 2010, the ex-White Eagles paramilitary Mitar Vasiljević returned to Višegrad after being released by the ICTY, having served two-thirds of his 15-year sentence for Crimes Against Humanity and War Crimes.³⁰³ Vasiljević was welcomed home by his supporters ‘as a hero with music and processions of cars, all cheering his name.’³⁰⁴ Vasiljević, dressed in Četnik insignia, told the crowd that he had never felt happier in his life.³⁰⁵ However, rumours that the relationship between Karadžić and Lukić had soured, and that Lukić had been in contact with the ICTY before his arrest, seemed to be confirmed when a raid in 2004 by RS Interior Ministry special forces left his brother Novica Lukić shot dead.³⁰⁶

Višegrad was not unusual. It is an example of many towns that witnessed the effects of the devolved implementation of identity-based mass violence by

²⁹⁹Denis Dzidić, ‘Bosnian Serbs Delete ‘Genocide’ From Visegrad Memorial’, *Balkan Insight*, 23 January 2014

³⁰⁰*For Those Who Can Tell No Tales*, (Dir.) Jasmila Žbanić, (2013, Bosnia-Herzegovina)

³⁰¹IT-98-32, *Lukić*, 29 October 2008, p3002

³⁰²This is the historical norm in post-atrocity locations around the world where the removal of a group has been ‘successful’ but Vilina Vlas represents a particularly explicit example in Bosnia. Another was the attempts to revive the spa at Srebrenica and rebrand the town as a luxurious retreat.

³⁰³IT-98-32, *Vasiljević*, Judgement, 29 November 2002

³⁰⁴Marija Arnautović, ‘Visegrad: On the trail of Vasiljević,’ *Pečanik*, 9 June 2010

³⁰⁵*Ibid.*

³⁰⁶Jelacić, ‘Lukić Set to Face Trial for Visegrad Terror’

irregular units. The anomaly was Srebrenica, not because of the violence that was committed there in July 1995 but because of the implementing structure that carried out the massacres.

After the fact, Karadžić described the massacre at Srebrenica “not as a slaughter organised by the army, but revenge attacks by Bosnian Serbs whose relatives had been killed by Muslims earlier in the war.”³⁰⁷ Far from being acts of local or community level violence, the role during the Srebrenica atrocities of official forces and of professional paramilitary groups –such as the Red Berets– was as primary perpetrators, even if some local militias were involved. As part of the Drina Corps, the Red Berets, subordinated to the 1st Bratunac Light Infantry Brigade, and the Drina Wolves, under the command 1st Zvornik Infantry Brigade, participated in the 1995 massacres³⁰⁸ and their participation was coordinated by central authorities. Volunteers from Greece, Ukraine and Russia were also present, indicating an emphasis on professionalism on the part of the command, rather than local numbers.³⁰⁹

Involvement of the paramilitaries in the massacres at Srebrenica was confirmed with the release of a twenty minute video capturing the execution of six Muslim men in civilian clothes by members of the Scorpions.³¹⁰ On their arms the Scorpions wore patches of the sword that was the insignia of the Serbian DB and after the unit was disbanded, some of the members were given a document informing them that they were a reserve force of the Special Unit of the Serbian DB, known as the JSO.³¹¹ Commander of the unit Slobodan Medić had decided to videotape the murders as evidence of their “combat prowess”; the videotape was later copied and distributed to Skorpions who had taken part in

³⁰⁷Quoted in Jan Willem Honig and Norbert Both, *Srebrenica; Record of a War Crime*, Penguin Books, 1997, p176

³⁰⁸Evidence of their participation was given during the trial including in a video recording showing photographs and film; in a clip showing the Serb forces advancing on Srebrenica on 11 July 1995 the witness was able to identify the commander of the Zvornik Brigade, Vinko Pandurević, and the commander of the ‘Drina Wolves’, Milan Jolović Legenda. At one point, Jolović ordered his soldiers over the radio, ‘hit them hard, I want to hear wolves howl’ hinting at the processes of dehumanisation that occurred among the perpetrators. Also see ‘Wolves’ and Scorpions at Ratko Mladić’s Trial,’ *Sense Agency*, 19 April 2013

³⁰⁹*Srebrenica Reconstruction, background, consequences and analyses of the fall of a ‘safe’ area*, NIOD, 10 April 2002, p407

³¹⁰Many of these videos now available on YouTube; on using YouTube as an historical source and to bear witness to mass violence see Üngör, ‘Mass murder on YouTube: How should we look at Syrian video clips?’, *Your Middle East*, February 17 2015

³¹¹IT-05-88/2 *Zdravko Tolimir “Srebrenica”* 17 Nov. 2010, p7849

the crimes.³¹² For a time, the video could be rented from a local rental shop in Šid and it can still be viewed on Youtube.³¹³

Responsibility for the tragedy at Srebrenica, unlike the pattern of atrocities elsewhere in Bosnia and Herzegovina, was *not* devolved to paramilitary groups. The attack on Srebrenica in July 1995 was a centrally planned operation, orchestrated by the VRS command, which subordinated VRS brigades, official and state supported paramilitaries (that included foreign mercenaries) to a centrally planned and well orchestrated military strategy.³¹⁴

Whether the assault on Srebrenica was more centralised than other town sieges because it occurred towards the end of the war or because the unholy task was that much greater in scale has, not to my knowledge, been much addressed. As we await the outcome of Mladić 's trial at the ICTY, I will perhaps simply note, as a generalisation, that elsewhere in Bosnia by summer 1995, pro-Serbian paramilitaries that were still active were already focusing on their own economic gains and consolidating local power bases. Irregular military activity as a state and as local phenomenon, was at its height during the first year of the conflict, although units payed by Serbian and Bosnian Serb security services and interior structures continued to operate right up until to end of the conflict.

In an interview during the war in Bosnia, President of the Bosnian Serb Republic, Radovan Karadžić, claimed that for the first 45 days of the conflict there, “we had no unified command” because “this was a war between civilians”, adding that “we had no single command in the army and the police.”³¹⁵ By way of explanation, Karadžić reinforced this representation of the military situation with cultural cliché: “the fighting involved people who had fought each other in 1941, it was a continuation of World War II. We had no telephone communication with the people in Foča and eastern Bosnia, including Bijeljina, and I didn't know what was happening there.”³¹⁶

The rhetoric of spontaneity and historical grievance framed the visible participation of the paramilitaries through a prism of moral equivalence by simultaneously downplaying the capacity of the Serbian irregulars and exaggerating the capabilities of the opposition, and most importantly by elevating the role

³¹²Michael Dobbs, ‘Scenes from an Execution’, *Foreign Policy*, 22 Feb. 2012

³¹³Video of a Crime as a “Souvenir,” *Sense Agency*, 1 Jan 2010

³¹⁴see IT-05-88, *Popović et al*, Appeal, 30 Jan2015, Disposition, p713

³¹⁵Transcript of interview with Radovan Karadžić, 3/38, (DoY) (no date)

³¹⁶*Ibid.*

of (largely imagined) communities. Historical revisionism provided a premise from which the Serbian leadership could falsely equate the Serbian and Bosnian forces, while continuing to exercise command over well trained, well equipped irregular units behind the scenes. Throughout the crisis Karadžić offered explanations for the decentralised nature of the violence in Bosnia that used the presence of paramilitary and irregular units as evidence that it was a non-linear conflict:

The first two months of the war were completely obscure. You could not know who was fighting whom and where, there was no control and no military command, and people fought each other, because the Serbs feared that the Muslims would massacre them, and the Muslims feared that the Serbs would kill them all, and they started killing each other in what could be described as 'preventative action' and this was a civil war.³¹⁷

This discourse, or *script*,³¹⁸ had significant influence over the western policy makers who determined that the conflict, particularly in Bosnia, was historically and culturally inevitable. The British Foreign Office, the reluctant leader of the west's Yugoslav policy, pursued these explanations with enthusiasm and was thus able to legitimise the UK's steadfast position against intervention by recycling the Serbian party line.³¹⁹ The *Instructions* alone not only quash the Karadžić spontaneity script but also reveal the structural and organisational differences between the Serbian command and control that existed in Croatia and in Bosnia. Nevertheless, in a conflict considered to have been determined as much by outside powers as the internal developments, it is important to consider the impact, intent and consequences of political discourse as an extension of Serbian policy by other means.³²⁰ Such rhetoric polluted understanding bey-

³¹⁷ *Ibid.*

³¹⁸ I initially borrowed the term 'script' from Ó'Tuathail, who described different 'scripts' deployed by the west to discuss the Bosnian war (see 'An anti-geopolitical eye' (1996)); But the term is also used by Čolović and others to identify patterns of wartime discourse *within* Yugoslav borders. The use here acknowledges both contexts as well as its broader use discourse analysis.

³¹⁹ On role of UK in western policy over Bosnia see Carole Hodge, *Britain and the Balkans*, Taylor & Francis, 2006; for how Foreign Office and British military absorbed Belgrade's analysis see Simms, *Unfinest Hour*

³²⁰ Gallagher, *Outcast Europe: The Balkans, 1789-1989, From the Ottomans to Milošević*, Routledge, London, 2001, p181

ond the political sphere. International civil society observers such as Amnesty International also unwittingly perpetuated the picture of multiple commands within the Serbian forces. In a report of March 1992, Amnesty recounted the events at Lovas in eastern Croatia, where Serbian paramilitaries were responsible for the killing of civilians and various other atrocities against the non-Serb population. In support of its analysis, Amnesty quoted a military dispatch from a JNA officer sent to the HQ of the JNA First Military District in October 1991 that had subsequently been reprinted in the Belgrade magazine, *Vreme*.

In the section of the dispatch concerning factors negatively influencing the morale of his soldiers, the officer complained of the presence of “various paramilitary formations from Serbia, including Četniks, *Dušan Silni* units and various self-proclaimed volunteers, whose primary aim is not to fight the enemy but to plunder local properties and to terrorise local innocent people of Croatian nationality.”³²¹

Whatever veracity may be attributed to the individual JNA officer’s concerns, his statement did not reflect the reality of the situation either on the ground in Lovas nor within JNA command. Evidence later collected by the UN Commission of Experts found that the Dušan Silni forces were suspected of attacking Lovas in collaboration with the TO.³²² The final indictments of both Goran Hadžić and Slobodan Milošević include counts of responsibility for the atrocities committed at Lovas in October 1991.³²³ In both cases, the Prosecution presented the attack at Lovas as part of the Joint Criminal Enterprise (JCE) between the political leaderships in Belgrade and Pale, the military command of the JNA and VRS, elements of the Bosnian Serb and Serbian security services and the paramilitaries. Referring directly to collaboration between the Dušan Silni unit and the JNA, Hadžić’s indictment states “members of the JNA, the TO of the SAO SBWS, and Dušan Silni volunteer unit forced fifty Croat civilians, who had been detained for forced labour in the Zadruga building in Lovas, to march into a minefield on the outskirts of the village of Lovas.”³²⁴ Of the

³²¹ ‘Yugoslavia: further reports of torture and deliberate and arbitrary killings’, *Amnesty International*, March 1992

³²² UN Expert Report, Annex IIIA, p50, reference 463

³²³ IT-04-75, *Hadžić*, First Amended Indictment, 22 July 2011, p10; IT-02-54, *Milošević*, “Croatia”, Second Amended Indictment, 28 July 2004

³²⁴ see IT-04-75, *Hadžić*, Final Indictment, case is awaiting judgement

fourteen men found guilty by a special war crimes court in Belgrade in 2012, four former JNA soldiers stood by four former Dušan Silni in the dock.³²⁵ Amnesty International's report and the many other reproductions of the Serbian-led narrative served to strengthen the false script of the Serbian nationalists and obscure the fact that the devolved nature of the Serbian war command was, unlike the Croat and Bosniak structures, planned well ahead of time.

³²⁵Marija Ristić, 'Guilty Verdicts For Crimes In Lovas', 26 June 2012, *Balkan Insight*

2 *The Croatian model*

The paramilitary dynamics that supported the Croatian government in Zagreb, *Hrvatska Republika Herceg-Bosna* (Croatian Republic of Herzeg-Bosna), or in some cases simply the Croatian people, have never occasioned the level of interest accorded to the Serbian, or even Bosnia Muslim, irregular forces. The UN Commission of Experts observed only 13 paramilitary groups working in support of the Republic of Croatia, apparently numbering in total between 12,000 and 20,000.³²⁶ Their list was intended to record all paramilitary groups operating outside of the ordinary army but does not even include the influential armed wing of the Croatian Party of Rights, *Hrvatske obrambene snage* (HOS or Croatian Defence Forces). Furthermore, this number does not include any of the local defence brigades that mobilised in Croatia or territories of Herceg-Bosna. In its examination and judgement of Croatian Generals Gotovina and Markac, the Trial Chamber used the formulation “members of Croatian military forces or Special Police” in its factual findings, in which they included HVO forces and but excluded paramilitaries and civilians wearing uniforms.³²⁷

While the irregular nexus of paramilitaries and state structures was never as planned nor as efficient as the Serbian counterparts, pro-Croat paramilitary groups enjoyed varied levels of patronage and coordination with the political and military authorities. As the conflicts progressed and the national command structure strengthened, many irregular groups were either disbanded or absorbed into the ordinary army but Croatian leaderships benefitted politically and militarily from using an irregular elements with and within their military structures, while denying control over the actors or responsibility for their actions. At the same time, reports on the Croatian military by Serbian nationalists was almost always couched in the language of the Second World War Ustaše and of grassroots armed units committed to the destruction of the Serbian people. *Serbian Television*, for example, would present the Croat forces as being under state command while also being unofficial and uncontrollable;

The panic-stricken Tudjman mercenaries and villains, calling themselves the guards, have barricaded themselves in the centre of Kostanjica, shooting at everything. We also found out that a horde of butchers from Tudjman’s Black Legion is headed towards Banija.

³²⁶UN Experts Report, Annex IIIA, p6

³²⁷IT-06-90, *Gotovina et al.*, Judgement I of II, 15 April 2011, p34

The horde of mercenaries and murderers thirsty for Serbian blood barricaded in Kostajnica seem to realise that they have been written off.³²⁸

The Serbo-Croatian conflict was characterised on the Croatian side by the prominent role played by the police force and the emergence of local ‘defence’ units. Although the Croatian government did not publicly advertise their support for paramilitaries, the state and many of its officials were actively involved in arming local brigades. Later, as new paramilitary forces began to emerge, some enjoyed the tacit approval of the government while others were considered to threaten state authority and were dismantled.

The Serbian-led restructuring of the JNA had left Croatia without a significant army and as tensions increased between Croat and Serb communities in Croatia, maintaining order and security fell to local police units. The Ministry of the Interior began to restructure the Croatian police force in 1990, arming local units in strategically important areas and in towns with a significant Serbian population.³²⁹ This was done by increasing police salaries but also involved the exclusion of Serbs from the force.³³⁰ In early 1991, in coup for Belgrade and the JNA, Croatian Defence Minister Martin Špegelj was recorded making preparations to import arms for the nascent Croat forces, in which he appeared to reference secret “liquidation squads.”³³¹ General Kadijević of the JNA produced a report in which it described in detail preparations being made to establish an illegal paramilitary wing of Tudjman’s ruling party.³³² The report directly accused members of the Tudjman leadership of direct involvement, but rather than suggest arrest, which Kadijević thought would have too great ramifications, he recommended that the Federal Presidency disarm all Croatian paramilitary formations.³³³ Nevertheless, Stipe Mešić later argued that, in contrast to the Serbian and JNA leaderships, Croatia armed the police as a “legal paramilitary organisation”.³³⁴ Josip Boljkovac, made first Interior Minister of

³²⁸IT-06-90, *Gotovina et al.*, Exhibit D97-1, ‘Political Propaganda and the Plan to Create a “State for all Serbs.”’ Renaud de la Brosse, 4 February 2003, p.64

³²⁹Transcript of interview with Josip Boljkovac, DoY, July 1994-July 1995, Doc.3/9. p5-6

³³⁰*Ibid.*, p5

³³¹Silber and Little, *Death of Yugoslavia*, p111

³³²The Yugoslav Presidency adopted in January 1991 an Order disbanding and disarming all irregular armed forces; see International Court of Justice Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia, Counter-Memorial, 23 July 1997, p220

³³³*Ibid.*, Kadijević said that this would be the only way to avoid war.

³³⁴Transcript, of interview with Stipe Mešić, DoY, Doc. 3/53, p5

Croatia in 1991, justified the decision to use irregular formations by arguing that “Croatia wasn’t internationally recognised and didn’t have its own army. It only had the right to have regular police, reserve police forces, and a limited number of special units.”

President Tudjman himself put forward the same position, repeatedly claiming his administration was against the creation of unlawful military formations and that Croatia was entitled to develop its own units of military defence.³³⁵ For those parts of the international community that felt Croatia had a right to defend itself, this narrative went some way to normalising this dimension of the Croat irregular dynamic. That members of Tudjman’s cabinet organised their own volunteer groups or that the Interior Ministry forged closer and closer links with a number of irregular groups was either not fully known at the time by all international observers or not politically convenient to pursue.³³⁶ It is perhaps interesting that as a younger man, during his time in the JNA, Tudjman’s first major written work explored the history of partisan warfare and advocated for this kind of structure, against what he perceived as a the centralising perspectives that emphasised the role of the regular army.³³⁷

In the months before the Serbo-Croat conflict began, Boljkovac had talked to German officials about the incorporation of the military police force into the *Bundeswehr* and used that experience as a model to imitate:

[T]he world didn’t know much about it. President Tudjman had an infinite trust in me, especially in the first days. That is why he asked me to do this, knowing I was a professional...he knew that I could engage many people abroad because I was known in Germany and Italy.³³⁸

This external support for Croatia throughout 1990 clearly influenced the development of the Croatian military architecture, and being able to draw comparisons between their own military force to those of other European states provided

³³⁵See Transcript of interview with Franjo Tudjman. DoY, Doc.3/79, p4

³³⁶Certainly the US knew; see ‘Intelligence Report; Croatia: Tomislav Mercep’s Role in Atrocities,’ *DCI Interagency Balkan Task Force*, United State Central Intelligence Agency, 19 Oct. 1995

³³⁷Elements of Tudjman’s thesis are said to have been incorporated into JNA reorganisation in the late 1950s; see Okey, ‘The “Jasaenovac Myth” and breakdown of communist Yugoslavia,’ p271

³³⁸Boljkovac, DoY, p11

an additional veneer of legitimacy to the processes of arming and restructuring in preparation for action.³³⁹ However, relations between the Interior Ministry and their European contacts went beyond educational conversations –Croatia was importing “tens of tens of trucks from abroad.”³⁴⁰ It was Boljkovac, together with Defence Minister Špegelj and Deputy Police Minister Jurić, who were exposed by Belgrade to be arming Croatia’s forces in the months preceding the violence. During the period of federal conversations over constitutional reform and as Croatia prepared its institutions for independence, the armed forces were able to expand through the clandestine import of arms.³⁴¹ Thus, “thanks to the good cooperation between Špegelj and [Boljkovac] and the trust...from the top from Tudjman, Mandić, and Mešić”, the government was able to arm their police units.³⁴²

Nevertheless, the early weeks of the fighting revealed the military discrepancies between the warring parties. JNA capability easily outstretched Croatia’s militarised police and TO, but so too did Belgrade’s professional paramilitaries out class Croat irregulars. The localised conflict that preceded the national emergency saw community-based irregulars committing community-level violence, supported by Croat or Serb police forces that acted as proxies for state involvement. Political paramilitaries, on both sides, were some of the most militant, better armed, and as members of hierarchical structures had experience of organising themselves.³⁴³ From the decisions made early on in the conflict, it appears as if the Zagreb regime quickly realised that instigating and facilitating organised violence on the local level was not sufficient and –perhaps noting the clear presence of Belgrade in Serbian efforts– began a fairly successful effort to centralise state forces and paramilitaries fighting under the Croatian flag (although not necessarily in support of the government).

In late summer and early autumn 1991, the debacle at Vukovar revealed the striking contrast between the organisation and cooperation that existed between

³³⁹In his own interview with the Death of Yugoslavia team, Mešić compared the Croatian National Guard (ZNG) that was established in April 1991 as a precursor to the Croatian Army to the French Gendarmerie and the Italian Carabinieri within the ordinary police force, emphasising the significant role of the police in the early military formations. See interview with Stipe Mešić, DoY, p.6

³⁴⁰*Ibid.* p.12

³⁴¹Aleksander Pavković with Peter Radan, *Creating New States; Theory and Practice of Secession*, Ashgate, 2007, p149

³⁴²Boljkovac, DoY

³⁴³Particularly the HOS on the Croat side, and Šešelji’s Chetniks

the Serbian paramilitary forces, the JNA, and Serbian military control, and the absence of a central Croatian command. Mile Dedaković-Jastrebović, Croatian commander at Vukovar described the situation he found on his arrival at the front lines:

Coming to Vukovar very quickly I realised that everyone who had money or respect had their own army. There wasn't a common command post which would be normal. Everyone was making war in their own way, thinking they knew better and there was no help, no connection between one part of the town and the other. Straight away I organised all this, and unified all these armies of volunteers.³⁴⁴

By way of comparison, General Života Panić, who was JNA commander of the First Army District during the Vukovar operation, recalled that Arkan agreed “immediately” to fight under JNA command adding, “it was clear that [Arkan’s men] were well trained, well prepared for battle, and disciplined. And that there was only one person...that they obeyed and that was Arkan.”³⁴⁵

Vukovar brought into stark relief for the Croatian leadership the chaos that unregulated paramilitary groups and local defence groups brought to their military and political structures in large scale operations, while similar pro-Serb formations were successfully reinforcing the opposition. The Serbian operation had destroyed most of the city and over 20,000 inhabitants had been forcibly expelled.³⁴⁶ This had been achieved because the Serbian coalition of actors had cooperated and collaborated, and the paramilitary groups had been subordinate to the central command structure. In Vukovar, as elsewhere in Croatia in 1991, nationalist enthusiasm from the community to take up arms was not enough to form efficient paramilitary formations and nor was the emerging army structure experienced or confident enough to command control.

For that reason, as with the Serbian structure, the largest paramilitary cohort within the pro-Croatian military *mélange* came from political parties. The

³⁴⁴Interview with Mile Dedaković-Jastrebović, DoY, Doc.3/16, p4

³⁴⁵Transcript of interview with Života Panić, DoY, Doc.3/59. p31; The Novi Sad JNA Commanding officer was recorded praising Arkan’s contribution to the assault on Vukovar, “The greatest credit for this goes to Arkan’s volunteers! Although some people accuse me of acting in collusion with some paramilitary formations, these are not paramilitary formations here. They are men who came voluntarily to fight for the Serbian people. We surround a village, he dashes in and kills whoever refuses to surrender. On we go!”, quotes in Armatta, *The War Crimes Trial of Slobodan Milošević*, p188

³⁴⁶IT-02-52, *Milošević*, Annex A (Amended Croatia indictment), 23 November 2002, p12

difference was that Zagreb was unable to secure the same kind of war-time political alliance of political parties and could therefore not ever fully rely on the paramilitary wings of other parties as Belgrade and Pale were able to in the early years of conflict.

The Croatian Defence Force (HOS) was the largest Croatian paramilitary organisation and operated with the most independence.³⁴⁷ It was one of the only Croatian paramilitary groups that can be considered ‘national’ in both its membership and presence. Formed as the paramilitary wing of the far right Croatian Party of Rights (HSP), the HOS was founded in the Croatian capital in June 1991 by Dobroslav Paraga. Later the HOS had their headquarters in Ljubuški in Central Bosnia, although it is thought that command still came from HSP in Zagreb.³⁴⁸ The HSP leadership argued that the formation of the group had been a necessary response to the Serb aggression in Croatia in 1990/91 and the failure of President Tudjman to take definitive military action.³⁴⁹ Thus rather than assist the regime, its *raison d’être* was to challenge the political and military establishment, promoting a more extreme national response to the real (and imagined) threats facing Croatia.

The HOS was well armed and reportedly received training in Slovenia on the invitation of Slovene Defence Minister Janez Janša.³⁵⁰ The group grew to approximately 15,000 although details of how and where the group acquired their arms is unclear.³⁵¹ and wore black uniforms with more than a conscious nod to the World War Two Ustaše. When Paraga demanded “*Hrvatska do Drine*” –or ‘Croatia to the Drina’, he attracted many of the diaspora extremists.³⁵²

From the beginning, public relations between the Croatian government and the HOS were fraught. In November 1991, Tudjman had Paraga arrested on charges of arms dealing and plotting to overthrow the government. Unlike the powerful Serbian paramilitary groups, the HOS were no puppets of the state. Tudjman certainly sought international political mileage from the arrest, taking the opportunity to distance himself and his regime from all paramilitary activity.

³⁴⁷Until official Croatian armed forces sufficiently centralised and were able to incorporate some HOS units and dissolve others.

³⁴⁸UN Experts Report, Annex IIIA, p13

³⁴⁹HSP Vice President Milan Vuković, ‘Croatian right gets tough,’ *BBC Newnight report*, BBC, Dec. 1991

³⁵⁰The BBC reported the rumour in 1993, citing Slovenian periodical *Mladina* as its source; UN Experts’ Report, Annex IIIA, ref83

³⁵¹Carey *et. al.*, ‘A New Database on Pro-Government Militias’; The Pro-Government Militias Database (PGMD), (2013), www.sowi.uni-mannheim.de/militias/

³⁵²Bellamy, *The Formation of Croatian National Identity: A Centuries-Old Dream?*, Manchester University Press, 2003, p77

Thanks to Wikileaks, we can see that the American embassy was keeping a close eye on how Tujman dealt with Paraga and the HOS. Confidential US cables sent from Zagreb on 24 and 25 November 1991 flag Tujman's assault on the HOS, focussing on the issue of Paraga's arrest and Tujman's unsubstantiated suggestions on national broadcasts that the HOS were being manipulated by the intelligence branch of the Yugoslav Army in plots to overthrow the Croatian government.³⁵³ The same cable also noted Tujman's attempts to distance his government from the rehabilitation of fascist pageantry; "Tujman criticised Paraga and his party for reviving fascist symbols which discredited Croatia."³⁵⁴

Tujman himself tackled the subject of the NDH without much apology'.³⁵⁵ He was conscious of the emotional power an Ustaše symbolic revival would hold among the extremists abroad as well as at home. Throughout the 1980s, Tujman travelled around the world, establishing relationships with émigrés who would in time secure his leadership, and with some who would fund his war.³⁵⁶ The decision to invite many influential and wealthy émigrés back to Croatia for the 1990 HDZ Congress in Zagreb was not just a shrewd financial move, it represented a symbolic watershed; communist Yugoslavia had been merciless in its pursuit of political emigrants, particularly those who had left Croatia, and dedicated a special unit to their liquidation. Tujman later admitted that;

to invite the émigré back to the homeland for a great meeting was risky to the point that even those people who were later in my leadership waited until the last minute to see whether we would be arrested or not. This is why that was the turning point in my life in terms of decision making.³⁵⁷

One such returnee was Gojko Šušak. Running a pizzeria in Canada, Šušak and his circle moved in 'a seamy underground of military ultranationalist splinter groups,' where they imagined a Croatia of the 1940s, stretching all the way to the Drina.³⁵⁸ His brother and father were Ustaša officers, and his father was said to

³⁵³Cable 91ZAGREB1658, Zagreb Update, 25 Nov. 1991, retrieved from Wikileaks.org

³⁵⁴*Ibid.*

³⁵⁵Tanner, *Croatia*, p225

³⁵⁶And it worked; Tujman's leadership campaign allegedly cost over \$4 million, a phenomenal amount considering the economic and financial crises that gripped the country, Silber and Little, *The Death of Yugoslavia*, p84

³⁵⁷*Ibid.*, p.85

³⁵⁸Paul Hockenos, *Homeland Calling: Exile, Patriotism and the Balkan Wars*, Cornell University Press, 2003, p10

have been killed by partisans when Gojko was still a baby.³⁵⁹ When he ‘returned’ to Croatia, Šušak was made First Minister for the Return of Immigration, a position that he would use to redress the ethnic balance of the nation; he later coordinated with paramilitary combatants in the ethnic cleansing of Muslims.³⁶⁰

The Croatian *nation* had long enjoyed pride of place in diaspora consciousness, but as many Croatian diaspora communities consolidated and as more Croats returned home in 1990-91, the relationship between the Croatian *state* and the diaspora community strengthened. Francesco Ragazzi argues that the Croatian diaspora was ‘an invention of the 1990’s,’ suggesting that the exceptional context of the war led to ‘a short-lived unity when diasporic organisations provided a vast humanitarian, military and lobbying support.’³⁶¹ However, the process of diasporic unification began during the years *before* the conflicts began in the 1980s, having at its centre the centuries old dream of Croatian independence. As with the processes occurring within the resident communities within Yugoslavia, this unification was never all encompassing –many Croats or descendants of Croats living abroad rejected the nationalist narrative, while a significant number of Croats fled the Yugoslav territories on ideological grounds as well as for their own safety.³⁶² Within Yugoslavia, this unification was never all encompassing –many Croats or descendants of Croats living abroad rejected the nationalist narrative, while a significant number of Croats fled the Yugoslav territories on ideological grounds as well as for their own safety.

The rehabilitation of the symbolism and pageantry from the NDH that characterised the HOS, though perhaps more extreme, was not exceptional. Croatia’s declaration of independence in 1991 was accompanied by a resurrection of the NDH that was not just state sanctioned but initiated by Tudjman’s government. While the government was careful to reap the international public relations benefits of distancing Croatia’s fledgling democracy from extremism, the political establishment simultaneously appealed to domestic and diaspora populism by celebrating a national past anchored in Axis patriarchy. The political patois of the HOS leadership *and* of the government was heavy with rancorous

³⁵⁹David Binder, ‘Gojko Šušak, Defence Minister of Croatia is Dead at 53,’ *New York Times*, 5 May 1998

³⁶⁰See below for Šušak’s relationship, as a member of the Ministry of Defence, with Mostar paramilitaries

³⁶¹Francesco Ragazzi, ‘The Invention of the Croatian Diaspora: Unpacking the Politics of “Diaspora” During the War in Yugoslavia,’ *Global Migration and Transnational Politics*, Working Paper, 10 November 2009

³⁶²Also see significant scale of Serbian draft dodging, Lenard J. Cohen, *Serpent in the Bosom; the Rise and Fall of Slobodan Milošević*, Westview Press, 2002, p197

historicism; and the rhetoric of incitement shifted the social moral sphere to such an extent as to not only further entrench the “us” and “them” exclusionary paradigm but promote a sense of national impunity. Writing for the OTP at the ICTY on the dangers of using media for ultra-nationalist ends for the OTP at the ICTY, Renaud de la Brosse, stated that ‘[t]hose who came to power...used the media like a weapon which could help them to attain their political goals in the short and long term.’³⁶³

A number of Croatian political parties formed their own paramilitary groups, making use of the existing local infrastructure of the Territorial Defence as the organisational framework and the national narrative to provide legitimacy.³⁶⁴ In contrast to the HOS, the case of Tomislav Mercep and his *Mercepovici* is demonstrative of the close proximity between some other independent political paramilitary groups and the government. Mercep was a member of Tudjman’s government and, as National Defence Secretary, oversaw the assault of Vukovar in 1991. Over Vukovar, Mercep publicly admitted being involved in the procurement of weapons for the town, paid for by the local population.³⁶⁵ He then became an assistant minister of the Interior Ministry before serving as Chairman for the Association of Refugees, Croatian Police Special Units Commander and President of the Croatian Volunteers of the War for the Homeland. As he gained political prominence in 1991, Mercep recruited a body of approximately 2000 men to fight under his command for Croatian independence.³⁶⁶ Mercep is currently on trial in Croatia for command and direct responsibility for war crimes committed in 1991.³⁶⁷ Included in the indictment are charges for the murder of 43 people, including three members of the Serbian Zec family, but it does not include Mercep’s alleged crimes against Serbian civilians in Vukovar.³⁶⁸

A CIA report from October 1995 indicates that the war-time Croatian government were fully aware of the criminal activity of Mercep and his paramilitaries but were reluctant to pursue substantive investigation or prosecution.³⁶⁹

³⁶³IT-06-90, *Gotovina et al.*, Exhibit D97-1, p4

³⁶⁴Packović, *Creating New States*, p150

³⁶⁵See ‘Croatia: Tomislav Mercep’s role in atrocities,’ 19 October 1995, (CIA), released March 2004

³⁶⁶*Ibid.*

³⁶⁷Mercep was investigated by the ICTY and in 2006 the case was transferred to Croatia. Mercep was arrested in 2010 by Croatian police.

³⁶⁸Tomislav Mercep,’ *TRIAL*, <http://www.trial-ch.org/en/resources/trial-watch/trial-watch/profiles/profile/1005/action/show/controller/Profile/tab/legal-procedure.html> retrieved 2 December 2013; ‘Murder of Zec Family Led to Mercep’s Men, Says Witness’, *Balkan Insight*, 24 Oct. 2012

³⁶⁹CIA Report: Tomislav Mercep

During Mercep's trial, the war-time Security Service Chief Josip Perković has testified that he personally sent reports from the areas where Mercep's paramilitary police unit, the *Mercepovci*, were operating to Defence Minister Šušak, adding that "those reports reached the leaders of the state."³⁷⁰ The relationship between the Mercepovci and the government was at best tacit toleration of a colleague's criminal excesses followed by a period of protection from prosecution. The full extent of the relationship will probably never be known but the disparity in response towards the HOS and Mercep suggests that efforts to dismantle the former was the result of their political threat rather than objections to the violence the group was committing. It is also worth noting that Human Rights Watch have reported allegations from Croatian civil society organisations that the Croatian government is paying for Mercep's defence.³⁷¹

As the conflict evolved, central command sought further control over the irregular groups, including the police units that had dominated Croatian operations in 1991, and the organisation of Croatian forces changed as the Croatian theatre of war spilled over into Bosnia. In the Mercep trial, Franjo Gregurić, the war-time Prime Minister, claimed that President Tudjman requested control over the paramilitaries as early as November 1991.³⁷² The Croatian Defence Council (HVO), however, was established on 8 April 1992. Two days later the military police of the HVO was also established. Valentin Ćorić was appointed commanding officer of the military police and was charged with assembling all previously established municipal units of military police under one command structure.³⁷³ Praljak claimed that the HVO came together spontaneously but political and military elites from Croatia as well as the emerging Bosnian-Croat entity shaped the army's development from its inception.³⁷⁴ Emerging simultaneously were spontaneous expressions from the community of Croat nationalism and particularly young men would be seen from spring 1992 adopting the dress of the HVO or the neo-fascist uniforms of some of the paramilitaries.³⁷⁵ Locally organised

³⁷⁰Witness: Government Knew About "Mercepovci" Crimes,' *Balkan Insight*, 13 April 2012

³⁷¹As of August 2013, Mercep's legal costs totalled almost 400,000 Kuna (US\$69,000); see 'World Report 2013; Croatia,' Human Rights Watch

³⁷²Boris Pavelić, 'Tudjman Requested Control Over Paramilitaries,' *Balkan Insight*, 17 April 2012

³⁷³IT-95-14/2 *Kordić and Cerkez*, Exhibit 233a, 'Three years of the Croatian military police,' p4

³⁷⁴Praljak's testimony, cited in IT-04-74, *Prlić et al.*, Judgement, Part I of VI, 28 May 2013, p261

³⁷⁵IT-95-16, *Kupreškić et al.*, Judgement, 14 January 2000, p16

militia or defence units were corralled by HZ and Zagreb powers into becoming the HVO, perhaps suggesting the Croat elites had learnt from the lessons of Vukovar that the spontaneity and fervour of numerous groups needed a command structure.³⁷⁶ Some Bosnian Muslims remember seeing small Croatian children in camouflage uniforms that had been made for them by their mothers.³⁷⁷ Despite local divisions, a number of Muslims joined the HVO in its early months and before it began to move against the Bosniaks; once Croat forces began targeting Muslim men for arrest, or worse, the Bosniak members of the HVO were also arrested.³⁷⁸

The early military successes of the HOS against Serbian forces had attracted new recruits prompting the HVO to sign an agreement with the paramilitary group on 23 August 1992.³⁷⁹ Before relations between the Croats and Bosniaks broke down in early 1993, up to thirty percent of HOS staff were Muslims.³⁸⁰ Muslim collaboration with the right-wing Croatian paramilitaries appears surprising but under the NDH, Muslims had actively participated in the military structure that implemented the haphazard genocide against Serbs within Croatia's extended wartime borders, which stretched down towards the Drina.³⁸¹ According to the Ustaša, the Muslims were the 'purest' of Croats and deemed to be part of the Croatian nation but this view significantly diminished after the 1960s.³⁸² In the 1990s, anti-Muslim feeling increased on the community level as political relations between Zagreb and Sarajevo broke down, yet among many far-right Croat and foreign recruits such views were already common. American mercenary Rob Krott describes a prevalent anti-Muslim sentiment in the international Tomislavgrad brigade as well as a close social and professional (military) affiliation with HOS members.³⁸³ A young British volunteer

³⁷⁶Hockenos, *Homeland Calling*, p92-93

³⁷⁷IT-95-16, *Kupreškić et al.*, Judgement, p16

³⁷⁸IT-04-74, *Prlić et al.*, Judgement, part III of VI, p12-13

³⁷⁹UN Experts Report, Annex IIIA, p13

³⁸⁰see *Ibid.* and IT-95-14/2 *Kordić and Cerkez*, Statement of Stjepan Tuka, Exhibit D42/2, 16 Nov. 1996, p35

³⁸¹On the genocide, see Dulić's discussion of the dimensions of killings; 17-18 percent of Serbs in NDH were killed, Tomislav Dulić, 'Mass killing in the Independent State of Croatia, 1941-1945: a case for comparative research', *Journal of Genocide Research*, Vol.8, No.3 (2006), p255-281

³⁸²Marko Attila Hoare, *The Bosnian Muslims in the Second World War*, Oxford University Press, 2013 p17; Note that to a point, the battle between Luburić and Pavelić was about whether to include Muslims in the Croatian nation

³⁸³None of the international volunteers qualify their anti-Muslim prejudices nor explain where the animosity came from. Instead it is discussed or referenced as something banal or normal. However, in a post-9/11 context the online demonstrations by international fighters of anti-Muslim and Islamophobic commentary is difficult to accurately attribute solely to their

described how quickly he assimilated into the Croatian military milieu, taking on their divisive narratives;

When you live with people for a while you really want to kill for them. You see what's been done to them and I just want to kill to get, like, revenge for these people. That's why I want to go to war as soon as possible and take some of these people out and really injure them –cause as much pain as possible to the enemy.³⁸⁴

But anti-Muslim attitudes may well have come as much from the international volunteers as their Croatian comrades; Krott and many of his Tomislavgrad contemporaries kept close company with known neo-Nazis from Germany that fought with the brigade and several shared their prejudices.³⁸⁵ 'Without a doubt', Krott claimed, 'there were HOS members and hardcore HOS sympathisers in the *Hrvatski Vojnik*.'³⁸⁶ On arriving in Croatia in spring 1992, Krott's travelling companion was surprised at the lack of ceremony with which they were received by the disorganised Croatian forces and so they considered fighting for the HOS instead:

We considered taking our ball and going home, but decided this might be our only chance to see an honest-to-God shooting war on the European continent in our lifetimes, and damn it, we were not going to miss it. We figured if worse came to worst, we would go find the right wing paramilitary group known as the HOS, an

wartime experience and could equally have been reinforced by the Europe-wide upturn of prejudice against Muslims, arabs and Islam.

³⁸⁴*Inside Story; Dogs of War*, (Exec. Producer) Paul Hamann, BBC, 1992

³⁸⁵Rob Krott, *Save the last bullet for yourself; A soldier of fortune in the Balkans and Somalia*, Casemate (Philadelphia & Newbury), 2008, p59,144,155; see also explicit racism and anti-Muslim in war memoirs of Finnish volunteer Marco Casagrande, written under the name Luca Moconesi, *Mostarin tien liftarit: Suomalainen palkkasoturi Bosnian sodassa*, WSOY (Helsinki), 1997; Casagrande quotes John Morris, a British volunteer with the brigade; 'John Morris sits on my mattress and offers a cigarette. He tells about his plans to demolish a dam in front of Jablanica. "Fifteen thousand Muslims – all straight to paradise. Fuck, we are doing them a favour. Allah u akbar – fuck them."' (p58); See also analysis of the work in Johnny Antora, 'Marco Casagrande –the Mostar Road Hitchhiker,' *Dispatches from war and culture*, <http://johnnyantora.com/2013/11/07/marco-casagrande-the-mostar-road-hitchhiker/>; and war diary of English volunteer Steve Gaunt, on close relations with the HOS in November 1991, *War and Beer* (originally War and Pivo), Panic Press (Coventry, UK), 2010, p9

³⁸⁶Krott, *Save the last Bullet*, p59

armed nationalist group that was operating somewhat autonomously as an independent military organisation. I'd heard they had an international company.³⁸⁷

As relations between the Muslims and Croats in Bosnia deteriorated, Croatian central command in Bosnia and in Zagreb found it increasingly difficult to maintain control over the irregular fighters and were less willing to tolerate their excesses. In March-April 1993, Zagreb passed a martial law that every Croat male of military age was conscripted to fight for the HVO.³⁸⁸ It was announced around that time that all Croatian paramilitaries would come under the central command of the HVO.³⁸⁹ All municipalities were sent the same instructions to deal with paramilitary groups in their vicinity; to gain control of them and seize their arms.³⁹⁰ Stjepan Tuka, HVO battalion commander at Fojnica in Central Bosnia, suggested that following the issuing of the instructions, options for dealing with the irregulars were 'either disbanding them, talking to them, or killing them. The third choice was not really an option.'³⁹¹ Tuka added that:

...when the war was in full swing officially there were no paramilitary formations any longer. There may have been situations where an individual commander would act on his own and refuse to obey orders but he would still have been under the command and control of the HVO. The HVO was a young army so it was difficult to expect a high level of professionalism.³⁹²

Krott's account contradicts claims that the HOS was so quickly disbanded but Croatian irregular dynamics were certainly more effective in Bosnia than they had been in Croatia, which was in part because a coherent chain of command emerged that successfully established control over most pro-Croat armed actors.³⁹³

³⁸⁷ *Ibid.*, p19

³⁸⁸ IT-95-14/2 *Kordić and Cerkez*, Statement of Stjepan Tuka, Exhibit D42/2., p35

³⁸⁹ *Ibid.*, p33

³⁹⁰ *Ibid.*

³⁹¹ *Ibid.*

³⁹² *Ibid.*

³⁹³ See also Documentation for HOS, the Pro-Government Militias Database (PGMD)

Within the HVO structure there were a number of special forces units that operated in Bosnia and Herzegovina under less conventional military command; special formations such as the anti-terrorist units, the military police, and a small number of paramilitary groups. Although these formations were part of the central command and control structure, they were not part of the ordinary army ranks. They were also often responsible for or implicated in patterns of grave crimes against civilians, prisoners and property. Although part of the ordinary structure, the Croat Central Bosnia Operational Zone and its special units *Maturice* and *Apostoli*, had the benefit of a special regime within the armed forces.³⁹⁴

The Croatian anti-terrorist groups and the special forces units were either state sanctioned and subordinated to ordinary command, or purpose-built paramilitary groups. Many crossed official national structures and underground criminal networks. The Convicts' Battalion, founded in 1991 by Mladen Naletilić, became one of the largest so-called anti-terrorist groups of the Croatian military. The derivation of the battalion's name seems unclear; conflicting explanations include claims that members of the battalion from all over the world were wanted by Interpol when they joined or that the 'convicts' referred to the émigré fighters returning home from political exile.³⁹⁵ Naletilić himself was born in Herzegovina in 1946 and emigrated to Germany with his family as a child, where later he joined a émigré group 'United Croats of Germany.' It has been suggested that while he was in Germany he ran a casino and reportedly was a pimp.³⁹⁶ Naletilić was a true child of Germany's radical Croatian diaspora.

Naletilić, also known by his *nom de guerre* "Tuta", commanded eight anti-terrorist groups made up of a number of units grouped together under the umbrella of the Convict's Battalion.³⁹⁷ Together they numbered 13,000 soldiers.³⁹⁸ Formed initially to combat Serbian forces, after the restructuring of the HVO at the end of 1992 and beginning of 1993, the Convicts' Battalion became what was regarded as a professional unit under the direct command of the HVO main

³⁹⁴IT-04-74, *Praljak et al.*, Judgement, Part I of VI, 28 May 2013, p261

³⁹⁵The *Kažnjenička Bojna* have sometimes been referred to as the Punishment Battalion, suggesting connotations of the Nazi *Strafbattalion* or Stalin's *Shtrafbat* but there is no indication that there were any similar penal recruitment methods used. Certainly the level of criminal activity attributed to the Convict's Battalion would point towards pre-war criminal dispositions.

³⁹⁶Robert Bajrušić, 'M. Tuđman u pismu ocu: Tuta je kriminalac i svodnik', *Nacional*, 7 Oct. 2002

³⁹⁷IT-98-34, *Naletilić and Martinović*, Judgement, 31 March, 2003, p30

³⁹⁸IT-98-34, *Naletilić and Martinović*, Exhibit PP927/2

staff, used for 'special combat purposes.'³⁹⁹ On 13 August 1993, Major General Slobodan Praljak subordinated the Convicts' Battalion and other irregular units to his control as Commander of the HVO staff.⁴⁰⁰ Praljak was explicit, stating "I categorically forbid disruptions in the command system in the OS HZ H-B regulated by this Order. I hereby make the commanders directly subordinate to me and individual HVO OS organs responsible for the strict implementation of this Order."⁴⁰¹

Unlike the Serbian model, the Croatian structure of command and control became increasingly centralised, bringing many irregular groups closer to the Croatian state and disbanding others. The Convicts' Battalion was therefore taking direct orders from the commander of the HVO forces but was also in contact with the Croatian Ministry for Defence; Major General Praljak, in addition to his military title, also held office within the Ministry of Defence. This relationship between the Ministry of Defence and the Convicts' Battalion was already established when Praljak's order was issued. In a handwritten note dated 3 August 1993 and addressed simply to Gojko, Naletilić requested that Battleship Captain Ante Budmir and Frigate Lt. Ivica Mandić in Pula be given permission to join him for action; the addressee was Croatian Defence Minister Gojko Šušak.⁴⁰²

While Serbian forces left the area in summer 1992, Muslims from other parts of Bosnia and Herzegovina came to the Mostar region to seek refuge. As more Muslims arrived, the pre-war ethnic demography of Mostar shifted and Muslims became the clear majority population.⁴⁰³ Politically, Mostar remained dominated by Bosnian Croats and under the military control of the HVO. The political and military institutions worked closely together and their remits often overlapped.⁴⁰⁴ Naletilić's men worked together with HVO forces throughout the spring of 1993, while tensions between the local Croat and Muslim populations deteriorated. While ostensibly part of the ordinary military command structure, Naletilić's direct communication with the Department of Defence and the

³⁹⁹IT-98-34, *Naletilić and Martinović*, Judgement, p29

⁴⁰⁰IT-98-34, *Naletilić and Martinović*, Exhibit PP564.1

⁴⁰¹*Ibid.*, p2

⁴⁰²see IT-98-34, *Naletilić and Martinović*, Exhibit PP588; see also Exhibit PP437, On 8 June in a letter to the Department of Defence, Naletilić signed himself "Commander of the Independent Unit for Special Tasks, Convicts' Battalion, Mladen Naletilić "Tuta"

⁴⁰³According to the 1991 census the population of the municipality of Mostar comprised of 126,628 inhabitants, of which 34.6% were BH Muslims, 33.9% BH Croats and 18.8% Serbs. The remainder were Yugoslavs.

⁴⁰⁴This can be seen for example in official documents which are often marked by both "HVO" and "HZ H-B"

decision taken by Praljak to subordinate the special units to his direct command indicate that the operations of such formations were by nature as much political entities as they were military. During the ethnic cleansing of local and refugee Bosnian Muslims in Mostar, in early summer 1993, it was men under Naletilić's command who carried out much of the criminal activity.

