

4. BACKGROUND OF THE CASES

4.1. Yugoslavia³

The path to war

The Federal Socialist Republic of Yugoslavia (until 1963 the Federal People's Republic of Yugoslavia) existed between 1946-1991. It consisted of six republics: Serbia, Montenegro, Croatia, Slovenia, Bosnia and Herzegovina and Macedonia. The Yugoslav constitution was drafted to the Soviet example, but the country was never part of the USSR. Moreover, Yugoslavia distanced itself from both NATO and the Eastern Bloc at the end of 1940s and criticized their systems of government. It went on to form the *non-aligned movement* along with several other states and remained a member until its own collapse. This movement is active to date and has declared an aim of guarding the independence and security of countries which do not belong to large political and defence organisations.

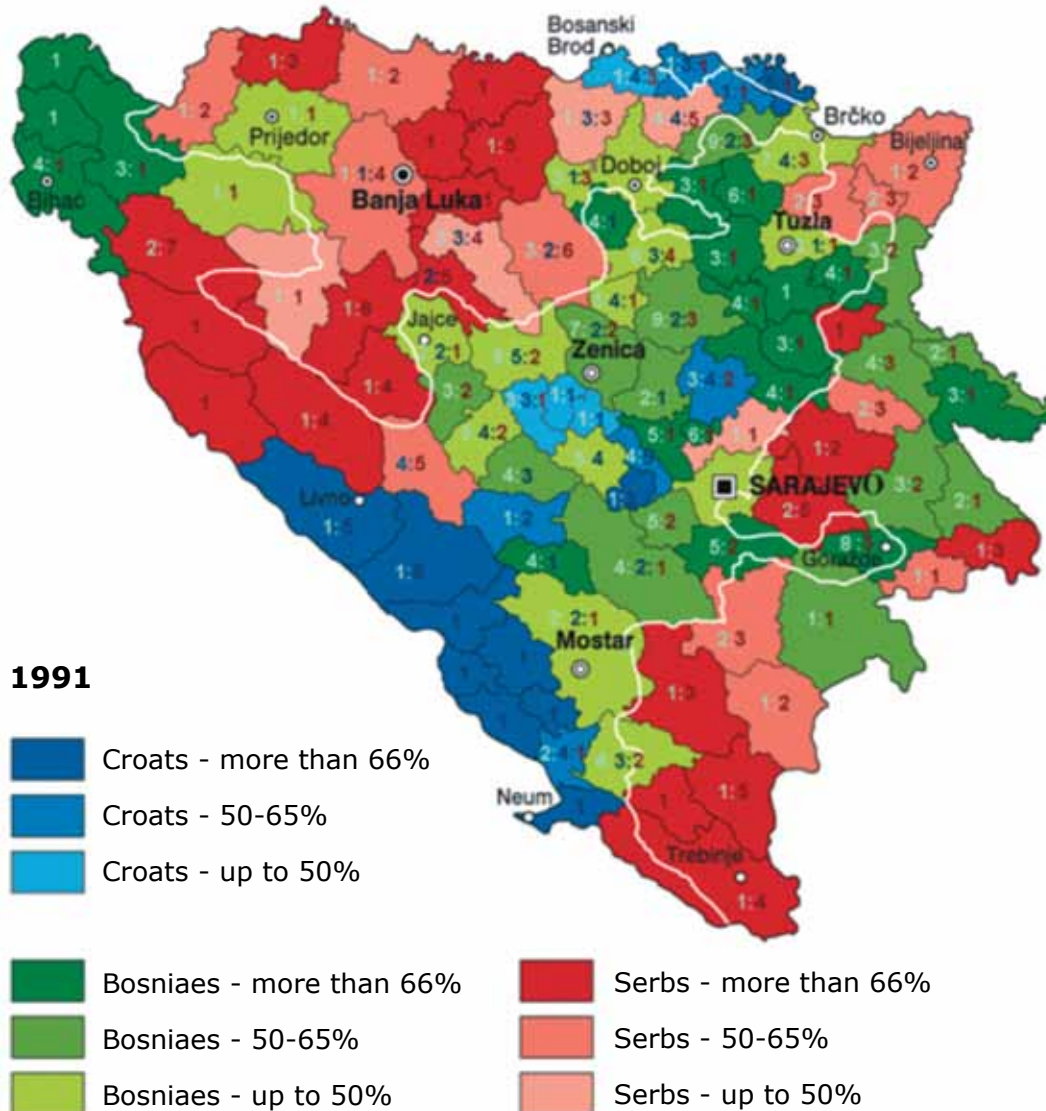
During 1945-1980, Yugoslavia was ruled by the Communist regime of Josip Broz Tito. The federation was founded on the principle of equal rights for all ethnic groups and republics.

