

International Injustice: the Conviction of Radovan Karadzic

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Last Thursday, news reports were largely devoted to the March 22 Brussels terror bombings and the US primary campaigns. And so little attention was paid to the verdict of the International Criminal Tribunal for (former) Yugoslavia (ICTY) finding Bosnian Serb leader Radovan Karadzic guilty of every crime it could come up with, including “genocide”. It was a “ho-hum” bit of news. Karadzic had already been convicted by the media of every possible crime, and nobody ever imagined that he would be declared innocent by the single-issue court set up in The Hague essentially to judge the Serb side in the 1990s civil wars that tore apart the once independent country of Yugoslavia.

Although it bears the UN stamp of approval, thanks to the influence of the Western powers, ICTY is essentially a NATO tribunal, with proceedings in English according to a jurisprudence invented as it goes along. Its international judges are vetted by Washington officials. The presiding judge in the Karadzic case was a South Korean, O-Gon Kwon, selected surely less for his grasp of ethnic subtleties in the Balkans than for the fact that he holds a degree from Harvard Law School. Of the other two judges on the panel, one was British and the other was a retired judge from Trinidad and Tobago.

As is the habit with the ICTY, the non-jury trial dragged on for years – seven and a half years to be precise. Horror stories heavily laced with hearsay, denials, more or less far fetched interpretations end up “drowning the fish” as the saying goes. A proper trial would narrow the charges to facts which can clearly be proved or not proved, but these sprawling proceedings defy any notion of relevance. Nobody who has not devoted a lifetime to following these proceedings can tell what real evidence supports the final judgment. The media stayed away from the marathon, and only showed up to report the inevitable “guilty” verdict condemning the bad guy. The verdict reads a bit like, “they said, he said, and we believe them not him.”

There was a civil war in Bosnia-Herzegovina from April 1992 to December 1995. Wars are terrible things, civil wars especially. Let us agree with David Swanson that “War is a crime”. But this was a civil war, with three armed parties to the conflict, plus outside interference. The “crime” was not one-sided.

Muslim False Flags

The most amazing passage in the rambling verdict by Judge O-Gon Kwan consists of these throw-away lines:

“With respect to the Accused’s argument that the Bosnian Muslim side targeted its own civilians, the Chamber accepts that the Bosnian Muslim side was intent on provoking the international community to act on its behalf and, as a result, at times, engaged in targeting UN personnel in the city or opening fire on territory under its control in order to lay blame on the Bosnian Serbs.”

This is quite extraordinary. The ICTY judges are actually acknowledging that the Bosnian Muslim side engaged in “false flag” operations, not only targeting UN personnel but actually “opening fire on territory under its control”. Except that that should read, “opening fire on *civilians* under its control”. UN peace keeping officers have insisted for years that the notorious Sarajevo “marketplace massacres”, which were blamed on the Serbs and used to gain condemnation of the Serbs in the United Nations, were actually carried out by the Muslim side in order to gain international support.

This is extremely treacherous behavior. The Muslim side was, as stated, “intent on provoking the international community to act on its behalf”, and it succeeded! The ICTY is living proof of that success: a tribunal set up to punish Serbs. But there has been no move to expose and put on trial Muslim leaders responsible for their false flag operations.

The Judge quickly brushed this off: “However, the evidence indicates that the occasions on which this happened pale in significance when compared to the evidence relating to [Bosnian Serb] fire on the city” (Sarajevo).

How can such deceitful attacks “pale in significance” when they cast doubt precisely on the extent of Bosnian Serb “fire on the city”?

The “Joint Criminal Enterprise” Label

ICTY’s main judicial trick is to have imported from US criminal justice the concept of a “Joint Criminal Enterprise (JCE)”, used originally as a means to indict gangsters. The trick is to identify the side we are against as a JCE, which makes it possible to accuse anyone on that side of being a member of the JCE. The JCE institutionalizes guilt by association. Note that in Yugoslavia, there was never any law against Joint Criminal Enterprises, and so the application is purely retroactive.

Bosnia-Herzegovina was a state (called “republic”) within Yugoslavia based on joint rule by three official peoples: Muslims, Serbs and Croats. Any major decision was supposed to have the consent of all three. After Slovenia and Croatia broke away from Yugoslavia, the Muslims and Croats of Bosnia voted to secede from Yugoslavia, but this was opposed by Bosnian Serbs who claimed it was unconstitutional. The European Union devised a compromise that would allow each of the three people self-rule in its own territory. However, the Muslim leader, Alija Izetbegovic, was encouraged by the United States to renege on the compromise deal, in the hope that Muslims, as the largest group, could control the whole territory. War thus broke out in April 1992.

Now, if you asked the Bosnian Serbs what their war aims were, they would answer that they wanted to preserve the independence of Serb territory within Bosnia rather than become a minority in a State ruled by the Muslim majority. Psychiatrist Radovan Karadzic was the elected President of the Bosnian Serb territory, “Republika Srpska”. However, according to ICTY the objective of the Serbian mini-republic was to “permanently remove Bosnian Muslims and Bosnian Croats from Serb-claimed territory ... through the crimes charged”,

described as the “Overarching Joint Criminal Enterprise”, leading to several subsidiary JCEs. Certainly, such expulsions took place, but they were rather the means to the end of securing the Bosnian Serb State rather than its overarching objective. The problem here is not that such crimes did not take place – they did – but that they were part of an “overarching civil war” with crimes committed by the forces of all three sides.