Throughout the restructuring process and integration of irregular groups under HVO control, a number of former HOS soldiers were absorbed into more official special units. Commander of *Mrmak* or the *Vinko Škrobo* unit of the Convicts' Battalion, and subordinate to Naletilić, Vinko Martinović had joined the HOS in 1992 and served as a commander.⁴⁰⁵ Martinović was indicted alongside Naletilić after the war and both were found guilty of a number of breaches of the Geneva conventions, war crimes and crimes against humanity.⁴⁰⁶

Naletilić's military influence in the region was significant. He was described as a co-ordinator for Herceg-Bosna by HVO commanders,⁴⁰⁷ and appeared to have been well respected within the ordinary Croatian military. The Battalion operated in and around Mostar where Naletilić was a well known figure and was seen during the conflict as a local war hero.⁴⁰⁸ Posters in Croatian colours of Naletilić in a military flack jacket with the words "Tuta" and "*Naša pobjeda!*" –"Our victory!"– were pasted around Herzegovina and Široki Brijeg.⁴⁰⁹ During the trial, defence witnesses said that many of the posters remain and that graffiti can often be found reading "We love Tuta".⁴¹⁰ Like many of the paramilitaries involved in the defence of Sarajevo, Tuta acquired a reputation for giving money away to the poor, presumably Croatian, residents in the area he operated.⁴¹¹ As we shall see in chapter four, the Robin Hood figure assumed by or bestowed upon paramilitaries became a familiar motif in the social-paramilitary dynamics across Croatia and Bosnia, particularly in situations where communities were living in close proximity for a period of time with irregulars fighting on behalf of their group or identity.⁴¹²

⁴⁰⁵IT-98-34, *Naletilić and Martinović*, Judgement, 31 March 2003, p7782

⁴⁰⁶IT-98-34, *Naletilić and Martinović*, Second Amended Indictment, 28 September 2001

⁴⁰⁷see IT-98-34, *Naletilić and Martinović*, Exhibit 299.1 dated 15 April 1993

⁴⁰⁸*Ibid.*

⁴⁰⁹for image of poster see IT-98-34, *Naletilić and Martinović*, Exhibit PP939

⁴¹⁰For summary of testimonies see references in Judgement, IT-98-34, *Naletilić and Martinović*, p29

⁴¹¹*Ibid.*, p29

⁴¹²On Socio-anthropological discussion of the Robin Hood motif see Žanić, *The Flag on the Mountain*, p503-4

A characteristic distinct to the Croatian military model in both Croatia and in Bosnia was the emergence and development of a military police force. In terms of a command structure, relations between the Croatian Army and police units of the Ministry of the Interior were already planned and implemented by 1991.⁴¹³ The relationship was laid out in a letter by the assistant Minister of the Interior, Joško Morić to the Minister of Defence, the Minister of the Interior, the Deputy Minister, and the Chief of Main Staff:

The relationship between Croatian Army commanders must be based on coordination and cooperation at all levels of responsibility...However when police are to be used for defence purposes at the request of any Croatian Army command, police units are placed under the command of the Croatian Army. The Croatian Army command has an obligation to supply and replenish the police unit with material and technical equipment in accordance to the task assigned to it.⁴¹⁴

In Croatia, Lieutenant General Mladen Markač had direct command over the special police units once they had been deployed to become part of the collective Special Police Forces in operative areas.⁴¹⁵ In HZ H-B, this fell to Praljak. Before and after this engagement, their usual local command retained control.⁴¹⁶ The military police increasingly became an organised auxiliary force subordinated to central command. Rules came into effect in February 1994 that meant members of the military police could not be engaged in combat activities by a commander without approval of the Croatian Minister of Defence.⁴¹⁷

The role of the military police changed as the Croatian lines moved into Bosnia and then during the operations in Croatia towards the end of the war. One reason was simply that by 1993 the Croatian Army and the HVO had had time to arm themselves and strengthen their organisational structure. Another reason was that Croatian war aims were different in Bosnia and had altered in

⁴¹³IT-98-34, *Naletilić and Martinović*, Exhibit DO1919.E; and IT-06-90, *Gotovina et al.*, Expert report by Dragutin Repinc: “The Special Police in Operation Storm,” 1 December 2009, p11

⁴¹⁴Repinc, “The Special Police in Operation Storm,” p11

⁴¹⁵*Ibid.*

⁴¹⁶*Ibid.*

⁴¹⁷IT-06-90, *Gotovina et al.*, Exhibit D1532, Boris Milas, witness statement, 19 May 2009, paras 19, 34-35

Croatia. Much of the initial fighting with the Serb forces in Croatia took place on a local level, with regional command structures emerging in response to the rising political tensions. Operation Storm was, to be sure, something else, but by summer 1995 Croatia had centralised its forces and so the paramilitaries that participated were present as part of the official structure rather than as irregular participants. However, local armed formations and criminal groups remained until after the war ended.⁴¹⁸ Furthermore, the centralising efforts of the official state structures did not bring less criminal behaviour; in August 1995, Croatian soldiers in army uniforms systematically looted Serbian properties in Knin, while ‘skipp[ing] over houses with Croatian markings on them.’⁴¹⁹

The interim period, as the process of centralisation was underway, was often one of fractured loyalties, poor discipline, and impunity. In Croatia and in Bosnia, the HVO police were involved in a number of human rights abuses, including mass atrocity crimes.⁴²⁰ They operated as a paramilitary structure of local brigades with loose connection to each other and flexible relationships with state authorities. While state documents describe a clear formal command structure, military police enjoyed the benefits of devolved responsibility in that they were rarely held to account for their actions despite their often criminal patterns of behaviour.

Officially at least, the *Jokers* were a brigade of HVO military police. The *Jokers* were simultaneously described as an autonomous local paramilitary formation and as an antiterrorism unit of the HVO; they were a local formation, under the command of the HVO but with a significant degree of autonomy when it came to how orders were carried out.⁴²¹ With locally grown groups such as the *Jokers*, determining the roles of local and national structures of command can be more difficult. Bosnian Defence Minister Hamdo Hadžihasanović identified the *Jokers* as one of the special units of the HVO that received training and support from the Croatian Army.⁴²² The unit was listed in the UN Commission of Experts’ final report as a paramilitary formation but at the ICTY were described as the anti-terrorist platoon of the 4th Military Police Battalion of the

⁴¹⁸For example details of incident in August 1995 where UN officers were held up by local “war lords,” see IT-06-90, *Gotovina et al*, Exhibit P740, Philip Berikoff, witness statement, 21 May 1997

⁴¹⁹IT-06-90, *Gotovina et al*, Judgement, Part I, p205, 15 April 2011

⁴²⁰IT-06-90, *Gotovina et al*, “Chronology of Human Rights Violations in South Sector,” Exhibit P00689, prepared by Peggy Hicks, Human Rights Action Centre, 1991

⁴²¹IT-95-17 *Lašva valley*, Judgement, 10 December 1998, p17

⁴²²UN Experts Report, Annex IIIA, p39

HVO, which is more accurate.⁴²³

The Jokers operated in the Lašva valley in the Vitez municipality in central Bosnia. Recognisable from their Joker patches on their black uniforms, fingerless leather gloves, and bands on their heads, the Jokers conformed to the net-fascist fashions of the time.⁴²⁴ Many of the Jokers were local to the area they operated in, including the sometime unit commander Anto Furundžija. Traditional military discipline was lacking; in the place of a clear superior, a number of individuals within the unit were able to control and command others, but it remained under the official auspices of the HVO.⁴²⁵ At the ICTY Dario Kordić was linked directly to the Jokers. A British intelligence officer reported that the Jokers came under the direct control of Kordić and Tihomir Blaškić.⁴²⁶ Furthermore, an ECMM monitor recalled that the person who most often commanded the Jokers and the *Apostoli* (another irregular Croatian formation) was Kordić.⁴²⁷ Thus, even despite their apparent degree of local autonomy, the Jokers and other similar formations were controlled from the top of the Croatian political-military structure; as Vice-President of Herceg-Bosna, and for a time Commander of the HVO, Kordić's portfolio crossed both the political and military.

In the local area of Vitez, the unit often functioned more like a local paramilitary group or volunteer guard than battalion of the ordinary corps. The HVO used groups such as the Jokers and Black Knights as "intervention units" for more offensive roles, compared to the defensive responsibility of HVO brigades.⁴²⁸ This was exacerbated by the nature of the political nature of their activities, namely the expulsion of non-Croats from their designated area of responsibility. The Jokers are the clearest example *within* the Croatian military machine of local paramilitaries working with the official structures because, unlike the Serbian command, Croatia sought to either dissolve or assimilate all substantial pro-Croat irregular groups.

⁴²³ *Ibid.* and IT-95-17, *Miroslav Bralo*, Indictment

⁴²⁴ IT-95-17 *Lašva valley*, Witness testimony during Opening session, 15 June 1998, p518-19

⁴²⁵ Anto Furundžija was certainly in command during the short period in April 1993, relevant to his ICTY crimes, but Vlado Stanić (Commander of Vitez military police unit) and Ivica Vujica held positions of rank in the Vitez HVO structure superior to Furundžija. Miroslav Bralo is also referenced in various documents as a commander of the Jokers. According to a chart drawn by Kavazović, Furundžija, Bralo and Stanić commanded the Jokers. See IT-95-17 *Lašva valley*, Exhibit D14A

⁴²⁶ IT-95-14, *Tihomir Blaškić*, Judgement, 3 March 2000, p165

⁴²⁷ *Ibid.*

⁴²⁸ This is the analysis of former JNA Captain an officer in ABiH; IT-01-47, *Hadžinasanović et al.*, Exhibit DH343, witness statement dated 13.06.97

The Jokers committed a catalogue of atrocity throughout the spring of 1993. Evidence heard during the case against the local commander, Anto Furundžija provides an example of the often contradictory relationships that developed as a result of the localised mechanics that remained in place. Because they were a local formation, many of the those targeted and victimised by the Jokers, whether in day-to-day intimidation or during more grave assaults on personal dignity (including rape) were already known by the perpetrators. As other investigations into crimes committed by local fighters have found, Furundžija and other HVO 'specialists' in the area were familiar to a number of their victims, as neighbours, school friends,⁴²⁹ or from serving together in the TO.⁴³⁰ A Bosniak man who was interrogated by the Jokers and described how he and four other non-Croat prisoners were told to cross themselves while being threatened with an axe, had spent six months in the Territorial Army with Furundžija before the Croat left to join the HVO⁴³¹ Known simply as Witness B, a young woman from Ahmići, was forced with her mother to leave their family home and taken to the gymnasium outside the town where they were registered as undesirables and forced to leave the town.⁴³² Witness B went to school with Furundžija and knew him well as a former member of the TO.⁴³³ She describes the moment she and her mother were interrogated in their own basement by members of the Jokers (including Furundžija) and told they had to leave:

I turned around and started talking to one of the soldiers whom I knew, and I asked him, "Anto, could I put my shoes on and take my jacket"...And I told him, "You know me very well. You know I've never been a nationalist." I had lots of friends. I had friends among Croats as well. ⁴³⁴

Some of the most systematic ethnic cleansing of the Bosnian conflict took place in the Lašva valley, carried out by a coalition of ordinary HVO forces and special units that included formations such as the Jokers and the Croatian military police, including rape and sexual violence as a weapon of war.

⁴²⁹IT-95-17 *Lašva valley*, Witness B, 09 June 1998, p249-50

⁴³⁰IT-95-17 *Lašva valley*, Testimony of Sulejman Kavazović 15 June 98, p521-522

⁴³¹*Ibid.*, note too the element of ritual to the violence.

⁴³²IT-95-17 *Lašva valley*, Witness B, 09 June 98, p249

⁴³³*Ibid.*

⁴³⁴*Ibid.*

There were also a significant number of foreign fighters. These volunteers joined the HOS or attached themselves to units of the regular army. A sundry group that identified with the Croatian national(ist) struggle, including Eduardo Rózsa-Flores, the former Croatia correspondent of the Spanish newspaper *La Vanguardia*, fought in a special foreigners' legion based in Osijek in eastern Croatia.⁴³⁵ The King Tomislav Brigade was largely comprised of locally recruited young men in their late teens and early twenties without military experience, expatriate Croats, and international volunteers from across Europe, the US, Australia, New Zealand and Canada.⁴³⁶ Seven or eight volunteers from the Croatian community in Queens, New York, were said to have coordinated their journey to Zagreb, where the uncle of one of the party apparently worked for the Defence Ministry.⁴³⁷

There was reportedly a Dutch formation called the First Dutch Volunteer Unit which was possibly one of the first organised group of foreign fighters.⁴³⁸

The HV and HVO did take on foreign volunteers but the organisation and command control over international recruits was poor.⁴³⁹ However, a military attaché in Zagreb for the troops in central Bosnia called Branko Barbić appears to have assisted a number of the foreign volunteers, suggesting state support for their participation.⁴⁴⁰ Foreign volunteers were integrated into the ordinary structures as the process of centralisation continued. A number of ex-foreign servicemen were sanctioned trained Croatian and foreign fighters, including a team from the American *Soldier of Fortune* magazine.⁴⁴¹ In 1993 HVO pay

⁴³⁵Marcus Tanner, 'British fighters' fatal attraction for the thrill of battle: Marcus Tanner met some 'dogs of war' in the former Yugoslavia where they earn little money and no glory', *Independent*, 10 February 1993

⁴³⁶Krott, *Save the last bullet*, p121

⁴³⁷*Ibid.*, p127

⁴³⁸See documentary about Johannes Tilder, a former Dutch commando who travelled to Croatia in 1991 and fought alongside the Croat army as part of the Dutch Volunteer Unit. The film includes footage Tilder's interrogation by the Serbs; *Soldaat in den Vreemde* (Eng. Soldier of Fortune), (Dirs.)Ada van de Weijer, Arnold Folkerts, BOOZ Audiovisuele Produktie, The Netherlands, 2002; see also Krott, *Save the last bullet*, p20

⁴³⁹See Krott, *Save the last bullet*, p10 and for looting see p179; and Britons flock to fight in Bosnia: Steve Boggan, 'Thousands of ex-soldiers and 'untrained idiots and psychopaths' said to be serving as mercenaries with all three sides,' *Independent*, 10 February 1993

⁴⁴⁰Danish volunteer Allan Knudsen testified at the ICTY Barbić facilitated his journey to join Croat forces in Mostar by writing a letter instructing all HV units to help his passage; IT-98-34, *Naletilić and Martinović*, 13 November 2001, p5590-3; Krott also describes him as his contact in parliament, *Save the last bullet*, p144

⁴⁴¹Lt. Col. Robert Brown, *I Am Soldier of Fortune: Dancing with Devils*, Casemate Publishers, 2013, p307, 384; see also 'Yanks fight in Croatia', *Soldier of Fortune*, January 1992

for internationals was eighty Deutschmarks, or one hundred dollars, a month –which was less than the two hundred and fifty Deutschmarks they had received from the HV in 1992.⁴⁴²

The participation of foreign fighters on all sides were presented simultaneously as evidence of a civilisational conflict and of a new kind of modern mercenary warfare.⁴⁴³ In practice, however, the internationals were rarely motivated by ideological or financial incentives. Kohlmann describes how the amateur nature of the jihadi recruitment circuit often portrayed Bosnia as a holiday opportunity for European Muslims bored over the summer.⁴⁴⁴ Krott, the American volunteer who fought alongside the Croat army, ridiculed the idea that any foreign soldier would seek their fortune in Yugoslavia's wars.⁴⁴⁵ Nor were the majority of the international paramilitaries professional soldiers. Of the 30 or so foreign members of the Tomislavgrad international battalion, about five were thought to have had military training.⁴⁴⁶ A Channel 4 documentary interviewed a cohort of British irregulars fighting on the side of Croatia, exposing more brutal motivations for joining the fight:

I've always wanted to kill legally –to have that feeling, you know–take people out. I mean, I've always wondered what goes on in a Yorkshire Ripper, a Black Panther's mind...he has no compassion, no feeling. I want [that] feeling, it's higher than anything can get you.⁴⁴⁷

Another confessed, “we are not good citizens, it's a known fact” but then added, “Croatia's being supported by the west –how can it be wrong?”⁴⁴⁸

⁴⁴²Krott, *Save the last bullet*, p178

⁴⁴³Islamic fighters were seen to represent extremism, whereas international volunteers who fought for the Croats and Serbs were viewed (and presented themselves) as modern mercenaries; see Kaldor, *New Wars*, p100

⁴⁴⁴For example, a 21 year old medical student from London at Birmingham University who went out to fight in Bosnia was interviewed for a jihad propaganda video; “They don't know that we have ice cream and we have cake here. They don't know that we can telephone or fax anywhere in the world. They don't know that this is a nice holiday for us where you meet some of the best people you have ever met in your life.” Kohlmann, ‘The Afghan-Bosnian Mujahideen Network,’ p1

⁴⁴⁵Krott, *Save the last bullet*, p178

⁴⁴⁶Interview with Kit Freeman, a young British volunteer who became chief training officer in the battalion, *Dogs of War*, BBC; on Freeman also see Keith Cory-Jones, *War Dogs; British mercenaries in Bosnia tell their own story*, Century, 1996, throughout but particularly p81-90

⁴⁴⁷*Dogs of War*, BBC, note he had Yorkshire Ripper painted on his helmet

⁴⁴⁸*Ibid.*

In seeking to assert control over the irregular units that emerged, somewhat but not wholly spontaneously, in the early months of conflict the state was able to distance itself from some of those crimes. Within the military structure, volunteer units such as the Convicts' Battalion and elements of the HOS were promoted and utilised but not always within the official structure of army company. Individuals, such as the Spanish journalist Rózsa-Flores were singled out from the volunteer or mercenary ranks and promoted in the Croatian army.⁴⁴⁹ The skills and ruthlessness of these men suited the political objectives of the Croatian missions. Thus Tudjman and the military leadership developed their own special units, using some of the formations they claimed to have disbanded and others of their own creation. The structure under which Croatian irregulars operated was different to the Serbian model, but the crimes they committed were comparable in that they fulfilled the political ambitions of their respective political leaderships. This can be more clearly seen in the irregular activity in Bosnia against the non-Croat populations in support of efforts to expand Croatian borders, and in the removal of Serb civilians from Croatian territory towards the end of the period.

In the wake of the conflicts, some of Croatia's paramilitaries received official honours, while others, including Tuta Naletilić, found themselves the subject of domestic and international investigation despite support from the community.⁴⁵⁰

The Croatian leadership continuously sought to deflect criticism from the international community for the crimes being committed by regular and irregular units under Croatian command. Attempts from Zagreb to achieve military discipline through centralism at times had more to do with political self-preservation than humanitarian concern. Similarly, the Croatian military coalition did not become less criminal as it took the shape of a more conventional national structure but did assume more a conventional hierarchical structure of command. Fractures within the political philosophy of Croatian nationhood and independence were reflected in the war-time relationships of irregulars and elites, and as the regime consolidated its political authority it was able to do

⁴⁴⁹Tihomir Ponoš, 'Bolivijski predsjednik Morales htio tužiti Hrvatsku zbog Chica,' *Novi list*, 4 January 2011

⁴⁵⁰At the end of 1995, Tudjman's son, who was a member of the Croatian Security Service and later part of the Ministry of Defence, wrote a letter to the President describing Naletilić as a "criminal and a pimp"; it is suggested that Miroslav Tudjman was behind Naletilić's consequent arrest and imprisonment in Zagreb, before he was handed over to face international prosecution at The Hague in 2000; remnants of the Convict's Battalion made preliminary plans to assassinate Miroslav Tudjman but the conspiracy was leaked to the Security Services. see Bajruši, 'M. Tudman u pismu ocu'

the same on the battlefield. Furthermore, as Zagreb's command and control subsumed the political paramilitaries, its political challengers were neutralised.

3 *Bosnian Government forces*

As we have seen, political forces from Belgrade and Zagreb had worked hard to perpetuate the sense of insecurity and approaching crisis in Yugoslavia, promulgating a highly charged rhetoric that normalised the concept of bearing arms and presented the formation of local defence groups as patriotic duty. Croat and Serb nationalists in Bosnia then watched how the international community reacted to the Croatian conflict and learned valuable lessons. The Bosnian government in Sarajevo had watched in dismay (and denial). And yet the Bosnian government made no official attempts to prepare their defences. In his efforts to avoid war, President Alija Izetbegović, supported by his Interior Ministry, had allowed the JNA Sarajevo Corps to disarm the Territorial Army and disband paramilitary units.⁴⁵¹

Unlike the Croat and Serb nationalists, the ambitions of the Bosnian government were never expansionist. Islamic revival in Bosnia was focussed on reclaiming religious control in smaller spheres such as the home, in schools, and role of the Mosque in the community. Throughout the 1980s, Bosnia's Muslim community had undergone somewhat of a religious revival but this was neither accompanied by the kind of revisionist historicism nor the national supremacism that came to characterise Serbian and Croatian politics throughout the federation. These moves towards Muslim conservatism came more from the Mosque than the political establishment in Sarajevo, which though Muslim-dominated included representatives from non-Muslim and secular groups. Thus, any escalation of religious rhetoric in the social sphere was not accompanied '*from above*' by nationalist political manoeuvres, nor by sensationalist and divisive media stories. The role nationalism has historically played in Muslim identity – whether Arab or Ottoman – is far less central than in Christian societies; emphasis in the Koran is placed on communities of people. This might in part explain why many of the changes taking place in Serbian and Croatian communities were not replicated in pre-war Bosnia but there were other factors too.⁴⁵² The majority of

⁴⁵¹Gow, *Serbian Project*, p242

⁴⁵²see Izetbegović's Islamic declaration originally published in 1980 but republished in 1993,

Bosnia's media outlets were based in Sarajevo, which was and remained cosmopolitan and genuinely multicultural even throughout the siege. The result was that the real ethnic tensions worsening in provinces outside Sarajevo were not given the proper consideration they warranted. Neither substantive political overtures nor military precautions were taken. The Bosnian government, and much of the media and intellectual elite were concentrated in and on the capital, which by 1991 was no longer, if it ever was, in step with the rest of the county. And, much to the detriment of the country's ethnic Muslims and the future of an integrated Bosnian population, when steps *were* taken, they were focussed on Sarajevo rather than protecting the rural areas more vulnerable to military assault and cultural division.

The Army of the Republic of Bosnia-Herzegovina (ARBiH) emerged disjointed, and was at first made up of more or less organised units and spontaneously created formations.⁴⁵³ The Sarajevo government relied upon a loose coalition of irregular armed groups, some of which were created by state and pro-government auspices while others were genuine grassroots paramilitary groups. The military and political leaderships sought to create a centralised structure but until at least 1993 operated a devolved chain of command that was unable to assert control over the diverse irregular dynamics. In its first six months, or by the autumn of 1992, the armed forces had grown from several armed groups into a body of approximately 150,000 armed men, about eighty percent of whom were Muslim.⁴⁵⁴ The Patriotic League, the Green Berets, special units answering to the Interior Ministry (MUP), and the ARBiH made up the core of the pro-government forces, but were supported by local defence groups that organised spontaneously, often under the leadership of someone with military or criminal experience. In Sarajevo, the early local defence was made up of the city's residents but a number of local criminals soon came to dominate key positions. The spontaneity of the Bosnian defence came out of necessity rather than design and meant that irregular armed groups were the foundation of the military capabilities, but as the conflict progressed, central authorities sought to create a disciplined regular command structure.

The first defensive initiative on the part of the Bosnian government was taken in early 1991, with the formation of the Patriotic League, subordinated

Islamska deklaracija, Sarajevo, 1990

⁴⁵³IT-01-48, *Halilović*, Judgement, 16 November 2005, p41

⁴⁵⁴IT-01-48, *Halilović*, Exhibit 00482, 'Conclusions of the First War Council on Organisational and Establishment Changes in the OS' (dated 6 October 1992)

to the political leadership of Izetbegović's Party of Democratic Action (SDA). The Patriotic League began as a small and professional pseudo-paramilitary group but the following month, established by the SDA, in order to provide an umbrella structure to 'cells being formed for resistance by individuals at the local level.'⁴⁵⁵ On the 10 June 1991, the League was expanded to incorporate 356 Muslim 'political, cultural and humanitarian representatives', and formed a Council for National Defence of the Muslim People.⁴⁵⁶ The civilian wing was headed by Izetbegović while the military wing, the Patriotic League, was run by Muslim ex-JNA officers who had defected.⁴⁵⁷ A number of experienced but disillusioned soldiers and officers left the JNA in Bosnia during 1991, particularly in Sarajevo. They were mostly Muslims but some Serbs and Croats left too.⁴⁵⁸ These Sarajevo ex-JNA officers formed the basis of the Patriotic League. Sefer Halilović, First Commander of the ARBiH, suggested that there had been strict secrecy in the formation of the Patriotic League in 1991 and that only Izetbegović and a 'very, very narrow circle' were aware about the League and their units.⁴⁵⁹ Rusmir Mahmutćehajić recalls the formation of the Patriotic League as more of a broad patriotic forum and rallying point rather than an organisation.⁴⁶⁰ For at least the first months of its conception the Patriotic League operated out of the Cafe Herceg-Bosna although by the beginning of 1992, the League was 'firmly established in Sarajevo and several other locations.'⁴⁶¹ The League's membership reportedly even extended to émigré and migrant communities, although it is not clear if these members travelled to the Bosnia to fight.⁴⁶²

The irregulars that came to be known as the Green Berets began to come together at much the same time, although once war began Green Berets was a term used freely to describe state and non-state units that fought in support of Izetbegović and the Republic of Bosnia. Burg and Shoup suggest that the Green Berets were organised in autumn 1991, and according to Izetbegović

⁴⁵⁵Marko-Attila Hoare, 'Civilian-Military Relations in Bosnia-Herzegovina 1992-1995,' in (ed.) Magaš and Žanić, *War in Croatia and Bosnia-Herzegovina*, p181

⁴⁵⁶*Ibid.*, and Donia, *Sarajevo*, p276

⁴⁵⁷Hoare, 'Civilian-Military Relations in Bosnia-Herzegovina', p181

⁴⁵⁸Donia, *Sarajevo*, p276

⁴⁵⁹Interview with Halilović, DoY, p6

⁴⁶⁰See Rusmir Mahmutćehajić 'The Road to War' in Magaš and Žanić, *War in Croatia and Bosnia-Herzegovina*, p148; Mahmutćehajić served as Deputy Prime Minister for the Republic of Bosnia-Herzegovina between 1991 and 1992 although he was not a member of any political party.

⁴⁶¹Donia, *Sarajevo*, p277

⁴⁶²Gow's testimony at the ICTY, IT-03-68, *Orić*, 24 November 2004, p2005-06

numbered between 35,000 and 40,000 by the time the war started.⁴⁶³ During the war, Helsinki Watch described the Green Berets as a paramilitary group that surfaced in Sarajevo when the conflict broke out, and that most if its members had close links to the regular Bosnian army.⁴⁶⁴ The UN Experts Report states that there was never a single unit called the Green Berets but that there were ‘several units which may have had different names, but [were] identified as Green Berets.’ Gow also believes that the label of Green Berets was used to refer to a number of groups, and this was further confused in Serbian, Croat and international press, which tended to use the term for all pro-Bosniak/Sarajevo groups.⁴⁶⁵ Bosniak politician and founding member of the SDA Sulejman Tihić claimed that the Berets were formations of the ARBiH and TO and later became ordinary forces and were no longer called the Green Berets.⁴⁶⁶ For the purpose of this study, the two names will not –as far as is possible– be conflated. Here, the Patriotic League refers specifically to the formation under SDA command, which tended to have a more experienced and more politically engaged calibre of membership.⁴⁶⁷

Although less often referred to as such, both the Patriotic League and the composite groups that made up the Berets should be considered as typical paramilitary formations. The Patriotic League answered to the SDA leadership and as such were a private force rather than part of the national command structure. Thus the League were often described as Izetbegović’s private army.⁴⁶⁸ In simple terms, the League is somewhat comparable in structure to the military wings of political parties elsewhere in the federation such as the HOS and Šešelj’s Eagles. In contrast, the Green Berets emerged without formal structure or any kind of unified command. Initially the Green Berets were more of a traditional volunteer formation, with a less distinct structure of command and communication. There is evidence, for example, that the Commander of the 10th Mountain Brigade and the Deputy Commander of the 9th Motorised Brigade were selected by members of those units rather than elected by higher

⁴⁶³Burg and Shoup, *The War in Bosnia-Herzegovina*, p.74

⁴⁶⁴Ivana Nizich, ‘War Crimes in Bosnia-Herzegovina, Volume II,’ Human Rights Watch, 1993, p.141; Helsinki Watch was a division of Human Rights Watch

⁴⁶⁵However Gow argues that the ‘proper connotation for the Green Beret label is the Patriotic League’; *Serbian Project*, see pages 243-244; see also UN Experts Report, Annex IIIA, p9

⁴⁶⁶IT-95-9, *Simić et al.*, 8 November 2001, p3800

⁴⁶⁷This follows the usage in *Donia Sarajevo*, see p277

⁴⁶⁸Gow, *Serbian Project*, p243; see also US Official referring to the ARBiH as Izetbegović’s private army quoted in John Pomfret, ‘Bosnian factions balk at US plan to merge forces,’ *Washington Post*, 20 June 1996

military authority.⁴⁶⁹

At the beginning of December 1991, initial military defence had been organised in several regions of the country.⁴⁷⁰ In the months leading up to war, there were other, less hierarchical units that came into the orbit of the League and later the ARBiH. As news of the conflict in Croatia worsened, membership of both the League and the Berets increased.⁴⁷¹ Numbers vary but Donia suggests that by the time war began in April 1992, the Green Berets and the Patriotic League ‘each had thousands of volunteers and light infantry weapons.’⁴⁷²

Yugoslavia’s federal devolution meant that Bosnian MUP possessed its own official forces, which participated in the military conflict. Included in this small force were a number of specialist units, made up of highly trained men, equipped with better weapons and equipment.⁴⁷³ The Bosnian Interior Ministry also had control of the police force, which had undergone internal changes as Serbs had left either at their own behest to join Serbian formations, or as a result of the pressure ethnic tensions had on all Yugoslavia’s republic-services. Theoretically at least, when MUP units participated in military operations, they were subordinated to the command of the ARBiH, however, in the reality of battle, MUP participation was based on the cooperation of local ARBiH units and locally present MUP units.⁴⁷⁴ Nevertheless, it was largely from this milieu and the leadership in the field of the Patriotic League that a coherent ARBiH command later emerged. In all, according to Halilović, 126,000 men were organised as part of the defence forces before the war started.⁴⁷⁵

Emerging in Sarajevo and across rural Bosnia at the same time as the government-sanctioned paramilitary formations were pro-Serb irregular armed groups and more clandestine criminal elements. From autumn 1991 a number of pro-Serb political parties in Sarajevo had begun to arm paramilitary groups and news of the Serbo-Croat violence led to an escalation in identity-based incidents in and around the city.⁴⁷⁶ The first shots of the Bosnian war are often

⁴⁶⁹IT-01-48 *Halilović*; Final Judgement, see footnote 227, p41, 16 Nov 2005

⁴⁷⁰Interview transcript, Halilović, July 1994-July 1995, DoY, Doc.2/28, p2; Halilović suggests that in addition to Sarajevo, over ten municipalities were organised by the time of the Hrasnica meeting on 2 December 1991. He added that following the meeting, “we started organising the rest of the country”

⁴⁷¹*BiH v Yugoslavia*, ICJ, p52

⁴⁷²Donia, *Sarajevo*, p277

⁴⁷³IT-01-48 *Halilović*, Judgement, p69

⁴⁷⁴*Ibid.* p69-70

⁴⁷⁵Transcript, Halilović, DoY, p2; Shoup and Burg also give Halilović’s estimate, *War in Bosnia-Herzegovina*, p74

⁴⁷⁶Donia, *Radovan Karadžić; Architect of the Bosnian Genocide*, Cambridge University Press, 2014, p100

attributed to a Bosnian Muslim paramilitary, outside the old Orthodox church in Sarajevo during a wedding on 1 March 1992. A Sarajevo criminal Ramiz Delalić, who went by the *nom de guerre* of *Ćelo*, was implicated in what looked like a fairly typical gangland plot. The Baščaršija shooting served as a powerful battle cry for the Bosnian Serb cause and as evidence that the Serb people really were at risk in Sarajevo.⁴⁷⁷ The former Bosnian Serb leadership continue to blame Bosniak paramilitaries for starting the Bosnian war in 1992.⁴⁷⁸ Delalić was never investigated and whether he was actually responsible may never be known. Whether or not the shots that killed the father of the bridegroom and wounded the Orthodox priest should be considered the commencement of the Bosnian war, the incident does illustrate that as tensions were rising in Sarajevo in early spring 1992, militarised criminal networks were already emerging from their underworld and that the authorities were reluctant to pursue them.⁴⁷⁹

If this was a tactical decision made in the knowledge that danger was approaching and the ill-prepared Bosnian government would need the support of Delalić and his ilk is unclear but perhaps the mutually convenient relationship that emerged between Bosnia's embryonic military command and Sarajevo's mafioso should not be considered wholly spontaneous. Delalić was one of a number of known criminals who became heroes during the first months of the Sarajevo siege. Using their criminal contacts to build personal paramilitary units, many rose through the ranks to become a brigade commanders and some were officially decorated by the ARBiH.⁴⁸⁰ Peter Andreas uses the phrase *patriotic mafia* to describe this miscellaneous groups of fighters but their patriotism was not enduring; without this irregular corps, who worked together with the burgeoning ARBiH structures and Sarajevan civilian-combatants, the fate of the capital could have been very different but once it was saved this criminal corps held many of its inhabitants to ransom either through their black market or more violent behaviour.⁴⁸¹

Bosnian pre-war strategy was to avoid activity that could be construed as

⁴⁷⁷For example Vidomir Banduka, a former municipal official in Hadžić, said that following the shooting many Serbs were prompted to form local defence units, IT-95-4 *Karadžić*, 12 February 2013, p33492

⁴⁷⁸Former Bosnian Serb deputy Interior Minister Dobrislav Planojević during Karadžić trial; 'Karadžić ally blames Bosniak paramilitaries for war,' *Balkan Insight*, 1 April 2013; for transcript see IT-95-4 *Karadžić*, 28 March 2013, p36251

⁴⁷⁹See expert testimony of defence witness, IT-09-92, *Mladić*, 'Defence Notice of disclosure of Expert Reports of Milos Ković pursuant to rule 94bis,' 30 March 2015, p41

⁴⁸⁰This is discussed in more detail in Part IV

⁴⁸¹Peter Andreas, *Blue Hats, Black Markets; the business of survival in the siege of Sarajevo*, Cornell University Press, 2008

belligerent; instead, the failure to prepare an adequate defensive structure led some within the early military leadership to forge a network of mutually convenient alliances with elements they could not control. As a result, the role criminal gangs played in the early stage of the Bosnian war, particularly in Sarajevo, was intimately entwined with the emerging military command structure. However, the composition of the early defence brigades that formed throughout Sarajevo in the early months of war was ethnically mixed, made up of both genders, and of all ages.

Many of the serious problems that further encumbered Bosnian Republican command are laid out in the November 1993 investigation by the Bosnian MUP of Chief of Staff of the Supreme Command of the ARBiH Sefer Halilović.⁴⁸² In a report on ‘the negative conduct and activities of Sefer Halilović’ the Bosnian MUP asserted that Halilović operated ‘deliberately and methodically with the goal of provoking a crisis situation in BH’.⁴⁸³ According to the report, Halilović ‘found support in the commands of units which included a large number of criminals’ and:

Every day, Sefer encouraged such people, though direct contacts, by phone or via radio, especially after the office of Commander of the Staff of the Supreme Command was created, to obstruct their official corps commands (the 1st and 4th Corps) and to grow independent, distance themselves from and dodge any form of control by their commands. In the process, he exploited every suitable opportunity to firmly keep such commanders and their close accomplices predisposed towards him as he organised and carried out the most serious criminal acts.⁴⁸⁴

During his testimony at The Hague, former Bosnian Chief of Military Security Jusuf Jašarević confirmed that this information had been available to him and a small number of colleagues within the intelligence department.⁴⁸⁵ Bakir Silajdžić, former Bosnian Interior Minister and head of the Muslim Intelligence

⁴⁸²IT-01-48, *Halilović*, Exhibit 00212, ‘MUP report on the negative conduct and activities of Sefer Halilović,’ 2 November 1992

⁴⁸³ *Ibid.*

⁴⁸⁴ *Ibid.* p2

⁴⁸⁵IT-01-48 *Halilović*, 1 March 2005, see p34

Agency for Research and Documentation confirmed that the report had been compiled by the State and Military Security Services.⁴⁸⁶

The report states that Halilović ‘made special efforts to foster hatred’ among these contacts towards Izetbegović, Commander of the Supreme Command Staff Rasim Delić, and corps commander Arif Pašalić, thereby challenging the ‘command and control authority of top officials in the Supreme Command and those subordinated to them.’⁴⁸⁷

[Halilović] especially imbued the individuals listed hereafter with a high degree of personal animosity towards the figures mentioned above: Ramiz Delalić, aka Ćelo, Commander of the 9th Motorised Brigade, Mušan Topalović, aka Caco, Commander of the 10th Mountain Brigade, Zulfikar Ališpaga, Commander of the so-called Special Detachment of the Supreme Command Staff”, and individual commanders in the Konjic, Jablanica and Visoko area. In so doing, he presented himself as the sole rightful military leader who had the right concept of how to defend the Republic of Bosnia and Herzegovina.⁴⁸⁸

Mirko Pejanović defends Halilović in his memoir, describing him as ‘a solid personality, a fine professional, a man who took a firm stand in the fight for a unified and multiethnic Bosnia.’⁴⁸⁹ Nevertheless, the episode revealed the dangers that irregular military dynamics posed to state authority where the state’s military command structure was weak. For the purposes of this study a further detail is relevant. The authors of the report emphasise that Halilović ‘harboured the obvious intention to raid the organisational level of units under his control...and so persistently insisted that Zulfikar Ališpaga be promoted to Commander of the 6th Corps.’⁴⁹⁰ (Ališpaga, born in 1958 in Novi Pazar in Serbia, was arrested in February 2011 and is currently on trial in Bosnia for failing to take necessary measures to prevent and punish crimes committed by his subordinates during

⁴⁸⁶IT-01-48, *Halilović*, 26 May 2005

⁴⁸⁷IT-01-48; *Halilović*, Exhibit 00212, p2

⁴⁸⁸*Ibid.*, p2-3

⁴⁸⁹Pejanović was president of Bosnia’s Socialist Alliance party and a Serb member of the wartime presidency of the Republic of Bosnia-Herzegovina; Mirko Pejanović, *Through Bosnian Eyes; The Political Memoir of a Bosnian Serb*, Purdue University Press, 2004, p97

⁴⁹⁰*Ibid.*, p4

the Bosnian conflict.)⁴⁹¹ The report's findings suggest that Halilović was building his own power base with the paramilitary and criminal networks in order to challenge Izetbegović's authority. Yet the Halilović investigation shows that the Sarajevo authorities attempted to respond to its fractured command structure. Furthermore, it reveals an unwillingness on the part of the central authorities to devolve war-making and defence beyond the temporary utilisation on the ground of irregular formations. We see a similar relationship between paramilitaries and the state on the Bosnian side as on the Croat, where in the immediate aftermath of early-war chaos, state auspices identified the potential political threats some of the irregulars posed and then sought to neutralise them. However, the paramilitary forces identified as Halilović's allies were not political in the same way that the HOS or Šešelj's Chetniks were the product of a political party and therefore fought overtly for ideological cause.

The realities of such poor command can be seen in an incident recounted by Vehbija Karić, Colonel of the Territorial Defence of the ARBiH, involving Ramiz *Ćelo* Delalić and fellow convict Musan *Ćaco* Topalović. Both units were ordered to participate in the *Neretva-93* operation and when the units had arrived at the field, both Delalić and Topalović relinquished their units to company command because they preferred to engage in their own "activities" in the Jablanica area.⁴⁹² Both Delalić and Topalović epitomise the failure of the ARBiH to fully subordinate independent irregular units to official command, and should be considered as paramilitary leaders operating within the system rather than rogue members of the ARBiH. They were respected by the men who served them, so much so that even when Delalić was replaced by the ARBiH as commander of the 9th Brigade, 'he was still in charge'; he was respected more than his replacement, a former JNA colonel.⁴⁹³ Several witnesses gave evidence suggesting that both the 9th and the 10th Brigades were 'not completely integrated into the system of military subordination' as demonstrated by the lack of discipline of the brigades and the particular attitude of the commanders,

⁴⁹¹See Trialwatch database (www.trial-ch.org) The Trialwatch report on Zulfikar suggests that he was also the commander of the Black Swans unit, although I have yet to find corroboration.

⁴⁹²Operation Neretva '93 was an ARBiH advance against the HVO and Croatian Army in September 1993 and was launched in order to end the siege of the Muslim part of Mostar surrounded by Croat forces and severely destroyed, and to recapture areas of Herzegovina, which were included in self-proclaimed Croatian Republic of Herceg-Bosna; IT-01-48 *Halilović*, 10 July 2003, p.114; Karić described this behaviour as "totally out of line in terms of military organisation"

⁴⁹³IT-01-48 *Halilović* , Judgement, p50-51

who often had to be ‘persuaded’ rather than ‘ordered’.⁴⁹⁴ Suggestions have also been made that members of both brigades were drug addicts, which made behaviour erratic and further diluted the sense of military command.⁴⁹⁵

In stark contrast to the loose cohort of Sarajevo criminal irregulars was the stratified Patriotic League. Gow argues that the degree of influence the Patriotic League had on the development of the ARBiH and Bosnia’s defence structures was such that the republic’s army became ‘almost a party army’ that ‘comprised those elements of the military most closely linked to the SDA leadership, a band of loyalists who would organise defence and other activities.’⁴⁹⁶ Thus, ‘the framework for the ARBiH came not from not the structures of the Territorial Defence but from the Patriotic League.’⁴⁹⁷ And certainly the role of Halilović, one of the first to join the Patriotic League, must be considered central to the early evolution and structuring of the ARBiH.⁴⁹⁸

While units may have been brought under nominal command of the ARBiH staff and were referred to as part of official structures, throughout the first year of the war there were a number of people commanding units, including quite large units, who had no military training.⁴⁹⁹ Throughout the ARBiH there was significant fluctuation among the State Security staff and a shortage of people of experience.⁵⁰⁰ Giving evidence in the Halilović case at the ICTY, Ramiz Delalić testified that following the transfer of former JNA officers to the ARBiH soon after the war in Bosnia began:

...there was a lot of animosity between them and the ordinary commanders because those who were former JNA members actually took part in attacking Sarajevo before being transferred...In addition to that, there was a lot of mistrust among the former JNA officers and the commanders who were ordinary people.⁵⁰¹

⁴⁹⁴ *Ibid.*, p62

⁴⁹⁵ see IT-01-48 *Halilović*, Exhibit 444, testimony of Vehbija Karić

⁴⁹⁶ Gow, *Serbian Project*, p244

⁴⁹⁷ *Ibid.*

⁴⁹⁸ IT-01-48 *Halilović*, Judgement asserts that it was under Halilović’s leadership that the attempt to transform the various units into a functioning army was made. see p41

⁴⁹⁹ T-01-48 *Halilović*, Witness F, 8 March 2005, p65

⁵⁰⁰ *Ibid.*, p66

⁵⁰¹ See IT-01-48 *Halilović*, Judgement, p41-2 and testimony of Ramiz Delalić, 17 May 2005, p15; see questions about Delalić’s testimony, ‘Witness has already lied in court, Defence says’, *Sense Agency*, 18 May 2005; Hoare, ‘Civilian-Military Relations in Bosnia-Herzegovina,’ see Operation Trebević: Attack on the Private Armies, p191-2

Thus, even after being incorporated into the official army, the command struggled to pull rogue commanders and their units under their control. Lack of military training, failure to make significant military preparations in the lead-up to war, and the absence of military strategy meant that the ARBiH had to respond to the events on the ground while also attempting to bring rogue elements to heel. As a result, internal discipline was poor and the ‘paramilitary leaders’, now part of the army, became as much of a hindrance to the Bosnian war effort as they remained necessary to keep their men –loyal to their unit commanders rather than the government– in the field. The resulting military structure that emerged not only reveals the limits of Sarajevo’s command, but also underline the limits of both ideological Bosnian (Muslim) nationalism and the failure of socialist *Yugoslavs*.

Although operating under more coherent and conventional commands, by September 1993 the ARBiH was still ‘very much a work in progress.’⁵⁰² Pejanović claims that towards the end of 1992 the Presidency and the Board for the Protection of the Constitutional Order had already met on several occasions and issued orders regarding the criminal prosecution of members of military units.⁵⁰³ Pejanović also describes how, in 1993, a state-run structure for the security services was established and consolidated, which meant that the MUP, the Army and the emerging military police were more effectively brought together under an ordered command and a military judiciary –although Pejanović admits “the process did not always go smoothly.”⁵⁰⁴ As with the HVO, as the ARBiH strengthened its internal organisation and clarified its structures of command, independent paramilitary units were subordinated to the official control of the national army. Initially, units were ‘collectivised’ for specific operations or to form groups; the Black Swans (a reconnaissance and sabotage detachment), the Silver Foxes independent platoon, and the Special Zulfikar Detachment for Special Purposes were pulled together under Operation Group Ingman. All contained a significant proportion of irregular fighters, or were entirely paramilitary formations, nominally part of the ARBiH.⁵⁰⁵ Attempts to subordinate special units were not wholly successful. This was partly due to the criminal composition of many of the units that as a result lacked both extreme nationalist

⁵⁰²IT-01-48 *Halilović*, Namik Džanković, 21 March 2005, p5; in same case, Judgement; “in September 1993 the ARBiH was still not a fully functioning army,” p41

⁵⁰³Pejanović, *Through Bosnian Eyes*, p92

⁵⁰⁴*Ibid.*

⁵⁰⁵IT-01-48, *Halilović*, Exhibit 00193, ‘Order on organisational changes in the organic strengths of the Corps’, 5 July 1993

conviction and military discipline. Orders appear to have been reissued in the summer and early autumn of 1993 as the Bosnian military leadership sought to “re-subordinate” a number of irregular units, but it was not until 1994-95 that an effective centralised authority was in place.⁵⁰⁶

As the war progressed and battle lines in Sarajevo hardened, the military and political command pulled together a centralised and coherent army. The League and Berets were integrated into ordinary military formations while criminal commanders were dismantled where possible. *Outside* Sarajevo there were few organised and numerically substantial groups that could be considered paramilitary units. An exception, although they were not always well organised, were the *mujahideen*. Holy warriors from Europe and the Middle East were present and operated within and outside of the ARBiH command.

Despite the fears of the west, the mujahideen presence in Bosnia was not considerable. While the Islamist irregulars did not contribute significantly to the military defence and subsequent advance of the ARBiH,⁵⁰⁷ their involvement shifted the external conceptualisations of the Bosnian war’s geopolitical importance. Their influence tends to be overestimated and their significance has too often been seen retrospectively through the post-9/11 experience.⁵⁰⁸ Recalling the role of self-termed mujahideen in a European conflagration in the post-9/11 world is heavy with the knowledge of “what came next” –not least because at least two of the Jihadists involved in the bombing of the World Trade Centre had cut their teeth in Bosnia.⁵⁰⁹ There were also a number of well documented and reported war crimes committed by the *El mujahideen* unit against non-Muslims towards the end of the war.⁵¹⁰ As a result much of the (limited) academic literature on the role of Islamic fighters in Bosnia exists as part of the narrative on the evolution of Muslim extremism, terrorism and the rest.⁵¹¹

There were several different dimensions to the support that came from the

⁵⁰⁶IT-01-48, *Halilović*, Exhibit 00193 and Exhibit 00121 ‘Resubordination Order of Arif Pasalić of Units to the IKM post Jablanica’, 7 Sept. 1993; Order refers to subordination of the Zulfikar, Muderiz, Akrepi and Silver Fox units to the control of the North 2OG of ARBiH

⁵⁰⁷UN Expert Report, Annex IIIA, p11

⁵⁰⁸J.R. Schindler, *Unholy Terror: Bosnia, Al-Qa’ida, and the Rise of Global Jihad*, Zenith Press, 2007; C. Deliso, *The Coming Balkan Caliphate: The Threat of Radical Islam to Europe and the West*, Praeger, 2007

⁵⁰⁹‘The 9/11 Commission Report,’ The National Commission on Terrorist Attacks Upon the United States, 22 July 2004, p147, p155

⁵¹⁰IT-01-47, *Hadžihasanović et al.*, Case Information Sheet; and Judgement, 22 Apr 2008

⁵¹¹Kohlmann, ‘The Afghan-Bosnian Mujahideen Network in Europe’; Gordon N. Bardos, ‘Jihad in the Balkans: The Next Generation’, *World Affairs*, Sept-Oct 2014

Muslim community: some networks, run by extreme clerics and Islamic radicals used the atrocities against the Bosniaks and the reluctance of the western powers to intervene to recruit young men, not just in the Middle East but from across Europe. According to Evan Kohlmann, the Bosnian conflict was ‘cynically offered by jihad recruiters to desperate youths in many European capitals as a chivalrous escape from the drudgery of their own boring urban lives.’⁵¹² Bosnia was an opportunity to develop terrorist cells (which for the purpose of this study are considered under our loose definition of paramilitary units) in the ‘heart of Europe.’

In 1994-95, as it became clear that international peacekeeping attempts were not going to take a more active role, the number of foreign fighters who travelled to fight for besieged Bosnia increased and the term *mujahideen* was used generically to describe these volunteers as well as Yugoslav Muslim fighters.⁵¹³ Volunteers, mostly from Muslim countries, began to arrive in June 1992; in Zenica at the beginning of September 1992 there were 250 Mujahideen allegedly from Turkey, Qatar, Bahrain and Iran.⁵¹⁴ Volunteers in Travnik reportedly came from Algeria, Pakistan, Afghanistan and Iran.⁵¹⁵ In an official note about different mujahideen groups in Bosnia and Herzegovina, dated 24 August 1995, Serbian state security reported that ‘about 50 Pakistanis [were] undergoing training in Austria and should join the ranks of the of the so-called BH army in late October.’⁵¹⁶ Some of these foreign fighters were young, with no military experience.⁵¹⁷

According to British journalist Christopher Lockward, writing in July 1991, the number of volunteers from Muslim states never exceeded three or four hundred.⁵¹⁸ This figure presumably did not include the Handžar Division of the 44th Brigade – a wholly Albanian unit that fought in Jablanica.⁵¹⁹ It was an odd, although surely deliberate, choice of name because during the Second World War the Handžar Division, then also known as the 13th SS Waffen Mountain Division, was largest Muslim unit of the Germany army and was formed of thousands of Bosnian Muslims.⁵²⁰ The symbol of the handžar, the Ottoman curved

⁵¹²Kohlmann, ‘The Mujahideen Network’, p1

⁵¹³UN Expert Report Annex IIIA, p11

⁵¹⁴*Ibid.*

⁵¹⁵*Ibid.*

⁵¹⁶IT-04-83, *Rasim Delić*, Exhibit 01428, ‘Official note about existence of different Mujahideen groups in BIH during the war’ dated 24 August 1995

⁵¹⁷Kohlmann, ‘The Mujahideen Network,’ p3

⁵¹⁸Christopher Lockward, ‘Muslim Nations to Send Troops’, *Daily Telegraph*, 14 July 1993

⁵¹⁹IT-01-48 *Halilović*, Judgement, p68

⁵²⁰David Motadel, *Islam and Nazi Germany's War*, Harvard University Press, 2014, p229

sword, was the emblem of the SS 13th.⁵²¹

However, while the Albanian Muslims fought in support and defence of their Bosnian Muslim neighbours, and were therefore engaging in jihad (or defending the religion), it was the Muslim irregulars from outside of the region who arrived in Bosnia as a result of external Islamic (perhaps Islamist is more accurate) command structures who also sought to impose Koranic lessons. An Arab Mujahid leader in Bosnia, Abdul Aziz, said “In Bosnia we have two duties, the first is jihad and the second is dawa, which means to teach correct Islam.”⁵²² For Kohlmann, ‘a new base for *jihad* was quickly growing in the Balkans’ as news of the assault on the local Muslim population reached Afghanistan and secured the attention of radical Islamist formations such as Al-Qaida.⁵²³ Kohlmann argues that:

With the help of influential clerics and *Al-Qaida* commanders, the foreign Bosniak brigades was coalescing together various disparate elements in the international Arab-Afghan network. The mujahideen war machine so familiar in Afghanistan had been successfully revived many hundred of miles westward in the heart of Europe.⁵²⁴

However, Kohlmann’s assessment of the “mujahideen war machine” suggests a level of organisation, expertise and military prowess far beyond the impact such groups had on the ground. The arrival of elements of the Arab-Afghan network did influence how Bosniak paramilitaries were perceived, in the Yugoslav states and abroad.⁵²⁵ The images of the black jihadi flag and the battle cries of *Allahu Akbar!* reinforced both the external Islamist and internal Serbian rhetoric of a European jihad but should be seen in the same light as the Croatian penchant for the Roman salute, or the Serbian glorification of the Chetnik; a self-perpetuating manifestation of powerful cultural symbolism, but one that appears more foreign (and therefore frightening) to western eyes.⁵²⁶

⁵²¹George Lepre, *Himmler’s Bosnian Division: The Waffen-SS Handschar Division, 1943-1945*, Schiffer Military History, 1997, p47

⁵²²UN Expert Report Annex IIIA, reference 51

⁵²³Kohlmann, ‘Al-Qaeda’s jihad in Europe’, p30

⁵²⁴*Ibid.*

⁵²⁵For précis of international coverage of the Mujahid units see Carey et al., The Pro-Government Militias Database

⁵²⁶Battle cries listed as part of the information on combat operations of ARBiH and mu-

Like the domestic irregular groups, the mujahideen units were, theoretically, under the command of the ARBiH but frequently flouted the official command structure. There are a number of exhibits used in the ICTY trials, particularly during that of Rasim Delić, which reveal an uneasy relationship between the ARBiH authorities and the foreign fighters. Although the ARBiH was not able to exercise sufficient control over some of the foreign Muslim fighters, central command continued to make use of the volunteers. In a query to the 7th Motorised Mountain Brigade, Enver Hadžihasanović referred to the engagement of ‘Arabs, who are ready to carry out combat activities in the 333rd [Mountain Brigade.]’⁵²⁷ The structural weaknesses of the ARBiH meant that the army not only needed men to fight but lacked the mechanisms of command and control to impose either discipline or strategy.