After Tito's death and with the changing international situation in the 1980s, especially the collapse of most communist regimes and the end of the Cold War, the Yugoslav state came under more and more pressure to reform. The country faced both economic hardship, being under the obligation to repay loans to IMF, and a political crisis after losing its privileged status as the non-aligned member of the Communist bloc.

The recess in Yugoslavia contributed to increasing fights between the federal state and regional politicians especially on how the economic

³ This article uses materials from Wikipedia contributors, "Yugoslav Wars," Wikipedia, The Free Encyclopedia, http://en.wikipedia.org/w/index.php?title=Yugoslav_Wars&oldid=513807722 (accessed September 23, 2012); Wikipedia contributors, "Srebrenica massacre," Wikipedia, The Free Encyclopedia, http://en.wikipedia.org/w/index.php?title=Srebrenica_massacre&oldid=514122092 (accessed September 23, 2012) and Wikipedia contributors, "Bosnian War," Wikipedia, The Free Encyclopedia, http://en.wikipedia.org/w/index.php?title=Bosnian_War&oldid=514115527 (accessed September 23, 2012).

The ethnic division of areas in Bosnia Herzegovina before 1991




burdens between the republics were to be shared. As a result, Slovenia and Croatia declared their independence in June and December 1991, respectively, and were immediately recognized by the international community as independent states. For Bosnia and Herzegovina, the decision of whether to secede or to remain part of Yugoslavia was not as easy: the population of Bosnia and Herzegovina were ethnically not homogenous and no ethnic group was majoritarian by itself.

The population was about 40% Serb, 17% Croat and 43% Bosniak, with fragmented distribution throughout the territory (see Figure 3) so that it was not possible to divide the area into ethnic regions.

Up To \$5 Million Reward



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For crimes against humanity



Slobodan Milosevic
President of the Federal Republic of Yugoslavia

For genocide and crimes against humanity

Radovan Karadzic **Ratko Mladic**


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Milosevic, Karadzic, and Mladic have been indicted by the United Nations International Criminal Tribunal for the Former Yugoslavia for crimes against humanity, including murders and rapes of thousands of innocent civilians, torture, hostage-taking of peacekeepers, wanton destruction of private property, and the destruction of sacred places. Mladic and Karadzic also have been indicted for genocide.

To bring Milosevic, Karadzic, and Mladic to justice, the United States Government is offering a reward of up to \$5 million for information leading to the transfer to, or conviction by, the International Criminal Tribunal for the Former Yugoslavia of any of these individuals or any other person indicted by the International Tribunal.

If you believe you have information, please contact the nearest U.S. embassy or consulate, or write the U.S. Department of State, Diplomatic Security Service at:



Wanted poster for Serb leaders Slobodan Milosevic, Radovan Karadic and Ratko Mladic. U.S. Department of State. 2000. Wikimedia Commons. Wikimedia Foundation.

Tensions between the three sides began to escalate. Each group had its own army and a leading political party. The Bosniak army was the weakest of the three, mainly due to the arms embargo established in late 1991 by UN Security Council resolution No. 713. Meanwhile, the Serb army (*Vojska Republike Srpske*, VRS) had taken over most of the arsenal of the former Yugoslav Army and Croats could easily smuggle arms across the border from Croatia.

The beginning of the war

In March 1992, the President of the federal republic of Bosnia and Herzegovina declared the independence of the country after a referendum the Serbs had boycotted. Yet the country was rife with distrust and the Serbs, Croats and Bosniaks kept quarrelling over their rights in the parliament. In a while, a war broke out between the three sides. Each group was afraid that if it did not attack, it would itself be attacked sooner or later. The territory of Bosnia and Herzegovina was divided between a Bosniak-Croat federation and a Serb republic (*Republika Srpska*), tied by a loose federation.