If anything is a “joint criminal enterprise”, I should think that plotting and carrying out false flag operations should qualify. ICTY does not seem interested in that. The Muslims are the good guys, even though some of the Muslim fighters were quite ruthless foreign Islamists, with ties to Osama bin Laden.

One of the subsidiary JCEs attributed to Karadzic was the fact that between late May and mid-June of 1995, Bosnian Serb troops fended off threatened NATO air strikes by taking some 200 UN peacekeepers and military observers hostage. It is hard to see why this temporary defensive move, which caused no physical harm, is more of a “Joint Criminal Enterprise” than the fact of having “targeted UN personnel”, as the Muslim side did.

The final JCE in the Karadzic verdict was of course the July 1995 massacre of prisoners by Bosnian forces after capturing the town of Srebrenica. That is basis of conviction for “genocide”. The Karadzic conviction rests essentially on two other ICTY trials: the currently ongoing ICTY trial of Bosnian Serb military commander General Ratko Mladic, who led the capture of Srebrenica, and the twelve-year-old judgment in the trial of Bosnian Serb General Radislav Krstic.

The Karadzic verdict pretty much summarizes the case against General Mladic, leaving little doubt where that trial is heading. Karadzic was a political, not a military leader, who persistently claims that he neither ordered nor approved the massacres and indeed knew nothing about them. Many well informed Western and Muslim witnesses testify to the fact that the Serb takeover was the unexpected result of finding the town undefended. This makes the claim that this was a well planned crime highly doubtful. The conclusion that Karadzic was aware of what was happening is inferred from telephone calls. In the final stages of the war, it seems unlikely that the Bosnian Serb political leader would compromise his cause by calling on his troops to massacre prisoners. One can only speculate as to what “a jury of peers” would have concluded. ICTY’s constant bias (it refused to investigate NATO bombing of civilian targets in Serbia in 1999, and acquitted notorious anti-Serb Bosnian and Kosovo Albanian killers) drastically reduces its credibility.

What exactly happened around Srebrenica in 1995 remains disputed. But the major remaining controversy does not concern the numbers of victims or who is responsible. The major remaining controversy is whether or not Srebrenica truly qualifies as “genocide”. That claim owes its legal basis solely to the 2004 ICTY judgment in the Krstic case, subsequently echoed (but never investigated) by the International Court of Justice.

“Procreative Implications”

That judgment was very strange. The conclusion of “genocide” depended solely on the “expert” opinion of a sociologist. It was echoed again in the Karadzic case. ICTY reiterated its earlier judgment that the “killings demonstrate a clear intent to kill every able-bodied Bosnian Muslim male from Srebrenica. Noting that killing every able-bodied male of a group results in severe procreative implications that may lead to the group’s extinction, the Chamber finds that the only reasonable inference is that members of the Bosnian Serb

Forces orchestrating this operation intended to destroy the Bosnian Muslims in Srebrenica as such.”

In other words, even though women and children were spared, Srebrenica was a unique genocide, due to the “severe procreative implications” of a lack of men. The ICTY concluded that “the members of the Srebrenica JCE... intended to kill all the able-bodied Bosnian Muslim males, which intent in the circumstances is tantamount to the intent to destroy the Bosnian Muslims in Srebrenica.” Thus genocide in one small town.

This judgment is widely accepted without being critically examined. Since wars have traditionally involved deliberately killing men on the enemy side, with this definition, “genocide” comes close to being synonymous with war.

In fact, not all Srebrenica men were massacred; some have lived to be witnesses blaming the Bosnian Muslim leadership for luring the Serbs into a moral trap. Moreover, there were many Muslim soldiers temporarily stationed in Srebrenica who were not natives of the town, and thus their tragic fate had nothing to do with destroying the future of the town.

Never mind. ICTY did its job. Karadzic, aged 70, was sentenced to 40 years in prison. As if to make a point, the verdict was announced on the 17th anniversary of the start of NATO bombing of what was left of Yugoslavia, in order to detach Kosovo from Serbia. Just a reminder that it’s not enough for the Serbs to lose the war, they must be criminalized as well.

The verdict is political and its effects are political. First of all, it helps dim the prospects of future peace and reconciliation in the Balkans. Serbs readily admit that war crimes were committed when Bosnian Serb forces killed prisoners in Srebrenica. If Muslims had to face the fact that crimes were also committed by men fighting on their side, this could be a basis for the two peoples to deplore the past and seek a better future together. As it is, the Muslims are encouraged to see themselves as pure victims, while the Serbs feel resentment at the constant double standards. Muslim groups constantly stress that no verdict can possibly assuage their suffering – an attitude that actually feeds international anti-Western sentiment among Muslims, even though the immediate result is to maintain the Yugoslav successor states as mutually hostile satellites of NATO.

The other political result is to remind the world that if you get into a fight with the United States and NATO, you will not only lose, but will be treated as a common criminal. The US-led NATO war machine is always innocent, its adversaries are always guilty. The Roman Empire led the leaders it defeated into slavery. The United States Empire puts them in jail.

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