As the war progressed and the organisational structure of the ARBiH developed, foreign fighters were required to officially join the army.⁵²⁸ However, Bosnian military secret service obtained details of foreign members of the *El mujahideen* detachment and Green Berets who refused to do so on the grounds that their information might then be shared with Croatia and lead to their arrest.⁵²⁹ Furthermore, Serbian intelligence reported that the Bosniak police in Kakanj ‘started rounding up young men fit for military service and taking them to a private army (probably El mujahideen [sic]) and parents are trying to pull strings to transfer their children to the territory of the 2nd Corps of the so-called BH army’⁵³⁰

Many of the units that fought under the black jihadist flag were responsible for brutal crimes against civilians and prisoners of war, but without a clear idea of numbers, of those fighting on the ground and those who committed criminal acts, it is difficult to ascertain to any certainty what proportion of the jihadis were responsible for war crimes and other mass atrocities. The Commission of Experts received reports that alleged mujahideen soldiers had committed crimes including ‘mutilation and killing of civilians, rape, looting, the destruction of purport, and the expulsion of non-Muslim populations.’⁵³¹ The Trial Chamber of the ICTY explored the extent to which jihadi irregulars had been integrated

jahideen during the attack on Jezero, collected by the ARBiH General Staff, see IT-02-68, *Naser Orić*, Exhibit D990

⁵²⁷IT-04-83 *Delić*, Exhibit 01004

⁵²⁸IT-04-83 *Delić*, Exhibit 01433, dated 7 Nov 1995

⁵²⁹*Ibid.*

⁵³⁰IT-04-83 *Delić*, Exhibit 01428

⁵³¹see UN Expert Report Annex IIIA, p11

into the ARBiH ranks in the case of ARBiH Chief of Staff Rasim Delić.⁵³² Delić was found by the ICTY to have had sufficient command responsibility over the El Mujahideen detachment that he was sentenced to serve three years in part because of his failure to prevent or punish the cruel treatment of Serb captives by the detachment's members.⁵³³ Amir Kubura and Enver Hadžihasanović were both acquitted by the ICTY for charges relating to mujahideen fighters.⁵³⁴

Chaos in Bosnia was presented as evidence of the inability (and at times unwillingness) on the part of the ARBiH to control forces fighting in their name. As with the criminal fighters in Sarajevo, Bosnian state structures devolved responsibility to foreign fighters initially because they no other option. As the conviction against Delić suggests, more could have been done by the ARBiH to reign in the excesses of the Islamist irregulars –but, the conflict in Bosnia became more entrenched and the ARBiH slowly made advances in the field, elements of command hardened in the face of ethnic cleansing and the lack of international support. Therefore, the failure to sufficiently condemn crimes committed by foreign fighters, and ostensibly in the name of Islam, should be interpreted as evidence not of an exclusively religious radicalisation on the part of the Bosnian republic, but the shifting of a pervasive moral framework that perceived the (gross) misdemeanours of those fighting to defend their cause (and Muslim right to life) as legitimate in the face of the enemy. Such analysis does not absolve responsibility, nor should it diminish accountability, but stresses that mujahideen violence was no more an expression of Muslim culture as the Croat and Catholic irregulars were representative of Christian traditions.

But this sense of shifting boundaries was not universal throughout the ARBiH and therefore the identity-based violence never became systematic or strategic. The deputy commander of the ARBiH, Colonel Šiber, later said that “it was a mistake to let [the mujahideen] here...They commit most of the atrocities and work against the interests of the Muslim people. They have been killing, looting and stealing.”⁵³⁵ According to a report by the US on war crimes in former Yugoslavia, an American doctor working at the Kosevo hospital in Sarajevo ‘reportedly found that Muslim and mujahideen irregular troops –some from Afghanistan and Saudi Arabia - had routinely performed crude, disfiguring, non-medical circumcisions on Bosnian Serb soldiers, and he treated one 18-year-old

⁵³²IT-04-83 *Delić*, Case Information Sheet

⁵³³IT-04-83 *Delić*, Judgement

⁵³⁴IT-01-47, *Hadžihasanović & Kubura*, Judgement, 15 March 2006

⁵³⁵*Ibid.*, see also Andrew Hogg, ‘Terror Trail of the mujahideen’, *Sunday Times*, 27 June 1993

Bosnian Serb soldier who was so brutally circumcised that eventually the entire organ required amputation.⁵³⁶

The tragedy of the Bosnian war has sometimes been compared to the Spanish Civil War, with the western journalists who took up their pens-as-swords in the fight for humanitarian intervention painted as morally-driven combatants.⁵³⁷ However, of the independent and foreign soldiers –most of Muslim extraction– who travelled to Bosnia to fight, often in the name of Islam but not all under banners of extremism, no similar debate exists, thus common (and sometimes scholarly) conceptualisation has been somewhat two dimensional. This is not to romanticise Islamic extremists who used Bosnia’s crisis to their own advantage, nor to excuse the crimes committed by their followers, but rather to stress that there was a spectrum of Muslim (and non-Muslim) actors motivated by their own understandings of what they considered to be a just cause. If jihadism is taken in a more literal sense, without the context it has today (or had in the 1990s), it can be applied to any Muslim who fights (or *strives*) against the oppression of other Muslims.⁵³⁸ This is pertinent not only for our current discussion but also (the need for) a wider understanding of young Muslim men who travel abroad to fight for what they may perceive as injustice, but is often framed in (western) international discourse simply as terrorism. Just as there was a difference between Arkan’s forces and the local defence groups, who felt they were defending their family first and national second, we should apply a more nuanced lens to the jihadi irregulars and not allow prejudices to obscure the banality of reality.

Neil Ferguson and his colleagues have conducted extensive quantitative and qualitative research into the motivations behind paramilitary membership in Northern Ireland, and similarly reject reductivist explanations based on indi-

⁵³⁶Fourth Report on War Crimes in the Former Yugoslavia: Part II—Torture of Prisoners,’ US Department of State Dispatch, 3:52, 28 December 1992, This is corroborated by a letter from the Deputy Representative of the US to the UN, dated 7 December 1992, discussed in UN Experts Report Annex IIIA, p12-13, see reference 76; see also Kohlmann, ‘Al-Qaida’s Jihad in Europe’, p30

⁵³⁷Israel W. Charny, Simon Wiesenthal, Desmond Tutu, *Encyclopedia of Genocide: Vol. 1*, The Institute on the Holocaust and Genocide, 1999, p126; Ashdown described Bosnia as the “Spanish civil war of our generation” Interview with the author, 8 March 2010, quoted in Ferguson, *The Bosnia Debates*, p100

⁵³⁸Like many religious words and concepts, understanding the meaning and usage of the word *jihad* is complex; for brief remarks, Douglas E. Streusand, ‘What Does Jihad Mean?’ *Middle East Quarterly*, 4:3 (1997), pp9-17

vidual abnormality or cultural predilection.⁵³⁹ They present a number of risk factors that suggest a correlation with many of the paramilitary cohorts operating on all sides in Bosnia and Croatia.

- (a) The existence of a grievance or perceived injustice by a sub-group of the population
- (b) Age and gender (terrorist acts are generally committed by young males aged 15 to 25)
- (c) Past family involvement with or support for the movement (promoting membership through historical connections within the family)
- (d) Community support for the insurgent group, or high status associated with membership of the group
- (e) Coercion or conscription into the movement
- (f) Eventual membership as the result of an incremental process of increasing acts of insurgence; this process may start with relatively mundane behaviour such as spray painting, before progressing to destroying property and finally becoming involved in injuring and killing opponents
- (g) Vengeance as the individual's motivation, feels a need to hit back and right wrongs
- (h) [T]o become a member of an armed group there must be an organisation that the individual has the opportunity to join, and that wants his or her membership⁵⁴⁰

Such factors can be seen in force in Bosnia, not only among the jihadis, but across the spectrum –however, the age bracket was older, and particularly so of the domestic paramilitaries, who were usually between 24 and 45.⁵⁴¹ It is interesting that James Waller's study of perpetrators in genocide presents many

⁵³⁹Neil Ferguson, Mark Burgess & Ian Hollywood, 'Crossing the Rubicon: Deciding to Become a Paramilitary in Northern Ireland', *International Journal of Conflict and Violence*, 2:1 (2008), pp130-137

⁵⁴⁰*Ibid.*, p132-133

⁵⁴¹Based on observations of date of births provided to the ICTY of paramilitary and irregular combatants. Throughout the research, I came across no examples of irregular combatants under 20. While young irregulars were almost certainly present, their roles perhaps were less central and as a result have not been recorded.

similar conclusions.⁵⁴² While Waller contends that there is a ‘dark side of human nature’ he admits that ‘this only tells us we all are *capable* of extraordinary evil,’⁵⁴³ Waller instead points to dispositional influences, including socialisation processes, the context of action, and the definition of the target group (or victims.)⁵⁴⁴ Thus our assessment of irregular perpetrators should be framed by the search for the processes that led to their participation in the first place, and question where the onus of instigation of those influences.

A full examination of the holy warriors who fought in Bosnia cannot be included here as such an analysis would require an expert understanding that far exceeds my own. However, even a brief discussion of their involvement, I hope, can clarify some important aspects of the Muslim units present on the Bosnian front line and their relationship with the Bosnian state.

A motley collection of irregular military leaders and paramilitary groups fought in broad support of Bosnia’s sovereign integrity but the coalition was fragile. Sarajevo criminal commanders played a significant role in the defence of their city and thus were held up as urban heroes. Yet as the siege became more entrenched and economic opportunities opened for the practiced black market entrepreneurs, the balance of loyalties shifted. Foreign Islamic fighters came to Bosnia as much to spread the Salafist teachings of Muhammed as to fight the infidel invasions.⁵⁴⁵ The presence of Islamic irregulars made small contribution to Sarajevo’s military efforts but fanned internal and external prejudices, emphasising the sense of a civilisational divide and spurring fears of an Islamification of Europe especially among conservative observers of the conflict. The irony of course was the unintended consequence of the west’s circumspect response to Bosnia’s suffering; failure to intervene and protect Bosnia’s Muslims almost certainly led to a hardening of Islamic resentment and increased sense of Muslim alienation in Europe in Bosnia and throughout the Muslim world.

The ARBiH struggled to create a military defence, without adequate weapons and equipment, in the face of a better organised, better equipped enemy with chilling objectives against the Bosniak civilian population. In early 1995, a number of the Bosnian Presidency raised objections to the increasing public

⁵⁴²James Waller, *Becoming Evil; How Ordinary People Commit Genocide and Mass Killing*, Oxford University Press, 2002

⁵⁴³*Ibid.*, p272

⁵⁴⁴*Ibid.*, p272-274

⁵⁴⁵Onder Cetinm, ‘Mujahidin in Bosnia: From Ally to Challenger’, *ISIM Review*, (Spring 2008), pp14-15

display within the ARBiH of Muslim symbols and ethno-religious pageantry.⁵⁴⁶ Genuine efforts were made to establish law, order, and command within the ARBiH but the corruption and self-interest of individual commanders and poor discipline throughout the ranks, perpetuated by the instability that irregular elements encouraged, had tragic consequences. The atrocities committed by ARBiH and its collaborators could have been avoided and should have been foreseen. Ultimate responsibility for the crimes of the mujahideen or by the likes of Ćelo or Čačo must lie with the senior command of the ARBiH and their failure to properly control their irregular allies. Whether there was an alternative to integrating such unsavoury comrades into the Bosnian defence is questionable but that cannot make those responsible for the gross crimes that were committed any less accountable.

In Bosnia we see the broad paramilitary coalition of unlikely collaborators that worked together under temporary tacit agreements that was able to shore up a rickety defence in the early, crucial months of war. Unlike the Serbian and Croatian structures, paramilitaries were not so much used to augment the Bosnian defence, but rather formed its base until the central command staff could develop a regular structure. Approximately eighty percent of the JNA forces present in Bosnia and Herzegovina were integrated into the army of the Serbian Republic of Bosnia-Herzegovina and as a result, the participation of the paramilitaries and irregulars in support of the Bosnian government was both more important *and* less substantial than their Croatian and Serbian counterparts.⁵⁴⁷ This was because the collective efforts of the Patriotic League, the Green Berets, and the spontaneous collaboration of local defence groups and criminal gangs in the first stages of the Sarajevo siege ensured the city's survival. However, as the conflict became more entrenched it became clear that the earlier coalition had succeeded only because of short-term shared interests rather than any demonstration of command or control from Sarajevo. Even more so than in Croatia, Sarajevo's state forces were inherently paramilitary and it was not until towards the end of the war that central administration, with substantial outside assistance, was able to pull together a coherent conventional structure.

⁵⁴⁶Prejanović, *Through Bosnian Eyes*, p97

⁵⁴⁷This figure was given by expert witness Dr. Marie-Janine Calic; see IT-96-21, *Mucić et al.* Judgement, 16 November 1998, p47-8; Brigadier Vejzagić testified that a huge concentration of JNA manpower was present; approximately 100,000 soldiers, 800 tanks, 1,000 armoured personnel carriers, 4,000 artillery pieces, 100 planes, and 50 helicopters. see *Ibid.* p46-7

4 *Building national structures of command & control; some conclusions*

In the Yugoslavia, it was the stronger states –Serbia and Croatia– that were able to best utilise the paramilitary combatants on the field, and in support of their respective objectives. Serbia had inherited the Yugoslav army but also its secret services, central governmental departments, staff and bureaucracy, a multi-platform media nexus, and the experience (and confidence) that a European capital affords. Croatia’s government was united and supported by a wealthy diaspora. The Croatian military and political elite had made preparations for armed defence earlier than Sarajevo and as a result could claim to possess a legitimate (state) force when hostilities began. The Church further unified Croats.⁵⁴⁸ Sarajevo, on the other hand, faced a fracturing populace and a cultural division between Sarajevo and the rural areas that meant the government was able either to remain unaware of the approaching identity-based crisis or to ignore it.⁵⁴⁹ The Muslim community, the Bosnian government, and those who supported a unified and multicultural state were equipped with neither an army nor an effective national infrastructure: the Bosnian Serb Instructions had ensured that local authorities were, where possible, in the hands of the SDS. BiH structures succeeded in recruiting fighters to their cause but had no weapons to arm them with.⁵⁵⁰ Divisions in the political and military leadership further divided the inexperienced command structure. Thus for the Bosnian Muslims, the irregulars were a necessity rather than a tool of political violence.

All the war commands planned and sanctioned military collaboration with irregular military groups.⁵⁵¹ In their preparations for armed conflict, Belgrade, Zagreb, and Sarajevo recruited and armed paramilitary formations that became crucial components of their national military structures. The self-declared republics of Republika Srpska, Herceg-Bosna, and Krajina were supported by Zagreb and Belgrade, and also utilised national and local paramilitary forma-

⁵⁴⁸Vjekoslav Perica, ‘The most Catholic country in Europe? Church, state, and society in contemporary Croatia,’ *Religion, State, and Society*, 30:4, (2006), pp311-346

⁵⁴⁹In her anthropological study of the city, Ivana Maček wrote that ‘being Sarajevo was considered to be morally and culturally superior to being Bosnian,’ *Sarajevo Under Siege; Anthropology in wartime*, University of Pennsylvania Press, 2009, p189

⁵⁵⁰Enver Hadžihasanović interview, *Our World; Bosnia: Cradle of Modern Jihad?*, BBC, (dir.) Maria Polachowska, 4 July 2015

⁵⁵¹Meaning commands from Serbia, Croatia, Bosnia-Herzegovina, and RSK, SAO, RS and Herceg-Bosna.

tions.⁵⁵² However, the Serbian paramilitary participation was intentional; the devolved nature of the perpetrating structure was in itself part of the strategy. Not only did the obscurity of command hinder international responses to the crisis, but the perception of non-state violence accelerated the division of the communities themselves and thus expedited the policy of ethnic cleansing.

The Serbian Red Berets, which included the units led by Arkan, Legija, and Captain Dragan, operated in throughout Serbian positions in Bosnia and Croatia and were made up of volunteers and conscripts from the local areas or from Serbia. Many of the individual fighters and unit commanders who were from Serbia proper were sent first to Croatia when local violence began and then to Bosnia, under the direct instruction of Serbian state authorities in the MUP and security services.⁵⁵³ In Croatia, all pro-Serb forces –MUP paramilitaries, local irregular armed groups, former TO– were subordinated to the JNA (Belgrade) command.⁵⁵⁴ This was replicated in Bosnia and maintained until after the massacres at Srebrenica.⁵⁵⁵ The paramilitary component of the Serbian forces were supported by the regular army structures from Belgrade, RSK and RS. Central military command came through the JNA and then, following its dissolution in 1992, the VRS but MUP and political paramilitary groups retained their own chains of communication and sometimes of command.⁵⁵⁶

Zagreb and Sarajevo responded differently to being stripped by Belgrade of JNA defences and weaponry. Croatian elites took advantage of their paramilitary dynamics despite having had little choice during the first phase of war but to encourage a paramilitary structure. Zagreb pursued an immediate and aggressive policy of rapid rearmament along what was essentially a paramilitary structure by militarising the police and creating the Guard.⁵⁵⁷ Central and local Croatian state authorities and local powers provided arms, political support, and moral legitimacy to the local defence units that emerged in response to the rising Serbo-Croat tensions.⁵⁵⁸ The first wave of the Croatian conflict revealed the discrepancies in the two command structures as much as it did the

⁵⁵²Use of local formations is discussed in Part VI

⁵⁵³IT-03-69, *Stanišić & Simatović*, Judgement, Part II, p.460, 461, 463, 849

⁵⁵⁴See testimony of ex-MUP paramilitary C-020 IT-02-54, *Milošević*, 27 October 2002; also ‘Super Tiger Testifies: Serbia trained paramilitaries to fight in Bosnia,’ *IWPR*, 27 Oct 2002

⁵⁵⁵Karadžić’s “7th Directive” reiterated the 1991 Instructions, calling for a ‘unified state-political and military concept under a common leadership’, IT-02-54, *Milošević*, Exhibit P553.2a, ‘Republika Srpska Supreme Command Directive 7, dated 8 March 1995

⁵⁵⁶IT-02-54, *Milošević*, 16 April 2003, p19426

⁵⁵⁷DOY transcripts, Boljkovac, p5-6; and Mešić, p6

⁵⁵⁸Boljkovac, DoY, p5-6

uneven distribution of weaponry.⁵⁵⁹ In summer 1991, the ZNG was far from an effective combat force; many of the volunteers who had joined up were ‘motivated but they had no training, no equipment, no leadership.’⁵⁶⁰ Over time Croatian command asserted stronger control and as the focal point shifted to Bosnia, Croat forces made military gains. As the military capacity strengthened, Zagreb centralised the command structure and sent a message to the irregular armed groups; they could join the centralised command or dissolve.⁵⁶¹ While the results of this process were mixed –HOS and local armed groups maintained a presence in Bosnia and Croatia– the central authorities had acknowledged the challenge posed by the irregulars and subsequently claimed to have quashed it. In truth, the HOS expertise and personnel that were officially integrated into structures such as the HVO retained many of the visual and political traits of the fascist formation’s identity.⁵⁶² Like Sarajevo, Zagreb initially found itself unable to exercise control over all the composite strands but was able to establish a strong central command long before Sarajevo could do the same.

Serbian and Croatian state paramilitary forces and their “non-state” allies committed war crimes systematically. In Croatia and Bosnia, MUP units, supported by the White Eagles and the Chetniks, were the forces that implemented ethnic cleansing.⁵⁶³ The 7th Directive was not exceptional; pro-Serb irregular forces were intended to, ‘[b]y planned and well thought out combat operations create an unbearable situation of total insecurity with no hope of further survival or life for the inhabitants,’ not only of Srebrenica and Zepa in 1995 but throughout strategically important areas of Bosnia and Herzegovina.⁵⁶⁴ These acts were regularly performed in collaboration with regular state forces and elsewhere solely by paramilitaries. In Srebrenica, experienced paramilitaries participated in the massacres under the command control of the VRS.⁵⁶⁵ Brigades of the Croatian military police were responsible for the numerous war crimes, establishing a clear line of command and control from the field to the national elite.⁵⁶⁶ The shifting command structures of the local and military po-

⁵⁵⁹Dedaković-Jastrebović, DoY, p4

⁵⁶⁰IT-02-54, *Milošević*, Exhibit P373, ‘Statement of Witness Ivo Simunović’, p2

⁵⁶¹IT-95-14/2, *Kordić and Cerkez*, Statement of Stjepan Tuka, Exhibit D42/2, p35

⁵⁶²Krott, *Save the last bullet*, p59; IT-98-34, *Naletilić and Martinović*, Judgement, 31 March 2003, p7782

⁵⁶³The paramilitary tactics of entering towns and targeting Muslim civilians and the crimes that were committed are described above.

⁵⁶⁴IT-02-54, *Milošević*, Exhibit P553.2a, ‘Republika Srpska Supreme Command Directive 7’

⁵⁶⁵And, according to the ICTY Appeals Chamber, also the Serbian MUP, IT-05-88, *Vujadin Popović et al*, Appeal Judgement, 30 January 2015, p368, para 1063

⁵⁶⁶Can be seen most explicitly and much detail in IT-04-74, *Prlić et al.*, Judgement, 29 May

lice according to what kind of activity the units were participating in created an obscurity of accountability for the police committed.⁵⁶⁷ Despite contemporary and subsequent protestations by the war-time government, efforts to curb these excesses were minimal. What is more, investigations, such as there have been, have lead to the heart of Tudjman's administration, nullifying arguments of plausible deniability.⁵⁶⁸ However, the broader military networks that operated in support of Croatian aims were less hierarchical than Serbian structures. Pro-Bosniak irregulars, in contrast, committed war crimes but never systematically.

Irregular military combatants were integrated into devolved and often non-linear structures of national military and political command, and it was within the state structures that exercised the greatest degree of control over those irregular elements where the irregular perpetration of mass atrocity crimes and systematic identity-based violence was highest. The evidence challenges assumptions that the presence of irregular armed groups in conflicts indicate a weakness on the part of the state and its command and capacity for control. The use of paramilitary combatants by the Sarajevo government make plain that state weakness or lack of military capacity can lead to a reliance upon irregular armed groups, but by contrast, the planned use of paramilitaries by Serbian national leaderships was both intentional and intentionally concealed.

There were many strategic and pragmatic reasons why state powers from Serbia, Croatia, and Bosnia (both in Pale and Sarajevo) used irregular combatants, but the socio-economic and military crises also precipitated localised militarisation and the formation of genuine volunteer groups. Irregulars under state command or operating independently, on all sides, committed human rights violations, but without the identity-based conflict of which these combatants considered themselves a part, was the product of elites, not of community-level violence.⁵⁶⁹

For all national leaderships, the irregular military dynamic was a mutually beneficial relationship, but required a delicate balance of power to sustain itself. State authorities thus sought to normalise the irregular presence (and therefore also their crimes) by sanctioning the glorification of their paramilitaries, while simultaneously denying influence over the fighters themselves with narratives

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⁵⁶⁷Repinc, "The Special Police in Operation Storm," p11

⁵⁶⁸CIA Report 'Tomislav Mercep'; Pavelić, 'Witness: Government Knew About "Mercepovci" Crimes'; IT-98-34, *Naletilić and Martinović*, Exhibit PP588

⁵⁶⁹On violations, UN Experts Report, Annex IIIA, p8

of cultural or historical proclivity for non-state violence.⁵⁷⁰ On the field, this translated into a state of impunity for the irregular combatants. Paramilitary leaders reaped the rewards political immunity and military capacity can bring. The individual fighters, typically but not always young, became fleeting heroes –until they were no longer of political or military use, when they were presented as solely responsible for the crimes they had committed.⁵⁷¹ And yet, during the conflicts the national military and political commands *did* take measures to counter irregular activity when it suited them.⁵⁷² Serbian structures were well organised and had the capacity to halt local-level violations but chose not to because the community-based irregular dynamics deepened discord and so contributed to their ultimate objective. Sarajevo made the most concerted efforts of the wartime leaderships to challenge criminal and extremist elements but were unable to control the (very) loose coalition that fought in support of Bosnia’s Muslims.

Establishing the intent on the part of state structures or their elites to conspire with irregular combatants to commit mass atrocity crimes has proven difficult for the ICTY. Intent appears to be more explicit when it comes to the ‘middlemen’ of the paramilitary-national structure, but even here can still be challenging to establish in a legal framework. Furthermore, many of these individuals who bridged the national structure and the irregular networks died before they could be investigated, or disappeared. Arkan’s assassination (almost certainly intentionally) prevented his trial. Captain Dragan has just lost his extradition appeal and his trial, if it takes place, will likely expose further details of the covert nexus that existed between elite paramilitaries and the Serbian state.⁵⁷³ Dragan’s trial will undoubtedly focus upon the relationship between the paramilitary units he commanded and the MUP and DB authorities in Belgrade: Dragan’s defence has always been that he was following the instruction of Belgrade government personnel. Whether the Šešelj case will ever reach its verdict is unlikely but the trial has brought to light a wealth of evidence that not only connects his personal network of paramilitaries with the Serbian military and political structures, but that stresses the intent with which their identity-based crimes were committed. The Prosecution at the ICTY have documented

⁵⁷⁰Hero-worship of paramilitaries is addressed more fully in Part VII

⁵⁷¹As can be seen in aspects of the defence positions of wartime leaders Karadžić, Mladić, Gotovina, Markac, Babić, Hadžić

⁵⁷²For example, Tudjman’s elimination of the HOS leadership in August 1992 or the efforts made by the ARBiH in Sarajevo to wrest control away from the criminal gang-leadership

⁵⁷³Charles Miranda, ‘Accused war criminal Dragan Vasiljković to be extradited to Croatia to face war crimes,’ *News Corp Australia Network*, June 26 2015

a series of occasions where ‘Šešelj told his volunteers that their task was to kill *Ustasha* or *Turks*’:

God’s help, heroes! Serbian brothers, heroic Serbian Chetniks, today you are going to war. Today you are going to free Serbian Vukovar and to defend Serbian Slavonija. You are going to join hundreds, thousands of our volunteers. You are going from all parts of today’s shrunken Serbia to return glory to the Serbian weapons. You will act with units of the JNA, because that is our army. It is foremost a Serbian army, because of its senior staff and its struggle for the salvation of Serbian lands, of Serbian territories.⁵⁷⁴

We can see a similar intent in Mladić’s words as he prepared to take Srebrenica, “This is revenge for the Turks!”⁵⁷⁵ Describing how and why the SDS organised village guards in Krajina, Milan Babić contextualised the Serbian defence by drawing a historical continuum from the atrocities of the Second World War and the contemporary situation. Speaking in 1995 to the BBC *Death of Yugoslavia* team, Babić invoked the genocide against the Croatian Serbs before stating that “the same aspirations were shown by the HDZ in the nineties.”⁵⁷⁶ In their collective historicised incitement to commit grave identity-based crimes, the Serbian elites connected themselves to the irregular perpetrators while also placing responsibility for the violence on the past.

In international law, there is a legal obligation upon state not to commit genocide and other gross human rights abuses, but *after* the fact international criminal law seeks to hold individuals to account. Thus Rosenberg wrote in reference to the Yugoslav conflicts that:

many of the crimes were committed by the Bosnian Serbs, who themselves were non-state actors acting under a certain level of influence from Serbia...In those situations the question then becomes what obligations, under existing international human rights law, do

⁵⁷⁴IT-03-67, *Šešelj*, Final Trial Prosecution Brief, 25 July 2007, see p14

⁵⁷⁵Carmichael, ‘Violence and ethnic boundary maintenance in Bosnia in the 1990s’, *Journal of Genocide Research*, 8:3, (2006) pp283-293, p285

⁵⁷⁶Babić, DoY, p1

states have to prevent individuals or other states from committing human rights abuses, in particular human rights abuses which involve the right to life, like atrocity crimes.⁵⁷⁷

While the evidence presented in this work challenges the assumption that “*the Bosnian Serbs*” who committed crimes were all non-state actors, Rosenberg draws attention to a significant legal and practical loophole that encourages state architects of identity-based mass violence to devolve the responsibility of actual implementation –or perpetration of the crimes– to others. In Yugoslavia, irregular groups such as the MUP forces were subordinated to regular structures but worked closely and covertly with state elites; thus the devolution from the central command was communicated obliquely and along parallel chains of communication. It is not surprising therefore that a lack of material evidence demonstrating a conspiracy between state authorities and irregular perpetrators has hindered the prosecution process at the ICTY. It is probable that prosecuting irregular military structures will always be difficult because of the necessary burden of proof in any legal trial. A number of state elites have been found accountable for crimes committed by irregulars: The Croatian leadership in Herceg-Bosna were found guilty of crimes committed by the Special Police, and members of the ARBiH were convicted of crimes related to the Mujahideen, but the Serbian Security Service chiefs were acquitted of all charges, including those relating to the MUP paramilitary units.

However, Rosenberg’s observation considers the problematic but somewhat inevitable gap in-between state responsibility and culpability in a court of law. She argues that because international human rights law traditionally focussed on *state* conduct, there were not specific requirements of states to protect their citizens from interferences by non-state actors.⁵⁷⁸ It is notable that the principle of responsibility to protect, adopted by at the 2005 World Summit, is rooted in the agreement that states have a responsibility to protect their citizens from mass atrocity crimes but contains no reference to non-state actors (or actors who appear to be non-state). If irregular armed groups are indeed important, if not at times primary, perpetrators of mass atrocity crimes and identity-based mass violence this absence must be redressed if both the architects *and* the irregular foot soldiers of these crimes are able to be held to account.

⁵⁷⁷Rosenberg, ‘A Framework for Prevention,’ p452

⁵⁷⁸*Ibid*

In this grey area, also lies the issue of accountability for the wartime culture of identity-based division, violence, and impunity. All leaderships, but most particularly the Bosnian Serb structure and Croatian elite, recognised the power of propaganda and purposefully used the media and communication outlets to deepen divisions within communities and encourage local-level resistance or defence.⁵⁷⁹ At the ICTY (and ICTR) interpretation of the Statute has tended to recognise “instigation” of a crime where it is possible to establish a causal link between the incitement and the act.⁵⁸⁰ In the case of *Kvočka et al.*, the Chamber concluded that the element of instigation is satisfied if ‘it is shown that the conduct of the accused was a clear contributing factor to the conduct of the other person(s). It is not necessary to demonstrate that the crime would not have occurred without the accused’s involvement.’⁵⁸¹ In the Naletilić judgement, it was added that the requisite *mens rea* for instigating must be understood as the intention to provoke or induce the commission of the crime, or an awareness of the ‘substantial likelihood that the commission of a crime would be a probable consequence.’⁵⁸²

However, *direct and public* incitement, generally considered to be an inchoate crime, in international law is applicable ‘only in connection with the crime of genocide.’⁵⁸³ The decision, for example, by the High Court of Canada to deport Leon Mugesera to face trial in Rwanda for his 1992 speech to 1000 Hutus where he ‘explicitly called on Hutus to kill Tutsis and to dump their bodies in the rivers of Rwanda’ marked a precedent in genocide law.⁵⁸⁴ Mugesera did not occupy a position of command or control during the genocide; in fact he was not even in the country, but the ruling can be seen to have recognised the contributive role propaganda and incitement plays in decentralised identity-based mass violence. In sentencing Milan Gvero, Assistant Commander for Morale and Legal and Religious Affairs of the VRS, the ICTY for the first time recognised the importance of media propaganda in the mass executions that took place in Srebrenica in 1995.⁵⁸⁵ In reference to a press statement on July 19 1995 Gvero had issued

⁵⁷⁹IT-00-39&40, *Biljana Plavšić*, Report on the Media (Mark Thompson)

⁵⁸⁰‘International human rights case law; ICTR & ICTY case law,’ Human Rights Watch, 2007, p202-204

⁵⁸¹IT-98-30/1, *Kvočka et al.*, (*Omarska*), Judgement, 2 November 2001, para252

⁵⁸²IT-98-34, *Naletilić & Martinović*, Judgement, 31 March 2003, para60; the Kordić judgement stated that it must be proved that there was a direct intention to provoke the commission of the crime, IT-95-14/2, *Kordić & Čerkez*, 26 Feb 2001, para387

⁵⁸³Wibke Kristin Timmermann, ‘Incitement in international criminal law’, *International Review of the Red Cross*, 88:864 (2006), pp832-852, p839

⁵⁸⁴*Leon Mugesera vs. The Minister of Citizenship and Immigration*, Judgement, Ottawa, Ontario on September 8, 2003, p35

⁵⁸⁵Nidzara Ahmetasević, ‘Hague Recognises Propaganda’s Role in Srebrenica Genocide,’

saying that the activities of the VRS were directed towards neutralising Muslim terrorists and not civilians, the Chamber concluded that

While the release of false information to the media and international authorities does *not constitute a criminal act*, the purpose of the release was *not an innocent one*...the only reasonable inference as to the goal behind this communiqué is that *it was intended to mislead*, in particular the international authorities concerned with protecting the enclave, with a view to delaying any action on their part that might thwart the VRS's military effort⁵⁸⁶

According to the judgement, Gvero's duty was to 'disseminate information and propaganda for the troops in support of [Serbian] war aims, in the preparation for and during the course of combat operations' but also to mislead the international community.⁵⁸⁷ A similar pattern can be seen in the Drina valley and in Herceg-Bosna. It is clear that where irregular chains of military command are present and the perpetrators of identity-based violence are irregular combatants, the state and its infrastructure must be investigated to determine whether state authorities contributed, provoked, or induced the commissions of those crimes.

During the conflicts, the chains of command and control that existed within the Serbian and Croatian warring structures were denied and misrepresented to the international community by the leaderships. The engaging diplomatic relationship Milošević, and to a lesser extent Tudjman, enjoyed with many statesmen of the international community, especially when compared with how the international (western) elite interacted with Izetbegović, revealed an entrenched preoccupation with appearances over realities. For many who belonged to the British establishment, Milošević and the Serbian military were comprehensible, and therefore reasonable. Brendan Simms exposed what he calls British *Serbo-philia* in his unforgiving indictment of Britain's failed Bosnia police, *Unfinest Hour*; 'was it' he asks, 'the Serbian military spit and polish when contrasted to the ragtag Bosnians in tennis shoes?'⁵⁸⁸ The Serbs were generally seen as people

Balkan Insight, 7 July 2010

⁵⁸⁶IT-05-88, *Popović et al.*, Judgement, 10 June 2012, para1815, emphasis added

⁵⁸⁷*Ibid.*; see also IT-05-88 *Popović et al.*, Judgement I & II, 10 June 2010

⁵⁸⁸Simms, *Unfinest Hour*, p178

the British had and could continue do business with.⁵⁸⁹ This had direct impact upon the conflicts as the UK found itself the reluctant leader of the international response to Bosnia.⁵⁹⁰

To negotiator for the EU David Owen, Milošević was a man who rejected the ‘trappings of power,’ and was ‘neither racist nor paranoid about the rest of the world.’⁵⁹¹ Owen did not see Milošević as a nationalist, but instead ‘often likened him to someone who has jumped on the tiger of nationalism and is finding it difficult to get off again without the tiger eating him.’⁵⁹² In contrast, Owen’s opinion of Izetbegović appears to have been overshadowed by his confusion about Muslim Europeans; ‘There were no outward and visible signs that he (Izetbegović) was a Muslim. He, his son and his daughter dressed and acted as Europeans.’⁵⁹³ The attitudes of Owen’s colleagues were more alarmist; ‘some feel [Izetbegović] is the most difficult of all the people they had to deal with in the former Yugoslavia, manipulative and untrustworthy, and that his closet advisories are shadowy fundamentalists.’⁵⁹⁴

When Slobodan Milošević was put on trial in 2001 it became clear that he had not only participated in the planning of and preparation for the take-over of municipalities in Bosnia and Herzegovina, and the subsequent forcible removal of the majority of non-Serbs from those municipalities, but had provided the financial, material and logistical support necessary for such a take-over.⁵⁹⁵ However, until archives are fully opened the extent to which international governments were aware of developments on the ground in Bosnia, or of the involvement of Milošević and the Serbian government, many of the most important questions about international involvement in Bosnia must remain unanswered. Most recently, Florence Hartmann’s investigation of documents relating to the safe haven of Srebrenica *before* the July 1995 attack reveals western policy makers, including the US, UK and UN, were aware of Mladić’s declared intention to have the Bosniak Muslim population of the entire region “vanish completely.”⁵⁹⁶

⁵⁸⁹Sometimes literally, see case of Douglas Hurd and Pauline Neville-Jones, Ian Traynor, ‘Pauline Neville-Jones: diplomat who did business with Milošević. How the Tory security minister headed Balkan peace talks – then months later negotiated a billion-dollar deal with Serbia’, *The Guardian*, 13 May 2010

⁵⁹⁰Hodge, *Britain and the Balkan*, p1

⁵⁹¹Owen, *Balkan Odyssey*, p127; see also US impressions of Milošević in Holbrooke, *To End a War*, p4

⁵⁹²Owen, *Balkan Odyssey*, p129

⁵⁹³*Ibid.*, p39

⁵⁹⁴*Ibid.*

⁵⁹⁵IT-02-54-T, *Milošević*, Amended Indictment

⁵⁹⁶Florence Hartmann and Ed Vulliamy, How Britain and the US decided to abandon Srebrenica to its fate, *Observer*, 4 July 2015; see also full investigation, Hartmann, *Le sang*

Britain almost certainly obstructed the vague sense of responsibility in the EU towards those under threat in Bosnia from manifesting itself into concrete policy, and did so on the premise that chains of command in Bosnia were unclear.⁵⁹⁷ US Former Secretary of State Lawrence Eagleburger's caution against foreign intervention was clearly based in part on such reasoning:

If people are intent on killing each other under conditions in which it is almost impossible for the outside world to do anything without losing itself many lives, then my answer is: 'I'm sorry, but they are going to have to kill each other until they wear themselves out and have enough sense to stop.'⁵⁹⁸

Todorova has argued convincingly that it was precisely the 'historicised' character of the violence in Bosnia that shaped western opinion of the conflict. It was as if, in Bosnia, 'the mountaineers of the seventeenth century [had] reentered the political stage of the twentieth, unmarked by any change.'⁵⁹⁹ The political discourse of a Balkan warrior ethos, and the significance of history, memory and hatred in the 'Balkan' psyche, purposely or not, framed these atrocities as Balkan cultural and historical norm.⁶⁰⁰ Foreign Secretary Douglas Hurd recalled 'working our way through a tangled thicket without paths or signposts... [and] the great majority of those with whom I dealt shared this feeling of fog and frustration. That was true of most Britons, continental Europeans and Americans.'⁶⁰¹ In November 1992, Douglas Hogg MP (then with the Foreign Office) stated in the House of Commons that he believed neither Milošević nor Karadžić had control over events in Bosnia, citing as evidence 'the assurances Milošević gave regarding the removal of aircraft were not adhered to by General Mladić... [and that] war lords in Bosnia were pursuing their own policies and objectives.'⁶⁰² Thus the presence of irregular combatants and the historicised nationalist narratives of non-state violence further worked to Serbian advantage by legitimising and encouraging a policy of non-intervention. Bosnia's *fait*

de la realpolitik - *L'affaire Srebrenica*, Don Quichotte, July 2015

⁵⁹⁷John Major has since admitted that that he strategically stifled efforts from the Netherlands to single out Belgrade as the primary culprit of the Bosnian war, Simms, *Unfinest Hour*, p21

⁵⁹⁸Quoted Flemming, 'Orientalism, the Balkans, and Balkan historiography, p2

⁵⁹⁹Todorova, *Imagining the Balkans*, p137

⁶⁰⁰Ibid.

⁶⁰¹Hurd, *Memoirs*, p435

⁶⁰²*Hansard*, 16 November, 1992, col.107

accompli was that the narratives suited western policy makers who wanted to avoid the financial, political, and human costs of military engagement

Part III

Criminal shadows

The criminal dimensions of the Croatian and Bosnian conflicts were extensive and multilayered. The corruption generated by the communist transition had invigorated smuggling channels throughout the Balkans and developed a propensity within state structures for criminality, personal profit, and racketeering. Economic collapse throughout the 1980s had seen mass unemployment collide with a growing culture of materialism, leading to greater demand in a time of great (official) shortage. Thus, the grey economy and black markets were already well established across Yugoslavia by 1990. As political elites in Croatia and (more so) in Serbia endorsed narratives of community level identity-based violence, national struggle appeared to legitimise a suspension of certain pre-war values, ushering an embrace of a new (a)moral social contract. Many of the irregular combatants transcended the different levels of society, bridging the elite *cause juste* and the day-to-day anxieties of the community. Perhaps in part as a result of this unique positioning, a wartime conceptualisation of the paramilitary hero and of a patriotic mafia emerged. Regional traditions of banditry and guerrilla warfare appeared to give these conceptualisations an historical context.⁶⁰³ Moreover, the fact that many paramilitaries had previous civilian convictions or engaged in crimes during the war ensured that the irregular dynamics contributed to an increasing public acceptance of criminality.

Analysis of the criminal dynamics is complicated by the different levels of criminal behaviour that found space during the period. Much like the structures of violent implementation, the criminal networks operated according to a broadly similar hierarchy. Following the imposition of the arms embargo in 1991, international organised crime networks that stretched beyond the Balkans to South America and the Middle East facilitated the transfer of arms to various Yugoslav recipients. Elite organised crime syndicates operated in concert with national political leaderships, while local authorities sanctioned or collaborated with local felons. The relationship between official apparatus and the irregular fighters in itself led to a criminalisation of military *and* political activities. The nature of the conflicts and their impact upon civilian populations meant that black markets and grey economies became increasingly common-

⁶⁰³On themes see Žanić, *Prevarena povijest*; Čolović, *Bordel ratnika*; also *The terror of culture*

place, particularly in urban areas. Because the destruction of Muslim property was so intimately intertwined with the Serbian and Croatian military strategies in Bosnia, many crimes such as looting, theft, and even rape, were ascribed political (defensive) significance.⁶⁰⁴ There were, too, patterns of spontaneous and opportunistic violence and crime among the affected communities, probably as much a result of perceived legal impunity as changes to what was and was not morally perceptible. The reality was that the entire war making and state building enterprise in former Yugoslavia was criminal— and a form of organised crime. Charles Tilly’s eminent essay proves less of an analogy for the Yugoslav wars as a literal assessment.⁶⁰⁵

The criminal dimensions of Yugoslavia’s collapse, but especially in relation to the violence in Bosnia, served to further obscure political responsibility for the crisis. Rather than be interpreted as evidence of corrupt national structures, the explicit criminality of the conflicts instead further masked strategic intent and reinforced narratives of societal chaos. The misreading of war-time criminal behaviour led to the creation of a new paradigm in international relations theory with publications such as Ignatieff’s *Blood and Belonging* and Kaldor’s *New Wars*, which focused disproportionately on the mercenary actions of paramilitaries as evidence for their independence from state authorities.⁶⁰⁶ While historical, economic, and certain cultural factors contributed to the distinct criminal component, external and international actions provided the circumstances from which widespread black markets became essential and that forced the beleaguered Bosnian government to turn to covert channels in the desperate pursuit of weapons. The decisions to impose an arms embargo upon all parties and apply economic sanctions to FRY were disastrous. Finally, the large number of international personnel on the ground, particularly in Sarajevo, further facilitated black market trading. This reached a terrible crescendo of hypocrisy when it was exposed in the late 1990s that a network of western expats working for private security firms and the United Nations were involved in trafficking women for the western sex industry.⁶⁰⁷

⁶⁰⁴On rape as political act, Ruth Seifert, ‘The second front: The logic of sexual violence in wars’, *Women’s Studies International Forum*, 19:1–2, 1996, pp35–43

⁶⁰⁵Charles Tilly, ‘War Making and State Making as Organised Crime’ in (ed.) Peter Evans, Dietrich. Rueschemeyer, and Theda Skocpol, *Bringing the State Back in*, Cambridge University Press, 1985, pp169–91

⁶⁰⁶*Blood and Belonging* was published in 1993, *New Wars* in 1998; Kaldor maintains her argument of the criminal logic of new wars in ‘In Defence of New Wars,’ *Stability: International Journal of Security and Development*, 7 March 2013 (open-source); see also Mueller’s emphasis on criminal elements in modern mass violence in ‘Ethnic War’ (2000)

⁶⁰⁷Kathryn Bolkovac & Cari Lynn, *The Whistleblower: Sex Trafficking, Military Contract-*

If we take organised crime to be defined in the broadest possible terms, it can be described as ‘illegal activities committed by three or more persons working together as a group.’⁶⁰⁸ Such a broad definition is useful for this context as what follows does not seek to discuss criminal or legal categorisation. Until the end of the Bosnian war there were roughly three kinds of criminal structure in operation, across all sides of the conflict. On the local or community level, local needs and local opportunities led to the organic emergence of black market economies where stolen and trafficked goods could be purchased by the local population and the profits pocketed. Local war crimes such as looting and theft were common. So too was the illegal purchasing of arms. Local-level identity-based violence also occurred, but as such crimes were themselves part of a military and political strategy they are not included in this analysis. On a national level existed, on all sides, a symbiotic relationship between state elites from government, administration, and the security services, and elite organised criminal groups that purportedly identified with the ethnic group in question. At the beginning of the Croatian and Bosnian conflicts, these criminal groups were often involved in paramilitary activities on behalf of the state but later assumed their own command. In the wake of Dayton, the long-term damage of this relationship became clear. The third contributing criminal structure was international, and enabled the war-time states and criminal groups to receive large shipments of arms, or in Serbia’s case oil, to ensure their respective war efforts (or war-businesses) could continue. Within the Croat forces was a radical diaspora corps from terrorist cells around the world and a number of neo-fascist supporters.

5 *Social banditry*

The western Balkans has a history of smuggling and of political banditry but it was the socio-economic and political problems that accompanied the collapse of communism that led to the criminalisation of popular culture, politics, and later of war. Once the United Nations voted to impose the arms embargo, power shifted even further away from the legal to the illicit as Croatia and the Bosnian government, which was woefully underprepared and underarmed, sought

ors, and One Woman’s Fight for Justice. Palgrave, 2011

⁶⁰⁸This definition is used by Sheelagh Brady in her analysis, ‘Organised Crime in Bosnia and Herzegovina; A silent war fought by an ambush of toothless tigers or a war not yet fought,’ for the Organised Crime and Corruption Reporting Project, October 2012, p10

to acquire arms through any means necessary.⁶⁰⁹ While well armed, Serbia and the Bosnian Serb forces required oil in order to keep their war machine moving. The impositions of sanctions on FRY elevated the black market from a criminal economy that had existed largely on the margins of Serbian and Montenegrin society to a patriotic method of survival that simultaneously challenged the western governments and supported the aggressors' cause.⁶¹⁰ This process further normalised criminal behaviour and altered the socio-political moral compass. In Serbia, this had the effect of unifying Serbian society in common frustration at the new limitations imposed upon daily life.

Paramilitary groups and other irregular armed formations such as terrorist or resistance groups regularly rely upon illegal networks in order to transfer funds, arms, and other collateral such as drugs or oil. Similarly, the chaos and mayhem of war has forever drawn the profiteer, the mercenary, the opportunist. Sarah Percy in her detailed history defines mercenaries as operating outside of legitimate control and as not being motivated to fight by an 'appropriate' cause.⁶¹¹ Our understanding of mercenaries, like irregular fighters more generally, is governed by normative concepts of legitimacy and our subjective perception of what is or is not appropriate motivation to take up arms; in other words, definition currently relies upon a conformity to what can be highly subjective interpretations of a charged context or situation. In the context of Yugoslavia, certain patterns of criminal activity and certain crimes were considered by many to be legitimate because they were considered to be in support of an appropriate cause. In Yugoslavia, many who profited from the war were regarded as neither mercenaries nor criminals but as patriotic heroes. While we should interpret their actions as no less criminal, it is important to consider the motivations of the actors themselves as a means to better understand the interaction between the national elites, criminal activity and local networks.