When Bosnia and Herzegovina declared independence, the Yugoslav People's Army (JNA) left the country, but most of its arms and officers remained, now under the name of VRS. The Croats formed their own army, the Croat Defence Council (*Hrvatsko Vijeće Obrane*, HVO). Bosniaks mostly regrouped into the Army of the Republic of Bosnia and Herzegovina (*Armija Republike Bosne i Hercegovine*, ARBiH). Bosnian Serbs received support from Slavic orthodox countries like Russia, but also volunteers from Greece. Groups of Western radicals (like neo-nazis from Germany, Austria and Sweden) fought alongside with the Bosnian Croats. Bosniaks, most of whom are Muslims, were supported by foreign Muslim organisations.

Dispute continues as to who were the first victims of the war, but Bosnian Serbs started a campaign of ethnic cleansing in 1992. The Serb army took control of non-Serb villages, forcing most of the population to flee. Men and women were often separated; men were murdered or sent to camps while women were detained in special prisons where they were denied access to hygiene and were systematically abused and raped. After clearing villages of people, houses were ransacked and/or burned to the ground.

Those events were made possible by the Serbs' decisive military dominance despite their relatively small share in the total population. Cleansing and looting was aimed at forcing the Bosniak government to accept the Serb claims.

Continuation of the war

In the second half of 1992, the Croat army undertook a major tactical shift. HVO had so far attempted to protect their own regions from the Serbs, but now decided to project most of their forces to conquer the Bosniak areas in central Bosnia and Herzegovina. This was caused by the Serbs' military dominance and the Karadordevo agreement which essentially divided the country's territory between Croats and Serbs. This meant that the weakest of the three sides – Bosniaks – was now in an even worse position, having to protect itself from two stronger attackers. In 1993, most of the armed activity took place between the Croats and Bosniaks.

In the same year, the UN Security Council started taking measures to end the war – a no-fly zone was established over the territory of Bosnia and Herzegovina and NATO began enforcing it immediately. The UN also founded the *International Criminal Tribunal for the former Yugoslavia* (ICTY) in order to investigate the violations of international humanitarian law on former Yugoslav territory.

Srebrenica

In April 1993, the United Nations declared the besieged Northeast Bosnian city of Srebrenica a protected safe area. Despite this, VRS forces led by general Ratko Mladić attacked Srebrenica in July 1995. A 400-strong Dutch peacekeeping force was forced to stand by as the VRS captured the city, killing thousands. The Srebrenica massacre was the largest mass murder in Europe since World War II. More than 8000 men were massacred and 25,000–30,000 Bosniak women, children and elderly persons displaced.

End of war

In the same year of 1995, the VRS committed several other mass killings near Bosnian cities of Tuzla and Markale. The latter were followed by NATO airstrikes at Serb forces and infrastructure. A combination of airpower and diplomacy finally brought the sides of the conflict to a negotiation table and the Dayton peace agreement was signed two months after the first NATO bombings.

According to the Sarajevo research and documentation centre, almost 100,000 were killed in the war.

4.2. Rwanda



Facts

- Capital: Kigali
- Area: 26,000 sq.km
- Population: 11,4 million
- Main ethnic groups: Hutus (84%), Tutsis (15%), Twadis (1%)
- Location: Central Africa
- Neighbours: Democratic Republic of Congo, Uganda, Tanzania, Burundi (see Figure 4).

Historical background

Until the 18th century, Rwanda was divided into smaller communities and inhabited by three groups – Tutsi cattle-breeders, Hutu farmers and Twadi hunter-gatherers. In the 18th century, power concentrated into the hands of a Tutsi ruler whose court, army and taxmen were known as Tutsis regardless of ethnic origin. Rwanda fell under German colonial rule in the 19th century (1884-1916), followed by Belgian rule (1916-1960). Inspired by the then popular ideas of racial purity, both colonial powers promoted the Tutsi rule and all the rich and “good-looking” members of the rwandan population were called Tutsis. A special „ethnic” ID-card system was adopted to distinguish between the „races”. During the democratic reforms of 1950s, both ethnic groups became politically organised and also formed their own militias: PARMEHUTU for Hutus and UNAR for Tutsis.