The Balkans, like many places in the world, have a rich and varied history of subverting official structures. Centuries of foreign rule produced 'a tradition of cheating the authorities and evading the laws'.⁶¹² Banditry, like guerrilla

⁶⁰⁹United Nations Security Council Resolution 713; Arms Embargo, applying to (former) Yugoslavia, 25 September 1991

⁶¹⁰United Nations Security Council Resolution 757; Mandatory sanctions against FRY (Serbia and Montenegro), 30 May 1992

⁶¹¹Sarah Percy, *Mercenaries; The History of a Norm in International Relations*, Oxford University Press, 2007, p49

⁶¹²Maček, *Sarajevo under siege*, p79

insurgency, has an established place in Yugoslav memory and tradition; both are irregular armed structures. Much like the many faces of the Yugoslav guerrilla were resurrected by domestic *and* international actors, the Balkan bandit was revived from both the collective memories of local populations and the pages of foreign literature.⁶¹³ Thus some have drawn historical comparisons between the paramilitaries of the 1990s and the hajduk tradition of the nineteenth century. And certainly, the legacy and tradition of banditry appears to provide many parallels, not least in their positive imaging in the eyes of society. Banditry has long been considered one of the earliest forms of social protest; the Robin Hood figure who robs from the rich and champions the poor is an ‘international paradigm of social banditry.’⁶¹⁴ During the siege of Sarajevo, many of the most well known defenders of the city were criminals before the war and capitalised on the conflict by running their own black market rackets (or worse) but were portrayed by parts of the local community, and sometimes by the western media, as Robin Hood saviours.⁶¹⁵ Christian Giordano believes that the popularisation of people outside the law is a Mediterranean particularity, where mistrust in governments and the rule of law is rife.⁶¹⁶ Yet in socialist Yugoslavia, respect for Tito had been considerable and genuine. Influences from the Mediterranean were more likely to be modern, such as the new glorification of organised crime and mafia culture imported from the Italy and Sicily in the 1980s and 1990s.

Yugoslavia’s terrain is probably the most obvious explanation for its rich history of bandits and guerrilla fighters, and its long-time position between empires. The mountains, hills, and forests, particularly in Bosnia and Herzegovina is ideal for resistance fighting –as the Wehrmacht discovered during the Second World War.⁶¹⁷ But the violence that took place in Bosnia between 1992 and 1995 was not guerrilla warfare, despite the oft repeated fears of the British Parliament. Speaking in 1993, Tam Dalyell (Lab) asked the Defence Secretary Malcolm Rifkind if ‘the deterrent to Stalin’s armies devised by Tito was

⁶¹³Todorova, *Imagining the Balkans*, p136-37

⁶¹⁴Hobsbawm, *Bandits Primitive Rebels; Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries*, University of Manchester Press, 1971, ch.2, ‘Social Banditry’; and on equivalent international examples, Žanić, *Flag on the Mountain*, p.245

⁶¹⁵This concept was first put forward by journalists and around the same time by Žanić, *The Flag on the Mountain*

⁶¹⁶Christian Giordano, ‘The Anthropology of Mediterranean Societies’ in (ed.) Ullrich Kockel, Mairead Nic Craith, & Jonas Frykman, *A Companion to the Anthropology of Europe*, Blackwell, 2012, p23; see also Čolović. ‘A national Criminal-Hero? But who else?’ in (ed.) Todorova, *Balkan Identities, Nation and Memory*, New York University Press, 2004, p23

⁶¹⁷Fitzroy Maclean’s account of his time with the Partisans contributed to this conceptualisation in the UK, *Eastern Approaches*, J. Cape (London), 1949

the training of whole generations in guerrilla warfare?’ adding ‘[t]hese are extremely tough, determined and skilled people.’⁶¹⁸ Rifkind replied, ‘I agree with the hon. Gentleman’s assessment...We are conscious that these are tough people who have a strong tradition of fighting skills. That is clearly a factor we must all take into account.’⁶¹⁹

In fact, on the whole, in the 1990s the irregular fighters acted in concert with state forces, not against them. The small Bosniak forces in Serb held territory did use guerrilla tactics, true, yet tend not to be referenced –perhaps because such skills are not a part of the Muslim ethnic stereotype. Bandit tradition played its part when it came to the style and identity of many of the irregular (and sometimes regular) Serb combatants but it is worth noting that so too did Rambo.⁶²⁰

Bracewell draws this tension in Yugoslav culture to our attention in her essay, *The Proud Name of Hajduks*; ⁶²¹

The Balkan bandit is an excellent example of a national symbol used to encapsulate and communicate political messages to naturalise preset ideological understandings through reference to the nation’s history. He has served both as a symbol of the nation and its struggle for freedom and as a device for making boundaries between one national community and another.⁶²²

Thus, in Balkan cultural history at least, the ‘the line between mutual aid and individualism was very thin and the distinction between what was considered moral and immoral became blurred.’⁶²³ While Bracewell stresses that historical cultural representation of the Balkan bandit has been multidimensional, within the context of the 1990s struggles the history of the Serbian hajduk was suitably

⁶¹⁸Hansard, 14 January 1993, col.1063-64

⁶¹⁹*Ibid.*, col.1064, Leader of the Liberal Democrats Paddy Ashdown referred to this persistent view point in the House of Commons and in fact highlighted what he saw to be a ‘great conundrum about the Bosnian war’ asking, ‘why wasn’t any guerrilla warfare used? Rt. Hon. Lord. Ashdown of Norton-sub-Hamdon, Interview with the author, London, 8 March 2010

⁶²⁰On bandit culture see Žanić, *Prevrarena povijest*; on Rambo, (ed.) John B Allcock, Marko Milivojević, John J Horton, *Conflict in the former Yugoslavia: an encyclopaedia*, Colo; ABC-CLIO (Denver) 1998, p.207

⁶²¹Wendy Bracewell, “‘The Proud Name of Hajduks’: Bandits as Ambiguous Heroes in Balkan Politics and Culture’ in (ed.) Naimark and H. Case, *Yugoslavia and its Historians: Understanding the Balkan Wars of the 1990s*, Stanford University Press, 2003, pp22-36

⁶²²*Ibid.*, p23

⁶²³Maček, *Sarajevo under siege*, p79

nationalised; the irregulars were imitating a hero that 'played the role of a national elite when Ottoman conquest had left the Serb people leaderless; they had defended the Serbs against the Ottoman oppression; they had kept alive a sense of national consciousness under foreign rule.'⁶²⁴ Finally, Bracewell warns of the fatalism resulting from the persistence of these images:

...in such interpretations they seem to take on a life of their own, regardless of who uses them and for what purpose. Trapped in an all-encompassing culture of patriotic violence, the people of the Balkans (or of the former Yugoslavia or, most frequently the Serbs) have no choice but to act out its unchanging scripts—at best failing to confront the possibility of choice (“relishing” rather than “disarming” their myths.)⁶²⁵

The motif of the bandit, or terrorist even, is often romanticised and examples can be found throughout European history and culture, and variations exist all over the world. He represents a challenge to oppressors in the eyes of the suppressed. The tension that exists between his criminal behaviour and any genuine conviction of righting social or economic injustice is therefore usually underplayed in myth and story-telling. Even if the bandit himself does not possess a Robin Hood-like social consciousness, the poor who watch him rob the rich may still choose to bestow upon him heroic qualities; as Hobsbawm observed 'the fact that the bandit, especially when he was not himself filled with a strong sense of mission, lived well and showed off his wealth did not normally put the public off'.⁶²⁶ As such, bandits become people's 'champions', who are 'idealised' and turned 'into myth'.⁶²⁷ Perhaps what is significant then in the history of bandit culture in the western Balkans is not the substance of the myths, but the practice of myth-making and storytelling –and the romanticising of the anti-hero or anti-establishment figure. Hobsbawm presents banditry as a peasant phenomenon but many of its features can be seen in popular reactions to certain individual paramilitaries in the 1990s. Here, Čolović describes the moral legitimacy that was bestowed upon the modern paramilitary heroes; '[t]hey

⁶²⁴ Bracewell. 'The Proud Name of Hajduks,' p25

⁶²⁵ *Ibid.*, p34; see also Čolović, *Balkan-terror kulture*, Biblioteka XX vek, 2008, p201

⁶²⁶ Hobsbawm, *Primitive Rebels*, p22

⁶²⁷ *Ibid.*, p.13

personified and defended a form of justice and humanity opposed to the law and perceived social values, but they were authentic, lived deeply, and paid with their lives.⁶²⁸ Both Čolović and Žanić identified how this appropriation of historical context and costume within the wartime culture developed into ethno-nationalist hero cults, celebrating gangsters, paramilitaries, and ordinary criminals.⁶²⁹

This glorification of the violent criminal-hero was not wholly a wartime phenomenon; the godfather of the Serbian mafia, Ljuba *Zemunac* Magaš, died in 1986 and was commemorated in the epitaph as Robin Hood

A warm heart he had for the weak,
In a world of wrong, he had a sharp sword,
Punished rapacious thugs,
Travelled the war of Robin Hood⁶³⁰

Considering the prodigious position Magaš occupied in Serbian criminal counter culture, many belonging to the wartime patriotic mafia would have been aware of his hagiography.

A legacy of this subversive worship can be seen in the celebration by contemporary European right-wing extremists of Serbian paramilitary leaders Arkan and *Legija* Ulemek for both the violence they committed against Muslims and their criminal expertise; The Anders Breivik manifesto extols the Tigers, including Arkan and Ulemek, as role models.⁶³¹ Furthermore, Breivik claims to have ‘had the privilege of meeting one of the greatest living war heroes of Europe at the time, a Serbian crusader and war hero who had killed many Muslims in battle. Due to EU persecution for alleged crimes against Muslims

⁶²⁸Čolović quoted in (ed.) Dina Siegel, H. Bunt and D. Zaitch, *Global Organized Crime: Trends and Developments*, Kluwer (Dordrecht) 2003, p49

⁶²⁹Žanić, *Flag on the Mountain*, ch.7; Čolović, *Bordel ratnika*; also *The terror of culture*, p34-61

⁶³⁰This is the opening verse of three; see Čolović, *Bordel Ratnika*, p5-6

⁶³¹Andrew Berwick (Anders Breivik), *2083; A European Declaration of Independence; De laude Novae Militiae; Pauperes cooilitones Christi Templique Solomonici (also known as the Compendium)*, London, 2011; published online by the *Washington Post*, <http://www.washingtonpost.com/r/2010-2019/WashingtonPost/2011/07/24/National-Politics/Graphics/2083+-+A+European+Declaration+of+Independence.pdf>; Breivik also created YouTube videos praising the Tigers, once again emphasising the online interaction that connects communities of violent political extremists.

he was living at one point in Liberia.⁶³² The Norwegian police suspect this was Ulemek.⁶³³ The relationships that existed in Yugoslavia between many of the irregulars (foreign and domestic) and the European criminal underworld were extensive and enduring: when looking at contemporary networks of violent extremism (whether of right-wing supremacism or Islamism) it is necessary to search beyond ideology for similar illegal and covert networks, such as those that connect Milorad Ulemek with Breivik's milieu. In their elevation of paramilitaries rather than the Serbian state elites, Breivik and his ilk demonstrate the power of a modern folklore of non-state violence to perpetuate grassroots responses; and it is therefore significant that Breivik sought during his trial and Declaration to emphasise that he was inspired by the Serbian Tigers and not Nazism, which is inherently bound to state hierarchy.

In the 1990s, as many western perceptions of Yugoslavia and the Balkans were revived, the criminal element of the conflict was interpreted as being demonstrative of a Balkan mentality –and signalled a return to the orientalist Balkan imagination of Rebecca West, Agatha Christie, and John Gunther. Todorova summarised:

The jump from medieval brigands to contemporary armed hillmen involves a comparison of medieval violence (of which both are representative) with highly technological contemporary warfare, in which backwardness is attributed not only to the weapons of destruction but also to the perpetrators. Primitive technology and primitive warfare then, goes parallel with human primitiveness.⁶³⁴

The use of paramilitaries during the first Balkan wars (1912-1913) by Bulgaria and Serbia as organised, auxiliaries to their regular armies was not acknowledged in the 1990s in either Yugoslav or international war-time discourse.⁶³⁵

⁶³² *Ibid.*

⁶³³ Haroon Siddique and Helen Pidd, 'Anders Behring Breivik trial, day three –Wednesday 18 April,' *The Guardian* (online stream), <http://www.theguardian.com/world/2012/apr/18/anders-behring-breivik-trial-live#block-6>

⁶³⁴ Todorova, *Imagining the Balkans*, p137

⁶³⁵ John Paul Newman, in 'The Origins, Attributes, and Legacies of Paramilitary Violence in the Balkans,' in (ed.) Robert Gerwarth & John Horne, *War in Peace: Paramilitary Violence in Europe After the Great War*, Oxford University Press, 2012, p148

The Serbian paramilitaries were organised, had official support from the political leadership, and pursued coherent political objectives; they were primarily concerned in the years immediately preceding the First World War with expelling Ottomans, and thereby ‘Serbianizing’ territory under Serbian control.⁶³⁶ Even hajduks, who operated up until the Second World War, were employed as muscle and intimidation in political struggles.⁶³⁷ Western Balkan pre-First World War traditions of irregular violence were *not* wholly non-state, and nor did the fighters all belong to guerrilla or bandit cultures. Instead, there was a strong pattern of paramilitary behaviour within a discernible official structure, and where irregular combatants were deployed in order to implement exclusionary nationalist strategies. Social Serbian resistance was never directed against the Serbian state or its elites but external threats from Ottoman or European empires; distrust was not of authority but of other. This was in contrast to the social banditry prevalent throughout the same pre-World War One period in many of the peripheral and unpacified regions of eastern Turkey, where local Kurdish and tribal communities with no state structure of their own to support engaged in high levels of violence against the Ottoman authorities.⁶³⁸

Although the war-time criminals of the 1990s and their command structures consciously emulated a pastiche of traditional bandit culture supplemented with hajduk, ustaše, or jihadi garb, they did not acknowledge the similarities they shared with the earlier *para-institutional* structures of the first Balkan War. Beyond the pastiche, they found cultural endorsement from more contemporary aspects of society. The celebration of nationalist paramilitaries and their (newly accrued) material wealth –whether expensive cars, designer labels, or highly sexualised women– was particularly explicit in dominant cultures of Croatian dance music and Serbian turbo-folk.⁶³⁹ ‘Both genres’, writes Catherine Baker, ‘were preoccupied with conspicuous consumption, fast cars and other markers of the newly-enriched semi-criminal elite.’⁶⁴⁰

Several paramilitaries were awarded a kind of celebrity status. The press printed their photos– Captain Dragan had his own TV show and there was a comic strip depicting the war-time activities of his unit the *Knindže*.⁶⁴¹ The

⁶³⁶ *Ibid.*

⁶³⁷ Žanić, *Flag on the Mountain*, p123

⁶³⁸ Üngör, ‘Rethinking the Violence of Pacification: State Formation and Bandits in Turkey, 1914-1937,’ *Comparative studies in society and history*, 54:4 (2012) pp746-769, p744

⁶³⁹ Catherine Baker, *Sounds of the Borderland: Popular Music, War and Nationalism in Croatia Since 1991*, Ashgate Publishing, 2012, p75

⁶⁴⁰ *Ibid.*

⁶⁴¹ ‘Knindže –Vitezovi Srpske Krajine’ (Knights of Serbian Krajina) was published by

Croats and Bosnian Muslims also had their own superheroes. *Super Hrvoje* was a Croat superhero who fought against the Serbian forces, while *Bosman* was a young comic book hero who fought Chetniks and in Sarajevo.⁶⁴² The back story to Super Hrvoje, or Hrvoje Horvat, was that as a boy his family had fled socialist Yugoslavia to escape the communist regime, but the Yugoslav secret service tracked the family down and assassinated his parents; on returning to Croatia, Hrvoje learns that it is his destiny to defend his homeland.⁶⁴³ The *Bosman* comic, while appearing to champion the unity of Sarajevo, in a scene representing the first shots on Vrbanja Most, where Suada Dilberović and Olga Sučić became the first casualties of the siege, the Muslim Suada is depicted but Croatian Olga is not. Such apparently banal mediums of social interaction and pop culture were important structures of normalising not only the conflict but also identity-based violence and crime, indicating that as those moral parameters break down in specific regard to the identity-based targeting of certain communities a wider moral crisis can occur. While *Bosman* and *Hrvoje* were not paramilitaries, they were presented as nationalist figures who protected their communities and by existing outside the ordinary frameworks of society.

On the local and individual level, historical or political motivations overtly legitimised criminality but it was opportunism and the desire for personal gain that became pervasive. At the same time, the economic pressures of war and embargo resulted in black markets of necessity. In Bosnia, but especially the area under Serbian control that became Republika Srpska, was (and remains) a poor country. During his testimony at The Hague, former UN official Michael Charles Williams recalled that ‘there was virtually no functioning economy during [the war] period other than smuggling’.⁶⁴⁴ According to expert testimony, in 1993, ‘99.6 percent of the RS budget came from “credits” from the Federal Republic of Yugoslavia; 95.6 percent of that budget was used to fund the military and police’.⁶⁴⁵ In the Krajina, the heart of the self-declared Serb republic in Croatia

Politika newspaper in autumn 1991

⁶⁴²Super Hrvoje first appeared in June 1992 in the magazine *Nedjeljna Dalmacija*, Slobodna Dalmacija (Split); *Bosman* was printed in Sarajevo in October 1994, thanks to the Patriotic League, the comic can be read in its entirety here; <http://www.scribd.com/doc/51724795/Bosman>

⁶⁴³*Ibid.*, also Sinisa Ercegovac, ‘Super Hrvoje’ available at <http://www.international-hero.co.uk/s/superhrvoje.htm>

⁶⁴⁴IT-02-54 *Milošević*, Witness testimony of Michael Charles Williams, 24 June 2003, p22912; it is perhaps noteworthy that in his testimony Williams suggests that while many profited from such actions, they also ‘earned the scorn and dismay of General Mladić’

⁶⁴⁵Sara Darehshori, ‘Weighing the Evidence: Lessons from the Slobodan Milošević Trial,’ Human Rights Watch, Reports, 2006, p18

and a region where local paramilitary presence was high, the situation was even more dire. There were some elements of subsistence economy, but many Serbs survived on UN humanitarian deliveries and from support that was given by Belgrade.⁶⁴⁶ In the 1990s, the grey or informal economy in Yugoslavia amounted to approximately 40 percent of GDP.⁶⁴⁷ Pervasive crime was sometimes genuinely a means of survival and therefore it is little wonder that romanticised and historical narratives of national struggle or unity emerged to legitimise new behaviours.

The acute situation in Srebrenica crushed all but the informal economy. In summer 1992, the Serbian forces looted the town, taking all of the food that was there.⁶⁴⁸ This prompted, a month or so later, the remaining population in Srebrenica to search the surrounding area for sustenance: “Thousands of us would go to these places every day to look for food,” recalled a former inhabitant of the town.⁶⁴⁹ On these expeditions, they were referred to as *tobari* because “we all had bags, *tobra*”.⁶⁵⁰ Some witnesses suggested that these raids were sometimes run simultaneously with attempts to push back the Serbian lines, indicating the thin line that sometimes existed between petty criminality and irregular military activity.⁶⁵¹ Leading the initially ramshackle irregulars protecting Srebrenica was Naser Orić. Orić, a Bosnian paramilitary leader who worked closely with military and political structures in and around Srebrenica, combined his protection of the fated safe haven with the pursuit of personal economic gain –sometimes prioritising the former at the expense of those he was defending. According to the CIA, “[o]ver time, Naser Orić’s Srebrenica became a Hobbesian world of black marketeers and gun-toting quasi-military commanders.”⁶⁵² Between June 1992 and March 1993, Bosnian Muslim irregulars and volunteers raided a number of Serbian villages and hamlets ostensibly to acquire food, weapons, and ammunition for the besieged town but also reportedly caused much loss of life and property on the Serbian side.⁶⁵³

In Sarajevo, the needs of the besieged city and of its growing expat com-

⁶⁴⁶IT-02-54 *Milošević*, 23 June 2003, p22-12

⁶⁴⁷M. Blagojević (1998) quoted in (ed.)Victor Roudometof, *Collective Memory, National Identity, and Ethnic Conflict: Greece, Bulgaria and the Macedonian Question*, Praeger Publishing, 2002, p185

⁶⁴⁸IT-03-68, *Orić*, Witness Testimony Sabra Kolenović, 31 August 2005, p10079

⁶⁴⁹*Ibid.*, p10089

⁶⁵⁰*Ibid.*

⁶⁵¹*Ibid.*

⁶⁵²‘Balkan Battlegrounds; a military history of the Yugoslav conflict,’ United States Central Intelligence Agency, Office of Russian and European Analysis, 10 Sept 2002, p318

⁶⁵³IT-03-68 *Orić*, Judgement, 30 June 2006, p37; for further discussion of Orić see Part VI

munity were served by many of the paramilitary groups who had first defended the capital. National authorities on all sides decided when to cut off supplies or let them reach the city in order to support their war aims.⁶⁵⁴ Many of these actions were supported by paramilitary and criminal networks on the ground. Karadžić and Krajišnik were reportedly behind the Serbian smuggling lines in and out of Sarajevo at Ilidža, although run on the ground by criminal companies manned by irregular or mafia combatants.⁶⁵⁵ These irregular mafia combatants dominated the organised Serb smuggling lines, and present another layer of irregular collaboration on the part of the Serbian leadership structures. Donia describes gang control as the major characteristic of the economy in war-time Serb Sarajevo.⁶⁵⁶ Mayor Trifko Radić paints a grim picture of these groups at work:

[In Ilijaš] we have at least 150 mafia guys who drive unregistered Volkswagens. They wear uniforms, carry pistols and the most contemporary weapons, [sun]glasses, walk around, and no one dares engage them. They steal, walk, kill, engage in black market operations, etc....No one dares mobilise them. That's linked to mafia from Ilidža, Rajlovac, Vogošća, to Ilijaš, and we all fear them.⁶⁵⁷

The poor organisation of the Bosnian federation and lack of proper command structure meant that authorities could establish little control over the criminal networks beyond what could be gained through shared interests. As a result, many of those criminals-cum-paramilitaries who had initially defended the capital later came to terrorise its inhabitants. Juka went rogue with his own personal army, collaborating with the Croats and establishing a volatile HQ on Mount Igman, overlooking the Sarajevans who had previously championed him.⁶⁵⁸ Caco Topalović, who remained officially subordinated to the 1st Corps Commander, routinely abducted people from Sarajevo to undertake war labour

⁶⁵⁴Maček, *Sarajevo Under Siege*, p64

⁶⁵⁵for role of Karadžić and Krajišnik see Andreas, *Blue Helmets*, p68 (see fn151 for discussion)

⁶⁵⁶Donia, *Sarajevo*, p325

⁶⁵⁷Quoted *ibid.*

⁶⁵⁸Feljton Dana - Jusuf Prazina Juka (I): Bacio je samo jednog snajperistu, ' *Dani*, (259) 31 May 2002; Juka's smiling face filled the front page of this edition with the headline; Heroj I(li) Zločinac (Hero and (or) criminal)

such as digging trenches.⁶⁵⁹ Čelo Delalić's men also used threats of forced labour against members of the public in order to extort money.⁶⁶⁰ When Čelo was shot and transferred to the local Sarajevo hospital, threats of reprisals should he die were made against the government and prompted the state to fly him the out of the country.⁶⁶¹ Bougarel has suggested that Juka's expulsion from Sarajevo in the autumn of 1992 symbolised the marginalisation of what he called the neighbourhood gangs by the urban militia, such as Caco's 10th Mountain Brigade.⁶⁶² According to Bougarel, these urban militias, forged new systems of predation and terror that were more excessive than the first wave of gangster defence had been (under the neighbourhood gangs.)⁶⁶³

Greater Sarajevo represented a convergence of irregular networks from all sides of the conflict. In many ways the capital was the visual and organisational focus of the Bosnian conflict –even if the war's objectives lay in the hinterland– but the city also drew the attention of many for its economic opportunities. As with the atrocities committed in the countryside, it was irregular foot soldiers who carried out the day-to-day criminal duties but their covert command often came from within state infrastructure. Corruption and personal gain became deeply ingrained in state architecture, furthering the disconnect between the local communities and their political leaderships, engendering the sense of need for self-sufficiency that endured long after the conflicts.

6 *Institutional banditry*

Misha Glenny contends that by 1991, '[m]ore than any other communist country, politics and organised crime were tightly intertwined throughout the former Yugoslavia.'⁶⁶⁴ Marko Hajdinjak, in his 2002 study of regional criminal networks in the Balkans, writes that in the wake of the Cold War 'trans-border crime in Southeast Europe rose to an unprecedented...extent. This has not been the case in the other East European post-communist states.'⁶⁶⁵ The dec-

⁶⁵⁹ Andreas, *Blue Helmets*, p92

⁶⁶⁰ *Ibid.* p93

⁶⁶¹ *Ibid.*

⁶⁶² Xavier Bougarel, *Bosnie: Anatomie d'un conflit*, La Découverte (Paris), p113

⁶⁶³ *Ibid.*

⁶⁶⁴ Glenny, *McMafia*, p38

⁶⁶⁵ Marko Hajdinjak, 'Smuggling in Southeast Europe; The Yugoslav wars and the development of regional criminal networks in the Balkans', Centre for the Study of Democracy, Sofia,

ade preceding war in the Balkans saw widespread expansion of Yugoslav and regional organised criminal networks. Economic crisis and the collapsing legitimacy of communist politics created fertile ground for corruption. Socialist Yugoslavia's state (party) run infrastructures had become hollowed out institutions that were easily taken over by those with foresight or entrepreneurial aptitude before the transition to the open market began. More specifically, in the communist bloc state security services held significantly more power than their western counterparts. Security services in communist states tended to become more involved in the economy, both in their general intelligence activities and efforts to 'gather scientific and technological information by circumventing the restrictions of the Coordinating Committee for Multilateral Export Controls'.⁶⁶⁶ Thus organised crime in the early transition period was marked across the region by the widespread participation of former or current security service personnel. Their already shadowy existence enabled them to keep their economic activities off the record. Socialist secret services relied upon a network of informal informants that made up a substantial 'soft periphery' drawn from all corners of society; 'in this grey zone of the spy state, the border between law enforcement and crime was hard to distinguish'.⁶⁶⁷ According to a study of the risks of symbiosis between the security sector and organised crime by the Sofia-based Centre for the Study of Democracy, 'the involvement of security sector officers from adjacent countries in large-scale contraband was the main factor in the emergence of corruption networks that sustained stable smuggling channels [through Yugoslavia]'.⁶⁶⁸

During the conflicts of the 1990s, much was made about the geopolitical spacing of Yugoslavia, particularly about its position as a cultural and civilisational crossroads. Little was made of Yugoslavia's geo-*criminal* spacing. Connecting the eastern Balkans and Turkey to western Europe, Yugoslavia was already a main criminal thoroughfare.⁶⁶⁹ The liberalisation of movement of both goods and people as communist border restrictions were lifted not only facilitated the already established criminal routes through the western Balkans, but encouraged the creation of new ones. As state control over Yugoslavia's borders weakened, criminal and semi-criminal groups consolidated their influence, with

2002, p5

⁶⁶⁶The Security Sector and Organised Crime in Post-Communist State' in *Partners in Crimes*, p8

⁶⁶⁷*Ibid.*

⁶⁶⁸*Ibid.*, p.12

⁶⁶⁹Peter Klebnikov, 'Heroin Heroes,' *Mother Jones*, January/February 2000

help from security services and state administrators in customs and the police.⁶⁷⁰ Kosovo's involvement with the European drugs trade, heroin most of all, boomed in the 1990s and the cultivation of extensive criminal networks in neighbouring states had significant cross-border consequences⁶⁷¹ 'The smuggling channels, developed in Croatia and Bosnia in 1990-1991, and in Kosovo between 1994 and 1998,' says Hajdinjak, 'had an enormous impact on the process of Yugoslavia's disintegration.'⁶⁷²

Running concurrently to many of these domestic and regional processes was the development of an international Balkan network of organised crime. In Amsterdam, Sreten Jocić (aka Joca Amsterdam) was fast becoming Europe's cocaine king.⁶⁷³ He was associated with the *Suča clan*, and was later involved in the infamous car bombing of Croatian journalists Ivo Pukanić and Niko Franjić.⁶⁷⁴ In the late 1980s, he formed relationships with Ljuba Zemunac and Arkan.⁶⁷⁵ They became three of the most powerful men in the Balkans. Serbia, nowhere more than Belgrade, was consolidating as a criminal power base.

By the end of the 1980s, there were Serbian mafia groups spread as far as the US and Australia.⁶⁷⁶ A global network of diaspora criminality, with an impressive array of illegal business ventures, stretched throughout Europe, to the Americas and Asia. Human trafficking began to surge throughout the ex-communist Balkan states, particularly in Romania and Bulgaria, where Serbian criminal groups operated. In Bulgaria Serbian mafia came to specialise in the trafficking of young women for sex work, often against their will.⁶⁷⁷ These corridors of human trafficking, which ran through Bosnia, were exploited during the war by para-criminal networks to smuggle refugees out of Yugoslavia's borders – for a price. In Finland, Serbian criminal organisations worked with Chinese Triad cells to set up an illegal immigration racket, and under Milošević Chinese

⁶⁷⁰Hajdinjak, 'Smuggling in Southeast Europe', p6

⁶⁷¹Francesco Strazzari, 'L'Oeuvre au Noir: The Shadow Economy of Kosovo's Independence,' *International Peacekeeping*, 15:2 (2008) pp155-170, p158-60

⁶⁷²Hajdinjak, 'Smuggling in Southeast Europe', p13

⁶⁷³See profile, OCCRP People of Interest, Reporting Project, <https://www.reportingproject.net/peopleofinterest/profil.php?profil=22>

⁶⁷⁴Matteo Albertini, 'Mafia links between the Balkans and Scandinavia; State of affairs,' *Romanian Journal for Baltic and Nordic Studies (Revista Română de Studii Baltice și Nordice)*, 4:2 (2012), pp111-150, p133

⁶⁷⁵'Serbian Mob Boss' Victims,' *Nacional*, no.702, 28 April 2009

⁶⁷⁶On Australian connection, Marko Lopušina, 'Srpska mafija u svetu (8); Australijski Klan,' 15 April 2005, <http://www.novine.ca/feljton/feljton-0999.html>

⁶⁷⁷for growth of human trafficking in the Balkans see Lucia Ovidia Vreja, 'Human Trafficking in South Eastern Europe,' *Connections: The Quarterly Journal*, (Winter 2013), Institute for the Political Study of defence and Military History, Ministry of defence, Romania, pp42-69

triads and snakehead gangs established new strongholds in Serbia.⁶⁷⁸ In fact, during Milošević's rule, a Chinese population of approximately 100,000 consolidated in Belgrade, which then became a new transit point for illegal migrants arriving on direct flights from Beijing; 'From Belgrade, snakeheads moved their people to Vienna via Vojvodina and Hungary, to Italy via Montenegro, and to Austria and Italy via Zagreb.'⁶⁷⁹

The Pink Panthers, one of the world's most infamous jewellery rings, is believed to have its roots in socialist Yugoslavia and the Zemun clan; the Panthers are considered to have carried out robberies worth in excess of EUR 330 million since 1999; hundreds of suspects are linked to more than 340 robberies in 35 countries.⁶⁸⁰

During the conflicts, there were rumoured to be groups in Denmark, Greece and Italy –where the Zemun Clan had first begun in 1971. When war started, these international criminal networks – many forged in the crisis of the 1980s–formed the basis of many a Serbian paramilitary group or supported the Serbian project through arms smuggling, money laundering and, other criminal activity.

At the same time still, Yugoslavia's state security services were taking full advantage of the collapsing infrastructure. Much of Yugoslavia's border administration and state security services were run from Belgrade. On coming to power, Slobodan Milošević inherited it all. The Milošević regime became inherently criminal. Dejan Anastasijević describes it as 'a criminal regime, whose whole security sector was deeply involved in not just war crimes, but also in classic forms of organised crime; drugs and weapons trafficking, extortion, kidnapping, and targeted assassinations.'⁶⁸¹ During the early 1990s, the Serbian state security orchestrated much of the state's smuggling operations. The Serbian DB had been the direct successor of Yugoslavia's security apparatus, 'inheriting most of its agents, assets and practices.'⁶⁸² The Yugoslav DB had long been involved in illicit operations that involved a close working relationship with the Yugoslav,

⁶⁷⁸'Transnational Activities of Chinese Crime Organisations', A Report Prepared by the Federal Research Division, Library of Congress under an Interagency Agreement with the Crime and Narcotics Center, Directorate of Central Intelligence, April 2003, p8

⁶⁷⁹*Ibid.*

⁶⁸⁰Project Pink Panthers, *Interpol*, <http://www.interpol.int/Crime-areas/Organized-crime/Project-Pink-Panthers>

⁶⁸¹Dejan Anastasijević, 'Organised Crime in the Western Balkans,' First Annual Conference on Human Security, Terrorism and Organised Crime in the Western Balkan Region, for the HUMSEC Project, Ljubljana, 23-25 Nov. 2006; see p2; See also Glennon on Milošević personally sanctioning cigarette smuggling, *McMafia*, p48

⁶⁸²Hajdinjak, 'Smuggling in Southeast Europe', p13

Balkan, and international criminal underworld.⁶⁸³ Like the Yugoslav DB, the MUP were funded in part through the sale of contraband that had been seized by officials on the borders.⁶⁸⁴

When war started and economic sanctions were imposed upon FRY, oil had to be obtained covertly to ensure the Serbian forces could continue. Such methods were greatly aided by Mihalj Kertes, former deputy at the DB being installed as customs chief.⁶⁸⁵ Smuggling routes were established specifically to circumvent the UN sanctions. It is estimated that the Milošević government bartered between \$100 and \$250 million worth of grain for oil each year with Russian giant *Gazprom* in order to avoid hard currency transactions being traced by international watchdogs.⁶⁸⁶ Another oil channel was the Lake Skadar “pipeline” where up to 200 boats would make the short trip from Zeta in Montenegro to Vraca in Albania each night, collecting oil for the Serbian black market.⁶⁸⁷ Belgrade-sponsored paramilitaries such as Arkan Ražnatović were used not only for their propensity for violence but their criminal aptitude and links to serious organised crime.

Working through covert and illegal networks enabled Milošević to publicly support the arms embargo while ensuring that Serbian forces (regular and irregular) remained well armed and the regime solvent. Thanks to a number of high level investigations into organised crime circles in Belgrade, the significant overlap that existed between Milošević’s elite paramilitaries and criminal networks has been made a little more explicit. The leaders of the Zemun Clan, Belgrade’s most powerful and notorious criminal group during the Milošević and post-Milošević years, were –more often than not– of paramilitary stock. Milorad *Legija* Ulemek, who was involved in the assassination of Prime Minister Djindić, was not only a member of the Tigers but also served as Arkan’s best man.⁶⁸⁸ Legija was later a leader of the Special Operations Unit (JSO) –as the Tigers later became in Kosovo.⁶⁸⁹ His wife, Aleksandra Ivanović, before marrying Ulemek, was married to Nebojša *Šuca* Đorđević, a founding member of Arkan’s

⁶⁸³ *Ibid.*,

⁶⁸⁴ *Ibid.*, Brady and Glenny also corroborate this

⁶⁸⁵ IT-02-54, *Milošević*, Exhibit P427.62, ‘Record of Interview with Accused Slobodan Milošević compiled on 01-Apr-01 before the investigating judge of the district court in Belgrade’

⁶⁸⁶ *Ibid.*, p14

⁶⁸⁷ *Ibid.*, p15; the value of the smuggled oil sometimes exceeded \$1 million per day

⁶⁸⁸ Milorad Ulemek, Luković; Person of Interest’, *Reporting Project resource archive*, OCCRIP (online), <https://reportingproject.net/PeopleOfInterest/profil.php?profil=21>

⁶⁸⁹ *Ibid.*

Tigers.⁶⁹⁰ During investigation of another Zemun murder in 2006, information emerged that appeared to link Vojislav Šešelj to Zemun leader Dušan Šiptar Spasojević by suggesting that Spasojević had been an informant for Šešelj.⁶⁹¹ In 2010 rumours circulated that from his cell in The Hague, Šešelj had ordered members of the Zemun Clan to assassinate future Serbian president Tomislav Nikolić.⁶⁹² The accuracy of these claims are, as with the majority of testimonies associated with organised crime, all but impossible to corroborate.

The other national command structures all made pacts with criminal elements on a more functional and basic level. Firstly, all national structures sanctioned criminals to participate in their special military formations, either as subordinates to direct command or were left to interpret their responsibilities as they saw fit. Hadjinjak describes the process thus;

The war in which the Croatian, Bosnian Muslim and Kosovo Albanian armies were fighting against a military superior and better armed adversary contributed to the creation of a socio-political environment where smuggling (especially of weapons) was not perceived as harmful to the interests of Croatia, Bosnia-Herzegovina, and Kosovo. On the contrary, smuggling came to be regarded as essential for their survival.⁶⁹³

In the lead up to war, Croatia engaged in a dual policy of militarising their police while simultaneously illegally importing vast quantities of weaponry through the international black market orchestrated by the Croatian leadership. When the documentary was broadcast in January 1991 across Yugoslavia, it showed Croatia's defence Minister Špegelj seeking to buy 4,600 automatic rifles from Hungary.⁶⁹⁴ The film, aired by Belgrade Television, fanned fears among Serbs living in Croatia and heightened tensions across the federation but also confirmed, from the highest state authority, that the disregard for Yugoslav laws

⁶⁹⁰IT-02-54 *Milošević*, Witness 129-B, 16 and 17 April 2003

⁶⁹¹'Šešelj's alleged ties with Zemun Gang revealed', *B92*, 18 October 2006

⁶⁹²see local news coverage, in particular 'SNS leader on assassination claims', *B92*, 30 June 2010; and 'Šešelj ordered murder of Nikolić from prison in The Hague', *Blic Online*, 29 June 2010

⁶⁹³Hadjinjak, 'Smuggling in Southeast Europe', p8

⁶⁹⁴Chuck Sudetic, 'Yugoslavia Tense Over TV Film on Croatian Arms', *The New York Times*, January 26, 1991

and the purchase of arms was acceptable. In 1994, Branko Mamula, Yugoslav Defence Minister in the late 1980s, said of the film:

It looks ridiculous when you speak about that today. That you would allow someone to import such large quantities of arms –forty thousand Kalashnikov rifles– and it is ridiculous to film it and not to stop it. I mean it’s completely illogical er...unless you wanted to see the country broken up.⁶⁹⁵

Diaspora connections provide a map of the global movement of arms into the warring republics. Transfers were secured along international criminal networks but also by state leaderships. Official investigation showed that the then Argentinian President Carlos Menem was directly involved in the sale of weapons to Croatia in 1991 and 1992, *after* the UN arms embargo had come into force.⁶⁹⁶ Menem first authorised the sale of 6,500 tons of weapons to Panama that were instead shipped to Croatia by a Croatian state-owned company.⁶⁹⁷ The following year, Menem authorised a similar stunt supposedly selling weapons worth \$51 million to Bolivia that instead found their way to Croatia.⁶⁹⁸

Serbia relied on close relations with Russia to (illegally) supply their oil while the Sarajevo leadership accepted covert aid from the Middle East. A key facilitator for the Bosnian government in procuring arms was the *Third World Relief Agency* (TWRA), a Vienna-based INGO. The Agency was used to transfer \$350 million to the Bosnian government between 1992 and 1995. According to western intelligence, at least half was used to purchase weapons on the black market.⁶⁹⁹ Donations to the Agency came from largely the Middle East, with Iran, Sudan and Saudi Arabia making the greatest contributions, but Pakistan, Turkey, Brunei and Malaysia were also tracked as donors.⁷⁰⁰ As well as Muslim governments, extremist movements are also believed to have channeled funds to Bosnia through the TWRA, including ‘the wealthy Saudi Arabian emigre Osama Bin Laden.’⁷⁰¹ Hasan Čengić, a Bosnian official responsible for ‘negotiating

⁶⁹⁵Interview transcript with Branko Mamula, DoY, Doc.3/49, p24

⁶⁹⁶Hadjinjak, ‘Smuggling in Southeast Europe’, p9

⁶⁹⁷*Ibid.*

⁶⁹⁸*Ibid.*

⁶⁹⁹John Pomfret, ‘Bosnia’s Muslims Dodged Embargo’, *Washington Post*, 22 Sept. 1996

⁷⁰⁰*Ibid.*

⁷⁰¹*Ibid.*

clandestine arms deals' was a member of the TWRA's advisory board.⁷⁰² In 1993, 30 Bosnian Muslim and Turkish arms dealers were arrested by German police in the midst of an attempted purchase of \$15 million worth of light arms; subsequent investigation implicated TWRA as financial broker of the deal.⁷⁰³

There were a number of minor organisations operating from Bosnia with links to Muslim governments or Islamic movements. The identity-based nature of the conflict attracted pro-Muslim funds and interest groups but their influence has been retrospectively interpreted through the post-9/11 lens.⁷⁰⁴ Funds and arms from Muslim governments had far more impact upon the course of the war than the small number of jihadi fighters and mujahideen funds, and almost certainly contributed more directly to the rise in stricter Islamic practice in Bosnia thanks to the Saudi funded mosques and charities promoting Wahabbism in the post war years. Covert shipments from Iran in 1994 enabled the Bosnian army to make limited gains against the Serbian forces. According to investigation by the US Senate Intelligence Committee and the House Select Subcommittee, 'after April 1994, the U.S. began to ignore –and some might argue, encourage– violations of the UN embargo with respect to arms shipments to Bosnia.'⁷⁰⁵ In 1997, U.S Congress released a press statement titled 'Clinton-Approved Iranian Arms Transfers Help Turn Bosnia into Militant Islamic Base' revealing that Clinton 'personally participated' in the decision to allow Iranian shipments to reach Bosnia through Croatia.⁷⁰⁶ Richard Holbrooke, appointed Assistant Secretary of State for European Affairs in 1994, reportedly sought ways to bypass the arms embargo.⁷⁰⁷ In the last eighteen months of the Bosnian war, there were allegations of NATO and US complicity in the illegal shipment to the Bosnian government of arms, including military helicopters, from Turkey and the

⁷⁰² Andreas, 'The Clandestine Political Economy of War and Peace in Bosnia,' in (ed.) Michael A. Innes, *Bosnian Security After Dayton: New Perspectives*, Oxford University Press, 2006, p82

⁷⁰³ Hadjinjak, 'Smuggling in Southeast Europe', p11

⁷⁰⁴ For comprehensive but problematically un-nuanced list of organisations with radical connections operating in Bosnia see Shaul Shay, *Islamic Terror and the Balkans*, The Interdisciplinary Center Herzilya Projects, Tel Aviv, 2009, p50-69

⁷⁰⁵ 'Investigation into Iranian Arms Shipments to Bosnia: Report of the Permanent Select Committee on Intelligence House of Representatives together with Minority and Additional Views', House Report, October 9 1998, pp105-804; it is interesting that the US began to sanction the arms shipments to the beleaguered Bosnian forces following the beginning of the genocide in Rwanda, which Clinton was aware of but did not respond to.

⁷⁰⁶ 'Clinton-Approved Iranian Arms Transfers Help Turn Bosnia into Militant Islamic Base', Congressional Press Release, United States Congress, 16 January 1997

⁷⁰⁷ Burg and Shoup, *The War in Bosnia-Herzegovina*, p308; see also Hoare, *How Bosnia armed*, Saqi Books, 2004, p124

Middle East.⁷⁰⁸ Hadjinjak estimates that the total value of weapons smuggled into Bosnia between 1994 and 1995 reached between \$500 and \$800 million.⁷⁰⁹ By 1995, the Bosnian army was far better equipped than it had been at any other point in the conflict.

The personal intervention of Holbrooke and Clinton can be seen as an indicator of the frustrations among many in the international community at the military imbalance the arms embargo had enforced upon the Yugoslav republics. It should also be considered as an example of the elasticity of moral frameworks in times of conflict, and of perceptions of permissible criminal behaviour for an appropriate cause. The actions of the US or NATO, or of the Argentinian President were part of a much wider narrative of criminal activity, to be sure, but are nonetheless part of the same story.

The role of criminals in elite strategy extended from the more sophisticated circles of organised crime to low level opportunism. Serbian forces that operated under the patronage of Belgrade, as we have seen, were usually armed by the JNA, receiving weapons either from the disbanded Muslim or Croat TO, or from the Yugoslav stockpiles. Other more local groups found other ways to arm themselves. Dragoslav Bokan, a Serbian paramilitary leader of the *White Eagles*, recalled “we always obtained arms on the ground, from the local population who actually seized some arms from the army or obtained arms from their resources.”⁷¹⁰ Milan Martić, Knin police chief and paramilitary leader in Serbian Krajina acquired arms along similar channels: “we bought some weapons from Serbs working abroad, we got some from JNA patriot officers, secretly from the storages, We got some from people we didn’t like, like Slovenia and Croatia.”⁷¹¹

It was not unusual for criminals to lead paramilitary units. Some created their own personal formations,⁷¹² but the bulk of petty criminals that actively participated in the wars simply joined the ranks of irregular units. Criminality was endemic in paramilitary activity. Ethnic cleansing included forced economic transfer from victim group to perpetrator. Paramilitaries would remove all items of value from the homes they were ‘cleansing’; as described in the *Los*

⁷⁰⁸for fuller discussion of arms shipments allegedly received by Bosnia at this time see *ibid.*, p308-09

⁷⁰⁹Hadjinjak, ‘Smuggling in Southeast Europe’, p11

⁷¹⁰Bokan, DoY, Doc.3/8, 13.oct.1994, p.4

⁷¹¹*Ibid.*, p.7

⁷¹²Čolović, ‘A criminal-national hero?’ p253

Angeles Times, ‘when they entered a...house, a couple of Tigers would head for the kitchen and start moving out kitchen appliances. Others would go for the television and the VCR. Somebody else would start digging in the garden, looking for buried jewellery.’⁷¹³ According to an unverified document from the Serbian DB, there was an agreement between Arkan and the Serbian Security Services at the time of the Croatian conflict that detailed how their plunder from Vukovar should be apportioned; ‘For the needs of the unit, keep 2,500,000 German Marks and 15 kilograms of gold...[and] 3,876,000 dollars, and 430,600 Swiss Francs and 38 kilograms of gold will be taken by our agents.’⁷¹⁴

It is worth noting here that according to the testimony of Witness B-129, the former secretary of the Tigers, when the Tigers were on operation they also deployed their own military police unit as part of the Serbian Volunteer Guard structure and made up of its members for the purpose of preventing the Tigers/SDG ‘from looting and from mistreating the civilian population, from getting drunk and so on...to act in any way contrary to the code of conduct of the SDG.’⁷¹⁵ These military police units were then disbanded when the action was terminated. No further information regarding this practice is available so it is impossible to know to what extent it was implemented and with what degree of conviction. What *is* clear is evidence of the systematic looting that the Tigers and other paramilitary groups engaged in. Given Belgrade’s enthusiasm for looting and war bounty as an economically viable practice, it is more likely that what B-129 described was the monitoring of criminal activity for personal gain.

The dual role of Serbian irregulars as combatants and agents of the black market was recorded in a report on paramilitary activity in Croatia, submitted by the prosecution during the Milošević trial:

From the start of the war in 1991, a large number of various paramilitary units and groups were engaged on the territory of the RSK/Republic of Serbian Krajina. None of them were [sic] completely independent, and in various ways they were connected to

⁷¹³Stewart, *Hunting the Tiger*, p163

⁷¹⁴Roger Cohen, ‘Serb Says Files Link Milosevic to War Crimes in Bosnia,’ *New York Times* 13 April 1995

⁷¹⁵IT-02-54, *Milošević*, 16 April 2003, p19439; presumably the civilian population refers to local Serb communities, although this is unclear; Arkan’s son also claims that “one of the deeds my father most detested was when a member of his paramilitary force would steal and racketeer in his name.” Vojin Ražnatović, *Stories of my father*, self-published through CreateSpace Publishing, 2014, p152

certain structures in the Republic of Serbia. In agreement with and as tasked by these structures, they frequently performed specific tasks, including the extraction of natural and other resources in the said territories (tree felling, petroleum extractions), black racketeering of cereal crops and other foodstuffs and going as far as open looting and the worst forms of crime and individual actions of terrorism against the local population.⁷¹⁶

The wartime report details the case of Slobodan *Boca* Medić and his paramilitary unit, which numbered between 150-200.

The unit was engaged in securing terminals and smuggling petroleum from Đeletovci, and more recently they have been working intensively on felling oak trees, which they smuggle into Serbia via private channels using lorries from Serbia...and they share the profits with their sponsors in the SBiZS area (Slavonia, Baranja and Western Srem) and Serbia. Medić is also involved in the black-marketeering of cigarettes.⁷¹⁷

Unlike many paramilitary leaders who had criminal pasts, the report suggests that before the war Medić was ‘an ordinary worker’ who was then able to invest his war profits in ‘a house in Divčibari, a flat in Novi Sad, and a farm in the village of Stavanovici’.⁷¹⁸

Yet it was not only the Balkan combatants who took part in mercenary activities. A young British fighter with the Croats interviewed for the documentary *The Dogs of War* admitted to having “liberated two televisions.”⁷¹⁹ Similarly, Krott describes how many international irregulars were involved in petty theft and looting.⁷²⁰ The words of another British volunteer perhaps sum up the banality behind these actions better than more culturally rooted anthropological explanations: “What most soldiers want to have is good memorabilia.

⁷¹⁶IT-02-54 *Milošević*; Exhibit P643.19, ‘Report on the paramilitary and the link between these units operating in Croatia and Bosnia and the Serbian MUP’ - origin of report unknown; submitted by the Prosecution

⁷¹⁷*Ibid.*, brackets added

⁷¹⁸*Ibid.*

⁷¹⁹*Dogs of War*, BBC; one of his comrades (not old enough to have fought in Vietnam) added, “it’s like Vietnam –it’s your own law.”

⁷²⁰Krott, *Save the last bullet*, p179

It gives you a standing, it gives you your identity... [It says;] this is what I'm capable of doing."⁷²¹

Thus three, somewhat overlapping, forms of looting and plunder were present during the violence: Some combatants sought trophies and symbolic acquisitions. Some members of the public in the affected region and local paramilitaries took advantage of the chaos, carrying out individual acts of opportunism. The third and most dominant strain was the intentional destruction or confiscation of property by regular and irregular forces as part of the strategies of ethnic cleansing. The destruction of the National Library in Sarajevo, for example, could have no military benefit; nor could the mass destruction of properties by the HVO in Mostar. Together, Croat and Muslim forces destroyed fourteen hundred mosques.⁷²² The evidence given by B-192 confirms that the elite Serbian paramilitary formations systematically *confiscated* Muslim property for a purpose beyond personal gain or wanton criminality, which shines light on an additional dimension of the ethnic cleansing strategy. Üngör and Mehmet Polatel have documented how the dispossession of the Ottoman Armenians formed part of the genocidal strategy and process, also implemented by a coalition of state and paramilitary entities.⁷²³ Unlike in Bosnia, the confiscation of Armenian property was largely fulfilled through a centralised bureaucracy (there were 33 commissions across the country as well as local administrations that were responsible for inventorying, liquidating, appropriating and allocated Armenian property).⁷²⁴ We know that local RS administration was involved in transferring cleansed houses to Serbs., however, B-192's testimony and the Order of November 1991 indicates that that criminal processes of looting were devolved to the irregular combatants, suggesting that local authorities and irregulars worked together to fulfil orders from above. As with the implementation of the violent human rights abuses, by devolving implementation Serbian elites ensured the destruction of Muslim communities was achieved in a manner that further reinforced conceptualisations of the conflict as being driven by local and spontaneous forces.

⁷²¹ *Dogs of War*, BBC

⁷²² Sells, *The Bridge Betrayed*, p3; Bosnian Muslim forces engaged in reprisals but, whereas the intention of Serb and Croat strategies was the destruction or removal of Muslim communities from geographic regions, the Sarajevo never pursued widespread policies of ethnic cleansing.

⁷²³ Üngör and Polatel, *Confiscation and Destruction*

⁷²⁴ *Ibid.* p66

Many Serbian paramilitaries and volunteers were known at the time to be criminals, but it is only those who were most closely associated with the DB or Šešelj whose pasts have been investigated and documented.⁷²⁵ Arkan's history as a jewellery thief and assassin is well known but not exceptional. Before returning to Serbia to fight, Captain Dragan earned a string of convictions in Australia relating to prostitution and the running of a brothel.⁷²⁶ Djordje *Giska* Božović was another international criminal who became commander of the Serbian Volunteer Guard at the beginning of the war in Croatia. He was killed in the autumn of that year. At his funeral, in newspaper articles, and in a book hurriedly published after his death, Giska is described as 'a new knight in the heaven of the Serbian people.'⁷²⁷ *Tuta* Naletilić, the Croatian paramilitary, came from the mafia underground and had lived and operated abroad before returning to Yugoslavia in 1990. In the war he was involved in serious war crimes in Mostar and the surrounding area. As discussed in the previous chapter, his name continues to be celebrated in the local graffiti art in and around Mostar and during the war was considered something of a Robin Hood hero. His partner Vinko also had a criminal record before joining the Croatian forces. These are only a few examples of what was a dominant trend.

State structures utilised ordinary criminals as well as members of organised criminal networks. Bralo was conscripted into the HVO in 1991 where he served until February 1993, when he was detained for killing one of his neighbours.⁷²⁸ Bralo was released on the evening of 15 April 1993 from Kaonik prison in order to participate in the HVO attack of Ahmići, a small village in the Lašva valley in central Bosnia. On his release, Bralo went to the headquarters of the Jokers –the HVO-led paramilitary group– to prepare for the following day's assault; he was given weapons and a uniform, effectively becoming a member of the Jokers.⁷²⁹ (He was twenty-five.) Bralo pleaded guilty to all eight of the charges contained within his indictment, including persecutions on political, racial and religious grounds; murder; torture; outrages on personal dignity, including rape; and unlawful confinement. He was found guilty of war crimes, crimes against humanity and grave breaches of the Geneva Convention, with a sentence of

⁷²⁵IT-03-67 *Šešelj*, Case Brief, p17 and 20

⁷²⁶Bormann, 'The Real Captain Dragan'

⁷²⁷Čolović, 'A criminal-national hero?' p256

⁷²⁸see case IT-95-17 *Bralo*, particularly Judgement, p16

⁷²⁹IT-95-17 *Bralo*, Judgement, p4

20 years.⁷³⁰ In one incident, he oversaw the summary execution of 14 Muslim civilians, nine of whom were children. His defence argued that Bralo was used as a weapon of war by his superiors in the HVO between April and May 1993⁷³¹. The case provides insight into the difficulties of determining both individual *mens rea* and command control, both in our present study here and in legal contexts. The case reveals a willingness on the part of Croat authorities to induct a known murderer into a special purpose paramilitary group tasked with ethnic cleansing.

7 *A terrorist diaspora*

Our name is our programme, and we call ourselves Drina. Our entire programme is there. No more, no less. This is a programme for the millennia and for all Croats.

Vjekoslav Luberić

Included in the criminal and irregular dynamics were criminals and mercenaries who travelled to the collapsing Yugoslavia from the diasporas. The Croatian diaspora being larger, more radically politicised and better organised perhaps contributed their greater number, but Serbs also returned from around the globe. From the moment Ustaše had fled Croatia at the end of the Second World War, the Croatian diaspora had included a militant network of political extremists that endeavoured to radicalise their communities through the ‘institutionalisation of quasi-military structures’.⁷³² The generation who had left the NDH had settled in West Germany, Franco’s Spain, South America, the US, Canada, and Australia, and in the 1990s these were the countries where many of the most radical international pro-Croat volunteers came from. However, where as the radical elements of the Serbian diaspora and Serbian international crime networks generally supported the national leaderships and tended to be integrated into the loose coalition pursuing state-led strategy, the radical Croatian diaspora did not. Thus, the pro-Serb irregulars from the diaspora and paramilitaries with their own criminal power base were loyal to the central authorities while many Croat volunteers from the diaspora fought for the *centuries old dream* rather

⁷³⁰ *Ibid.*, p32

⁷³¹ *Ibid.*, p15, para 43

⁷³² Mate Nikola Tokić, ‘Landscapes of conflict: unity and disunity in post-Second World War Croatian émigré separatism,’ *European Review of History*, 16:5 (2009), pp739-753, p744

than the Zagreb government. The result was an extremist corps of foreign irregulars, many of whom had belonged to terrorist organisations that had been fighting for Croatian independence since 1945.

The Croatian diaspora had always been fractured and disjointed, and although it remained so, throughout the 1960s and 1970s radicals increasingly embraced political violence and terrorism: Croatian terrorists averaged one act of political violence every five weeks including more than 50 assassinations or assassination attempts, 40 bombings of public buildings and monuments, and two aircraft hijackings.⁷³³ *Hrvatski Narodni Otpor* or *Otpor* (Croatian National Resistance) had been created in 1957, when former Ustaša general Vjekoslav Luburić broke with NDH poglavnik Ante Pavelić. The split led to a cleavage in Croatian nationalism that even in the 1990s ‘war of independence’ could not be reconciled. Luburić, commander of the Jasenovac concentration camp, fled to Spain after 1945 where he led a European division of Pavelić’s Ustaše. The two parted ways when Luburić insisted an independent Croatia must include all Bosnia to the River Drina, parts of Serbia proper and the Sandžak whereas Pavelić was rumoured to favour a more pragmatic approach.⁷³⁴ For Luburić: “Our name is our programme, and we call ourselves Drina. Our entire programme is there. No more, no less. This is a programme for the millennia and for all Croats.”⁷³⁵ From within the diaspora communities there came was a split between Otpor supporters that dreamed of a Croatia to the Drina, and therefore included vast areas of Herzegovina, and decedents of the Pavelić lineage that, though radical, favoured pragmatism. Both lines pursued strategies of international terrorism. There were probably never more than a few thousand members of Otpor but the group’s evolution, and that of rival groups in South America and West Germany ‘is key to tracking the ideas, personnel, and strategy that link the distinct but interwoven strains of Croat nationalist activity over half a century.’⁷³⁶ Certainly, throughout the 1970s, Ustaša and separatist circles were operating in Spain under the tacit approval of Franco. It was during these years

⁷³³ *Ibid.*, p739; international reportage contains numerous and regular articles detailing terrorist activities committed in pursuit of an independent Croatian state.

⁷³⁴ Hockenos, *Homeland Calling: Exile*, p70; Robert B. McCormick, *Croatia Under Ante Pavelić: America, the Ustaše and Croatian Genocide*, MacMillan, 2014, for the significance of the Drina in Croatian nationalism see Ivo Goldstein, ‘The Boundary on the Drina –the meaning and the development of the mythologem,’ in (ed.) P. Kolsto *Myths and Boundaries in South Eastern Europe*, Hurst, 2005; and Carmichael, ‘Watch on the Drina’

⁷³⁵ Perica *et. al.*, *Political Myths in the Former Yugoslavia and Successor States*, Institute for Historic Justice and Reconciliation, 2011, p49

⁷³⁶ Hockenos, *Homeland Calling*, p69

that Otpor established links with the IRA and la Cosa Nostra, and with the Croatian mafia in San Pedro, LA; contacts which would prove invaluable to the Croatian paramilitary networks during the 1990s.

From the 1970s, a radical Croatian milieu in West Germany began developing quasi-militant structures that advocated radical separatist politics through violence. The young, dissatisfied workers that travelled to West Germany were drawn into what were essentially paramilitary organisations; new members were ‘required to sign a statement declaring themselves ready, should the need arise, “to fight for the establishment of the Independent State of Croatia.”’⁷³⁷ Tokić cites the example of Essen, an industrial town in Germany, where a former Ustaše lieutenant ‘oversaw a system of contacts, which organised documents, living arrangements and work opportunities for several thousand Croatian émigrés,’ with the intention of recruiting young, unmarried nationalists into “Croatian Divisions.”⁷³⁸ The division ‘trained at weekends in preparation for the “coming conflict” against socialist Yugoslavia.’⁷³⁹ A militant scene had also formed in Sweden and was involved in the assassination of the Yugoslav ambassador in 1971. The presence of German and Sweden right-wing extremists and neo-nazis in pro-Croat volunteer formations strongly suggests that the militant Croatian groups operating in those countries in the 1980s had become integrated into the European Catholic axis of fascist paramilitary networks.⁷⁴⁰

The case of Miro Barešić reveals the complex networks that existed within the Croatian diaspora and later were to influence paramilitary processes once conflict broke out: In 1968, in the midst of Croatia’s national revival, Barešić, aged 18, refused to enrol for military service on the grounds that Croatia was ruled from Belgrade.⁷⁴¹ After he had served his time in prison, Barešić escaped to Italy and made contacts with members of the fascist Croatian Statehood Movement, an offshoot from Otpor. Barešić, was then involved in the assassination of the Yugoslav ambassador in Sweden. During his trial, Barešić said of the unfortunate envoy “I hated him so much that I could have cut him into pieces because of the thousands of Croats he killed in the 1940s.”⁷⁴² He was released from prison as a result of demands made by Croatian nationalists who high-

⁷³⁷Tokić, ‘Landscapes of conflict,’ p745

⁷³⁸*Ibid.*

⁷³⁹*Ibid.*

⁷⁴⁰See Miroslav Mareš and Richard Stojar, ‘Extreme-Right Paramilitary Units in Eastern Europe’, in (ed.) Andrea Mammone, *et. al.*, *Mapping the Extreme Right in Contemporary Europe: From Local to Transnational*, Routledge, 2012

⁷⁴¹For full biography, Hockenos, *Homeland Calling*, p64-5

⁷⁴²‘Croat tells court of hatred for murdered envoy’, *The Times*, 30 June 1971, p.7

jacke d a Swedish plane and rerouted to Spain. He then travelled to Paraguay, where he trained military commando units, or death squads, for the dictator, Alfredo Stroessner. Barešić, now Tony Sarić, worked for the Paraguayan foreign service as the ambassador’s body guard in the US.

Barešić’s terrorist career was extensive but not out of keeping with the nationalist diaspora.⁷⁴³ In the US, from 1975-81, Otpor had plotted to bomb and assassinate Croatian moderates as a way of applying accute pressure on the community for financial support.⁷⁴⁴ The famous Otpor RICO trials included charges for over fifty acts of extortion where letters had been sent from West Germany to Croatian nationalists in the US demanding contributions between \$5,000 and \$10,000: Payments were to be made to a post office in Asuncian, Paraguay –owned by Miro Barešić.⁷⁴⁵

When fighting in Croatia broke out, Barešić returned to his homeland where, despite Interpol warrants for his arrest, he was given positions in the Croatian Army. Although this made him a regular combatant, his record as a prolific international terrorist and known criminal is noteworthy, while not being exceptional. The Barešić story ended with his death in Krajina in 1991, Tudjman posthumously decorated him as ‘Knight,’ and his statue being blessed by the Archbishop of Zadar.⁷⁴⁶ In the biography of one man, the complex international networks of communication, radicalisation and finance are exposed, revealing an evolution from a web of extremist cells outside of Yugoslav state control to a structure of patronage for the Croatian national project.

Tudjman’s actions in Bosnia suggest that he did not share a die-hard commitment to Croatia’s Drina border. Those that did clearly thought so too as in the lead up to war, the HOS emerged and other extremists began arming their own paramilitary formations, not to support the state’s objectives but to radicalise them. At the same time, Pavelić’s pragmatic decendants recognised that

⁷⁴³After Croatian nationalists highjacked a plane and demanded his release, Barešić travelled to Paraguay where he trained military commando units, or death squads, for the dictator, Alfredo Stroessner. Barešić, now Tony Sarić, worked for the Paraguayan foreign service as the ambassador’s body guard in the US. Barešić was arrested in 1983 for his part in the large-scale racketeering that “declared war on almost every moderate Croatian group in the [USA] which wanted independence but not through violence.” see Christopher Dickey, ‘Terrorist Worked As Ambassador’s Bodyguard Here; Ambassador’s Bodyguard Was Croatian Terrorist,’ *Washington Post*, July 25, 1979; and ‘Radical Resistance’, *The FBI Files*, Season 6, episode 16 (101), November 2004; ‘U.S. Seeks To Extradite Terrorist To Sweden’, *Associated Press*, December 28, 1979

⁷⁴⁴For example, Leonard Buder, ‘Bomb Shatters Windows in Courthouse Downtown’, *New York Times*, January 24, 1981

⁷⁴⁵*The Federal Reporter*, West Publishing Company, St. Paul [Minn.], 1983, p49

⁷⁴⁶IT-95-11, *Milan Martić*, (ICTY), 12 July 2006, p6121

Tudjman was a pragmatist also, leading to a consolidation of right-wing support for the new government. Thus consequences of the split between Luburić and Pavelić influenced the early Croat military and paramilitary structures, and prevented the Zagreb government from uniting the more spontaneous dimension of the irregular dynamics under. Perhaps as a result of his pragmatism, Tudjman rarely disabused the extreme right and honoured their irregulars who died.

As a result of the radical international Croat networks, HOS counted within its ranks an assorted collection of foreign fighters. Whether mercenaries, criminals or *true believers*, the internationals were regarded as national heroes in much the same way as their native comrades— sometimes even more so.⁷⁴⁷ The Foreign Volunteers of the Croatian Homeland War (*Udruga Stranih Dragovoljaca Domovinskog Rata* –or USDDR) believes that 481 volunteers from thirty-five countries fought in pro-Croat formations.⁷⁴⁸ The actions of those who died continue to be celebrated by loyalists, thus ensuring threads of emotional and historical connection are maintained between the homeland and diaspora, and sympathetic communities abroad, many of whom have been given a second life online since the mid-1990s. An example is that of Thomas Crowley, 1949 -1995, who was posthumously awarded the Medal of Petar Zrniski and Fran Krsto Frankopan for his contribution to the defence of Croatia.⁷⁴⁹ The medal was awarded to Crowley’s family on 12 December 2012 by the Office of the President of Croatia.⁷⁵⁰

Details of foreign fighters and the parts they played in connecting internal structures with international criminal networks are muddled to say the least but figures emerge such as Tony Cascarino (alias), a supposed IRA paramilitary who became a member of the HOS. Cascarino is alleged to have had connections to the Sicilian mafia and was linked to facilitating Ante Gotovina’s hiding before his trial at the ICTY, but there is little reliable evidence to support the narrative.⁷⁵¹ Cascarino published his account of the war online but attracts little

⁷⁴⁷Although Danish volunteer Allan Knudsen recalled that at the time animosity towards foreign fighters was evident; “the HV guys, the soldiers, didn’t like us because we were foreigners who had come to fight in their country” IT-98-34, *Naletilić and Martinović*, 13 November 2001, p5993

⁷⁴⁸<http://www.croatia.org/crown/articles/9991/1/481-foreign-volunteers-from-35-countries-defended-Croatia-in-1991-1995.html>; also see Nir Arielli, ‘In Search of Meaning; Foreign Volunteers in the Croatian Armed Forces, 1991-95,’ *Contemporary European History*, Vol.12 No.1 (2012), pp.1-17

⁷⁴⁹Čepo: ‘HOS-ovci su Podrugu samo instrument za proboj u Sabor,’ *Dalmacija News*, 27 January 2015

⁷⁵⁰News Bulletin, 12 December 2012, *Ured Predsjednika Republike Hrvatske* (Office of the President of Croatia), 12 December 2012

⁷⁵¹“Call me Cascarino”, says gun for hire’, *Irish Echo*, 17 Feb 2014; Cascarino denies this,

attention beyond a narrow following of IRA and Croatian extremists and cannot be considered either definitive or genuine.⁷⁵² Yet the criminal networks at work during the Yugoslav wars did often involve international connections that were rooted in past relationships of historical or political complementarity, even if the driving force was pragmatism or gain.

8 *Assessing the criminal dynamics*

It is evident is that all the national command structures used criminals to supplement and support their military or political objectives, and clear too that the criminal dimensions of the conflicts should be considered as a different kind of irregular dynamic. The parts played by criminals in chaotic military-civilian crises are many. The challenge of this research has been unravelling the threads that make up the intertwined mass of complex relationships between national elites, local powers, social actors, and criminal networks. The most difficult relationships to deconstruct and expose are those that existed, and in some cases persist, between national stakeholders and professional criminals. Corruption remains a significant problem in the western Balkans, a legacy from the communist era as well as the 1990s. Trials are halted, rumours of witness intimidation circulate, and Bosnia, Serbia, Kosovo and Albania have struggled with transparency and anti-corruption. What is more, the ten years following the Bosnian war saw a spate of assassinations that wiped out many of the best known criminals.

Brady suggests that there was a self-perpetuating logic of the war-time criminal enterprises;

the criminal economy occurring during the war actually created in itself a self-sustaining logic to the war, as it provided a significant income for many. In addition, it has been suggested that the prolonged war was a means of protecting the war-time criminals from possible investigation post-war.⁷⁵³

Hajdinjak goes further, arguing that the root cause for the conflicts was or-

see 'Ante Gotovina,' www.cascarino.homestead.com

⁷⁵² *Ibid.*

⁷⁵³ Brady, 'Organised Crime in Bosnia', p14

ganised crime; ‘war provided the perfect smokescreen behind which the ruling elites and the criminal underworld grabbed total political and economic power in Croatia, Serbia and Montenegro, and Bosnia and Herzegovina.’⁷⁵⁴ This analysis though valuable for its elevation of the issue of criminality during the war to a more prominent position, overemphasises the intentionality of the criminal actors. The primary forces of the Balkan dissolution came from political capitals willing to utilise both ethnicity *and* criminality to fulfil their ambitions. Andreas similarly overemphasises the determining role petty criminality had on the nature of the war. Citing a number of articles from Belgrade’s *VREME*, Andreas stresses that ‘[m]any fighters from Serbia were wooed to Bosnia by the prospect of looting and selling stolen goods back on the black market.’⁷⁵⁵ This approach to the Bosnian war was popularised by Kaldor in her theory of new wars. Using Bosnia as one of her primary case studies, Kaldor set out that

new wars occur in situations in which state revenues decline because of the decline of the economy as well as the spread of criminality, corruption and inefficiency, violence is increasingly privatised both as a result of organised crime and the emergence of paramilitary groups, and political legitimacy is disappearing.⁷⁵⁶

All Kaldor’s factors were present in Bosnia, and no doubt elsewhere, but to place the onus of war on what she refers to as the privatisation of violence and the disintegration of political legitimacy is to obscure the ultimate responsibility of those who engineered the Bosnian campaign; the Serbian political and military leaderships. The privatisation of violence was not a result of the paramilitaries and organised crime networks. Their very presence during the early 1990s was sanctioned by the Serbian state in order to facilitate and pursue territorial, political, and economic gains in Croatia and in Bosnia and Herzegovina. To overemphasise the criminal dimension of the Croatian and Bosnian wars is akin to overemphasising the role of ethnic hatreds and viewing the prevalence of the paramilitaries as evidence of Balkan fratricide. Like the paramilitaries, organised crime was supported from Belgrade, and to a lesser extent from Zagreb,

⁷⁵⁴Hajdinjak, ‘The Root Cause of Instability in the Balkans: Ethnic Hatred or Transborder Crime?’ for International Centre for Minority Studies and Interculture Relations, 2004, Sofia, see p2

⁷⁵⁵Andreas, ‘The clandestine political economy of war and peace in Bosnia’, *International Studies Quarterly*, 48, pp29-51, 2004, p35

⁷⁵⁶Kaldor, *New Wars*, p6

Pale, and Sarajevo, in order to support the war efforts but also to avoid the circumspect eye of international watchdogs and, in effect, further devolve accountability for the crimes that were committed.

Further, much of the contraband traffic (especially heroin) was disrupted and rerouted as a result of the war meaning that many of the most powerful criminal networks in the western Balkans lost out to their competitors in Romania and Bulgaria.⁷⁵⁷ Nevertheless, in conflicts where authority has been devolved, Andreas is correct to point out that ‘military success often hinges on entrepreneurial success in the murky underworld of smuggling.’⁷⁵⁸ Undoubtedly, the Serbian forces held advantages in their control of and collaboration with trafficking networks from Belgrade.⁷⁵⁹ Thus, the many roles played by organised and petty criminals in the Balkan conflicts must be considered central to any social, economic, political, or military analysis.

The state administrations in Bosnia, Croatia, and especially in Serbia, actively collaborated with petty and serious criminals as part of their war effort, transforming those individuals– and the cultures they represented– into bastions of patriotism and power. The legacy of Serbia’s patriotic mafia crippled the country’s political recovery throughout the 2000s. During the trial for Prime Minister Djindjić’s murder in 2003, it was established that members of the Zemun clan (responsible for the assassination) had received ‘special training courses’ from the Serbian state security services and that ‘the agency routinely provided protection for the gang members.’⁷⁶⁰

Rumours of underground mafia organisation *Preventiva* indicate the group received substantial funding from the RS administration and is said to have protected prominent war crimes suspects including Karadžić and Milan Lukić, assisting in their hiding while they were on the run and reportedly assassinating witnesses threatening to testify against them.⁷⁶¹ An intelligence source claimed that ‘money obtained from narcotics smuggling was vital in supporting Karadžić’s life as a fugitive and provided Lukić with steady income.’⁷⁶² It is suggested that shortly before his arrest, Lukić fell out with members of Pre-

⁷⁵⁷Anastasijević, ‘Organised Crime in the Western Balkans’ p3

⁷⁵⁸Andreas, ‘The clandestine political economy in Bosnia’, p30

⁷⁵⁹Andreas, *Blue Helmets*, p23

⁷⁶⁰Anastasijević, ‘Organised Crime in the Western Balkans’, p5

⁷⁶¹On RS government financing Preventiva see ‘RS Government financed Preventiva Operation Group and Zeljko Janković’, *Dani*, 6 February 2004; on alleged connections to Karadžić and Lukić see Ed Vulliamy and Nerma Jelačić, ‘The Warlord of Višegrad,’ *The Guardian*, 11 August 2005 (this article was used as case evidence in the Lukić trial; also Rob Miller, ‘The fight for justice in Bosnia goes on,’ *The Guardian*, 16 August 2010

⁷⁶²Jelačić et al., ‘Serb police target Karadžić informer’

ventiva, leading to a quarrel and a shoot-out between Lukić and Karadžić's bodyguards.⁷⁶³ The fight was reportedly over a drugs shipment and the size of the cut in profits that Lukić would receive.⁷⁶⁴

The rise of petty, violent and organised crime is a common problem in post-conflict states, commonly attributed to the prevalence of weapons, black economies, poverty, and the grim options facing affected populations. The case of Yugoslavia suggests that in conflicts where traditional power structures –whether military, political, or economic– have been subverted in favour of more devolved apparatus, the aftermath of criminalisation is likely to spread further and deeper. After Dayton, arms smuggling through the Balkans increased.⁷⁶⁵ Former soldiers and paramilitaries continued to operate together with organised crime groups –and as we have seen, sometimes *were* organised crime groups– in order to traffic their war-time stockpiles to other paramilitary conflicts including the IRA and ETA.⁷⁶⁶ In 2002, according to research undertaken by the US Library of Congress, Croatian arms dealers trafficked the cocaine they received in payment for arms, with the protection of ‘their connections with the Croatian Democratic Union (HDZ)’.⁷⁶⁷

The criminality of the war cast long shadows in Bosnia too. The smuggling routes into the country had become well established; as arms had come in, people had paid to be smuggled out. In the wake of the war, human trafficking became a serious problem orchestrated by local criminal networks together with international personnel, including those who wore blue helmets.

Organised crime groups operating today in the western Balkans are ‘multi-ethnic, cross-border, and well integrated in corresponding European counterparts.’⁷⁶⁸ Organized crime is a rational business. It would be possible to say that like the Italian and Sicilian mafia, organised crime groups operating across former Yugoslavia were particularly ‘responsive to culture and are patterned by tradition’ but during and in the wake of the war years, the pursuit of financial gain and power underpinned the criminal strategy.⁷⁶⁹ That some members of

⁷⁶³ *Ibid.*

⁷⁶⁴ *Ibid.*; The ICTY has not investigated drug smuggling nor has evidence of such activities been presented to the court.

⁷⁶⁵ Glenn E. Curtis and Tara Karacan, *The Nexus Among Terrorists, Narcotics, Traffickers, Weapons Profliterators, and Organised Crime Networks in Western Europe*, A Study Prepared by the Federal Research Division, Library of Congress under an Interagency Agreement with the United States Government December 2002, p10

⁷⁶⁶ *Ibid.*, p11

⁷⁶⁷ *Ibid.*

⁷⁶⁸ Anastasijević, ‘Organised Crime in the Western Balkans’, p3

⁷⁶⁹ On mafia families, see Ianni and Ianni, (1972), quoted in Alan Wright, *Organised Crime*,

criminal groups were also or had been members of paramilitary units in Croatia, Bosnia, and later in Kosovo, inevitably led to a more ideological or patriotic dimension to the criminal enterprise. Thus, some combatants presented themselves in Belgrade as ultra-patriots, just as Juka and Ćelo were happy to be seen as Sarajevo's protectors; it almost certainly was not bad for business. During the war in Bosnia, illegal trade between paramilitaries of different sides was much discussed by journalists and was often interpreted as further evidence of the immorality and illogical nature of the war, but trading with the enemy is as old as war itself;⁷⁷⁰ There is growing evidence to suggest that it is a practice as common in contemporary civil wars as it was in traditional interstate wars.⁷⁷¹

The UN decision to impose an arms embargo upon all parties and sanctions upon FRY meant that a significant reliance on illicit trade was necessary to sustain the war efforts, and in Sarajevo to sustain civilian life. The presence of so many relatively wealthy international personnel created an easy market for easy profit, the darker side of which came to light in the post war years and saw multilevel international collaboration with human trafficking for the sex industry. While established smuggling routes and the institutional corruption of the Yugoslav (later Serbian) DB facilitated Serbia's criminalisation but Milošević 'intentionally merged' Serbia's law-enforcing institutions with organised crime.⁷⁷²

Eric Hobsbawm wrote that '[t]he population hardly ever helps the authorities catch the *peasants' bandit*, but on the contrary, protects him'.⁷⁷³ In the 1990s, mass media and war-time culture was able to further elevate the brigand who committed crimes in the name of the nation to that of a protector. Even the petty crime of trading on the black market acquired deeper cultural significance.

Willan Publishing, 2013, p7

⁷⁷⁰On mercenary acts see John F. Burns, 'Renegades Help Bosnia By Helping Themselves', *New York Times*, July 5, 1993; Rieff describes a 'feral' society in Sarajevo, *Slaughterhouse*, p122; unpublished research undertaken by Chuck Sudetic found that the flow of many commercial goods into Sarajevo towards the end of the war was achieved through agreements between the Serbian and Bosnian (Muslim) forces see Andreas, *Blue Helmets*, p46-48 (and fn.10)

⁷⁷¹Jack S Levy and Katherine Barbieri, 'Trading with the enemy during war-time', *Security Studies*, 13:3, (2004), pp1-47, p2

⁷⁷²Anastasijević, 'Organised crime in the western Balkans'; By the end of the Milošević the grey economy had grown from in 1989 10% to 80%, J. S. Sörensen, 'The Shadow Economy, War and State Building: Social Transformation and Re-stratification in an Illiberal Economy (Serbia and Kosovo)' *Journal of Contemporary European Studies* 14:3, December 2006, pp317-351, p236

⁷⁷³Hobsbawm, *Primitive Rebels*, p14

Part IV

Bellum omnium contra omnes? Looking at local networks of command & control

In international law, a *levée en masse* is defined as a situation when:

[t]he inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops, without having had time to organised themselves in accordance with Article 1 shall be regarded as belligerents if they carry arms openly and if they respect the laws and customs of war⁷⁷⁴

Article 1 of the 1907 Hague Regulations requires such belligerents

1. to be commanded by a person responsible for his subordinates;
2. to have fixed distinctive emblem recognisable at a distance;
3. to carry arms openly; and
4. to conduct their operations in accordance with the laws and customs of war.

In countries where militia of volunteer corps constitute the army, or form part of it, they are included under the denomination “army.”⁷⁷⁵

[T]hose who did not have any say on what was happening and who were ready to make sacrifices actually suffered the most and took the greatest burden, and I think that they would be ready to do so again, even though...the[y] were not only betrayed but even accused by those who make decisions in our names and who make us wage our wars over and over again.

Dragoslav Bokan
Paramilitary leader of the White Eagles

As well as the state sponsored and state sanctioned paramilitary groups, there were a substantial number of local armed groups. These ranged from small bands of local men, perhaps from the same village, who carried arms and gave

⁷⁷⁴1907 Hague Regulations, Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907. Annex to the Convention: Regulations respecting the laws and customs of war on land - Section I : On belligerents - Chapter I : The qualifications of belligerents - Regulations: Art. 2

⁷⁷⁵*Ibid.*, Art. 1; see also 1949 Geneva Convention II, Article 4(6)

themselves a name, sometimes cultivating their own visual identity through costumes and mannerisms or by imitating others. The Croatian conflict involved regions rather than the nation's entire geography, inevitably bringing local dynamics to the fore. The Bosnian war was, as Gerard Toal and Carl Dahlman put it, "mediated by localities' rather than determined by them."⁷⁷⁶ The all encompassing social and economic dislocation of war pulled many young, disaffected men into the paramilitary orbit. To a certain extent, the emergence of local volunteer irregulars should be seen as a visual climax of the multidimensional social, cultural, economic, and political processes that escalated throughout the twilight years of the 1980s (as described in Part II). Unlike the political and military elites, who tended to be pragmatic and strategic in their decision making, local commanders were likely to be more ideologically fanatical, but opportunism and pursuit of personal gain was also common. Take Dragoslav Bokan, a Serbian paramilitary volunteer from Belgrade. Bokan described himself as a "national romantic" who understood the conflict as "an uncompromising struggle with the enemy and [*sic*] was not prepared to make ideological compromises."⁷⁷⁷

The socio-political dynamics of the local irregular armed groups, which emerged with varying success and impacted on all sides of the Yugoslav conflagration, bridged the national projects and the communities to which they belonged. The majority of local paramilitary groups operated in their own towns and villages, occasionally lending support to units and combatants within the same *opština*.⁷⁷⁸ Local fighters were more likely to know their victims and were less likely to be able to conceal their actions from their own family or community. The proximity between victims and perpetrators within the same local area meant too that individuals were able to identify what they perceived to be the direct personal benefits to be gained from participating in armed (often criminal) activities. We know that promises of material profit gained through looting or the destruction of economic interests belonging to an enemy group provides easy justification within the context of acute dehumanisation, hate media and impunity for criminal opportunism.⁷⁷⁹ There is also a high correlation between instances of militia violence and looting.⁷⁸⁰

⁷⁷⁶Carl Dahlman and Gerard Toal (Gearóid Ó Tuathail), 'Broken Bosnia: The Localised Geopolitics of Displacement and Return in two Bosnian Places', *Annals of the Association of American Geographers*, 95:3 (2005), pp644-662, p645

⁷⁷⁷Bokan, DoY, 12 Oct. 12 1994, Doc.3/8, p3

⁷⁷⁸UN Experts Report, Annex III, Military Structure, Strategy and Tactics, p9

⁷⁷⁹for discussion of looting and material profit in genocide see Alvarez, *Genocidal Crimes*, Routledge, 2010, p110-111; see also Baum, *Psychology of Genocide*

⁷⁸⁰Not only in former Yugoslavia, but in Rwanda, and in contemporary situations in Burundi,

Both academic and popular conceptualisations of the Yugoslav paramilitary have primarily been informed by the accounts of journalists on the ground at the time and from select evidence heard at the ICTY. Thus larger and/or more zealous formations have come to represent the entire irregular force; units under the command of the Serbian DB, Arkan, and Šešelj; on the Croatian side the HOS; and for the Muslims, the Mujahideen, obscure more nuanced analysis. Accounts by foreign journalists described the paramilitaries as drunk, disorganised, and disorderly –often mentally unstable, criminal, and with propensities for extreme violence.⁷⁸¹ This public profile of the Yugoslav paramilitary (that was invariably Serbian) became part of international imagination and discourse. Causal analysis of the paramilitary violence has therefore been undertaken through this lens of understanding. If we accept that exploring the motives, actions, and relationships of irregulars is valuable because fighters that operate (or appear to operate) outside of official command and control structures constitute a different perpetrating mechanism of violence, then it is perhaps even more important to fully understand the full spectrum this catch-all term describes.

As the previous chapters have shown, the Croatian, Bosnian, and Serb central commands required and relied upon coalitions of irregular military groups. The incorporation of paramilitaries into the official fighting forces was considered necessary in order to fulfil the political and military objectives of all. For the Serbian leadership, greater popular participation not only increased military capacity but furthered the strategy of ethnic cleansing: the successful devolution of the Bosnian Serb national network of violence to the local level facilitated the removal non-Serbs *and* created a river of blood between perpetrating and victim communities that remains difficult to bridge to this day. Similar processes were felt among Croats in Croatia and Bosnia, and can be seen in the voluntary formation of local units that characterised the early phase of the Croatian military structure. Among Bosniaks and their supporters, the self-defence formations emerged on an ad hoc basis and rarely enjoyed the coordinated structural or financial support accorded to local Croatian and Serbian groups.

Considering how and why such groups formed raises questions about local complicity in identity-based mass violence. Can we consider the pervasive propaganda and incitement to be motivating factors for those who joined irregular

Central African Republic, Iraq, Burma/Myanmar and so on

⁷⁸¹Vulliamy (*Guardian* and *Observer*), Judah (*Times*), Maass (*Washington Post*), and John F. Burns (*New York Times*) all made such references in their wartime reportage; also Rieff, *Slaughterhouse*, p116 and 125

armed groups (as opposed to being recruited into them), and if so are such pressures somehow mitigating? What can we learn from the relationships that formed between local paramilitaries and local infrastructure? The patterns of local government, administration, and law enforcement, indicate a tendency of local bureaucracies to facilitate rather than obstruct paramilitary criminality. Furthermore, there are few recorded incidents of significant community-led resistance to the targeting of ethnic and religious groups, although there are numerous accounts of individual acts of resistance. The affirmative action of some men (and even fewer women) to take up arms and become combatants was matched by the passive decision of their communities to remain in their towns or villages when victimised communities fled or were expelled. The Bosnian conflict in particular was framed in global discourse as a fratricidal fracas, of neighbour against neighbour violence. But unlike the analysis of Huntington, Kaldor –or even Hobbes– the vast majority of local communities did not become active belligerents, but rather can perhaps be understood to have become what I have termed *existential belligerents*. Many more than the number who took up arms participated in the psychological struggle of identity and memory, and others made decisions that contributed to the creation of the distorted wartime realities. In the context of the irregular military dynamic, the social existence and community environments had a much greater immediacy for the irregular combatants.

Local fighting forces brought the conflict closer to home. Firstly, it meant that the front lines were not in a distant part of the country but in familiar territory to which the volunteer fighters often had familial or childhood connections. The close proximity of the violence meant that combatants were not separated from their families and communities, blurring the lines between civilian life and the military experience. The nature of the activities irregulars were involved in often meant that there were no conventional front lines of conflict at all; the ‘enemy’ was in the next house or village. In this sense, the conflicts *did* exist on the community level. Real and perceived threats to the right of communities to exist permeated the home not only through the radio and television airwaves but through the fighters themselves.

The networks, relationships, and processes that led to the emergence of local irregular fighters can be considered a necessary linchpin in our understanding of the devolved nature of the Croatian and Bosnian conflicts. Examining local fighters provides opportunity too to consider root causes that induced so many to join and many others to support voluntary military groups.

9 *Explaining local irregular participation*

Those who joined local paramilitary groups experienced different pressures to do so than their more professional counterparts operating within the larger, more organised units. The professional paramilitary cadre on the Serbian side often came from Serbia proper or abroad rather than Bosnia or Croatia, or were led by individuals who had quickly amassed their own local power base. Members of the Green Berets or Patriotic League were usually former JNA soldiers or TO. Men prominent in political parties were a common feature across all of the more ‘national’ paramilitary organisations. And, as we have seen, so too was organised crime. Local irregulars tended to operate on a smaller scale and thus claimed smaller spheres of influence. Many local irregulars were genuine volunteers, joining their cause without coercion, but were sometimes officially remunerated by central authorities.

Local groups committed atrocity crimes independently and in concert with official military and paramilitary units. Psychological and sociological analysis of perpetrators offer some explanatory factors for why *ordinary men* (and women) commit terrible crimes. I agree with Ervin Staub that ‘violence against a subgroup of society is the outcome of a societal process’ and, if we accept this premise, we must therefore undertake ‘analysis at the level of both individuals and society.’⁷⁸² While there is not space here to undertake a full psychoanalysis of Yugoslavia’s paramilitary perpetrators, it is perhaps appropriate to briefly consider the hypotheses of more experienced scholars in the field to provide some context to this chapter.

Melvin Lerner’s concept of just-world thinking describes the human tendency to believe the world is just and therefore people get what they deserve.⁷⁸³ Within the framework of mass violence, the hypothesis has been used to describe the tendency of perpetrators (or member of a perpetrating community) to assume that the victim(s) deserve their suffering because of their actions or

⁷⁸²Ervin Staub, ‘The Psychology of Bystanders, Perpetrators, and Heroic Helpers’ in (ed.) Leonard S. Newman and Ralph Erber, *Understanding Genocide: The Social Psychology of the Holocaust*, Oxford University Press, 2002, p13

⁷⁸³Melvin J. Lerner and Leo Montada, ‘An Overview: Advances in Belief in a Just World Theory and Methods’, in (ed.) Montada & Lerner *Responses to Victimitizations and Belief in a Just World*, Plenum Press, 1998; their original experiments took place in the 1960s.

character.⁷⁸⁴ Thus, perpetrators are likely to ‘come to see themselves as able and willing to engage in harmful, violent acts –against certain people, and for good reasons, including higher ideals embodied in an ideology.’⁷⁸⁵ Lerner’s work was considered an extension of Stanley Milgram’s study of obedience where he tested the willingness of ordinary Americans to inflict serious pain upon an innocent stranger when instructed to do so by an authority figure.⁷⁸⁶ His data held that ‘nearly two-thirds were willing to administer what they believed to be life-threatening [electric] shocks to an innocent victim, well after he lapsed into perhaps an unconscious silence, at the command of a single experimenter with no apparent means of enforcing his orders.’⁷⁸⁷

James Waller has rightly pointed out the limitations of applying Milgram’s findings to perpetrators of mass atrocities but concedes that the experiment ‘focuses our attention on the social and situational pressures that can lead ordinary people to commit extraordinary evil.’⁷⁸⁸ Milgram himself concluded that

After witnessing hundreds of ordinary people submit to the authority in our own experiments, I must conclude that Arendt’s conception of the *banality of evil* comes closer to the truth than one might dare imagine. The ordinary person who shocked the victim did so out of a sense of obligation –a conception of his duties as a subject– and not from any peculiarly aggressive tendencies.⁷⁸⁹

Milgram and Lerner’s hypotheses both indirectly raise questions of intent and responsibility. Lerner presents a viewpoint whereby guilty persons are able to modify their perception of self and devalue the target of abuse, thus indicating the need to recalibrate their own moral compass in order to justify what they have done. Milgram suggested his experiments made it clear that ‘an act carried out under command is, psychologically, of a profoundly different character than action that is spontaneous’ in part because in yielding to authority, the subject

⁷⁸⁴see Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence*, Cambridge University Press, 1989, p79-80; and Newman and Erber, *Understanding Genocide*

⁷⁸⁵Newman and Erber, *Understanding Genocide*, p22

⁷⁸⁶Stanley Milgram, *Obedience to Authority; An experimental view*, Harper Collins, 1974 (this edition, Pinter & Martin, 1997)

⁷⁸⁷James Waller, *Becoming Evil; How Ordinary People Commit Genocide and Mass Killing*, Oxford University Press, 2002, p106; for summary of Milgram’s experiments and Waller’s assessment of their relevance in understanding perpetrators of extraordinary evil see p102-111

⁷⁸⁸*Ibid.*, p108; I reject the term ‘evil’ and believe that beyond the study of theology it should be avoided; here I am taking Waller to mean acts of mass violence or cruelty

⁷⁸⁹Milgram, *Obedience to Authority*, p23-4, italics in original

becomes alienated from his or her own actions.⁷⁹⁰ If Milgram is correct then our analysis in this chapter of whether the formation and actions of local irregulars were genuinely spontaneous or the product of any kind of instruction becomes of greater importance as it has bearing on our wider investigation into the covert structures of command and control.

Hobbes argued that command responsibility supersedes the responsibility of the individual who acts under instruction.⁷⁹¹ The ICTY initially sought to bring some semblance of legality to this concept, although has taught valuable lessons in the limitations of its application.⁷⁹² *Proving* where the lines of responsibility fell remains one of the most challenging obstacles faced by the Office of the Prosecutor at the ICTY and in the prosecution of mass atrocity crimes world wide. Across Croatia and Bosnia, numerous processes enabled the local paramilitary. Determining what can be considered a command in a legal context is fairly straightforward in its inevitable limitations because of the threshold of evidence required (although at this level of international law, all decision are highly interpretive), but if we take a sociological, or even psychological approach, our conceptualisation becomes instantly broader but no less significant; can we include radio and television propaganda? Or encouragement from local or state authorities? Surely in our present analysis we must explore the pressures of persuasion, instruction, or coercion at work on the local level, beyond the written orders that can be accepted as evidence?

This chapter, therefore, explores the networks of relationships that supported and enabled irregulars in the localities of conflict, but it also considers the entropic socio-cultural processes that affected the paramilitary dynamic. Rich debate exists between top-down and bottom-up theorists of mass violence but I do not seek to promote either. Rather, in taking time to dissect the social, psychological, cultural and political dynamics that enabled local paramilitary formations in Croatia and Bosnia it is evident that elites and communities were developing their own simultaneous violent processes. Many of the local irregulars followed orders of some kind but many chose to take up arms because they believed it was either right or beneficial to themselves to do so.

⁷⁹⁰*Ibid.*, p29; note too in Straus' interviews of Rwandan perpetrators, 91% claimed never disobeyed the authorities, *The Order of Genocide: race, power, and war in Rwanda*, Cornell University Press, 2006 p149

⁷⁹¹Thomas Hobbes, *The English Works of Thomas Hobbes of Malmesbury, Volume 4*, John Bohn, 1840, p.205, also p370

⁷⁹²See ICTY Statute, Article 7.2

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In early March 1992, before the outbreak of hostilities in Bosnia, Dario Kordić, vice-president of the Croatian Community of Herceg-Bosna, gave an interview to local publication *Lašvanski Krug* (The Lašva Circle) and addressed directly the question of local military groups. He explicitly provided explanation and justification for many of the groups that had emerged, apparently spontaneously, in Central Bosnia:

As one of the leaders of the Croatian Community of Herceg-Bosna, I feel that only the politically blind fail to see that the Bosnia-Herzegovina political reality is such that all the peoples have been engaged in organising their defence. I would not allow anyone on this territory, where the Croatian people are in the majority, to call armed men paramilitary formations if there is a legal political structure behind them. It is an organised form of defence of one's home and territory in conditions where it has become evident that there is no rule of law and people, therefore organise themselves.⁷⁹³

Before irregular Croatian units were either disbanded or incorporated into the official military, legitimacy was cast for local military formations in a number of ways by the national and local political and military structures in both Croatia and among Bosnian Croatians. Much like their Serbian counterparts, leaders encouraged local propaganda and incitement campaigns that championed the nationalist ideal. Dissemination of information and propaganda was considered a military and political priority.⁷⁹⁴ The Croatian strike on Knin, for example, was in part predicated on a simultaneous propaganda strategy designed to encourage the local Serb population to flee: President Tudjman called for an exit route from Knin "because it is important that those [Serb] civilians set out, and then the army will follow them, and when the columns set out, they will have a psychological effect on each other."⁷⁹⁵ Tudjman and his son Miroslav, who was head of military intelligence, proposed radio broadcasts to inform local populations that Serbs were leaving and "telling them which direction to head in "so

⁷⁹³IT-95-14/2, *Kordić & Čerkez*, Exhibit 58/a , p2

⁷⁹⁴Karadžić apparently declared to a crowd in Banja Luka at a pre-election rally "Sell your cow and buy a gun." quoted in Pejanović, *Through Bosnian Eyes*, p36

⁷⁹⁵IT-06-90 *Gotovina et al*, Prosecution Closing Statements, 30 Aug 2010, p290032

we have as little to do as possible”.⁷⁹⁶ Less than twenty-four hours after the Croatian retaking of Knin in 1995, Croatian Radio & Television (HRT) workers from Split and Zadar had established *Hrvatski Radio Knin*.⁷⁹⁷ Yet as Dickie Wallace points out, the ‘HRK barely had an audience during its first months of broadcasting as most native Croats had fled far from the transmission range and had not yet returned.’⁷⁹⁸ Wallace interprets the prioritisation of the local media broadcasts as “aural flags” symbolically laying claim to territory.⁷⁹⁹

But, the intentionality of Tudjman’s comments suggests a more active *raison d’être*. The exchange illustrates that Tudjman placed equal significance on the military strategy and the propaganda strategy; they were two halves of the same political plan with one objective, which was the removal of non-Croats. And thus Tudjman sought to transform those who received the propaganda messages into active participants in its implementation as armed actors or existential combatants.

The Prosecution at the ICTY during the Gotovina trial described Tudjman’s propaganda techniques as simultaneously advancing the objective of ethnic cleansing while assuaging international concern.⁸⁰⁰ The use of propaganda as a tactic of war was adopted by the Leaders of the Croatian Defence of Central Bosnia on a more local level in order to impact their own local communities as well as those they were targeting.⁸⁰¹

The use of propaganda and agitation is inherently cynical. Though coined by Russian communists in the early twentieth century, the process has become bound to modern day politics and mass media. In identity-based politics, the propagation of exclusionary narratives is almost always accompanied by covert instruction or solution to the (usually imagined) problem. Thus the processes of exclusionary agitprop that developed in the effected regions have intimate bearing on our assessment of those who took up arms, and their supporting communities.

A more institutionalised approach to propaganda efforts in local communities can be seen in the *Instructions* from the Bosnian Serb leadership to Serbian leaders in each municipality to:

⁷⁹⁶ *Ibid.*

⁷⁹⁷ Dickie Wallace, ‘Establishing a public sphere in a Croatian borderland,’ *Anthropology of East Europe Review*, 21:2, 2003, pp95-102

⁷⁹⁸ *Ibid.*, p96

⁷⁹⁹ *Ibid.*

⁸⁰⁰ IT-06-90 *Gotovina et al*, Prosecution Closing Statements, 30 Aug 2010, p290032

⁸⁰¹ IT-95-14/2 *Kordić & Čerkez*, ‘Minutes of the Meeting of the Leaders of the Croatian Defence of Central Bosnia,’ held on 6 Oct 1992, Exhibit.233/a

Intensify information and propaganda activities in order to inform the Serbian people in timely and complete manner about the political and security situation in the municipality and beyond.⁸⁰²

People remember Pale TV editor Risto Djogo sporting a long knife on air and saying, “this is what we have for our former neighbours *Balije*.”⁸⁰³ The use of propaganda was widespread and incitement to violence prolific across collapsing Yugoslavia.

Determining the impact upon local populations is more difficult to quantify. Recent research has found that in the local areas in Rwanda where radio signal from the infamous hate radio stations were strongest, participation in the genocide by the local community was significantly higher.⁸⁰⁴ Using village-level datasets, David Yanagizawa was able to attribute 51,000 perpetrators –or about ten percent of the total violence– to broadcasts from Radio Télévision Libre des Mille Collines (RTLTM).⁸⁰⁵ Yanagizawa’s results showed that ‘the broadcasts led to more violence during the genocide’ and had a direct effect on village participation.⁸⁰⁶ The data indicated that radio coverage increased militia (paramilitary) violence by approximately 13-14 percent and individual (local) violence by 10-11 percent.⁸⁰⁷ Unlike the Holocaust and the Cambodian genocide where the violence had been committed by state authorities, including state paramilitaries, the mass atrocities in Rwanda and Yugoslavia were carried out by coalitions of state, non-state, and ambiguous actors. The roles of propaganda in such instances therefore extend beyond justifying the identity-based crimes in the eyes of the public to tools of incitement, and even of command.