A Hutu rebellion and revolution took place in 1959 after an attempt on the life of the PARMEHUTU leader. In ensuing acts of vengeance, an unknown number of Tutsis (20,000-100,000 in different sources) were killed and about 150,000 fled to neighbouring countries.

Rwanda declared independence in 1962 and power was transferred to Hutus. A number of reforms contrary to human rights were carried out and both groups resorted to violence. Tutsis were marginalised in most spheres.

The eve of genocide

In 1990, the Rwanda Patriotic Front (RPF) of Tutsi rebels started a civil war, taking over the Rwandan regions bordering Uganda. However, neither side achieved clear success in the struggle and intermittent talks had by 1993 led to the Arusha peace accords. The treaty included provisions on creating a transitional government, uniting the armies of both sides and establishing the rule of law. Those accords never entered into force.

On 6. April 1994, unknown attackers shot down the plane of president Habyarimana and the incident was blamed on Tutsi rebels. This provided the pretext and instigation for genocide which began a few hours later.

Genocide

The genocide spread quickly, helped by long preparations and the previous founding of dedicated *Interahamwe* and *Imuzamugambi* militias. In addition to those groups, a large number of Hutu civilians took part in the killings after incitement in the mass media and especially radio.

800,000-1,000,000 Tutsis and moderate Hutus were killed in 100 days and almost 2 million Rwandans (mostly Tutsis, but also Hutus) fled to neighbouring countries. The international reaction was modest and UN forces in Rwanda left soon after the killings began. The genocide ended on 18. July 1994 when the forces of Rwanda Patriotic Front entered Kigali.

Timeline of genocide (emphasis style 2)

- 1. April:** A plane carrying President Habyarimana and Burundi President Cyprien Ntaryamira is shot down over Kigali airport.
 - 2. April:** The killing of Tutsis and moderate Hutus begins. UN forces refrain from intervention in order not to overstep their mandate. 10 Belgian peacekeepers are killed.
 - 3. April:** Tutsi-led Rwanda Patriotic Front launches a military campaign to stop the killings and save 600 soldiers stationed in Kigali under the Arusha accords.
- Middle of May:** The Red Cross puts the death toll at 500,000.
- 17. May:** UN adopts a resolution on sending an additional 5500 peacekeepers, also mentioning possible genocide.
 - 22. May:** Rwanda Patriotic Front takes control of Kigali airport and Kanombe barracks.



Bodies of Rwandan refugees wrapped in straw mats and blankets line the roadside.
Reynolds, R. 1994. Wikimedia Commons. Wikimedia Foundation.

- 22. June:** Debate on the peacekeeping mission continues. UN authorises 2500 French soldiers to launch Operation Turquoise to establish a safe area in the government-controlled part of Rwanda.
- 4. July:** Rwanda Patriotic Front takes control of Kigali and Butare. The leadership announces they are willing to form a government under the Arusha accords.
- 13.-14. July:** Refugees escaping the Rwanda Patriotic Front flood across the border to Zaire (DR Congo).
- 18. July:** Rwanda Patriotic Front declares an end to the war and nominates pastor Bizimungu as President and Faustin Twagiramungu as Prime Minister.

Why did the people go with ethnic hatred and violence?

- Artificial identity creation by colonial powers
- Socio-economic inequality and resulting class hatred
- Brainwashing through education and mass media
- Rumours and fear
- Ideas of vengeance and obligation towards community
- Legitimisation of ethnic violence by the state

After the genocide

After the genocide, pastor Bizimungu was nominated President and RPF leader Paul Kagame became Vice President and Minister of Defence, although he was the *de facto* head of state. Rwanda faced enormous problems from returning Tutsi refugees and 2 million revenge-fearing Hutus. The first municipal elections were held in 1999 and presidential elections in 2003.

The country is to date led by RPF leader Paul Kagame who has carried out a number of internationally acknowledged reforms but is also known to be authoritarian. Debates on ethnic issues are prohibited by Rwandan law.

In 1994, the *International Criminal Tribunal for Rwanda* was founded in Arusha, Tanzania, by UN Security Council resolution No. 977. The tribunal investigated almost 50 cases and convicted 29 persons, including former Rwandan Interior Minister Jean Kambanda who pleaded guilty. Some cases are still on-going.

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