The International Criminal Tribunal for Rwanda (ICTR) found that the founders of RTLTM acted with genocidal intent and were guilty of genocide.⁸⁰⁸

⁸⁰²*Instructions for the Organisation and Activity of Organs of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstance*, Sarajevo, 19 Dec 1991; For excellent discussion on implementation of propaganda activities see Thompson, *Forging War*.

⁸⁰³Kemal Kurspahić, ‘Media in Democracy Institute Bosnia’ paper given as seminar held by United States Holocaust Memorial Museum, *Words Translated Into Genocide Speech, Power, Violence: Balkans experiences of 1990s*, February 2009, p3-4

⁸⁰⁴David Yanagizawa, ‘Propaganda and Conflict: Theory and Evidence From the Rwandan Genocide’, IIES, Stockholm University, 2010; see too updated paper, ‘Propaganda and Conflict: Evidence From the Rwandan Genocide’, David Yanagizawa-Drott, Harvard University, August 2014

⁸⁰⁵Yanagizawa, ‘Propaganda and Conflict’ (2014), p1

⁸⁰⁶*Ibid.*

⁸⁰⁷*Ibid.* p18

⁸⁰⁸ICTR-99-52 *Nahimana et al.* (Media case) Judgement, 3 December 2003, point 99-101; and Chapter IV; The Verdict

Some, like Scott Straus, have questioned the extent to which racist propaganda can be understood as an explanation for why people participate in mass violence.⁸⁰⁹ In relation to Rwanda, Straus found that the better educated perpetrators he interviewed had a more developed sense of the racist Hutu ideology than the less educated respondents; he concluded that ‘most Rwandans did not participate in the genocide because they hated Tutsis...or because racist propaganda had instilled racism in them.’⁸¹⁰ Nevertheless, the normalisation and promotion of violent acts towards a perceived enemy appears time and time again in the history of identity-based atrocities.⁸¹¹ We know the power of propaganda and misinformation, particularly of scapegoating, to recruit for political parties, but it also works to stimulate collective irregular mass violence. During the 2007 election violence in Kenya, text messages referred to ‘stolen elections’ and called on one ethnic group to ‘terminate’ or ‘exterminate’ another.⁸¹² The roles played by the media and the potential of propaganda as a motivating force becomes more explicit in devolved structures of violence and in situations where members of local communities are able to become combatants themselves. It was for this reason, perhaps, that a friend of journalist Misha Glenny described RTV Serbia and HTV as ‘the greatest war criminals of them all’⁸¹³ Recently, international civil society has responded to this threat by developing new technology to map and track hate speech and incitement, while legal responses have inevitably been more constrained.⁸¹⁴

Thus in collapsing Yugoslavia establishing where instruction from higher authorities ended and local personalities or communities acted independently is tricky. First, it is necessary to recognise that the Serbian strategy was predicated on the concept of devolved structures of violence operating with varying relationships to the state towards a common cause of a greater Serbia, free from non-Serbs. The degree of propagandist activities and direct incitement to violence and social exclusion (of non-Serbs) involved political and media cooperation on a local as well as national scale. While more detailed analysis of the impact this had in local areas has yet to be undertaken it is clear that the scope

⁸⁰⁹Scott Straus, *The Order of Genocide: race, power, and war in Rwanda*, Cornell University Press, 2006, p134

⁸¹⁰*Ibid.*, the one exception Straus found was that those who were aware of the ‘Hutu Ten Commandments’ were among the most violent.

⁸¹¹Somerville, *Radio Propaganda and the Broadcasting of Hatred*

⁸¹²Simon Adams, ‘Killer SMS: Incitement and the Kenyan Elections’, *Huffington Post*, 26 Feb 2013

⁸¹³Glenny, *The Balkans, 1804-1999: Nationalism, War and the Great Powers*, Granta 1999, p630

⁸¹⁴See work of *Umati* in Kenya and *Hatebase*, which operates worldwide

of negative media presence stretched throughout the Yugoslav territories. The influence of the Serb state and its desired strategy was pervasive and considerable. To a lesser degree, both the Croatian and Bosniak leaderships facilitated the organisation and operation of local irregulars –at the very least turning a blind eye to some of their activities.

Furthermore, the effect of propaganda extends beyond borders. The lies that couch incitement can be difficult to unpick. Such lies are an inherent element of identity-based propaganda: Adolf Hitler became fascinated with the potential of lies in socio-political discourse. Writing in *Mein Kampf*, Hitler surmised that ‘the great mass of people will more easily fall victims to the big lie than the small one.’⁸¹⁵ Thus Jeffrey Herf argues that the Nazi regime and policies were maintained and driven by the lie of an innocent Germany besieged by an international Jewry, reclaiming her natural supremacy.⁸¹⁶ In the western Balkans in the 1990s, it was not just ‘the great mass of people’ who internalised various confused threads from the region’s real and imagined history, but international journalists, policy makers and observers. The narratives, symbols, and lies became part of the Balkan discourse. That local or low level leaders ascribed historical roots to the violence actions that was apparently being committed in their communities independently of the state command structure only served to further reinforce this conceptualisation of the conflict as a powerful tribal resurgence, both among the local and international communities.

Crimes such as ethnic cleansing are often community-based in their grievous visions and in their implementation. Incitement and propaganda can build momentum and provide justification for exclusionary or violent behaviour, but without structure or instruction violence is less likely to become systematic. Local bureaucracies are necessarily complicit in the facilitation, organisation, and sometimes perpetration of violence within their spheres of influence. Max Weber wrote prophetically that ‘bureaucracy develops the more perfectly, the more it is “dehumanised”, the more completely it succeeds in eliminating from official business love, hatred and all purely personal, irrational and emotional elements which escape calculation.’⁸¹⁷ The anonymity of fulfilling tasks and responsibilities because of your position within the bureaucratic structure rather

⁸¹⁵ Adolf Hitler, *Mein Kampf*, CPA Book Publishers, 2009, p134

⁸¹⁶ Jeffrey Herf, *The Jewish Enemy: Nazi Propaganda During World War II and the Holocaust*, Harvard University Press, 2006

⁸¹⁷ Max Weber, *Society and Economy*; quoted by Alvarez, *Governments, Citizens, and Genocide*, p97

than you as an individual appears to provide a veneer of diminished accountability or even impunity. Alvarez claims that ‘by their very nature, bureaucracies lend themselves to the perpetration of certain crimes, including genocide.’⁸¹⁸ It was not until the 1960s in studies of the Holocaust that the instrumental role of bureaucrats in the destruction of whole groups of people was examined. The Nazi infrastructure is still often regarded as the epitome of bureaucratic culpability.⁸¹⁹ However, for the most part, the Nazi administrative and government structures were fiercely centralised, particularly where mass murder was involved. When the decision makers of the World War II Independent State of Croatia intensified their genocidal assault against the Serbs, Berlin intervened directly to bring a halt to the massacres because of the destabilising effect they were having on the region. During instances of ethnic cleansing and genocide where the structures of violence have been significantly devolved, the roles of *local* bureaucracies have been important not only in facilitating commands from above but often in assuming more direct responsibility for fulfilling the chauvinist vision themselves. In Bosnia, ‘local militia were organised by municipalities, as in Tuzla, or by big enterprises, as in Velika Kladuša, in Abdić’s Agrokomerc, or in Zenica where former communists still controlled the steelworks.’⁸²⁰ Exposing the networks and relationships that form between local bureaucracies and irregular perpetrators of mass violence is therefore an important step in the deconstruction of the social, political, and geographic forces of mass atrocity crimes.

Local bureaucracies in Rwanda worked closely with the militias during the genocide and there are few recorded instances of local government of administrative leaders that sought to openly reject Hutu Power.⁸²¹ There has been little examination of how the genocide was implemented on the local level in Rwanda but Luke Fletcher’s tentatively broad analysis of primary evidence raises clear similarities between the local structures of violence that emerged in Rwanda and those of the Bosnian Serb localities.

[T]he genocide (in Rwanda) was organized by local extremists as much as by military or civilian authorities. Civilian authorities such

⁸¹⁸ Alvarez, *Governments, Citizens, and Genocide*, p.97; for role of bureaucracy more generally see p97-100

⁸¹⁹ Eric Markusen, ‘Mechanisms of Genocide’, in *Will Genocide Ever End?*, (ed.) Carol Rittner, John K. Roth, James M. Smith, Paragon House, 2001, p85

⁸²⁰ Kaldor, *New Wars*, p51

⁸²¹ Fletcher, ‘Turning interahamwe,’ p34

as local bourgmestres (mayors), préfets (governors) and sub-préfets (deputy governors) and conseillers (councillors) were almost always involved, but the organisers were just as likely to be non-office holders from the rest of civil society, including heads of political parties, teachers, priests, businessmen, and peasants.⁸²²

Similarly, the cast of Serbian actors included all levels of the political hierarchy, the civilian, military and secret police, as well as local irregulars. Local networks of the official and unofficial converged, providing mutual services throughout and after the conflict period. In this sense, there are identifiable behavioural parallels with the Hutu Power structure, although the intent and scale of the violence in Rwanda was much greater.

10 *Implementing (and interpreting) the Instructions of the Serbian People*

As earlier chapters have discussed, the Bosnian-Serb civilian authorities of every municipality had been issued at the end of 1991 the *Instructions for the Organisation and Activity of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances*. The Instructions set out the ‘tasks, measures, and other activities...[to] be carried out in order to increase mobility and readiness for the defence of the interests of the Serbian people.’⁸²³ They detailed how local SDS branches would assume local administrative control over local civilian and military affairs. SDS staff had responsibility for increasing security of ‘critical facilities within the municipality’, and the ‘activation’ of the police force, territorial defence units and civil defence units.⁸²⁴ Instructions for propaganda activities were also included.

The structure of Serbian ‘defence’ was well planned and the accompanying propaganda efforts coordinated. The ICTY indictment and subsequent convictions of the SDS municipal Crisis Staff for Bosanski Šamac provided a legal

⁸²² *Ibid.*, p35; note here the distinction between organisation and orchestration – I do intend here (nor I suppose does Fletcher) to suggest that the genocide was not orchestrated from Kigali, only that much of its *organisation* was taken up on the local level

⁸²³ *Instructions for the Organisation and Activity of the Serbian People in Bosnia and Herzegovina in Extraordinary Circumstances*, Sarajevo, 19 Dec 1991, p2

⁸²⁴ *Ibid.*, p3,4

framework for establishing the command responsibility held by the SDS Crisis Committees.⁸²⁵ The Committee oversaw the widespread and systematic attack on the local non-Serb population, and the transfer of much local power into the hands of paramilitaries –and it is perhaps worth noting that in the first indictment members of the committee and paramilitaries were grouped together to face trial as a collective.⁸²⁶ The Trial Chamber found that members of the Crisis Committee, a number of paramilitaries, and the 17th Tactical Group of the JNA were participants in a basic form of joint criminal enterprise, sharing the same intent to execute a common plan to persecute non-Serbs in the Bosanski Šamac municipality. In May 1992, a decision was adopted by the Municipality that all people of Croatian nationality within the municipal territory ‘shall be isolated and taken to vital facilities in the towns and villages.’⁸²⁷ As President of the Municipal Board of the Serbian Democratic Party and President of the Serb Crisis Staff (later renamed the War Presidency) in the municipality, the judges determined that Blagoje Simić represented the apex of the local JCE, and was punished accordingly.⁸²⁸ It was not found that Miroslav Tadić and Simo Zarić were participants, although they were found guilty of other charges.⁸²⁹ The case provides reference to the impracticalities of prosecuting the middle men of atrocity crimes, even within hierarchical bureaucratic structures, but the case also revealed the relationships involved in the Bosanski Šamac atrocities. On appeal, Simić was exonerated of participation in a joint enterprise but his other convictions held.⁸³⁰ Whatever the legal difficulties, the case established that the bureaucrats of local administration worked in partnership with paramilitaries and the JNA in order to achieve shared objectives.

The prosecution of SDS Crisis Committees or War Presidencies has at best been inconsistent and many of those who enjoyed positions of authority during the Bosnian conflict have escaped censure. From the cases that have been heard and other forms of corroborative evidence, it is clear that most aspects of the Serbian administration greatly facilitated ethnic cleansing, including the organisation and supervision of irregular military units. Political responsibility was devolved to localities who passed on military authority to a coalition of local official and unofficial forces.

⁸²⁵IT-95-9 *Simić et al.*, note dissenting opinion of Judge Lindholm rejecting concept of joint responsibility, in relation to the case and in general

⁸²⁶IT-95-9, *Simić et al.*, Judgement, 29 Oct 2003, from p126

⁸²⁷IT-95-9, *Simić et al.*, Exhibit P71

⁸²⁸IT-95-9, *Simić et al.*, Judgement, p310

⁸²⁹*Ibid.*, p310-11

⁸³⁰IT-95-9, *Simić et al.*, Appeal Judgement, 26 Nov. 2006, p114

An exception to this pattern was Banja Luka. As the largest city in Bosnia-Herzegovina after Sarajevo, Banja Luka saw some of the most systematic and institutionalised ethnic cleansing and experienced little of the armed conflict. Violence against non-Serbs was preceded by expelling Muslims, Croats, Roma, and others from local government and administration, and scripts other than Cyrillic were banned in public institutions.⁸³¹ The city council introduced a series of measures of *de jure* discrimination reminiscent of 1930s Germany, including the seizure of private businesses from non-Serbs and the restriction of movement for non-Serbs. In Banja Luka and across Bosnia, bureaucratic institutions had been prepared to ensure easy removal of non-Serbs. In spring 1992, all employees of local public security forces and other public services had to swear an oath of loyalty to the Bosnian Serb authorities.⁸³² In Banja Luka it was not paramilitaries who carried out the majority of the ethnic cleansing but bureaucrats. City authorities, however, worked closely with paramilitary groups to enforce their exclusionary urban policies. It was the high-ranking members of the SDS, with support of the local police, TO and municipal authorities, who coordinated the manning by paramilitaries of the checkpoints that blockaded Banja Luka from the opening days of the conflict.⁸³³

Official formations such as local police, the TO, VRS forces, and DB paramilitaries were the primary perpetrators of violence in Banja Luka but elsewhere, especially in more rural areas, local bureaucracies worked in partnership with local military groups to fulfil the same objectives. While SDS Crisis Staffs were formed in each municipality, where state or party infrastructure was less established local personalities emerged. Often, local political leaders or party men instigated the formation or personally recruited local men for their own command.⁸³⁴ Some towns and villages formed their own military groups, often described as self-defence units. Such groups rarely possessed the organisation, arms, or capabilities to be compared to the special forces of the more established paramilitary formations. According to the UN Final Report, these local formations operated in their local areas, occasionally lending support to similar

⁸³¹ *War Crimes in Bosnia-Herzegovina: U.N. Cease-Fire Won't Help Banja Luka*, Human Rights Watch Report, Vol.6, Issue 8, June 1994, p.2 and pp.15-16

⁸³² IT-99-36 *Brdanin*, Trial Judgement, 1 September 2004,

⁸³³ Serbia Defence Force (SOS) units set up checkpoints around the city in the early hours of the morning on 3 April 1992, see IT-08-91 *Stanišić & Župljanin*, Trial Chamber Judgement Summary, 27 March 2013, p3

⁸³⁴ 'War Criminals in Bosnia's Republika Srpska: Who are the People in Your Neighbourhood?', Europe Report Nř103, Crisis Group, 2 Nov 2000

groups and other combatants in the same opština.⁸³⁵

Like the larger, more nationally organised paramilitaries, local units ‘committed many violations of international humanitarian law.’⁸³⁶ This was particularly so among Serbs in Bosnia and Herzegovina and Croats in Krajina.⁸³⁷ Once equipped with arms and limited training, local fighters did not necessarily fall under the military command structure. Having provided (usually young) men with the tools and legitimacy to fight, the Serbian authorities then claimed no responsibility for their actions. Local forces joined more established paramilitary groups or the JNA/VRS under different degrees of command.

In and around Bijeljina, ethnic violence was high. In the nearby town of Janja, displaced Serbs who had moved into Bosniak houses often committed violent crimes, but so too did local Serbs.⁸³⁸ Violence against non-Serbs was permissible; the local police would not intervene to protect the remaining Bosniak population but instead harass them themselves.⁸³⁹ Local paramilitary leaders involved in the ethnic cleansing enjoyed its profits. In Bijeljina, Arkan’s paramilitaries were supported by an unknown, large number of local Serbs that came from the local area.⁸⁴⁰ At the same time, about seventy to eighty Muslims who were mostly locals from the town were mobilised by the SDA (Party of Democratic Action) to form a local contingent of the Patriotic League.⁸⁴¹ Thus there were some very real instances of neighbours fighting against one another. Mirko Blagojević, who led a group called the *Mirko Četnici*, allegedly participated in the cleansing of Bijeljina and Brko and remained a powerful member of the Serbian Radical Party.⁸⁴² In other cases, senior paramilitaries became part of the official local structures, either joining the administration or subordinating local paramilitaries to their command; Vojkan Djuković, a Major in Arkan’s Tigers, served as head of the Commission for the Exchange of the Civilian Population in Bijeljina during the war.⁸⁴³ In 2000, Crisis Group reported that Djuković was running a detective agency in Bijeljina, although he was arrested in 2005 by Bosnian police for crimes committed during the war.⁸⁴⁴

⁸³⁵UN Final Report, Part III. General Studies A

⁸³⁶*Ibid.*

⁸³⁷*Ibid.*

⁸³⁸‘Bosnia and Hercegovina Unfinished Business; The Return of Refugees and Displaced Persons to Bijeljina’, Human Rights Watch, 12:7, May 2000, p17

⁸³⁹*Ibid.*

⁸⁴⁰UN Experts Report, Annex IIIA, p79

⁸⁴¹‘Unfinished Business’, Human Rights Watch, p12

⁸⁴²‘War Criminals in Bosnia’s Republika Srpska’, p11

⁸⁴³*Ibid.*, p12

⁸⁴⁴On his detective agency, see *ibid.*; for arrest ‘Serb arrested for alleged war crimes,’ *Al*

In Srebrenica, local paramilitary groups formed through the SDS are thought to have been directly involved in the organisation and participation of ethnic cleansing throughout the region.⁸⁴⁵ Local administration was involved in the coordination of paramilitaries tasked with larger scale massacres in Zvornik, Bratunac, and Srebrenica. Miroslav Deronjić, President of the Bratunac SDS and Bratunac Crisis Staff, ‘played a crucial role in inviting and organising the arrival of Serbian paramilitaries, such as the Beli Orlovi, and Arkan’s and Šešelj’s groups into Bratunac in 1992.’⁸⁴⁶ Furthermore, Deronjić is said to have ‘contributed financially to the hiring of Arkan’s paramilitaries to kill respected Bosniaks,’ although it is unclear where these funds came from.⁸⁴⁷ Local paramilitaries also operated in Bratunac, participating in the ethnic cleansing of local villages in 1992 and in massacres of Srebrenica deportees in 1995.⁸⁴⁸

In Višegrad, as in many other localities, centrally commanded forces armed and trained local Serbs –often with weapons that had been confiscated from local Muslims.⁸⁴⁹ In Cajnice, the local SDS armed local Serbs and formed a paramilitary group called *Plavi Orlovi*.⁸⁵⁰ The Plavi Orlovi are thought to have carried out the execution of at least 76 civilians at a local detention camp.⁸⁵¹ In mid-March, before fighting in Bosnia began, a group of local Serb men from Bosanski Šamac were sent to a training camp in Western Slavonia.⁸⁵² They were trained by specialists and having returned to Šamac fought alongside paramilitaries from Belgrade. On 11 April 1992, paramilitaries arrived in Batkuša by JNA helicopters; of the 50 men, 30 came from Serbia and the rest were from the Šamac municipality and had been trained a few weeks before in Slavonia.⁸⁵³

In south-central Bosnia, a heavy attack was launched against the town of Maglaj on 23 May 1993 reportedly by a coalition of JNA forces, the Serbian army, Šešelj’s forces, and local “outlaws”.⁸⁵⁴ It is alleged that poisonous gasses were used in the assault.⁸⁵⁵ Many more examples of the Bosnian Serb assault

Jazeera, Tuesday 15 November 2005

⁸⁴⁵‘War Criminals in Bosnia’s Republika Srpska,’ p19

⁸⁴⁶ *Ibid.*, p16

⁸⁴⁷ *Ibid.*

⁸⁴⁸ *Ibid.*, p18

⁸⁴⁹IT-98-32, *Vasiljević*, Trial Judgement, 20 July 2009, p32

⁸⁵⁰‘War Criminals in Bosnia’s Republika Srpska,’ p23; see also ‘Bosnia: "Blue Eagles" Leader Arrested’, *Balkan Insight*, 16 December 2009; note too the symbolism of the eagle, as with the White Eagles under Šešelj, so common in Serbian heraldry.

⁸⁵¹ *Ibid.*

⁸⁵²IT-95-9, *Šimić et al*, Judgement, p69

⁸⁵³ *Ibid.*, p70

⁸⁵⁴UN Experts Report Annex IIIA, p92

⁸⁵⁵ *Ibid.*

on Bosnian Muslims fit this pattern.

The conflict period facilitated a much closer relationship between officials and local organised crime networks. In the regions that later became Republika Srpska, corrupted local bureaucracies collaborated with local paramilitary leaders and established mutually beneficial structures of control that lasted well into the post-Dayton period. Police forces and local authorities frequently assisted or instigated local irregular paramilitary activities. Across RS municipalities local civilian and military authorities established personal empires during the war years, amassing both power and assets.⁸⁵⁶ However, while personal opportunism and community nepotism certainly determined certain local details, the broader Serbian war strategy can still be seen as the overriding influence. The dominance of the SDS and the implementation of the Instructions provided a replicable model where Serbs of influence within their communities benefitted from ethnic cleansing. Individual criminality and organised crime accompanied this dissolution of local integrity. Thus, local institutions of law enforcement and social services refused to obstruct the activities of local irregulars and more powerful political paramilitary formations.

The national SDS leadership fostered and encouraged exclusion and identity-based criminality within the localities. Post-Dayton national elites then presented the failure of the rule of law as evidence of a breakdown of command and control, implying instead that wholly independent local networks bore sole responsibility for the crimes committed within their localised geographic spheres. As with the military structure, bureaucratic administration had been devolved to the local level. Local governance and security was overseen by national authorities but relied on local networks of local civilian and military leaders, including paramilitary formations. Such networks were at times temporarily subordinated to national authorities or professional paramilitary forces operating in their name, but were otherwise able to run their localities as personal fiefdoms. It was a situation established and perpetuated by national elites that later enabled elites to enter into a post-war narrative of denial.

Simo Drljaca, for example, was appointed by President Karadžić to command the civil and secret police in the Prijedor area in 1992, and was instrumental in the implementation of the Serbian operation in the region but was later held denounced by the central Bosnian Serb leadership as responsible for

⁸⁵⁶'War Criminals in Bosnia's Republika Srpska,' p77

local crimes *because* he was a local leader. In a 1993 interview with Serbian newspaper *Kozarski Vjesnik*, Drljaca said:

They (the police forces, including the secret services) carried out my orders and the orders of the CSB (*Centar Službene Bezbjednosti*, or Public Security Center) Banja Luka and the Minister of Interior...the cooperation was excellent with the Army of Republika Srpska and with the officers of that army. The cooperation was manifested in the joint cleansing of the terrain of traitors, joint work at the checkpoints, a joint intervention group against disturbances of public order and in fighting terrorist groups.⁸⁵⁷

Karadžić used the local police chief to deflect his own command responsibility for the crimes that were taking place in the Prijedor areas.⁸⁵⁸ While Drljaca was unquestionably directly involved in commanding local civil and secret police to fulfil criminal objectives, and responsible for decisions pertaining to the running of Serb-run concentration and detention camps in Prijedor, the devolved nature of the violent (military and administrative) structure enabled –even encouraged– central (elite) command to diminish or deny their own roles in the criminal process. Drljaca personally profited from the conflict and his role within the local war-time dynamics. Like many local leaders, he accrued great personal power and influence in the region, including in paramilitary and organised crime circles.⁸⁵⁹

As with the paramilitary leaders that national authorities employed or facilitated, local leaders were able to reap great rewards for their part in the Serbian agenda. When post war investigation into crimes committed in specific localities led to the uncovering of some local networks, Serbian and Bosnian-Serb elites issues statements that denied their roles, rejected claims of shared objectives, and blamed local structures for local violence.

⁸⁵⁷Interview, *Kozarski Vjesnik* on April 9, 1993, quoted in ‘Reaping the Rewards of “Ethnic Cleansing,”’ Human Rights Watch Report, p21

⁸⁵⁸see Sudetic, ‘Serbs’ Gains in Bosnia Create Chaotic Patchwork,’ *The New York Times*, August 21, 1992, also quoted *Ibid.*

⁸⁵⁹‘Reaping the Rewards of “Ethnic Cleansing,”’ p23

11 *Bosniak Localities*

President Izetbegović did attempt to instigate a coordinated nation-wide resistance movement but in reality was unable to provide support to local armed groups that formed outside of the central structures. Despite preparations made in early 1992, local actions tended to be spontaneous and defensive. During the peak period of ethnic cleansing, Bosnia's Muslims worked together in ad hoc formations and were easily overwhelmed by superior forces. Even in the capital, where planning had been concentrated, the ARBiH was forced to rely upon bands of resistance from the community. And without these efforts, Sarajevo would have surely fallen.

The initial defence of the city was achieved by a coalition of organised military units, MUP police, Green Berets, the Patriotic League, criminal groups, and spontaneous defence committees.⁸⁶⁰ These grassroots formations were often comprised of members from mixed background, age and gender.⁸⁶¹ The breakdown of Yugoslav and Bosnian inter-confessional relations had sparked outrage and protest in Sarajevo, demonstrating a strong civic resistance to division that endured among many, though not all, Sarajevans throughout the siege.⁸⁶² In the weeks before war, thousands protested the erection of barricades. Local radio station SA3 encouraged the peaceful, united protest movement, in direct contrast to the messages of incitement and division promulgated by Serbian and Croatian regional broadcasts.⁸⁶³ As tensions rose in the capital, protests against the militarisation of the city grew. Even after Serbian paramilitaries had begun to attack the central city and eastern Sarajevo from Pale, the civilian crowds were over fifty thousand.⁸⁶⁴ The crowds were shot at by the SDS and the security situation in the city quickly deteriorated, sending protestors indoors or into neighbourhood defence formations. Kerim Lučarević, Chief of the Sarajevo Military Policy estimated that “just about every *mahala* had its own commandant,” describing the defence network as “a spider’s web” that covered the city.⁸⁶⁵

As the initial period of defence evolved into protracted siege, established

⁸⁶⁰IT-98-29, *Dragomir Milošević (Sarajevo)* Exhibit D106, Judgement, 27 Dec. 2007, p25, para.71

⁸⁶¹Donia, *Sarajevo*, p291

⁸⁶²Today Sarajevo is considered to all intents and purposes a predominantly Muslim city

⁸⁶³for SA3 broadcasts see Donia, *Sarajevo*, p279

⁸⁶⁴Account of Zlatko Hurtić, one of the leaders of the demonstrations; ‘Sarajevo peace protests,’ BBC, 8 Apr 2012

⁸⁶⁵Donia, *Sarajevo*, p292

along hardened front lines, the roles for neighbourhood military formations lessened. Criminal groups and their paramilitaries began to capitalise on the financial opportunities that the siege brought. As we saw in the previous chapter, a thriving black market emerged in Sarajevo that was run by paramilitary and mafia organisations on all sides of the conflict – and in close collaboration with each other. John F. Burns reported that;

By day Serbian gunmen in the suburbs of Grbavica fire mortars and sniper bullets into the Muslim-held quarters of the city, and Muslim soldiers, some under Čelo's command, fire back. At night, the two forces meet at the bridges spanning the Miljacka River, separating the Serbian and Muslim parts of the city, and conduct a thriving trade.⁸⁶⁶

Individuals and gangs were able to take control of entire neighbourhoods, either to ostensibly support their defence or for purely material profit. Despite reports in the international press of such activities, many of Sarajevo's criminal paramilitaries were still considered heroes in their own localities.⁸⁶⁷

All accounts of Sarajevo during the siege describe its enduring culture of civil pride and unity, but there is less information available about the inhabitants who joined the voluntary units.⁸⁶⁸ Nevertheless, we do know that the majority of the military actors operating in and around Sarajevo were the same kinds of formations that came together in the spring of 1992; the military police, official army forces, professional paramilitaries, criminal groups, and some local formations. Sarajevan volunteers were a minority force in an urban conflict, which was prioritised by national authorities from both Sarajevo and Pale. Those who targeted the city were largely from elsewhere in Bosnia or the federation, or part of official structures. The exceptions, as have been examined in the previous chapter, were local Serbian mafia-cum-paramilitary companies that operated on the outskirts of the city in concert with Serb command.

Despite the fractured context, the Sarajevo authorities did achieve greater centralisation as the war went on. In 1993, the ARBiH began its attempts to

⁸⁶⁶Burns, 'Gangs in Sarajevo worry diplomats', *New York Times*, 4 Oct. 1993

⁸⁶⁷see John Fullerton, 'Sarajevo's Robin Hood in Power Struggle', *Reuters*, 21 Sept. 1992

⁸⁶⁸for example, Maček, *Sarajevo under siege*; Vulliamy, *Seasons in Hell*; Tom Gjelten, *Sarajevo Daily: A City and Its Newspaper Under Siege*, Harper Collins, 1995; Fred Doucette, *Empty Casings: A Soldier's Memoir of Sarajevo Under Siege*, Douglas & McIntyre, 2008; on shortages see Zlata Filipović, *Zlata's Diary; a child's life in Sarajevo*, Penguin, 1994

subordinate irregular forces and to normalise its national command structure. This was probably best achieved in Sarajevo, where resources though limited were greatest. The situation for Muslims in Bosnia's localities was somewhat different.

In the Srebrenica area, in early 1992, Serbian paramilitary groups arrived together with the JNA and SDS in order to establish their position and distribute arms to the local Serbian population.⁸⁶⁹ While paramilitary training began covertly in public buildings in the Bosnian Serb villages throughout the area, no such preparations were made in the region on either a local or more official level by the Bosniak population.⁸⁷⁰ According to witness testimony at the ICTY, "there were not even firearms to be found in the Bosnian Muslim villages, apart from some privately owned pistols and hunting rifles; [and] a few light weapons were kept at the Srebrenica police station."⁸⁷¹ During the Serbian takeover of the town and surrounding area what scattered resistance there was came from a few local and locally organised irregulars, including Naser Orić –a former body guard of Slobodan Milošević and member of the Yugoslav security services. Orić was later charged with several counts of war crimes, including wanton destruction, murder and cruel treatment.⁸⁷² He was found guilty of two counts of the failure to discharge his authority as a superior to take necessary and reasonable measures to prevent murder and cruel treatment, and not guilty of all other charges.⁸⁷³

During his trial at the ICTY, the Defence and Prosecution disagreed over how best to characterise the local Bosnian Muslim forces in and around Srebrenica. The Defence described;

an "island of resistance" of Bosnian Muslims in Srebrenica against Serb attacks [that] was in fact a *levée en masse* composed of local groups of fighters acting independently of one another and lacking essential features of an army, including organised structure with proper command, uniforms, weapons and headquarters.⁸⁷⁴

⁸⁶⁹IT-03-68 *Orić*, Judgement, 30 June 2006, p33

⁸⁷⁰*Ibid.*

⁸⁷¹*Ibid.*

⁸⁷²IT-03-68 *Orić*, Third Amended Indictment, 16 June 2005

⁸⁷³IT-03-68 *Orić*, Judgement, 30 June 2006, p256-7

⁸⁷⁴See IT-03-68 *Orić*, Judgement, 30 June 2006, p46, and for presentation of both arguments p46-48; for Defence position see Defence Final Brief.

The Prosecution instead argued that the Srebrenica forces were sufficiently identifiable in that they wore ‘coloured ribbons and homemade uniforms’ and conspicuously bore arms, and, furthermore, were under the command control of Naser Orić. In its Judgement of the case against Orić, the Trial Chamber found that the situation in Srebrenica *could* be characterised as a *levée en masse* at the time of the Serbian takeover and immediately thereafter (April through summer 1992), but noted that the concept of the definition in international law cannot be applied to longterm situations.⁸⁷⁵

However, the conditions in Srebrenica remained distinct from those of conventional combat, even in situations of devolved command. The Chamber noted that it was not until a meeting held at Bajramovići on 20 May 1992 that the population of Srebrenica was able to make concrete steps towards organisation of a coordinated defence; it was during this meeting that Orić was appointed as overall military commander of the Srebrenica forces.⁸⁷⁶ It was not until 27 June 1992 that Chief of the Supreme Command of the ARBiH, Sefer Halilović, officially confirmed the appointment; in August the position was confirmed once more, this time by President Izetbegović, establishing a chain of both understanding and command between the irregular grassroots defence and the President.⁸⁷⁷

The Bajramovići meeting was called by an informal group of men, including Orić, Akif Ustić, Ahmo Tihic and Zulfo Tursunović, who had established small individual irregular fighting units in response to the Serbian attack in mid-April 1992.⁸⁷⁸ Not all local leaders of the spontaneous military defence were present as there was no uniform command and others were involved in organising their own defensive actions at the time.⁸⁷⁹ Only on 3rd September 1992 did the Srebrenica group refer to themselves as the Srebrenica Armed Forces.⁸⁸⁰ These markers do not simply reveal the slow integration process of the grassroots formation into official military structure, but indicate the desire on the part of the irregulars to formalise themselves. Perhaps most importantly, there was no formal mobilisation and all participation in the defence groups was voluntary.⁸⁸¹ Most of Srebrenica’s (Bosniak) irregulars resided with

⁸⁷⁵ *Ibid.*, pp.47-48

⁸⁷⁶ IT-03-68 *Orić*, Ex.P76, ‘Appointment of Naser Orić as Commander of the Srebrenica TO Staff’, from 26 May 1992

⁸⁷⁷ IT-03-68 *Orić*, Ex.P176, ‘Decision on the establishment of the Srebrenica Armed Forces’, (from 3 Sept 1992)

⁸⁷⁸ IT-03-68, *Orić*, Judgement, 30 June 2006, p49

⁸⁷⁹ *Ibid.*, p49

⁸⁸⁰ *Ibid.*, p50

⁸⁸¹ *Ibid.*, p48

their families or in makeshift accommodation.⁸⁸² Despite efforts to establish Srebrenica and the surrounding area as an operational sub-region, no political or military authority successfully materialised in eastern Bosnia that was able to maintain command.⁸⁸³ Srebrenica's isolation and the terrible humanitarian situation significantly hindered efforts to establish such a command structure over the pro-government armed forces operating in and around the town.

The evidence heard during the Orić trial provides a detailed account of the evolution of local resistance units during the conflict. As elsewhere, the line between local civilian and military authorities in Srebrenica was blurred. Leaders of local units were elected to participate in both the Srebrenica War Presidency and Srebrenica TO staff.⁸⁸⁴ It demonstrates too the initial intent to form as a defensive unit and later the attempts to become integrated into official structures. The (Bosnian Muslim) Srebrenica formations are therefore distinct from the local groups that sought to maintain their independence or to distance themselves from central authorities in order to pursue their own objectives.

However, the trial evidence shows too how some local irregulars were not always willing to accept the command of others. The murder in Srebrenica police station of a Serbian detainee named Dragutin Kukić by Kemal *Kemo* Mehmetović, a local irregular who dressed in civilian clothes, is an example of several recorded incidents. Kemo was described as a 'notoriously violent person who resisted subordination.'⁸⁸⁵ Nevertheless, Kemo was able to walk into the police station, commit brutal acts of violence, and walk out freely. Kemo was also held to have committed cruel acts against a number of Serbian detainees. Kemo and another man used their fists and logs to smash the teeth of a male detainee before using broad pliers to forcibly extract some of the broken teeth, 'and then urinated [in] his mouth, purportedly to disinfect the wound.'⁸⁸⁶

A number of men thought to have been associated with the Srebrenica defence committed violent acts against those held in detention. The overtly criminal nature of this violence can be seen in the testimony of Ratko Nikolić, who was beaten by two persons wearing black balaclavas with eye slits.⁸⁸⁷ Many victims who gave testimony agreed that their assailants wore military fatigues and civilian clothes, suggesting parallel chains of command that obscured account-

⁸⁸² *Ibid.*

⁸⁸³ *Ibid.*, p53

⁸⁸⁴ *Ibid.*, p86

⁸⁸⁵ *Ibid.*, p140

⁸⁸⁶ *Ibid.*, p149 see also IT-03-68, *Orić*, victim testimony, Nedeljko Radić, T.3535-3526

⁸⁸⁷ IT-03-68, *Orić*, Judgement, p158, see also IT-03-68, *Orić*, victim testimony, Ratko Nikolić, T.2625-2626

ability. None of the known perpetrators considered to be directly responsible for the murder of detainees were members of the Srebrenica Military Police.⁸⁸⁸ This fact, and others, led the Trial Chamber to conclude that it was not able to determine beyond reasonable doubt that Orić, as Commander of the Srebrenica Armed Forces, exercised control over the police station during the relevant period (autumn 1992).

The findings confirmed in law the evolutionary process of the local paramilitary resistance in Srebrenica, accepting that there was a spontaneous, locally coordinated effort of resistance that was later brought under the central command of the ARBiH, represented by Orić. Orić was cleared of charges of superior command responsibility for crimes committed before he was considered to have assumed command control but convicted of failing to prevent the criminal behaviour of his subordinates later in 1992 and 1993.⁸⁸⁹ He was sentenced to two years but released immediately because of the time he had served during his trial. His trial was, like many at the ICTY, one of controversy. To many of his fellow citizens, Orić represents Srebrenica's doomed resistance and is a war hero. That Orić personally profited from the war and engaged in smuggling activities with Serbian paramilitaries led western observers to be more critical.⁸⁹⁰ To many Serbs, he is a criminal who was given preferential treatment at the ICTY, reinforcing resentment of an inconsistent application of international law.

It is clear that wanton violence was perpetrated against a number of Serbian prisoners held by men under Orić's sphere of command. Individuals who were not members of the Srebrenica Armed Forces or Military Police were able to pass through the police station and commit violent crimes against those held there. Many of these individual irregulars were characterised by the Defence as 'opportunistic visitors' over whom Orić exercised no control.⁸⁹¹ However, there is no indication that Orić sought to limit the activities of such men. Orić, like many local paramilitary leaders, ensured that he not only survived the conflict but profited from it, arguably sometimes at the expense of those he was ostensibly protecting. The military relationships revealed during the trial suggest that a different command structure existed during the first months of the conflicts that was both genuinely spontaneous and defensive. Yet it appears that without an infrastructure of accountability, impunity flourished –and within the

⁸⁸⁸IT-03-68, *Orić*, Judgment, p141

⁸⁸⁹*Ibid.*, p420

⁸⁹⁰Shawcross, *Deliver Us From Evil*, p.134; Sudetic, *Blood and Vengeance: One Family's Story of the War in Bosnia*, Penguin Books, 1999, p.243, 245

⁸⁹¹IT-03-68, *Orić*, Defence Final Brief, paras 532-549

context of real and exacerbated fears for local survival, individuals carried out acts of identity-based violence, considered to be legitimate or permissible as a result of a localised war-time (a)moral framework.

There is limited evidence available of local Muslim defence units, except those that have been investigated by the ICTY in relation to particular cases. Thus more is known about local perpetrating irregulars than Muslim defence in the countryside. It is, surely, an area that invites research as would likely provide insight into the contradicting forces of resistance and radicalism.

In Bihać, another supposed safe haven, an all together different local dynamic emerged towards the end of the Bosnian war. Fikret Abdić, a powerful local businessman, disagreed with President Izetbegović's approach to the west's attempts at peace negotiations, and established his own military force made up of local Bosnian Muslims who then fought against the ARBiH, creating a localised civil war.

In the 1980s, Abdić had been involved in serious allegations of corruption surrounding his agricultural food-processing plant, Agrokomerc. He was a business man but also involved in politics; during the 1991 election in Bosnia he had stood against Izetbegović and initially won more of the votes but without the support of the SDA decided to step down from the contest.⁸⁹² Brendan O'Shea's somewhat apologetic analysis of Abdić presents a rational and pragmatic man in difficult circumstances, but the evidence heard at his trial in Croatia found him guilty of war crimes, including opening detention camps for his Muslim opponents.⁸⁹³ Furthermore, we see in Abdić the pursuit of self interest; as one of the richest men in Bosnia, his substantial economic standing was worth protecting and, crucially, he was therefore able to finance his own fiefdom.

During the clashes in Bihać, former Tiger Borislav Pelević claims that Slobodan Milošević, Radovan Karadžić and Fikret Abdić had decided that members of Arkan's unit should be sent to the Cazin Krajina to train Abdić's soldiers.⁸⁹⁴ According to Pelević, Arkan's forces accepted an invitation from and went to Velika Kladuša. While they were there, Abdić paid the soldiers their per diem allowances. The Skorpions were described as the 'backbone of Fikret Abdić's army.'⁸⁹⁵ On 30 June 1995, told Mladić that they must both "do something so

⁸⁹²Brendan O'Shea, *The Modern Yugoslav Conflict 1991-1995; Perception, Falsehood and Deceit*, Routledge, 2012, p80

⁸⁹³*Ibid.*, p80-81

⁸⁹⁴'Karadžić's Medals for Arkan and His Men,' *Sense Agency*, 25 Jan 2012

⁸⁹⁵IT-02-54, *Milošević*, Exhibit P390.3a6, 19 Feb 2003

he [Abdić] can take Cazin.”⁸⁹⁶

12 *Local Croat Structures*

The emergence of Croat paramilitary formations in the localities followed a different tradition, more distinct from national authority but more closely bound to national and cultural experience. The history of far-right politics in Europe, especially in east and south east Europe, has been accompanied by a strong non-state paramilitary dynamic. Despite being non-state, this kind of paramilitarism is therefore a product of the modern phenomenon of European nation-statehood. We can find the roots of such groups in the latter half of the nineteenth century.⁸⁹⁷ Whether established as combatant paramilitaries or vigilantes, their professed reason for existence is consciously political. In a sense, the form such political paramilitary groups take represents the substance and intent behind their formation.

Following the Knin rebellion, many locals of Croat and Serb descent fled into the hills. Then followed a period where Croatian authorities and some local communities sought to rapidly organise themselves. The TO had been disbanded so attention was focussed on the national police to form a basis of military structure. Thus, from the outset, Croatian militarisation had a distinctly local element. The nature of police formations is typically characterised by strong local understanding and local relationships, but also of local loyalties and prejudices. The Croatian administration was also undertaking a nationwide expulsion of non-Croats from its bureaucracy, police, and all state authorities. Many Croat businesses and organisations followed suit and thousands of Serbs found themselves jobless.⁸⁹⁸ On the local and community level this had a direct impact, pushing aggrieved unemployed Serbs into the local defence units being armed and encouraged by the JNA.⁸⁹⁹ Simultaneously, the HOS emerged in Zagreb but, like the Serbian political paramilitaries, was able to use its nationwide party appeal to recruit its members. The revival of Ustaše and neo-fascist iconography, not only by HOS but in broader nationalist circles, brought too

⁸⁹⁶IT-06-90, *Gotovina et al.*, from Milosevic’s diary; Exhibit D01465.E 4099, 2 June 2009

⁸⁹⁷for discussion of history of far right paramilitarism in Europe Mammone *et al.*, *Mapping the Extreme Right in Contemporary Europe*, and see chapter 10, Miroslav Mares and Richard Stojar ‘Extreme Paramilitary Units in Eastern Europe, particularly p160-62

⁸⁹⁸Silber and Little, *Death of Yugoslavia*, p107-108

⁸⁹⁹*Ibid.* p108

the military fascination that far-right sub-cultures are almost always associated with. Miroslav Mares and Richard Stojar describe far right paramilitary vigilante tendencies as ‘also typical of contemporary modern neo-Nazism in East Europe in connection with ‘warriors and weapons fetishism.’⁹⁰⁰

According to Silber and Little, Defence Minister Špegelj, who was tasked with arming the Croatian police force, not only arranged the illegal import of arms but ‘set up a network of village patrols, arming Croatian civilians and training them to organise a defence force for each municipality.’⁹⁰¹ Certainly in his interview for the *Death of Yugoslavia* BBC series, Špegelj explains that in late 1990 Tudjman realised local Croat defence of barracks and barricades would take place across Croatia with or without formal agreement.⁹⁰² In contrast to the significance of local bureaucracy in the Serbian implementation of strategy in parts of Croatia and across Bosnia, Tudjman refused to organise local networks for conflict before fighting broke out. Thus Croatian civilian participation was far less planned.

Local Croat civilians that did participate in the conflict in Croatia therefore volunteered to join the Croatian National Guard or joined paramilitary groups operating or recruiting in the local area. Petar Kriste, an economist within the Croatian Ministry for Defence, recalled that following the assault on Dubrovnik in early September 1991, local Croat volunteers came forth “quite freely” to fight, adding “far more reported for duty than we could take in because there were just enough – not enough weapons to go around.”⁹⁰³ Špegelj, too, recalled that “so many people volunteered that it was above all expectations.”⁹⁰⁴ Grass-roots mobilisation in the localities where tension was highest was followed by a national mobilisation announced in Zagreb on 23 November 1991.⁹⁰⁵ Such large numbers of volunteer recruits meant that the majority of men who wanted to fight joined up through official processes, even if the structure of the national military force was not yet fully formed. Therefore, with the exception of small local defence groups and large paramilitary groups such as the HOS, which were later subsumed into the Croatian forces anyway, early formations that could arguably be considered local paramilitary units were still, however disorganised,

⁹⁰⁰Mares & Stojar, ‘Paramilitary Units in Eastern Europe,’ p168

⁹⁰¹Silber and Little, *Death of Yugoslavia*, p108

⁹⁰²Interview with Špegelj, DoY, p19

⁹⁰³IT-02-54, *Milošević*, 27 Jan, 2003, p14846

⁹⁰⁴Špegelj, DoY, p22

⁹⁰⁵Oliwia Berdak, ‘War, Gender and Citizenship in Croatia, Bosnia and Herzegovina and Serbia’, *The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia (CITSEE) CITSEE Working Paper Series 2013*, Edinburgh, p8

part of the national command structure. Even football fans joined the national fight rather than form their own units –Dynamo Zagreb’s loyal fanbase, the “Bad Blue Boys”, joined the Croatian army ‘*en masse*’ early in the conflict.⁹⁰⁶ Group identity remained important for the Boys and they wore Dynamo badges on their fatigues.⁹⁰⁷

13 *Paramilitaries of political parties*

Paramilitaries and irregulars operating in the municipalities of Croatia and Bosnia were further supported by the local infrastructure of political parties. Local offices were used to recruit, organise and in some instances provide command oversight, but nowhere was the relationship more evident than in local Serbian networks. The Serbian political paramilitary formations were recruited in part through local party structures and, though they were eventually subordinated to JNA/VRS, retained their own identities. The national structures of command and control that governed these groups have already been discussed but here there is an opportunity to consider the networks that supported them on the local level. The devolution that characterised the Serbian military architecture enabled a secondary tier of command and control to develop, empowering local figures to participate in the Serbian project.

The White Eagles and Dušan Silni, paramilitaries of the Serbian People’s Renewal Party, rose to prominence quickly in Croatia with a grim reputation for viciousness and violence. The Eagles were sometimes described as the party’s youth wing⁹⁰⁸ but in the Serbian press were referred to as territorials or volunteers.⁹⁰⁹ Outside Serbia, they were more commonly known simply as četniks, incorporated into the catch-all used to describe Serbian paramilitaries in general but also the Eagles, the Serbian Četnik Movement (SČP), and other volunteer structures that operated under the political parties Šešelj was involved in. These forces operated across a broader geographic area than Belgrade’s paramilitaries, and received substantial, multilateral support from the Serbian military infrastructure.⁹¹⁰ While most reports of Arkan’s Volunteer Guard describe highly

⁹⁰⁶Bellamy, *The Formation of Croatian National Identity*, p118

⁹⁰⁷*Ibid.*

⁹⁰⁸Described as youth wing of SPO by *Washington Post*, 27 Nov. 1991 and also during a BBC broadcast, April 23, 1992

⁹⁰⁹James Gow, *The Serbian Project*, p81

⁹¹⁰Forces under the broad control of Šešelj were reported to be operating in 34 counties and those under Arkan operated in 28 counties throughout former Yugoslavia, UN Experts Report Annex IIIA, p19

trained, well disciplined and maybe Rambo-esque fighters, the White Eagles appearing more ramshackle, were recruited from a different demographic. Tanner describes the Eagles as ‘tatty, gap-toothed folk, mainly working-class city-dwellers’.⁹¹¹

Once recruited, volunteers were allocated weapons by either the JNA, VRS, the Serbian TO or the Serbian DB.⁹¹² On the front lines, some volunteers received the same benefits as regular soldiers and when they died Serbia compensated their families.⁹¹³ However, unlike Arkan’s units that were specifically created by the Serbian leadership in order to help fulfil their political and military objectives, the Eagles, SČP, and other Serbian volunteer groups that emerged did so outside of the official structures. Being attached to a national political party gave the Eagles greater capabilities than the majority of the irregular military formations created outside central Serbian command. Larger political parties, such as the SPO, provided a national network that facilitated the local recruitment, and maintained a network of communication across opštinas.

These men occupied an unusual space in the Serbian networks of violence. They existed outside of the officialdom of the paramilitaries hired and controlled from Belgrade, yet were sufficiently part of the perpetrating structure as to be able to command (and exploit) local dynamics. For many who came from the grassroots, they were answering an ideological call to arms. During the filming of *The Death of Yugoslavia*, one of the players interviewed was an ultranationalist politician involved in the formation of the paramilitary group the White Eagles, a man called Dragoslav Bokan. In the interview Bokan describes himself as a “national romantic” and elevates his rejection of Milošević’s “ideological compromise” by presenting himself as an intellectual cast in the model of Serbia’s nineteenth century nationalist thinkers.⁹¹⁴ In Bokan we can see the self-conscious adoption of Serbian history as personal memory, through which he justifies his actions and way of thinking –and also his rejection of the Serbian leadership. Bokan exemplifies the particularly Serbian (fatalist) approach to the just world, in which Serbs have been martyred at the hands of others throughout the centuries, simultaneously legitimising violence committed by Serbian hands and embracing defeat as inevitable (perpetual?) martyrdom.

⁹¹¹Tanner, *Croatia*, p245

⁹¹²IT-03-67, *Šešelj*, Final Pretrial Brief, 25 July 2007, p13

⁹¹³*Ibid.*

⁹¹⁴Bokan, DoY, Doc.3/8

Throughout the interview, Bokan seeks to distance himself from Belgrade, the JNA, and particularly Milošević. His interview presents him at times as cynically manipulative, at others fundamentally committed to his cause. The interview transcript provides a detailed insight into the mind and mechanics of a Serbian nationalist paramilitary construction that developed during Yugoslavia's collapse, independent of state control. When asked about the formation of the White Eagles, Bokan states "it is always important to start at the beginning" before noting that both his parents were Serbs from Croatia and "like many other families there, they were exposed to genocide."⁹¹⁵ And thus Bokan connects the terrors of the Serbian past with his family, the Serb-dominated Croatian territory, and the contemporary crisis; "So we knew that even good-neighbourly relations or what appeared to be harmony on the surface could turn into bloody horror in just a few days."⁹¹⁶ He presents a unity of local experience and fear that ensured in 1991, the local population organised its own self-defence:

So all of us from this part of the country were prepared for any threat and when it all started we knew that this would not last just a few days but that it was only the beginning of something worse to come, this this would be a repetition of what had happened already twice in this century. We arranged ourselves very quickly, very fast, at the grassroots level.⁹¹⁷

It was this kind of positioning of the local struggle during the conflict, distinct from the explicitly political or state elite, that both undermined attempts by the Bosnian government to demonstrate a joined up Serbian campaign, and simultaneously appeared to substantiate the mythical parameters of Serbian nationalist ideology. Individuals like Bokan were instrumental in developing and promoting the manifestation of Serbian legitimacy on local and international levels. During the interview, Bokan refers to Serbia's mythical past as if it is something current and legitimately part of the contemporary narrative:

I think a part of the Kosovo legend [was] a fundamental legend for the Serbs and for the Serb national idea. And that was the

⁹¹⁵ *Ibid.*

⁹¹⁶ *Ibid.*

⁹¹⁷ *Ibid.*

famous battle in which the Serbs won but most of them were killed in preventing the Turks from coming to Europe.⁹¹⁸

The legacy of Serbian resistance was one that had developed outside of state structures, forming its own community power base. Carmichael's discussion of paramilitaries and bandits includes the following quotation from the Montenegrin Chetnik Punoshevitch to George Sava in 1939:⁹¹⁹

I am the leader of the Chetniks. We are an old organisation. We are outlaws. Yet no government has been able to suppress us. None has dares, nor I think has any ever thought it wise to make the attempt. We came into being to fight the Turks. We have our own uniforms and our own code of laws. We fought every Balkan War. We are the natural guerrillas of our country.⁹²⁰

The četnik tradition of existing on the margins, outside of government control, can therefore be seen as fundamental to the historic četnik identity. This independence, like their historic mission to fight Turks, gave an imagined legitimacy for četnik actions, which was deployed by modern irregulars during the 1990s. In linking, even simply through ordinary conversation, the battle of the Serbs against the Turks in 1389 to the conflagration of the 1990s, Bokan provides on the simplest level explanation of and justification for the actions of his Serbian comrades.

The historical legacy provided cultural context for the irregular dynamics of the Yugoslav conflicts, but should not be interpreted as being explanatory. The research here questions anthropological explanations put forward by Žanić and Giordano that place their emphasis on a mistrust of authority. Žanić suggests that Naletilić, Čelo, Caco and Juka shared a similar 'moral code' because they 'did not trust the regular authorities.'⁹²¹ Uncovering the non-linear military and criminal networks has revealed that all these men profited from personal, professional or illegal relationships with local and state authorities. As such,

⁹¹⁸*Ibid.*

⁹¹⁹Sava was a British medic of Russian decent, he wrote an account of the World War II Serbian Chetnik movement headed by General Draza Mihailović, *The Chetniks*, published by Faber and Faber in 1942

⁹²⁰Carmichael, *Ethnic Cleansing in the Balkans*, p41

⁹²¹Žanić, *Flag on the Mountain*, p508

perhaps the relationship is better understood from the perspective of personal gain and the pursuit of personal authority? That such “Robin Hood” mercenaries exist in all conflicts all over the world again suggests that the proclivity to conceal or legitimise the pursuit of personal gain in a time of collective suffering may have more to do with sensible strategy than particular cultural habits.

14 *Interpreting identity-based violence on the local level*

The land was wild, the people impossible. What could be expected of women and children, creatures whom God had not endowed with reason, in a country where even the men were violent and uncouth? Nothing these people did or said had any significance, nor could it affect the affairs of serious, cultivated men.

Ivo Andrić, *The Bosnian Chronicle*, 1941

Just as the crude methods of killing used in the Rwandan genocide in 1994 meant that the slaughter was interpreted as tribal and spontaneous,⁹²² the ritual that accompanied mass violence in Yugoslavia led many to similar conclusions.⁹²³ As a result, responsibility for the violence in both instances was seen as local. The presence of local Yugoslav paramilitary formations for many satisfied their (racist) romanticism of ethnic war. That the irregulars self-consciously cast themselves as characters from the past – either to assume some historical legitimacy or simply to satisfy their own patriotic (racist) romanticism – further encouraged an analysis that appeared to chime with the existing Balkan paradigm. The similarities of misunderstanding that characterised western responses to mass violence in both Rwanda and the Balkans in the early 1990s suggests that the [mis]framing of mass atrocities as inherently ethnic was representative of a popular mindset of the time.⁹²⁴

A tension emerges in our attempts to contextualise the significance of local and cultural dynamics during such conflicts in academic analysis. The significance of the local level is all the greater in our current analysis of the irregular and paramilitary experience, where the visual and symbolic appropriation of violent

⁹²²Melvern, ‘Missing the story,’ p198

⁹²³(ed.) Dubravka Zarkov and Marlies Glasius, *Narratives of Justice In and Out of the Court Room*, Springer International Publishing, 2014, for problem narratives of tribal violence facing both ICTY and ICTR see p.28, for discussion of approaches to Yugoslav violence as tribal see p.29; However, international volunteers also ritualised their acts of violence – some German mercenaries reportedly “took Serb ears as trophies”, Krott, *Save the last bullet*, p180

⁹²⁴For more see Mueller, ‘Banality of Ethnic War’

tradition was also most explicit. From the late 1980s, the historical memories of such traditions were adopted as part of shared, yet ethnically specific, cultural experiences. Therefore, it is relevant that the western Balkans have a long history of guerrilla warfare and banditry dating back to fifteenth century, however that past does not transform the irregulars on the 1990s as the descendants of that legacy.⁹²⁵ Yet, in the 1990s, to many, it *was* ‘as if the mountaineers of the seventeenth century ha[d] reentered the political stage of the late twentieth unmarked by any change.’⁹²⁶

The tools and analytical approaches of anthropology and sociology are helpful here. Concepts such as cultural or collective memory provide a framework of understanding that can unpick the social forces from the cultural expressions. Certainly, there were many acts of ritualised violence, committed by all sides, through which paramilitary perpetrators consciously sought to imbue their crimes with historical meaning. However, this does not mean that the motivation or rationale of the crimes were rooted in the past. Journalist Ed Vulliamy wrote about Muslim prisoners forced to perform sexual acts on one another, including one incident where two Muslim prisoners held a third upright in the position of crucified Christ while a fourth was forced to bite off his testicles.⁹²⁷ In other instances, locations provided symbolic illusion of continuity between the current atrocities and those of the past, real or imagined. Nowhere was this more visible or visceral than on Višegrad bridge, where hundreds –possibly thousands– of Muslims were murdered.⁹²⁸ The centuries old bridge, as has already been mentioned, is an important cultural site for Serbs largely because of its staging in Andrić’s *Bridge Over the River Drina* as a place of Serbian martyrdom. The decision by local paramilitaries to use the bridge for their executions might have been in part for its cultural and historical significance –yet it is also possible that, as bridge, it offered banal practical value for their grim acts. In his absurd memoirs, Višegrad’s paramilitary leader Milan Lukić recalls talking to his girlfriend in Zurich about the river, the bridge, and its importance before he returned to Bosnia to take up arms;

I told her lovingly about the Drina river, its ancient bridge and

⁹²⁵Carmichael, *Ethnic Cleansing in the Balkans*, p38

⁹²⁶Todorova, *Imagining the Balkans*, p137

⁹²⁷Vulliamy’s afterword in Suljagić, *Postcards from the Grave*, p183

⁹²⁸IT-98-32/1, *Lukić et al.*, Witness VG-133,28 Oct. 2008, p.2972; and 24 Sept. 2001, Witness VG21, p928

the story that inspired them that received the Nobel Prize for literature.

Gabi would say “Oh, Milan, your Heimweh is so gentle”. I already knew that Heimwee was the German word for “nostalgia”. She listened to me with so much attention and so much Swiss-like tranquility, while her glistening eyes were inviting me to tell more, as it they were saying: “Talk more..about life, your country, about your brave people and their stormy history.”⁹²⁹

Whatever the intentions or cultural awareness of Lukić and his irregulars that led to their choosing the bridge, the symbolism resonated across Yugoslavia with collective memories of a divided past. External observers followed suit and saw in the Drina, historical (which was read as cultural) inevitability. And thus Chris Hedges, journalist for the *New York Times*, saw ‘[t]he steep wooded hillsides that plunge to the river [that] have for centuries also produced killers of appalling magnitude.’⁹³⁰

Assmann wrote that ‘[w]hich past becomes evident in [*sic*] heritage and which values emerge in its identificatory appropriation tells us much about the constitution and tendencies of a society.’⁹³¹ However, in the reportage of the Yugoslav conflicts we see too the tendencies in external discourses of the complex and multiple socio-political processes to misinterpret actions informed by culture as culturally determined. Unwrapping the explanations that were projected onto the local communities as being culturally representative presents a challenge; determining if and how the historical legacies of violent traditions played a role in motivating or shaping local irregular action is more delicate still. The resurrection of Yugoslavia as an uncivilised and unEuropean sphere reinforced this obscurity. The racist, or orientalist, lens through which Yugoslavia was viewed focused on unfounded assumptions of *community* habits, which further

⁹²⁹Milan Lukić, *Confession of the Prisoner of the Hague*, Gornji Milanović, 2011, p12; the account presents the author as a local policeman of unbending social conscience, and provides numerous accounts of his interventions to save the lives of Muslim women and children in the area. For best examples, see p63-70. Note that the book was published by the Serbian Radical Party and publicised at an event at the St Sava Cathedral in Belgrade attended by a number of the Orthodox clergy; see ‘Fond za humanitarno pravo U Parohijskom domu Hrama svetog Save veliča se ratni zločin,’ *Fond za humanitarna pravo*, 18 August 2011, Saša Ilić, ‘Patriarch Pavle’s funeral as a cultural model,’ *Pečanik*, 1 August 2012

⁹³⁰Chris Hedges, ‘From One Serbian Militia Chief, A Trail of Plunder and Slaughter’, *New York Times*, 25 March 1996

⁹³¹Assman, ‘Collective Memory and Cultural Identity,’ p133

facilitated narratives of spontaneous irregular warfare and placed responsibility solely on local (which were interrupted as irregular) dynamics.

Thus, Balkan traditions of violence and the external discourse of Balkan violence came together to obscure the realities paramilitary activity, particularly on the local level. As we saw in chapter one, the discourse that emerged in the west in the 1990s had its roots in a centuries-long narrative that stretched back to the *Eastern Question* and the Crimean War, and included the first and second Balkan Wars at the beginning of the twentieth century and the assassination of Archduke Ferdinand. The long-lasting impact upon collective memories of the retrospective anger in parts of Europe and the US towards the unknown Balkans for the terrorist shot that precipitated the First World War and deaths of 15 million should not be underestimated either. Perhaps most of all, it was the Yugoslav experience of the Second World War that cemented in the minds of others abroad in the west that Yugoslavia was a region fraught with local and community violence.⁹³²

The all too popular American commentator Robert Kaplan described the Balkans as ‘the original Third World’, where ‘hostage taking and the wholesale slaughter of innocents were common’, where nazism could claim its origins, and was responsible for producing the twentieth century’s first terrorists.⁹³³ Of Bosnia’s rural communities, Kaplan wrote ‘the villages all around were full of savage hatreds, leavened by poverty and alcoholism.’⁹³⁴ Kaplan epitomised the tendency in the 1990s to place emphasis on cultural and civilisational divides, implicitly indicting entire ethnic and religious communities, rather than invite more nuanced and accurate discussion of what the mechanisms of command, control, and violence actually looked like. As Kaplan demonstrates, the discussion of the irregular dimension of the Yugoslav conflicts was marred not only by the simplification (or manipulation) of the region’s history but also by frequent denigration of rural life as inferior and primitive. In reality, no aspect of the Yugoslav conflagration could be described as a Hobbesian war of all against all.

How do we quantify the levels of local participation in Yugoslavia’s mass violence? What counts as participation? Who should take responsibility for crimes committed in localities by local residents at the behest of greater authorities?

⁹³²See discussion in conclusion of Part III

⁹³³Kaplan, *Balkan Ghosts*, p.xxiii; for the influence Kaplan had on US foreign policy towards Yugoslavia and later Iraq see Michael T. Kaufman, ‘The Dangers of Letting a President Read’, *New York Times*, May 22, 1999

⁹³⁴*Ibid.*, p22

And if each person who bore some responsibility for the crimes could be indicted, what would appropriate punishment be? The mandate of the ICTY is to take on only the gravest and most high profile cases. This has created a blind spot within the evidence collected and possibly in jurisprudence. The priorities of the international tribunal have not been to distinguish between the local level groups. Efforts to establish responsibility for the creation of local armed groups and the actions they committed have never been directly raised beyond the evidence heard at The Hague in relation to propaganda and incitement. Some local actors have been tried in national courts in Bosnia, Serbia, and Croatia, and there is a strong regional and international reportage that monitors and publicises these cases. Perhaps inevitably, lower level local actors have for the most part escaped investigation.

Numbers in history are always contentious, and nowhere more so in the study of genocide and mass atrocity. While some such studies are therefore of limited academic value, being able to determine what proportion of perpetrators in identity-based violence are irregular or paramilitary combatants would be useful indeed –determining how many irregulars came from local formations, or genuinely non-state groups would not only expose patterns of covert networks of command and control assume, but assist prevention and intervention strategies. No research of this kind, has, to my knowledge been carried out in the south west Balkans. The scale of the violence and size of perpetrating groups we are concerned with is smaller than the Rwandan case, and of a different nature, but Scott Straus’ research provides a perspective of local violence during situations of acute violence that has bearing on our current discussion.

In 1994, the Rwandan genocide was interpreted by the outside world as a Hobbesian ethnic war of two (often tribal rather than ethnic) groups committing extreme mass violence against one another on the local, even individual level.⁹³⁵ Even more considered and informed analysis presented the violence as a civil war and therefore beyond international responsibility. In its aftermath, the entire Hutu adult population, some three million people, were presented by the new (Tutsi) state as the perpetrators of the genocide against the minority Tutsi population.⁹³⁶ Local courts heard over one million cases, prompting concerns about whether collective guilt was being imposed.⁹³⁷ In one of the more

⁹³⁵See Thompson, *Media and the Rwandan Genocide*

⁹³⁶See Straus, ‘How many perpetrators were there in the Rwandan genocide?’

⁹³⁷L. Waldorf, ‘Mass justice for mass atrocity: Rethinking local justice as transitional justice’ *Temp. L. Rev.*, 79:1 (2006), pp1-87; a further problem with the Gacaca Courts is that they will not hear cases against the Rwandan Patriotic Front, disenfranchising thousands of Hutu

objective attempts to put a figure to the number of perpetrators in Rwanda, Straus estimates 200,000 were responsible for the approximately 800,000 that were killed.⁹³⁸ It is worth noting, without descending into the intricate politics of numbers, that this figure is towards the lower end of those put forward in scholarship. In his determination that the 51,000 perpetrators influenced by radio instruction and propaganda constitute between 10-11 percent of the total, Yanagizawa puts the figure higher at 500,000 perpetrators.⁹³⁹ It is unlikely that the number of perpetrators was significantly greater than this upper estimate. Most relevant to this discussion, however, is the subsequent analysis by Straus of his own data, in which he concludes that the militia were responsible for significantly more deaths in the Rwandan genocide than individuals or groups mobilised spontaneously on the local level.⁹⁴⁰

Straus suggests that ‘even if mass participation characterises the Rwandan genocide, a small number of armed perpetrators and especially zealous ones probably did the lion’s share of the killing.’⁹⁴¹ His estimate that one in ten of the ‘perpetrating group’ (the adult Hutu population) joined the killing (rather than more passive acts of participation) has important implications for our understanding of the local level dynamics of identity-based mass violence. While thousands more will have participated in crimes like looting or informing killers where victims were hiding, Straus’s findings implicitly suggest that even within rural communities, the massacres were orchestrated rather than spontaneous.

Straus’ assessment supports the conclusions of Alvarez and Fletcher, who both stress the importance of local level dynamics with militia groups in Rwanda and Bosnia.⁹⁴² We do not know how many local fighters there were in Croatia and Bosnia in the early 1990s and what percentage of crimes they are responsible for. There is little documentation, and it is in the interests of local actors, their commanders, and their communities, not to publicise their experiences. Nevertheless, the available sources do provide us some insight into the local level. Endeavouring to understand this local milieu and how the units interacted with central and local structures is an important prerequisite to tackling community violence, and may raise interesting questions about the future of reconciliation in the region.

survivors and families of victims from seeking justice for “revenge killings.”

⁹³⁸ Straus, ‘How many perpetrators were there?’ p85

⁹³⁹ Yanagizawa, ‘Propaganda and Conflict’ (2014), p1

⁹⁴⁰ Straus, ‘How many perpetrators were there?’ p96

⁹⁴¹ *Ibid.*, p95

⁹⁴² Alvarez, ‘Militia and Genocide’; Fletcher, ‘Turning interahamwe’

The UN Experts' report recorded evidence of paramilitary activity in 72 counties across the Yugoslav territories, reaching 45 in Bosnia-Herzegovina, 21 in Croatia, and six in FRY.⁹⁴³ Although the research carried out by the Commission of Experts was fairly comprehensive, there were inevitably not international observers, reporters or professionals in each opština throughout the entire period of conflict and therefore some low level local activity has not been included in these statistics. In Bosnia particularly the experience of paramilitary activity was very high.

There are too many accounts to mention of local civilian and military police officers acting like paramilitaries, committing violent acts and exploiting the crisis situation for personal gain. Local police on all sides perpetrated grave crimes that will most likely go unpunished. It appears that opportunity was the most common motivator for local individuals who enjoyed midlevel authority such as being a member of the police or local government. The military forces of the Serbian and Croatian campaigns provided larger geographies of opportunity, and had larger networks that were better armed. The Serbian and Croatian propaganda campaigns were more systematic; Bosniak media was run from Sarajevo, which was under siege.

Compared with other aspects of the Bosnian and Croatian conflicts, the roles and relationships of local irregulars within and outside the immediate theatre of violence has drawn less attention from researchers.⁹⁴⁴ Unlike the activities of the better known groups, local units emerged and disbanded without much international attention. Therefore, there is far less recorded evidence from third party observers. YouTube hosts hundreds of videos and photo-montages of local military formations, much of it little more than grainy footage or hagiographic memorandums of those who died in battle. Nevertheless, they provide an important insight into the personalities of those actively engaged in the violence. As current violence in Syria and Iraq have shown, to record and share the act of killing or of ritualised humiliation has bestowed an additional dimension to identity-based attack that transforms violence against an individual into a crime that exists in perpetuity.

More mundane difficulties in determining precisely which groups operating and under what, if any, kind of command structure come from the constant

⁹⁴³UN Experts Report, Annex IIIA, p185, notes 9 & 10

⁹⁴⁴Mills is an exception here, see Chapter Three of 'Domestic Football and Nationalism'

changing of formations, leaders, and pseudonyms. The prosecution of Višegrad paramilitary leader Milan Lukić was faced with multiple descriptions of the units with which he acted, tracing an incoherent evolution and no doubt also including unreliable statements from witnesses brought by the defence. Practicalities of translation also pose a problem here. ICTY documents, and particularly international coverage at the time reveal inconsistencies and inaccuracies when it comes to paramilitary groups. Without the prioritisation of local dynamics there is a tendency to group local units under the larger, better known groups that operated across a wider area.

Many localities in Bosnia were run according to an often uneasy relationship between local bureaucracy, local militia, and a local criminal network. These structures were sometimes subverted by the national command structures of political parties, the military (or paramilitary), and organised crime. Nor did the larger, better equipped paramilitary groups necessarily work in effective partnership with local, less experienced groups. Because of the many different levels of irregular units that were in operation, all acting to varying degrees outside of official military structures and all adhering to their own fraternal code, quarrels and contests were inevitable. In Bijeljina, according to documents submitted to the UN Experts Report by the International Human Rights Law Institute, there was an internal dispute between Arkan and Mirko, the leader of a more local paramilitary group over ownership of the town.⁹⁴⁵

Many of the men who became local leaders of paramilitary groups were already, or through their war actions became, men of (local) influence. This observation appears to support the hypothesis of Roy Baumeister that violence acts ‘follow from high self-esteem, not from low self-esteem...Perpetrators of violence are typically people who think very highly of themselves.’⁹⁴⁶ This fits with the analysis that *identity-based* violence follows from the belief or understanding on the part of the perpetrator that he or she is superior to their victim. However, it could easily be supposed that the incidents of violence most likely to be recorded were those of a larger scale, or those committed (or commanded) by well-known persons, and as a result thousands of low level, local

⁹⁴⁵UN Experts Reports, Annex IIIA, p124, see note 660

⁹⁴⁶Roy F. Baumeister, Brad J. Bushman, and W. Keith Campbell, ‘Self-Esteem, Narcissism and Aggression: Does Violence Result from Low Self-Esteem or from Threatened Egotism?’ *Current Directions in Psychological Science*, 9 (2000), pp26-29, quoted in Waller, *Becoming Evil*, p193

irregulars have fallen quietly by the wayside of study.

The relationships that were forged in war persisted, and in certain areas continue to persist, under Dayton. In this way, though local irregular actors for the most part played lesser roles than their comrades in paramilitary formations that were either commanded from Belgrade or through a nation-wide political party, their participation in the conflict (and possibly in war crimes) contributed to the post-conflict consensus of criminality and corruption. What is more, international and political attention over the past fifteen years on the more high ranking or prolific war-time criminals has led to the successful capture and prosecution, or in some cases assassination, of a significant proportion of the national war-time elite. In the aftermath of war many Serb-held areas continue to be controlled by local war-time power structures, often with significant mafia and or paramilitary involvement. A year after Dayton was signed, Dobož and Tesic in Republika Srpska were ‘under the absolute, autocratic control of a group of local Bosnian Serb political leaders, police chiefs, party leaders, officials and civilians who have established an underground mafia-type network bridging the two towns.’⁹⁴⁷

Many towns in Bosnia became ‘ethnic garrisons’⁹⁴⁸ run by communities of victors who had overseen the redistribution of former neighbours’ property. The abuse and violence faced by returnees was encouraged by local officials, keen to preserve their gains. The Dayton Agreement cemented localised division, creating a new ethnographic map that endorses the ethnic identity of villages, towns and opštinas. Milan Ninković, responsible for creating Dobož’s paramilitaries, exploited the local assets won through ethnic cleansing for personal gain.⁹⁴⁹ He also assumed the position of General Manager of the RS Railway Company and Technogas, both of which were headquartered in Dobož and responsible for thousands of local jobs.⁹⁵⁰

The conceptualisation of national struggle as something current and personal transcended both generation and class. In many localities of former Yugoslavia, the legacies of local violence and extremism remain entrenched. Incidents continue to give insight to the persistence of such divisive narratives. Most recently, the hurling of stones at the Serbian Prime Minister during the twentieth commemoration of the Srebrenica genocide drew international attention, but only

⁹⁴⁷‘The Continuing Influence of Bosnia’s Warlords’, Human Rights Watch, December 1996, p1-2

⁹⁴⁸Toal & Dahlman, *Bosnia Remade*, p273

⁹⁴⁹*Ibid.*, p275

⁹⁵⁰*Ibid.*

because it occurred in front of the world's media.⁹⁵¹ The enduring identity-based hatred rarely draws headlines outside of the region. Three days following the memorial at Srebrenica, a returnee to RS was attacked by masked men who carved the four Serbian Cs in a cross on his stomach, which was not reported in English language press.⁹⁵² While state priorities no longer include perpetuating narratives of non-state violence, the perpetual nature of social processes like myth making and collective memory means that among some grassroots and underground (often online) communities, the narratives continue. Furthermore, state authorities continue to participate in and contribute to divisionsim. The escalating tensions. around commemoration, for example, were reinforced this year by the decision by Russia, following persistent and public pressure from Belgrade, to veto the UNSC resolution to reaffirm international condemnation of the Srebrenica atrocities as genocide.⁹⁵³

⁹⁵¹'Vučić attacked, hit with stones in Srebrenica (video)', *B92*, 11 July 2015, http://www.b92.net/eng/news/politics.php?yyyy=2015&mm=07&dd=11&nav_id=94733

⁹⁵²'Napadnut i teško povrijeđen povratnik u RS,' *Al Jazeera*, 14 July 2015

⁹⁵³'Russia vetoes Srebrenica genocide resolution at UN,' *Reuters*, 8 July 2015

Part V

A note on social networks and the wartime (a)moral order

The problem, I fear, is the Yugoslavs themselves. They are a perverse group of folks, near tribal in their behaviour, suspicious of each other (with usually sound reasons), friendly on the outside but very cynical within, ever ready for a war or a battle, proud of their warrior history, and completely incapable of coming to grips with the modern world...So I would say, a plague on both houses [the Croats and the Serbs]

David Anderson, former US Ambassador to Yugoslavia⁹⁵⁴

...individuals who witnessed or took part in mass killing would have been morally blunted by their experiences and found banal exemptions for their behaviour through racist discourse. It is often stated by perpetrators that the first murder is always the hardest one to commit. In this context, the continuity between violent events –not just at the personal level, but as a marker of this (pre-World War II) epoch– should be re-emphasised.

Cathie Carmichael, *Genocide Before the Holocaust*⁹⁵⁵

On 19 February 1995, Serbia celebrated an event akin to a royal wedding. The ceremony was split between the small town where the young bride had grown up and the capital city. Orthodox bishops travelled from across Serbia, Croatia and Bosnia to preside over a fully mythologised ceremony where the groom was dressed as a Prince Lazar-esque hero and his bride the Maiden of Kosovo.⁹⁵⁶ The proceedings were broadcast live on state television, and sales of the two hour video broke national records.⁹⁵⁷ Thousands of people lined Belgrade's streets in collective celebration of the happy couple.⁹⁵⁸ The Bosnian war was

⁹⁵⁴David Anderson, former US Ambassador to Yugoslavia, writing in 1992, quoted in Stjepan G Meštrović, Slaven Letica, and Miroslav Goreta, *Habits of the Balkan Heart: Social Character and the Fall of Communism*, Texas A & M University Press, 1993, p48

⁹⁵⁵Carmichael, *Genocide before the Holocaust*, Yale University Press, p70; Note too implications of recent biological research into genetically hereditary trauma, revealing Holocaust survivors pass on their trauma through their genes to their children, Rachel Yehuda *et. al.*, 'Holocaust exposure induced intergenerational effects on FKBP5 methylation,' *Biological Psychiatry*, (in press; available online Aug 2015)

⁹⁵⁶(eds) Omer Bartov and Phyllis Mack, *In God's Name: Genocide and Religion in the Twentieth Century*, Berghahn Books, 2001, p187

⁹⁵⁷Adam Higginbotham, 'Beauty and the beast' (part one), *Observer*, 4 January 2004

⁹⁵⁸Eric D. Gordy, *Culture of Power in Serbia: Nationalism and the Destruction of Alternatives*, Pennsylvania State University Press, 1999, p142

not yet over and less than six months later the groom's forces would participate in the genocidal massacres in Srebrenica.

Serbia's fairytale wedding was of an infamous paramilitary leader and his turbofolk pop princess; Željko "Arkan" Ražnatović and Svetlana "Ceca" Veličković. The event was given public, political, religious and even pseudo-historical endorsement. It symbolised the apex of a new social (a)moral order that had come in to being during the violence of the early 1990s, but that had its roots as much in the corruption of communism as in the criminal-materialist culture. Pop princesses are not unusual national treasures but the hero-worship of irregular fighters with publicly documented violent criminal histories, we assume, is less mainstream.

The elevation of Arkan and Ceca was demonstrative of the extent to which parts of Serbian society had radicalised since Tito's death in 1980. It revealed the voluntary willingness by the state, the church and members of the public to bask in the opulence of the couple's glamour, in celebration of Serbian nationalism and, thus too, of Arkan's actions in Croatia and Bosnia. More importantly, the wedding revealed many of the supportive networks that had formed between the perpetrators of parainstitutional violence, the Orthodox hierarchy, the state and its media powerhouse; and it revealed that a section of Serbian society had become a willing collaborator. Some might find the word collaborator too strong but it is used here less as a moral pejorative to describe cooperation with a chauvinist strategy than to highlight the necessarily participatory role of society in what was a joint project brought about through processes that required active and passive social decisions.⁹⁵⁹

All the war-time states elevated irregular combatants, publicly commemorating them in parliament, in cemeteries, at football grounds, in newspapers and magazines. The commemoration of combatants does not distinguish between official army personnel and irregulars. Terms such as heroes, martyrs or the fallen are used. Take this example from Republika Srpska; "To the heroes and Bronco and fellow soldiers who engraved these borders [of RS] with their lives, 1992-1995."⁹⁶⁰ The notorious Sarajevan criminal Caco Topalović was reburied in an official military cemetery in 1996 following intense public pressure to honour the paramilitary for his role in defending the capital, despite his record.

⁹⁵⁹To speak of social trends is not to preclude variety of experience or undermine pockets of resistance, either in the minds of individuals or within communities; an alternative term to use is "bystander" but with it comes an emphasis of non-action rather than decision. In violent contexts, bystander is probably more appropriate.

⁹⁶⁰Toal and Dahlman, *Bosnia Remade*, p305-6

The funeral was televised and reportedly attended by thousands of mourners, although support for the funeral was not universal.⁹⁶¹ ARBiH general Jovan Divjak challenged Izetbegović in a letter, describing the decision as unacceptable and immoral, calling the funeral a ‘glorification of gangster.’⁹⁶² Later in Kosovo, the death of KLA founder Adem Jashari and fifty of his family in 1998 provoked outrage and national martyrdom.⁹⁶³ In some corners of the western Balkans the fetishised commemoration of irregular combatants and culture of national martyrdom continues today.

A cursory search online for almost anything to do with Yugoslavia’s collapse brings up pages of nationalist propaganda that continue to celebrate individuals and paramilitary groups, from rudimentary Youtube videos to pseudo-academic archives and discussion forums. In Sarajevo, paramilitary and criminal leaders who grew fat on smuggling and looting were painted as martyrs of the besieged city, and Orić is still hailed by many as a hero despite his convictions. Though more pronounced in Serbian and Croatian society, the hagiographic presentation of paramilitaries and irregular soldiers during and in the wake of the wars in Croatia, Bosnia, and later in Kosovo, was widespread, and as much (if not more) a glorification of material wealth as the violence itself. A similar cultural process can be seen today among some young Syrians on social media platforms such as Facebook, Twitter, and Instagram, where men and women, usually aged between late teens and early 30s, combine adulation of pro-government violence and self-identification with a wealthy, fashionable, often paramilitary and sometimes sexualised culture.⁹⁶⁴ Certain *Shabiha* paramilitaries, members of a loose state (or Alawite) controlled network of pro-government armed groups, consciously adopt a heavily stylised machismo of steroid body-building and tight fitting clothes, to match an (appearance of?) elite luxury lifestyle subsidised by involvement in organised crime.⁹⁶⁵ As in former Yugoslavia, in Syria state

⁹⁶¹ Andreas quotes 20,000 while Michael Mann (citing an article in *Domovina*) puts the figure at 5,000; see *Blue Helmets*, p.94 and *The Dark Side of Democracy: Explaining Ethnic Cleansing*, Cambridge University Press, 2005, p.418

⁹⁶² Jovan Divjak and Florence La Bruyère, *Sarajevo, mon amour*, Buchet-Chastel (Paris), 2004, p229

⁹⁶³ See discussion of Jashari on official website of the Ministry for the Kosovo Security Forces, <http://mksf-ks.org/?page=2,24,500#.VcCRy0U1Cdc>; and note the renaming of the large multi-purpose stadium in Mitrovica to the *Stadiumi Olimpik Adem Jashari*.

⁹⁶⁴ For example see <https://instagram.com/realsyrianinsta/> and <https://instagram.com/basselkawas/>; on wartime luxury culture among some young Alawites see Gilad Shiloach, ‘Syria’s Elites Find Time For Fun As Country Burns’, *Vocativ*, 28 May 2015

⁹⁶⁵ Harriet Alexander and Ruth Sherlock, ‘The Shabiha: Inside Assad’s death squads’, *The Telegraph*, 2 June 2012; Hugh Macleod and Annasofie Flamand, ‘Syria: Shabiha Militia Member Tells It Like It Is’ *NewsHour*, PBS, 15 June 2012

propaganda and semi-state auspices encourage this form of wartime culture while also reaffirming many of the divisive narratives, which often explain the violence as coming from the community (or an identity group) rather than the state.⁹⁶⁶ What emerges is a pattern peculiar to the devolved and irregular implementation of identity-based violence; when national elites provide frameworks of legitimacy, aspects of violent culture can be integrated into contemporary banal cultural trends, and so lead to a normalisation (or even celebration) of the violence among parts of society.⁹⁶⁷

In his anthropological study between 1960s-1980 of over two thousand Yugoslav families along the Adriatic coast, in Bosnia, and in Serbia, which included Catholics, Orthodox and Muslims, Andrei Simić found no great variation in cultural patterns and instead noted that ‘superficial differences in cultural style tended to mask a deeper level of ideological and structural homogeneity underlying the ethnic and historical heterogeneity of the Yugoslav population.’⁹⁶⁸ The social and cultural processes that took place in the 1980s and 1990s created conscious and visible cleavages between identity groups, and created sub-cultures of Catholics, Orthodox and Muslims that adopted sometimes violent but perhaps also superficial identities that masked a homogeneity of behaviour. In many respects, cultural homogeneity was more evident among the irregular military sub-cultures of the warring sides than between the violent and the non-violent cultures within identity-groups. This position echoes those of Anderson, Hobsbawm and Ranger, and Judd, who argue that identities, communities, and traditions are constructed. In contexts of identity-based mass violence, the construction of the myths and traditions, and invention (or revival) of community divisions are essential precursors, or preludes, to the violence itself. As was discussed in Part II, in 1980s Yugoslavia the consequences of the belligerent media and political propaganda ensured that new social and cultural constructions masked cynical political (elite) objectives. As a result, the construction of the new identities was sufficiently devolved as to distance the ruling elites from the social and community radicalisation that followed. What had begun

⁹⁶⁶For example see Asma Al-Assad’s Instagram account <https://instagram.com/asmaalassad/>

⁹⁶⁷Similar processes are pursued by the ISIS central propaganda corps, Charlie Winter, ‘Islamic State Propaganda: Key Elements of the Group’s Messaging,’ *Terrorism Monitor*, 13:12, Jamestown Foundation, 12 June 2015

⁹⁶⁸Field research was collected between 1966 and 1978; Andrei Simić ‘Machismo and cryptomatriarchy: power, affect, and authority in the traditional Yugoslav family’, in (ed.) Ramet, *Gender Politics in the Western Balkans: Women and Society in Yugoslavia and the Yugoslav Successor States*, Pennsylvania State University Press, 1999, p15

as a top-down process, became a self-perpetuating force that shifted the moral parameters of society. The winners of the new social paradigm were those who appeared to champion the group; state elites and the new warrior class who supported them. Paramilitaries therefore acted as catalyst, further blurring lines of responsibility between the narratives of atrocity and the state, but also those lines that existed between combatant and civilian.

What had been counter culture in the late 1980s or in 1990, by 1995 was most visible. As with any such rupture, the conflicts and their repercussions inevitably overshadowed the day-to-day lives of all communities living within former Yugoslavia's borders. Messages of division permeated social, cultural, and political discourses while the sanctions imposed by the international community brought entire societies into the conflicts' sphere. The devolved and irregular nature of the military structures meant that many of the fighters remained part of their pre-war communities and maintained personal social networks for the duration of the war. This meant that many of the barriers that exist between official army personnel and the civilian public were not present. Thus, the paramilitaries straddled political, military, and social domains, becoming (sometimes unwitting) political agents of radicalisation in their own communities, further blurring the lines between civilian and combatant.⁹⁶⁹ Similarly, the shifting moral frameworks of certain civilian communities provided a legitimising context for the irregulars, both from the perspective of their (apparently) non-state character and their implementation of identity-based violence.

Writing about the Balkan *hajduk* Žanić concluded that while the definition of the hajduk was 'someone who had definitively broken with all the established institutions of society and the state, and hence it is hardly necessary additionally to define him as extra-institutional,' the hajduk also 'remain[ed] integrated into his original social milieu.'⁹⁷⁰ Žanić adds that such figures were

...bound to a certain section of society, which supported and protected him, if only passively, through the agency of his harbourers (*yataks*) or some other institutions that had grown out of the tradition and been verified by it, such as hospitality, godfathership or variously motivated types of solidarity, or indeed fear, for this to is a social relationship. Consequently he was, in an idiosyncratic

⁹⁶⁹This is seen in irregular military formations all over the world, particularly via the internet and most clearly regarding identity-based struggles

⁹⁷⁰Žanić, *Flag on the Mountain*, p501

way, institutionalised. And in addition, these two models, or processes, his institutionalisation and deinstitutionalisation, quite often overlapped and interwove in various combinations.⁹⁷¹

Thus too, perhaps, we can conceive the modern irregular, who exists simultaneously inside institutional structures and outside them, and who remains integrated into their original social milieu.⁹⁷² Where violent implementation have been devolved to irregulars, many of whom are drawn from their communities at the grassroots level, the social and cultural frameworks with which the irregulars continue to interact should be understood to be a crucial component of the military and political process. In the former Yugoslav states, when civilians joined local military brigades or volunteered with irregular armed groups, much of their interaction came from more immediate, more local, and even familial support networks than is usually possible within official military structures. Understanding the dynamics of these social support networks is important as it was from within these networks that local-level foot soldiers found legitimacy. This is particularly significant when we note that the devolved nature of the military command structure, especially in the case of the Serbian forces, gave the individual paramilitary units a freedom to decide how to carry out their instructions.

This final exploratory part of the work, rather than providing answers, seeks to draw attention to the most intimate level of the networks that supported the irregular military dynamics during the Yugoslav crisis. Cultural, social, community, and family attitudes impacted the perceptions and choices of the men who joined irregular armed groups or volunteered with the regular army. Below, we briefly consider how and to what extent these personal networks contributed to, or inhibited, the paramilitary presence.

In addition, it was because of the processes occurring within these networks that the imagined or misappropriated narratives became seen as being prophetic, seeming to predict (rather than as instigating) the identity-based crisis. The initial revival or creation of the narratives engendered a response from susceptible and sympathetic corners of society but the misappropriation of violent tradition was also absorbed by the international community. When the rhetoric

⁹⁷¹ *Ibid.*

⁹⁷² As opposed to other modern militia structures such as the Lord's Resistance Army (LRA) whose tactics often involve breaking all contact recruits have with family and community networks

coming from aggressors and their support networks in the region was taken up by the west, it was fatally reinforced by existing (if somewhat dormant) Orientalist prejudices and poor comprehension of Yugoslavia's recent history. The resurrection of historical conflicts and division was effective not only in reviving internal grievances but normalising in the eyes of external observers the antipathy between Yugoslavia's ethnic or political groups. Thus, attention was deflected from the political reasoning and intentionality behind the crimes.

In summer 1992, Maja Gojković, vice-president of the right-wing Serbian Radical Party and one of the few women in high politics challenged; "You cannot ask a woman to bear children to men who have capitulated in advance to every threat. In order to raise natality we must awaken and develop the spirit of masculine honour and heroism."⁹⁷³ When Gojković made this statement, Muslim towns had, over the previous few months, been ethnically cleansed by Serbian paramilitaries and regular army forces. The string of Serb-run concentration camps had been discovered and visited by the international press.⁹⁷⁴ In the same month, the pop-hit *Kukavica* (Coward) was released by the young female songstress *Ceca*.⁹⁷⁵

Throughout the early war years, Milošević and his family had actively promoted this provocative moral shift through their monopoly over platforms of popular culture. This is often considered to be have been most explicit in the turbofolk scene, which effectively articulated an emerging culture of revived traditional gender politics, sexuality, nationalism, crime and money.⁹⁷⁶ And at its centre was Arkan and Ceca. Newspapers supporting Milošević printed stories of the couple on the front pages while Pink TV, owned by Milošević's wife, and the two TV stations controlled by Milošević's daughter played turbofolk videos on an almost continuous loop.⁹⁷⁷ The public were aware of Arkan's reputation: During a phone-in on Pink TV with Arkan and his wife, a female viewer rang to compliment Ceca on her gold and diamond necklace, correctly describ-

⁹⁷³ *Duga*, 16 August 1992, cited in Bracewell, 'Motherhood and Serbian nationalism', p27

⁹⁷⁴ Vulliamy, 'Vulliamy gains access to Kula, Camp outside Sarajevo where Serbs are holding Muslims', *The Guardian*, 8 August, 1992; also Vulliamy, 'Shame of Camp Omarska', *The Guardian*, 7 August 1992; *The Daily Mirror* ran with 'Belsen '92' and *The Daily Star*, 'Belsen 1992,' both 8 August 1992

⁹⁷⁵ While the premise of the song is male infidelity, its broader meaning set against the background of war is difficult to miss; Ceca, *Kukavica*, Arrangements by A. Radulović, JV Commerce, 1993

⁹⁷⁶ See Uroš Čvoro, *Turbo-folk Music and Cultural Representations of National Identity in Former Yugoslavia*, Ashgate, 2014, particularly p180

⁹⁷⁷ Gordy, *Culture of Power in Serbia*, p133

ing an inscription on it; when the compere asked the caller how she could now such details, she replied “Because Arkan stole it from me in Bijeljina”⁹⁷⁸ Arkan was a true celebrity figure, and not only among what might be thought of as counter-culture extremists; there is an photograph of a young girl requesting his autograph in a Belgrade cafe.⁹⁷⁹

When, in 1994, Milošević sought to retract his support for the Bosnian Serb campaign, the Serbian Ministry of Culture also declared a ‘struggle against kitsch’ but the cultural process has already assumed a life of its own.⁹⁸⁰ As the Belgrade regime sought to distance themselves from the ethnonationalism, most crassly represented in the neofolk or turbofolk urban culture, it became clear that the flames Milošević had fanned in the hearts of many Serbs throughout the late 1980s now burned unaided.

As men returned from the battlefields, their status grew. Many of the paramilitaries swapped their fatigues for designer glamour, or like the *Dizelaši*, Belgrade’s designer diesel smugglers, wore labels as badges of pseudo-military and/or criminal identification.⁹⁸¹ Hollywood played a big part in determining the fashion choices of the Serbian paramilitaries with Rambo being the best documented, but there was also a more general fascination with cult status –of dark glasses, a media image, and material wealth.⁹⁸²

The radical nationalist paraphernalia among paramilitaries of all sides contributed to a fetishisation of the violence and the irregular dynamics of the warfare. The rehabilitation of the Ustaše was at least as much about their dress and symbolic strength as it was interest in or commitment to Ustaša history history.⁹⁸³ Muslim fighters mostly adopted green fatigues and often bandanas but some, including the Mujahideen, displayed jihadi symbols, including black flags with verses of the Koran printed upon them. From this perspective, it is possible to understand the decision to join irregular armed groups –particularly Serb and Croat formations– as a fashionable choice. The prospect of being called up to the national armies promised little financial incentive and certainly

⁹⁷⁸Gangster’s life of Serb warlord, BBC, 15 Jan. 2000

⁹⁷⁹Image part of lecture by Üngör, ‘Paramilitaries in Comparative Perspective: Yugoslavia and Syria,’ 22 Feb 2013, University of East Anglia.

⁹⁸⁰Gordy, *Culture of power*, p133

⁹⁸¹*Ibid.*

⁹⁸²On Hollywood see John B. Allcock, *Explaining Yugoslavia*, Columbia University Press, 2000, p407; the cult status of paramilitaries in identity-based violence can also be seen in the Rwandan interahamwe and Syrian Shabiha.

⁹⁸³Baker has written in much detail about the roles played by nationalist narratives promulgated by popular music in Croatia during and in the aftermath of war; see *Sounds of the Borderland*

not the same cult status as becoming a paramilitary. Yet, few irregular groups received significant (official) remuneration and even fewer gained the kind of fame (or notoriety) of those that have been discussed in this work so far. Given the social context and (moral) cultural environment such motivations for the irregulars are relevant to this present examination.

Furthermore, it has been suggested that these uniforms –or *masks* as Michael Sells calls them– *enabled* men to commit violent, ritualised acts.⁹⁸⁴ Whether it the costumes were appropriated from the Catholic Church, Draža Mihailović, or Sylvester Stallone, the paramilitary apparel conveyed an identity beyond national or ethnic background; they became masks of others. Barbara Ehrenreich in her history of war wrote about rituals in traditional societies to ‘lift a man out of his mundane existence and into a new, warrior-like mode of being’ often denoted by body paint, masks and headdresses.⁹⁸⁵ Similarly, uniforms play an important symbolic role in distinguishing official military personnel from their own publics, from their enemies, and in international law⁹⁸⁶ The uniforms of national armies are traditionally considered to invoke a sense of national pride and patriotism for the combatants but also society. Among irregular formations, ritual and uniform are no less important –likewise for the combatants themselves and for their civilian support base.⁹⁸⁷

I suggest that these masks had a similar distancing effect for the Yugoslav women in relationships with the irregular fighters and that in some instances, women used their *own* masks or uniforms to justify their own behaviour or inaction.⁹⁸⁸ The trends among women who participated in the extremist Croatian and Serbian wartime cultures served to reinforce the paramilitary chic. This concept furthers my argument of existential combatants, where members of the warring sides were drawn in to the conflict on a psychological level. A different side to the hypothesis of female masks is reflected in a painful scene of Slavenka Drakulić’s *S., A Novel about the Balkans* where, in a state of manic distress, the

⁹⁸⁴Sells, ‘masks of otherness’ see *The Bridge Betrayed*, p71

⁹⁸⁵Barbara Ehrenreich, *Blood Rights; the origins and history of the passions of war*, Granta, 2011, p10

⁹⁸⁶On international law and uniform in organised violence see Christopher Kutz, ‘The Difference Uniforms Make; Collective Violence in Criminal Law and War,’ *Philosophy & Public Affairs*, 33:2 (2005), pp148-180

⁹⁸⁷For good images but poor analysis of fashion and ISIS and ISIS-affiliated groups see Tom Wyke, ‘The bizarre world of ISIS fashion,’ *Mail Online (Daily Mail)*, 6 March 2015; on irregular formations in Ukraine, Marcin Mamon, ‘The Sword and the Cross; The Making of a Christian Taliban in Ukraine,’ *The Intercept*, 18 March 2015

⁹⁸⁸This was discussed in more detail in a conference paper, Kate Ferguson, ‘Paramilitaries and the WaGs of War, Yugoslavia 1980-95,’ Women’s History Network Conference; Women, State and Nation, Cardiff University, 7-9 September 2012

third-person narrator *S.* wants to wear lipstick, which she never wore before the war, when she is being raped by the enemy fighters so as to ‘smile with painted lips...[and] pretend it is not being forced on you but rather that it is fun and you enjoy it.’⁹⁸⁹

The roles played by women in the nationalist wartime social framework –especially the wives and girlfriends of the paramilitary fighters– are worth greater discussion here, if only because this dynamic of identity-based conflict is rarely addressed but also in order to acknowledge the presence of intimate relationships within the supportive social networks.⁹⁹⁰ First and foremost, it is difficult to imagine that the women who were having relationships with the fighters remained wholly unaware of their partners’ actions. The level of violent and sexually violent crimes in Bosnia and Kosovo was systematic. Many of the victims knew their assailants –and thought initially that this would mean them being spared. With regards to the sexual violence, it follows that many of the raped women also knew the wives and girlfriends of their assailants. It is therefore not inconceivable that the Serbian and Croatian women living in the cleansed towns, like Foča and Višegrad, would not only have been aware of the buildings that were being used as rape centres, but knew who was kept there and –more significantly –who was frequenting them. The rapes and many other abuses were also well publicised in the western press.

There is little information available regarding this hidden dimension of the personal supportive framework as research of this kind has yet to be undertaken. However, let us consider two women married to men that were part of the devolved Serbian structure of violence, and who have been interviewed by journalists. These interviews provide a rare insight into the minds of two very different women married to war criminals and raise many questions regarding the personal relationships that existed alongside irregular participation in identity-based violence.

The first is Mira Tadić, married to Duško (Dušan) Tadić, the first man to be put on trial at the ICTY.⁹⁹¹ Duško was a local SDS leader convicted of crimes against humanity, grave breaches of the Geneva Convention and violations of the laws and customs of war.⁹⁹² Although not strictly an irregular combatant, he was a local volunteer from the local community who participated in the violence

⁹⁸⁹Slavenka Drakulić, *S.*, *A Novel about the Balkans*, Penguin, 2001, p85

⁹⁹⁰Ferguson, ‘Paramilitaries and the WaGs of War’

⁹⁹¹IT-94-1 *Prijedor*, case information sheet

⁹⁹²IT-94-1 *Tadić* (as part of *Prijedor* case), Amended Indictment, 14 Dec 1995

in and around his own locality. Tadić's crimes contributed to the cleansing of the entire non-Serb population of his home town of Kozarac, which involved the active participation of 800 (Serb) civilians from and around Kozarac.⁹⁹³ He was also convicted of carrying out and ordering others to carry out beatings, sexual assaults, torture and executions of male and female prisoners at the Omarska, Keraterm and Trnopolje Camps.⁹⁹⁴ Tadić was sentenced to twenty years' imprisonment.

Being interviewed by Åsne Seierstad, Mira Tadić said that her husband:

...was convicted of having been a guard in the Omarska camp, but he only worked in the traffic division, and the only thing he ever did was to escort prisoners inside...He wasn't even anywhere near where the crimes he was convicted of took place. The Hague Tribunal listened only to the Muslims, and a lot of them were paid to lie. Whatever the Serbian witnesses testified to was never considered. I sat there myself and listened to the lies of our Muslim neighbours.⁹⁹⁵

Mira considers Duško Tadić to be a 'political prisoner' or even a prisoner of conscience; when he was moved from his prison cell in The Hague to one in Germany to serve the remaining 14 years of his sentence, Mira told Seierstad: 'To think, he's doing time with ordinary criminals!...Ordinary criminals: killers and rapists.'⁹⁹⁶

Seierstad interviewed Mira several times over a period of years, building a tentative rapport with a woman struggling to come to terms with the impact the conflict has had on her own life. Her husband's paintings hang on her wall, including one of hands in handcuffs where the cuffs are about to be cut by a sword bearing the Cyrillic four Cs.⁹⁹⁷

Her denial is emphatic but also reductive:

Dušan is innocent...he couldn't possibly have done any of the things he's been convicted of. Dušan is kindness itself, he's charming,

⁹⁹³IT-94-1 *Prijedor*, Judgement, 7 May 1997, p195

⁹⁹⁴See ICTY documents relating to IT-94-1 *Prijedor*

⁹⁹⁵Åsne Seierstad, *With Their Backs to the World; Portraits from Serbia*, Virago, 2005, p165

⁹⁹⁶*Ibid.*, p69

⁹⁹⁷*Ibid.* p159; in a rather macabre twist, Tadić was going to illustrate the memoirs of his cellmate at The Hague, from Rwanda

handsome and the soul of an artist. Everyone who meets him falls for him –he could have any woman he wanted. It just doesn't add up –why would he ever rape Muslim women, when he could have had any Serbian woman he wanted?⁹⁹⁸

Yet Mira Tadić's story is more complex than that of a wife in denial. In fact, Mira and Duško were divorced before the war in Bosnia began, suggesting that she could easily have distanced herself from his crimes. There is also evidence that Mira took on a more participatory role in the local process of radicalisation than she presents in the interviews. Reading the transcripts of her cross-examination at the ICTY, two incidents implicate Mira. The first relates to a letter that appeared in a local newspaper in 1991 threatening the Tadić family with liquidation if they did not leave Kozarac.⁹⁹⁹ Much was made of the letter by the Defence team as justification for the fear and insecurity experienced by the Tadić family (and therefore as justification for his actions). However the Prosecution suggested that a police investigation, though never completed, suspected either Duško or Mira of sending the letter.¹⁰⁰⁰ A witness at the trial also accused Mira Tadić of sending it to the newspaper.¹⁰⁰¹ The second incident relates another letter, supposedly sent by Duško to Mira while he was awaiting trial that appeared to ask Mira to commit perjury by lying about her husband's employment during the war.¹⁰⁰² Mira denied ever seeing the letter before, although claimed it had been removed from her car.¹⁰⁰³

In the final interview with Seierstad, in 2004, it becomes clear that her husband's incarceration has come to define Mira. In the twilight of the Milošević reign, she lived alone, no longer in her home town but somewhere where no one knows who her husband is, signalling that to be a war criminal's wife, in her rural Serbian town, was (and is) no longer a legitimate social status. Her belief in Serbia has waned but her loyalty to her husband remains.

The second women, Ceca, cuts a different figure but shares many similarities with the bitter Mira. In an interview with the *Observer* Svetlana Ceca

⁹⁹⁸ *Ibid.*, p165

⁹⁹⁹ IT-94-1, *Prijedor*, 9 Oct. 1996, p15093

¹⁰⁰⁰ *Ibid.*

¹⁰⁰¹ IT-94-1, *Prijedor*, Hamdija Kahrimanović, 25 June 1996, p3129/p15-16

¹⁰⁰² IT-94-1, *Prijedor*, 9 Oct. 1996, Mr Keegan cross examines Mira Tadić, p6805, ln.17-22

¹⁰⁰³ *Ibid.*

Ražnatović responded to the question of what it was like being married to a wanted war criminal thus:

To me, what my people thought about it was the important thing. And we were the most popular couple in Serbia –in his own country, he had a reputation as a great patriot. And to me, he was a great husband. He had two children with me, and from a previous marriage he had had seven. And he was very much drawn to women, and always protective toward them. He was a great, great gentleman. And I’ll never love anyone like I loved him.¹⁰⁰⁴

She added; “My parents are very proud, because I am going to marry the bravest man in the country.”¹⁰⁰⁵

Ceca has assumed a more active role in her husband’s affairs, even since his death in 2000. She is a shrewd ‘business’ woman, very much involved in the financial (and almost certainly political) legacy of her husband. She has been arrested for and convicted of a string of corruption and tax evasion charges. She was also arrested following the assassination of Serbian Prime Minister Zoran Djindjić in 2003 and detained for the illegal possession of weapons in a hidden bunker including some ‘21 guns, three boxes of ammunition, compasses, a laser rangefinder, a precision viewfinder for rifle sights, a bow, 20 arrows, silencers for Scorpio and Heckler guns, police batons, gas masks.’¹⁰⁰⁶ According to local media reports, Ceca was arrested by Dragan Karleusa, a senior Serbian police officer and the father of Jelena Karleusa, one of Ceca’s main pop rivals.¹⁰⁰⁷ Furthermore, Jelena Karleusa is also the former girlfriend of Zoran Davidović, a drug dealer and stolen car smuggler who was killed in March 2000 when returning from the funeral of Branislav Lainović –a cofounder of Arkan’s Serbian Volunteer Guard.¹⁰⁰⁸ Ceca has repeatedly been photographed in the company of Arkan’s former paramilitary colleagues, including the chief suspect for Djindjić’s murder –Milorad *Legija* Luković (Ulemek).

¹⁰⁰⁴Higginbotham, ‘Beauty and the Beast’

¹⁰⁰⁵*Ibid.*

¹⁰⁰⁶Milan Milošević, ‘Tragedija i politika,’ and Miloš Vasić, ‘Legija, Duća i momci iz Kule’ in *Vreme*, 20 March 2003; on weapons room in Ražnatović house see Higginbotham, ‘Beauty and the Beast’

¹⁰⁰⁷Higginbotham, ‘Beauty and the Beast’

¹⁰⁰⁸V. Tasić, ‘Kako je počeo rat Cece i Karleuše?’ *Vesti*, 2 November 2013

Despite her fall from grace, Ceca still enjoys a large fan base with 250,000 followers on Twitter, 30,000 in Instagram and on Facebook she has 800,000 “likes.” The tabloid press continue to write about Ceca, Jelena and their relationship with the criminal underworld as well as about their music, which still continues to sell out stadium tours in the region and elsewhere.

What comes across most clearly in interviews of Mira Tadić and Ceca is denial. The result is a magnification of their respective husbands’ positive qualities (as they as wives perceive them to be), particularly their good looks, and an attitude of “I don’t care what you do to them (or *her*) just be good to me.” Mira was married to a mid-level volunteer who was part of a local structure of violence and committed crimes within his own locality. He and Mira would have known many of his victims and been privy to the actions of the local SDS but would rarely have come into contact with the national command structures. Ceca on the other hand, was married to the foremost paramilitary of the war and even after his death has remained something of figurehead for the remnants of the Red Beret-Zemun counter-culture loyalists. Both women appear to have been involved in their husbands’ deceptions and continue to identify themselves as the wives of wronged, heroic men. This is important because it draws attention to the roles played by, or the capacity for roles to be played by, the wives and girlfriends of irregular fighters in endorsing or even encouraging a new (shared) moral standard.

It would be a mistake to consider Mira and Ceca as representative of female responses to the crises in former Yugoslavia; little is known about the general attitudes of Yugoslav women towards the conflict, not to mention the women in relationships with irregular combatants. More is known about the intimate female support structures of the elites, but the positions of elites were distinct and cannot be taken as evidence of a broader trend: General Mladić’s wife recently gave evidence at The Hague and gave her husband an alibi for the days of the 1995 Srebrenica massacre, claiming they were together in Belgrade; under cross-examination she said “I am sure he could not have committed such a crime and I think he should not be convicted. I always condemn any crime, even if my husband would commit one.”¹⁰⁰⁹ Karadžić’s wife Ljiljana Zelen filed for \$15,000 of criminal damages against the NATO Stabilisation Force (SFOR) for raiding her house in search of her husband, despite rumours that she and her sons knew

¹⁰⁰⁹‘Ratko Mladić’s Wife Gives Him Srebrenica Alibi,’ *Balkan Insight*, 12 Aug 2015; the transcripts will be released early September 2015

of his whereabouts.¹⁰¹⁰

Mira Marković was a political force in her own right and took an active role in Milošević's rise and regime, as did his children. Asma Assad plays a similar part in Syria today. Karadžić's mother, on the other hand, stated clearly during an interview with Channel 4 in 1998: "I did not want to pass the hatred on to him."¹⁰¹¹ And Mladić' daughter Ana reportedly killed herself during the war with her father's ceremonial pistol, supposedly after discovering from Bosnian Muslims while studying in Moscow the details of his crimes.¹⁰¹²

The process of dehumanisation that precedes identity-based mass violence is often deconstructed in relation to perpetrators (usually men), society in general, or very specific women in positions of power such as female Nazi guards or Biljana Plavšić¹⁰¹³ In situations where the violence is more explicitly devolved from an elite centre, as in Rwanda and more contemporaneously within ISIS structures, the roles played by women, as combatants and as active supporters are discussed more freely.¹⁰¹⁴ Genocide and identity-based mass violence are (in part) social crimes, which require social acquiescence to narratives that justify the suffering of the enemy group(s). Unlike explicitly state-led political conflicts, identity-based conflicts include almost everyone, and ensure some level of community 'civilian' participation, whether as armed or existential combatants.

Devolved structures of violence required broader bases of support than ordinary armies, particularly when they are operating inside their own borders. In collapsing Yugoslavia, extremist culture became not only increasingly acceptable but also increasingly favoured –from above and from below. Musicians glorified the new militaristic, supremacist elite while domestic fashions came to represent group identities. At the same time, nationalist media broadcast narratives that celebrated the new national warriors. These figures came to symbolise the apex of a new amoral cultural hierarchy. The emergence of the visual symbols of the

¹⁰¹⁰Ljiljana Zelen Karadžić raises criminal charges against SFOR,' *Dnevni avaz*, 6 February 2006; note too that his daughter, Sonja, ran the press office for her father at Pale, Ed Vulliamy, 'Face to face with Radovan Karadžić,' *The Observer*, 4 December 2011

¹⁰¹¹*The Reckoning*, Channel 4, (dir.) Kevin Sim, 1998

¹⁰¹²Dobbs, 'Visiting the grave of Ana Mladic,' *Foreign Policy*, 14 Dec. 2011

¹⁰¹³Laura Sjoberg and Caron E. Gentry, *Mothers, Monsters, Whores: Women's Violence in Global Politics*, Zed Books, 2007; exceptions include Elizabeth Harvey's excellent, *Women and the Nazi East: Agents and Witnesses of Germanisation*, Yale University Press, 2003, p1-2; see also Wendy Lower, *Hitler's Furies: German Women in the Nazi Killing Fields*, Houghton Mifflin Harcourt, 2013

¹⁰¹⁴On Rwanda, *Not so Innocent*; on ISIS Erin Marie Saltman and Melanie Smith, "Till Martyrdom Do Us Part" Gender and the ISIS Phenomenon,' Institute of Strategic Dialogue, 2015

new national heroes facilitated the psychological transition of the civilian population from “ordinary man” (or woman) to perpetrator. For short lived time, these young warriors, and their intimate supporters, become a privileged class –exploited by those more powerful and more educated, in the most disastrous way. And it was here that the members of the irregular groups became catalysts in their own communities. Thus the indoctrination of young men– who as a demographic are usually considered to pose the biggest threat to a state– was doubly beneficial to the regime. The political elites temporarily elevated the irregular combatants and their support base not only to glorify their actions but to normalise their crimes, while simultaneously being able to deny influence over the fighters themselves. For as long as this symbiotic relationship continued, paramilitary leaders were able to reap the special rewards only political immunity and military capacity can bring.

In collapsing Yugoslavia there *were* areas of culture that spurned divisionism. When war came, many who disagreed with the nationalist programmes left Yugoslavia and a large number of men refused to fight. In Belgrade there was mass draft dodging as the same time as the nationalist paramilitaries were recruiting.¹⁰¹⁵ Despite the cultural and institutional changes that took place in Belgrade throughout the late 1980s, the majority of the capital’s young men did not participate in the wars. Only fifty percent of Serbian reservists answered the draft and in Belgrade the figure was only fifteen percent.¹⁰¹⁶ It is thought that up to 200,00 Serbs dodged the draft.¹⁰¹⁷ During the Serbian-Croat war, between 2,000-3,000 volunteers were expected at the call-up in the Serbian town of Valjevo and only two turned up.¹⁰¹⁸ In Croatia, the government denied reports that only 1,500 and 2,000 reservists had volunteered to fight in Bosnia.¹⁰¹⁹ While it is unlikely the actual figure was so low, the Croatian army also struggled with the challenges of draft dodging and desertion. Phillip Ther has suggested that the difficulties in mobilisation during the first phases of violence (1991-1992) created a power vacuum that strengthened the paramilitary units like Arkan’s Tigers, but formations such as the Tigers were intentionally created on state

¹⁰¹⁵Magaš and Žanić, *The War in Croatia and Bosnia*, p332

¹⁰¹⁶Jasminka Udovicki and Stojan Cerović, ‘The People’s Mass Murderer,’ *Village Voice*, November 7 1995

¹⁰¹⁷Cigar, ‘The Serbo-Croatian War, 1991,’ in (ed.) Stjepan Mestrovic, *Genocide After Emotion: The Post-Emotional Balkan War*, Routledge, 1996, p67

¹⁰¹⁸*Ibid.*

¹⁰¹⁹‘RFE/RL Research Report: Weekly Analyses from the RFE/RL Research Institute,’ Volume 3, *Radio Free Europe/Radio Liberty*, 1994

instruction *before* hostilities broke out and before the draft was issued.¹⁰²⁰ The high level of draft dodging appears to support the assumption that the Yugoslav paramilitaries were employed simply to augment the regular military structure but such an analysis ignores the fact that there was a fairly significant number of *irregular* volunteers that took part in the wars (rather than join the regular army), and that the irregular dynamics on the Serbian side were intentionally created and promoted before the war began because the devolved structure of violence was in itself part of the Serbian political and military strategies.¹⁰²¹

Ana Devic described the anti-war activism that took place across Yugoslavia as ‘a mobilisation of the most articulate segment of a widespread, all-Yugoslav, urban, cosmopolitan and genuinely non-ethnonationalistic cultural identity.’¹⁰²² The Women in Black held weekly protests in Belgrade against the war from October 1991 and mourned all victims of the conflict, refusing to distinguish between “our victims” and “theirs.”¹⁰²³ In contrast, a group of mothers from across the different warring parties whose sons were fighting and was known as the Wall of Love quickly became divided by factionalism.¹⁰²⁴ An exhibition in 2014 brought together over one hundred cartoons and graphic art works produced across former Yugoslavia during the 1990s in order to show how political and absurdist humour was used by many to undermine nationalist militarism and political repression.¹⁰²⁵

Outside the anti-war groups and intellectual circles there were other corners of resistance that concealed moderate, but important progressive, liberal development. In Belgrade, for example, the second half of the 1990s saw the spread of new genres of dance music and the growth of the urban rave scene, which belonged very much to a young cohort that rejected the regime and the wars.¹⁰²⁶ A number of new scholars have argued that even within the nationalist turbofolk

¹⁰²⁰Phillipp Ther, ‘Ethnic Cleansing, in (ed.) Dan Stone, *The Oxford Handbook of Postwar European History*, Oxford University Press, 2012, p160

¹⁰²¹on augmenting regular structures see Paul G. Pierpaoli Jr., ‘Scorpions’ in (ed.) Paul R. Bartrop, Steven Leonard Jacobs, *Modern Genocide: The Definitive Resource and Document Collection*, ABC-CLIO, 2015, p358

¹⁰²²Ana Devic, ‘Anti-War Initiatives and the Un-Making of Civic Identities in the Former Yugoslav Republics,’ *The Journal of Historical Sociology*, 10:2 (1997), pp127-156

¹⁰²³Laura McLeod, *Gender Politics and Security Discourse: Personal-Political Imaginations and Feminism in ‘Post-conflict’ Serbia*, Routledge, 2015, p57-8

¹⁰²⁴Jude Howell and Diane Mulligan, *Gender and Civil Society*, Routledge, 2004, p42-43

¹⁰²⁵Ristić, ‘Yugoslav Wartime Cartoon Show Relives 1990s Resistance,’ *Balkan Insight*, 19 June 2014

¹⁰²⁶Ivana Kronja, ‘Turbo Folk and Dance Music in 1990s Serbia: Media, Ideology and the Production of Spectacle,’ *The Anthropology of East Europe Review*, 22:1 (2004), pp103-114, p107

and Serbian television platform PinkTV, there was some movement for ‘hidden gay culture’.¹⁰²⁷

There are many accounts of individuals on all sides of the conflicts actively assisting individuals from other backgrounds. The example of local HVO personnel acting to protect non-Croats at risk in Bosnia, which came to light during the Foča case against other HVO members of the Jokers, is typical of numerous individual acts to protect individuals from victimisation.¹⁰²⁸ There are far fewer cases like that of Baljvine, a small village in north-western Bosnia where Serbian residents refused to expel Muslim residents and as a result the population remained united throughout the war.¹⁰²⁹ In Janja, the brutal murder of a Romany couple prompted local women from the town to protest, although the small demonstration was quickly broken up and one woman was fatally shot by local police.¹⁰³⁰ The local Serbian mayor of Vrginmost, D Mitar Obradović, who resisted the division of Serbs and Croats in his community was assassinated by a Serbian paramilitaries, reportedly part of the RSK army and on instruction from Belgrade.¹⁰³¹

Individual participation in the pro- or anti-war cultures was not necessarily consistent. Just as it would be wrong to present a Croatian, Bosnian Muslim, or Serbian point of view, to imply a homogeneity of an anti-war camp would be to ignore the range of human experiences and responses to the crises. The examples provided above illustrate the capacity for community-level resistance, or what Stefan Jansen described as the ‘bubbles of resistance’ that prevented the nationalist narratives from achieving the ‘complete discursive closure they were attempting to establish.’¹⁰³² However, the social, cultural –even moral– alternatives never coalesced to pose a significant threat to the divisive and violent narratives, the atrocities that were committed, or the cultural and military prominence of paramilitary forces.

The war-time cultures did not dissolve with the Dayton agreement. The ethnic

¹⁰²⁷Eurovicious, ‘Queer As Turbofolk (Part III): Academic Voices’, *The Balkanist*, 14 Oct. 2014

¹⁰²⁸IT-95-17, *Furundžija*, 9 June 1998, Witness B, p.255-56; Judgement 10 Dec. 1998, p.30

¹⁰²⁹Marija Arnautović, ‘Bosnia: The Village Where Hate Never Triumphed’, IWPR, 10 Apr 2010

¹⁰³⁰‘Unfinished Business’, Human Rights Watch, p17

¹⁰³¹IT-06-90-T, *Gotovina et al*, Tuesday, 2 June 2009, p17932; see also case of Josip Reihl-Kir, Croat police chief in Osijek who sought to promote peaceful solutions in his community but was assassinated in summer 1991, Udovicki and Ridgeway, *Burn This House*, p161

¹⁰³²Stefan Jansen, *Anti-nationalism: post-Yugoslav resistance and narratives of self and society*, PhD Thesis, University of Hull, 2000, p14

stratification of the violence had also been predicated upon dividing groups along new identity lines of *victim* and *perpetrator*. Belonging to either group has brought psychological consequences. The denials issued by state authorities renouncing responsibility for the crimes so many believed had been committed in their name caused a collective crisis of cognitive dissonance. This dividing line remains a highly subjective and emotionally charged issue. The legacy of the wartime order continued into the 2000s. The cult and culture of street criminals and paramilitary warriorship was judged in 2005 still to have a negative impact on gender roles and the future outlook of Serbian youth, especially with its misogynistic portrayal of women.¹⁰³³ As time passes, the cultural extremes of these societal moral frameworks are being increasingly pushed to the margins as the parameters of mainstream culture are redrawn. Furthermore, in the post-conflict period, cultural and community habits have been characterised by the desire to forget or of collective amnesia, among victim and perpetrator groups, rather than by the reinvention and myth-making that accompanied the lead-up to violence.¹⁰³⁴

Social or community-level responsibility is an unpleasant concept but societal complicity is often –although not always– necessary for identity-based mass violence to occur. In situations where the implementation of such violence is carried out by devolved, non-linear networks of irregulars, drawn in part (or represented as being) from the local community level, social acquiescence is prerequisite. Yugoslavia’s wars exposed a fallibility of modern, educated, developed societies by showing that they too are capable of disintegrating into violence, hatred and the most brutal kind of opportunism.

¹⁰³³USAID/Serbia & Montenegro Gender Assessment and Recommendations for a Draft Gender Action Plan, May 2005, p.iv

¹⁰³⁴Themes of forgetting see *For Those Who Can Tell No Tales*, (2013) and Drakulić, S., p114

Part VI

Conclusions

In theory, none of the evidence presented in this work is new: the majority of the sources have been presented at the tribunal in The Hague and, individually, many have been reported in the press or addressed by scholars. These pages are the first attempt to collate and then analyse this evidence in an academic context, and thus presents a new analysis of the Croatian and Bosnian conflicts. Rather than assess the paramilitary component of the wars as an anomalous aside or interpret the irregular fighters through the framework of the perpetrators' narratives, the chapters above provide new analysis of the integral and multidimensional roles these combatants played. The variety of irregular behaviour and of paramilitary structures far from painting a picture of chaotic community-level violence instead suggests that the majority of the armed formations were the product of organisation, leadership, and power. The most successful, disciplined and militarily effective groups were created by state entities. Political parties, political leaders, local stakeholders, and powerful criminals were responsible for the mid-level units. Local defence units may have operated in small areas, and were perhaps more in the Serbo-Croat conflict, but made little overall impact on the field. Even in the Croatian localities where the impetus of communities was strong, authorities from Zagreb and Belgrade provided many of the weapons and much strategic support to local groups. The findings therefore refute arguments that prominent irregular military dynamics in conflicts are always the result of state weakness. As well as being more effective, the irregular military dynamics of the Serbian structure of violence were more extensive; in addition to the formations created by the state, Serbian authorities were more successful at encouraging the emergence of "spontaneous" units. I argue this was a direct result of Serbia's successful promotion of divisive narratives, which sought to legitimise the implementation of identity-based violence on the community level.

The use by Serbian elites of irregular combatants greatly assisted the Serbian and Republika Srpska governments by concealing their role as architects of mass atrocity crimes, which obscured for domestic and international observers the reality on the ground, hindering international intervention and potentially preventing those architects from being prosecuted for the crimes for which they

were ultimately responsible. Serbian irregular dynamics, whether in Croatia or Bosnia, were characterised by centralised Serbian state strength from Belgrade, and, at times, central planning of the Republika Srpska leadership. MUP paramilitary groups were formed, armed, trained, paid, and otherwise supported from Belgrade but presented as spontaneous purveyors of violence. In Croatia and then again in Bosnia, these paramilitary units worked in coordination with the JNA, VRS and VJ, and extremist militia groups, in order to carry out a planned strategy of identity-based mass violence. A consequence of the irregular implementation of the mass violence, successfully devolved away from the political centres, was to obscure the centrality of the Serbian state in the military strategy carried out in Bosnia in 1992. When the Serbian state is concealed from view, the violence in Bosnia cannot be explained as being wholly political or strategic because the nascent Bosnian Serb entity did not possess a sufficiently organised, well armed army in 1992 capable of implementing such a strategy. The intentional removal and partial destruction of a religious or ethnic group by a state-led coalition of forces is different in international law to the wide-spread mass violence committed against a community by irregular military actors. Yet, the Serbian cause was militarily successful in Bosnia because Belgrade was equipped with a functioning state infrastructure, including a sophisticated interior ministry and secret service, and possessed command of the lion's share of the JNA. The authoritarian strength of the government and Milošević's popularity ensured greater state influence of public engagement, which facilitated a celebration of the extremist paramilitary milieu from above and below. As a result, Serbia's aggressive role in the Croatian and Bosnian crises was genuinely supported by elements of Serbian society and championed by the Serbian media in such a way as to reinforce historicised narratives of non-state Balkan violence.

In contrast, the irregular dynamics that characterised pro-Bosnian Muslim and pro-Sarajevo government military activity was almost wholly spontaneous and uncentralised because of a state failure to prepare and organise. However, efforts that were made were done so in pursuit of a central command. The Patriotic League emerged as a centrally commanded paramilitary formation that assisted the ARBiH in its efforts to create a disciplined, hierarchical military command. Nevertheless, central structures were reinforced –or perhaps at first, sustained by– a socio-military *levée en masse*. Within this cohort, and particularly in Sarajevo, were criminal elements and civilians from different religious backgrounds and of both genders. The dynamics altered as the Bosnian conflict

progressed, and as international states and criminal networks provided increased assistance. The presence of foreign Muslim fighters, some under the banner of international jihadism, altered public and international perceptions of the dynamics far more than they made an impact on the field (and to the detriment of the Bosnian Muslim cause). Social support for the irregulars was initially seen by the Bosnian authorities and the international community as support for defenders of the Bosnian Muslims, a multicultural integrated Bosnia, and of Sarajevo. However, as the civilian *levée en masse* was replaced by a strengthening organisational military structure and a prospering criminal component, celebration of paramilitary culture became simultaneously more extreme and less mainstream. Thus, because the Bosnian state was initially weak it relied upon an unreliable volunteer paramilitary corps during the early months; the irregular coalition probably saved Sarajevo but left the rural regions vulnerable and often wholly unprotected. State failures and state weaknesses, such as ill-equipped and poorly organised defence and poor communication between localities, meant BiH was unable to respond to attack, *despite* the efforts of a largely spontaneous irregular structure. By the end of the war, failures of the state to establish effective command over the localities and irregular dynamics hindered military efforts, while the presence of foreign (Muslim) fighters hindered international intervention policies.

In many ways, Croatia's irregular development was perhaps the most dramatic; in 1991 there were a substantial number of local level and extreme political paramilitary formations but by 1995 the majority of these had either been dissolved or pragmatically subsumed into regular army structures. Croatian authorities realised in Vukovar that the presence alone of supportive irregulars was not sufficient to counter Serbian forces. On a more local level, in Croatia and in Bosnia, Croatian structures operated in a similar way to their Serbian counterparts, distributing weapons where they were available and otherwise inciting local populations to violence. However, Zagreb played a less central role in these activities. The military police maintained their role as a reinforcing paramilitary structure throughout the conflicts, and though subordinated to central command often operated according to local networks. More importantly, Zagreb ensured that while the Croatian forces provided support to the Herceg-Bosna strategy, command and control was almost wholly devolved to the regional level.

Strategies of identity-based mass violence such as ethnic cleansing or genocide are often successful precisely because of the chameleon-like qualities of the perpetrating dynamics; ambiguous chains of military and paramilitary control evoke preconceptions and prejudices, which obscures clear analysis and hinders policy responses from the international community.¹⁰³⁵ Myth and pseudo-history in contexts of identity politics and identity-based violence further reinforce the (mis)conceptualisation that the violence itself is driven not from above but from below. The ambiguity of responsibility for the violence in Croatia, and particularly in Bosnia, was a significant factor in foreign conceptualisations of the conflicts. The obscure, or covert, non-linear structures that implemented patterns violence against Muslim civilians either dissuaded international action or was used to legitimise policies of non-action. Among 'elite foreign policy decision-makers in NATO, the UN Security Council and the various national military bureaucracies, Bosnia [was] persistently and relentlessly described as a potential "European Vietnam," a "vortex," "morass," "sinkhole," "bog" and "quagmire."¹⁰³⁶ The result was to shape foreign attitudes towards the Yugoslav violence and so place the crisis further away from international comprehension.

While the scale of the summary executions carried out in the Srebrenica area in July 1995 was greater than any other single incident of the conflicts, the murders did not represent a departure in Bosnian Serb objectives. However, in the immediate aftermath of the massacres, several pieces of evidence emerged that, *because of the scale*, reframed the murders in the eyes of the international community. The satellite images of the freshly dug mass graves, and then later the video footage capturing the Dutch UN troops at Potočari standing by as VRS soldiers loaded unarmed Muslim men and boys on to buses, exposed the intent of Bosnian Serb state forces to destroy Bosnian Muslim lives in a manner that was suddenly too difficult to misinterpret or to ignore.¹⁰³⁷ There were other reasons why Srebrenica was, and continues to be, understood as distinct. Unlike the initial siege tactics deployed to defeat Muslim towns in 1992, where local and national paramilitary forces played a leading participatory role in the violence, in Srebrenica in 1995 the visible and numerically dominant forces belonged to

¹⁰³⁵Shaw uses the phrase "chameleon-like qualities of genocide" in 'Historical Sociology and International Relations: The Question of Genocide,' *E-International Relations*, 5 May 2013

¹⁰³⁶Ó Tuathail, 'An Anti-geopolitical Eye'

¹⁰³⁷On satellite images see Barbara Crossette, 'U.S. Seeks to Prove Mass Killings', *New York Times*, August 11, 1995; on footage of UN soldiers in Potočari see John Sweeny, 'U.N. Cover-Up of Srebrenica Massacre,' *Observer*, August 10, 1995; 'The Fall of Srebrenica and the Failure of UN Peacekeeping,' Human Right Watch, 15 Oct. 1995, p8

overt VRS structures.¹⁰³⁸

Responses to the Kosovo crisis in 1999 highlight the relationship between the western conceptualisation of perpetrating structures and western policy responses. Kosovo was framed as another potential Bosnia yet the conceptualisation of the systematic identity-based violence occurring in Kosovo was rarely understood as irrational (as Bosnia had been); the responsibility and centrality of Serbian state forces, working with their paramilitaries (and particularly the Red Berets, which were understood as Milošević loyalists) was emphasised in western coverage, and reiterated as justification of affirmative international military action.¹⁰³⁹ Of the explicit references to Bosnia, US Secretary of State Madeline Albright's approach was typical when she stated "we are not going to stand by and watch *the Serbian authorities* do in Kosovo what they can no longer get away with doing in Bosnia."¹⁰⁴⁰ Serbian forces did indeed become more centralised during operations in Kosovo and Milošević made less effort to conceal the intentions of the Serbian state, but the explicit reference by external observers to similarities in both Bosnia and Kosovo of the Serbian state command and its objectives produced a kind of cognitive dissonance; the identity-based strategy implemented against the Kosovar Muslims was seen as a continuation of what had been achieved in Bosnia by those simultaneously maintaining myths of Bosnian (as Balkan) cultural tendencies towards spontaneous (community-based) Bosnian ethnic violence.

Of course, the rapid and comprehensive international response to Serb atrocities in Kosovo was as much a consequence of substantial shifts that had occurred in Anglo-American politics and increased commitment to internationalism in the post Rwanda and Bosnia years as it was the explicitly dominant role of Milošević.¹⁰⁴¹ Nevertheless, the visual presence of Serbia's state structures in Kosovo impacted international public opinion and contributed in part to the NATO intervention, highlighting once again the benefits to be gained by perpetrating elites if their structures of violence appear to be non-state led.¹⁰⁴² In addition, the continuation of Serbian paramilitary personnel in Kosovo, seen

¹⁰³⁸On the Srebrenica massacres see Honig and Both, *Srebrenica*; and NIOD report

¹⁰³⁹For discussion of Serbian military actors and command in Kosovo in comparison to the coverage of Bosnia, Chiara de Franco, *Media Power and The Transformation of War*, Macmillan, 2012, p56

¹⁰⁴⁰Quoted in *ibid.* (emphasis added); for more examples see p56-7

¹⁰⁴¹On themes see Tony Blair's speech at Chicago Economic Club, 22 April 1999

¹⁰⁴²'Statement by the Secretary general of NATO, Dr. Javier Solana, on the initiation of a broader range of Air Operations in the Federal Republic of Yugoslavia,' Press Release 044, 27 March 1999

most violently in the participation in both conflicts of the Red Berets, underlines the primary findings of this research: The presence of so-called non-state armed groups does not always indicate a lack of state control, nor does it dictate that their participation must occur along parallel (non-state) structures of command and control.

The question of international intervention in mass atrocity situations is a complex one yet it is evident that the manner in which a crisis is conceptualised by foreign governments and their publics affect decision making processes. Thus in a press conference in January 2004, the Sudanese Defence Minister challenged the international community to differentiate between the “rebels”’, the “*Janjaweed*,” the “Popular Defence Forces,” and “tribal militias” such as the militias of the Fur tribe, and the Nahayein of the Zaghawa.¹⁰⁴³ He falsely claimed that the Popular Defence Forces were volunteers and described the Janjaweed as “gangs of armed bandits” with which the government had no relationship.¹⁰⁴⁴

Similarly in Syria, President Bashar al-Assad has sought since the beginning of the revolution to invoke Al Qaeda’s name and the threat of Islamist terrorism.¹⁰⁴⁵ The (real and imagined) dangers of Islamist terrorism have justified western foreign policy for a decade; the name *Al-Qaeda* (and now *ISIS*) induces a series of horrors in the collective western consciousness independent to the realities of their criminal activity in Syria. Despite the fact that for the first year of the conflict the influence of Islamic extremists was low, the threat of Al Qaeda in Syria has been cited in western policy positions of non-intervention.¹⁰⁴⁶ The uncentralised militia-style command structure of the Syrian opposition during the first eighteen months of the crisis perpetuated this reading of the situation, and Assad’s covert and devolved paramilitary network created an atmosphere of plausible deniability around the early atrocities committed by his irregular forces.¹⁰⁴⁷ This position has been taken, in part, because the irregular dynamics in Syria enable prejudices to conceal realities; in statistics very similar to those collected by the CIA of Serb responsibility for atrocities in Bosnia, pro-

¹⁰⁴³The vast majority of the victims of the human rights violations were from the Fur, Zaghawa and other groups, at the hands of Sudanese government and janjaweed forces. ‘Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General’, Geneva, 25 January 2005, p3

¹⁰⁴⁴*Ibid.*, p35

¹⁰⁴⁵Syrian jihadist group Jabhat al-Nusra announced its formation a year into the crisis, in January 2012 while the Islamist Front, a merger of six Islamism groups, formed in late 2013; see also ABC’s Barbara Walters’ interview with Bashar al-Assad, 7 Dec. 2011

¹⁰⁴⁶For example see John McDonnell, Hansard, 29 August 2013 (Motion on Syria and use of chemical weapons) col.1461

¹⁰⁴⁷See early responses to the Houla massacre, 25 May 2012

Assad forces are considered to have been responsible for 95.5 percent of civilian deaths in Syria, compared to 1.9 percent and 2.7 percent by rebel groups and ISIS respectively, the international narrative is dominated by the threat posed by ISIL and of a growing moral equivalency between government and rebel violence.¹⁰⁴⁸ In March 2012, United States' Secretary of Defence Leon Panetta testified before the Senate Armed Services Committee by way of explaining the factors impeding US intervention in Syria that it was "not clear what constitutes the Syrian armed opposition –there has been no single unifying military alternative that can be recognised, appointed, or contacted."¹⁰⁴⁹ The month before, the Chairman of the Joint Chief of Staff, General Martin Dempsey said in an interview on CNN "I would challenge anyone to clearly identify for me the opposition movement in Syria at this point." The statements did not reflect the realities of the situation in Syria at that time. The Institute for the Study of War in response to Panetta's comments prepared a detailed report on the Syrian armed opposition and its devolved but coherent command structure.¹⁰⁵⁰

It is evident that neither an appreciation of irregular dynamics in identity-based conflicts nor how paramilitaries can be used as state-proxies in such contexts have been integrated into foreign and development policies or global atrocity prevention agendas. Looking at irregular forces in conflicts, particularly in identity-based crises where the risks of atrocity crimes are high, is complex, not only because of the domestic factors that enable or encourage the paramilitaries to establish themselves in the first place, but because of the labels that are attributed to explain them. This raises issues of history and culture, and their appropriation, but also the manner in which value judgements are placed on conflict situations and their actors by external observers. Historically, mass atrocity crimes have occurred during times of conflict, which further obscures critical understanding of the networks and intentions of the perpetrating command structure. Shaw has written about the 'hybridity' of war and genocide, and more recently of the chameleon-like nature of genocide, supporting a central argument of *this* thesis that our prejudicial interpretations of *identity-based* conflicts can mask atrocity crimes while they are occurring.¹⁰⁵¹ As modern con-

¹⁰⁴⁸Between 15 March 2011 and 8 Jan. 2015, Violation Documentation Centre in Syria, as quoted by The Syria Campaign, <https://thesyriacampaign.org/about/>

¹⁰⁴⁹'US military chief dubious about arming Syrian rebels,' CNN, 20 Feb 2012, quoted in 'Syria's Armed Opposition', *Middle East Security Report*, Institute for the Study of War, March 2012, p1

¹⁰⁵⁰*Ibid.*

¹⁰⁵¹Shaw, 'The general hybridity of war and genocide,' *Journal of Genocide Research*, 9:3 (2007), pp461–473; *Genocide and International Relations: Changing Patterns in the Trans-*

flicts and atrocity crimes continue to rely increasingly on non-linear and devolved military frameworks, dismantling these prejudices becomes more urgent. Policy challenges requiring deeper understanding of the motivations and behaviours of irregular armed actors in contexts of identity-based mass violence broadens the scope for future research still further, and draws attention to combatants more commonly termed extremists or terrorists. Furthermore, with regards to the dismantling of divisive narratives, such research could impact global approaches to counter-terrorism and policy-making efforts in counter-radicalisation.¹⁰⁵²

The proliferation of post-Cold War conflicts have been marked by trends of decentralisation and the rise of non-linear fighting units. During Cold War proxy wars, external backing of unconventional or irregular military formations cast irregular groups as rational actors in ‘rational conflicts,’ at least in the eyes of their supporting sphere of influence.¹⁰⁵³ The language was one of freedom fighters and rebels rather than uncontrollable paramilitaries and sundry irregulars. Thus it is possible to see that the rise of the paramilitary in the 1990s was as much a product of changing discourse than changing actors on the field. Since the 1990s, language of paramilitaries and irregulars in the context of foreign (non-western) conflict has been one of denigration, perhaps akin to the use of terms such as mercenaries or war lords –conveying a character that is less sophisticated and more frightening because of their (apparent) lack of command structure, and official uniforms. The result, in Yugoslavia and elsewhere, was to understand the presence of irregular military dynamics as evidence of a less civilised type of warfare, and therefore of a less civilised struggle, which translated in foreign policy terms as a means of distancing western responsibility to prevent mass violence and legitimately disregarding the genocide convention. Moreover, regular armed forces are not only reassuringly familiar to western eyes but the west is far more likely to succeed in conflicts against similar structures to their own.¹⁰⁵⁴

Since the late 1990s and early 2000s, the politics of international responsibility and humanitarian intervention have come to play a more dominant role in

tions of the Late Modern World, Cambridge University Press, 2013

¹⁰⁵²For critical examination of recent counter-radicalisation policies, Christopher Baker-Beall, Charlotte Heath-Kelly, Lee Jarvis, *Counter-Radicalisation: Critical Perspectives*, Routledge, 2015

¹⁰⁵³On proxy wars see Andrew Mumford, *Proxy Warfare*, Polity Press, 2013; a notable current exception to this trend is Ukraine, where, perhaps because of Cold War echoes, the role of Russia and pro-Russian paramilitaries is unquestioned.

¹⁰⁵⁴Schuurman, ‘Clausewitz and the “New Wars” Scholars,’ p89

the global discourse of genocide and mass atrocity (if not in global policy).¹⁰⁵⁵ Since its adoption, emerging normative responses to mass atrocities have been increasingly influenced by the three pillars of the responsibility to protect (R2P), yet the R2P initiative is almost wholly state orientated; at the 2005 World Summit where UN member states accepted the ‘responsibility to protect’,¹⁰⁵⁶ the roles and responsibilities of non-state armed groups were not addressed. A not insignificant achievement of R2P has been to successfully pose a moral challenge to state sovereignty in situations where sovereign powers are unwilling or unable to protect their citizens at risk from mass atrocities. Thus contained within the very mandate of R2P is the implicit recognition that mass atrocities are committed by actors within state borders but outside state structures. However, this acknowledgement also provides for states to deny command or control over perpetrators and escape –or at the very least, postpone– international censure. As a result, within the framework of R2P, the presence of perpetrators who appear to be operating outside of state structures complicates rather than simplifies foreign policy options for the international community.

A similar loophole can be seen in the UN Secretary-General’s 2009 report ‘Implementing the Responsibility to Protect,’ in which Ban Ki-Moon suggested that instances where non-state armed groups commit mass atrocity crimes ‘collective international military assistance may be the surest way to *support the State* in meeting its obligations relating to the responsibility to protect and, in extreme cases, to restore its effective sovereignty.’¹⁰⁵⁷ The report contained no discussion of situations where states and non-state armed groups work together. This perspective on the relationship between obscure ‘non-state’ actors and modern atrocity crimes is rooted in the assumption that such groups are the product of weak states. Non-state actors are assumed to operate in parallel to state auspices, rather than as part of a hierarchy with discernible chains of command and control, yet genocides committed in Rwanda, Bosnia and Darfur were all characterised by the perpetrating role of irregulars considered to be non-state but under the command control of state structures. Thus such an

¹⁰⁵⁵On recent history of concepts see Nicholas J Wheeler and Alex J Bellamy, ‘Humanitarian intervention in world politics,’ in (ed.) John Baylis and Steve Smith, *The Globalisation of World Politics; An introduction to international relations*, (3rd Ed.) Oxford University Press, 2006; see also international public opinion ‘Publics around the world say UN has responsibility to protect against genocide,’ The Chicago Council on Global Affairs, 4 April 2007

¹⁰⁵⁶‘Resolution 60/1:2005 World Summit Outcomes’, United Nations General Assembly, para138-139

¹⁰⁵⁷‘Implementing the Responsibility to Protect; Report of the Secretary General’, United Nations General Assembly, 21 January 2009, p18, emphasis added

analysis is generally problematic but particularly so in contexts of mass atrocities or identity-based mass violence, where the crimes themselves are inherently political and therefore almost always connected to elites. This common generalisation has demonstrable impact upon policy. In 2013, the taskforce on the European Union and the prevention of mass atrocities stated that;

Non-state armed groups, rather than regular forces, are responsible for a substantial proportion of the intentional killings of civilians, even if these actions may be ultimately attributable to different failures of state authorities. For the period 1989-2004 (and excluding Rwanda) two thirds of cases were attributable to such groups, whereas in the early parts of the 20th century, regular state forces tended to be the main aggressors.¹⁰⁵⁸

This gap in understanding is repeated in the core institutions the world has developed to combat mass atrocity crimes.¹⁰⁵⁹ The Office of the Special Advisor on the Prevention of Genocide for the United Nations (OSAPG) acknowledges a more complex set of possibilities;

Where non-state armed groups (NSAG) exert control over territories and populations, governments may be unable or unwilling to fulfil their responsibilities to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity in those areas. There may be cases, as well, where officials or political figures have encouraged NSAGs to threaten or commit such crimes.¹⁰⁶⁰

As yet, there is no strategy for implementing the R2P with regards to irregular military dynamics that appear to be non-state. It is an area ripe for research

¹⁰⁵⁸Task Force on the EU Prevention of Mass Atrocities, *The EU and the Prevention of Mass Atrocities; An Assessment of Strengths and Weaknesses*, Budapest Centre for the International Prevention of Genocide and Mass Atrocities and Foundation for the International Prevention of Genocide and Mass Atrocities, 2013, p32

¹⁰⁵⁹An exception is the US Atrocity Prevention Board; see 'Genocide A Blueprint for U.S. Policymakers Preventing Genocide Prevention Task Force,' (co-chairs) Madeleine K. Albright and William S. Cohen, 2008 by the United States Holocaust Memorial Museum, The American Academy of Diplomacy, and the Endowment of the United States Institute of Peace; while non-state actors are not discussed, the report does flag the creation of unaccountable paramilitary forces as a possible indicator of preparation for atrocities, p47

¹⁰⁶⁰OSAPG, <http://www.un.org/en/preventgenocide/adviser>

and one I hope to pursue myself in the next stage of my research.¹⁰⁶¹ Despite advances made under the guise of R2P global approaches to atrocity crimes remain reactive, with an emphasis on the pursuit of post-atrocity justice. However, here too state elites are able to benefit by using irregular combatants. The acquittal in May 2013 of war-time Serbian State Security Chief Jovica Stanišić and Commander of its Special Operations unit Franko Simatović demonstrated that the limited existing jurisprudence for similar international crimes has constrained the ICTY Chamber in their final judgements, which has resulted in what could be interpreted as an inconsistent application of the law. This was seen too in the earlier acquittals of Croatian generals Gotovina and Markac in a judgement that found no evidence of Joint Criminal Enterprise in relation to Operation Storm.¹⁰⁶² These acquittals stand in contrast to the judgements of numerous earlier ICTY cases. More recently in closing the Praljak trial the Chamber asserted that, based upon the findings of the Tadić case;

to impute responsibility for acts committed by military or para-military groups to a State, the Appeals Chamber found that it was necessary to establish that the latter wielded overall control over the group, not merely by equipping and financing the group, but also by coordinating or providing its assistance in the overall planning of its military activities.¹⁰⁶³

Thus, without a significant paper trail or a similar portfolio of concrete evidence that explicitly reveals the *intent* of the accused to commit specific international crimes, it is impossible to find suspects guilty for the crimes they may be responsible for. This is not to recommend a dilution of the necessary rigours of international justice but simply to highlight the legal benefits to be gained by using non-linear or irregular military structures to carry out international crimes. By devolving military responsibility and giving militia leaders who are

¹⁰⁶¹The OSAPG acknowledges this gap and in 2011 launched a research project ‘identifying, assessing, and responding to situations involving non-state armed groups that control or target civilian populations and put them at risk’ of mass atrocity crimes, with Dr. William Reno, Associate Professor and Director of Graduate Studies at the University of Wisconsin, Madison. However, any progress or outcomes of the project are as yet unpublished.

¹⁰⁶²IT-06-90, *Gotovina et al.* Appeal Judgement, 15 April 2011

¹⁰⁶³(As was found to have been the case in the Stanišić & Simatović case); IT-04-74, *Praljak et al.* Judgement, Part I of VI, 28 May 2013, p.28; also see IT-94-1, *Prijedor (Tadić)*, Appeals Judgement, para141

considered to lie outside the national structure the ‘latitude to improvise,’ state elites not only ensure their ambitions are realised but they also safeguard their own personal future against prosecution.

So long as the international community continues to focus its efforts on legal responses to mass atrocities, this loophole will remain.¹⁰⁶⁴ As the international community strengthens its normative and legal responses to atrocity crimes, a deeper understanding of devolved networks in identity-based violence is necessary in order to improve policy responses and close the present loopholes that protect elites while punishing their foot-soldiers. Understanding the experience and culpability of individual members of paramilitary groups who collaborate in genocide crime has implications too for post-atrocity justice and reconciliation.

This work has set forth a view of contemporary atrocity crimes that draws attention to the manner in which state elites utilise irregular combatants as either perpetrators or protectors. Within perpetrating structures, state elites are able to manipulate domestic and international prejudices by perpetuating myths of non-state violence as part of their imagined exclusionary narrative in order not only to legitimise identity violence but to seemingly explain or even predict it. This dimension of atrocity architecture, I suggest, has emerged in part as a response to the apparent rise in proxy wars and the perceived prevalence of irregular structures of violence around the world. Since the end of the Cold War, roles played by these various unofficial military groups in organised violence and in conflict have been more frequently reported and recorded by international observers marrying, particularly in the minds of western publics, responsibility for numerous crises with amorphous irregular military formations. A result has been to mask the continued dominance of the state in a number of conflicts where, instead of a vertically organised hierarchical structure of violence, irregular actors have comprised all or part of the military force. Thus, I argue, the significance of the state remains critical when we look at incidents of organised identity-based violence and mass atrocity crimes. Such crimes are political acts, increasingly framed in a context of uncontrollable civilian struggle. Furthermore, in the modern world, mass murder, ethnic cleansing, and genocide often require a significant degree of social complicity. Perpetuating narratives of non-state violence enables state elites to encourage and sanction a spectrum of actors –civilian or otherwise– to participate in armed struggle while themselves remain-

¹⁰⁶⁴For European and international emphasis on legal responses to genocide see Karen E. Smith, *Genocide and the Europeans*, Cambridge University Press, 2010

ing on the margins. When identity-based crimes are committed by combatants claiming to represent the perpetrating identity rather than the state, the objectives of the crimes are fulfilled as much by the symbolism of their implementation as their violent actualisation: By claiming to devolve violent implementation to the community, elites ensure an unbridgeable blood divide between perpetrator and victim groups. To this end, social collaboration becomes an integral aspect of the strategy. The ensuing uncertainty obscures where responsibility lies for the violence but consequently obscures where responsibility lies for preventing or halting the violence; and so the irregular military dynamics of modern mass atrocity can be understood as being simultaneously beneficial to perpetrating elites *and* the foreign elites nominally tasked with upholding the commitments that underpin our international system. I suggest that this trend will continue even as global norms regarding human rights and the responsibility to protect civilians at risk advance, and thus state powers wishing to commit atrocity crimes will increasingly seek to mask their strategies by employing covert and devolved structures of violence.

Part VII

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