

IT-95-5/18-T
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13 May 2011

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UNITED
NATIONS



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations
of International Humanitarian Law
Committed in the Territory of the
former Yugoslavia since 1991

Case No.: IT-95-5/18-T

Date: 13 May 2011

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Order of: 13 May 2011

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**INVITATION TO THE BOLIVARIAN REPUBLIC OF VENEZUELA FOLLOWING
RULE 54 *BIS* HEARING**

Office of the Prosecutor:

Mr. Alan Tieger
Ms Hildegard Uertz-Retzlaff

The Accused:

Mr. Radovan Karadžić

The Government of Venezuela:

via Embassy of Venezuela to
The Netherlands, The Hague

United Nations:

Office of Legal Affairs

Standby Counsel:

Mr. Richard Harvey

THIS TRIAL CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”);

BEING SEISED OF the Accused’s “Motion for Binding Order: Government of Venezuela”, filed on 1 November 2010 (“Venezuela Motion”), whereby the Accused requests the Trial Chamber to issue a binding order pursuant to Rule 54 *bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”) requiring the Government of the Bolivarian Republic of Venezuela (“Venezuela”) to provide him with certain documents which relate to the testimony of scheduled witness Diego Arria;¹

NOTING the Accused’s “Motion for Binding Order: United Nations”, filed on 1 November 2010 (“UN Motion”), whereby the Accused requests the Trial Chamber to issue a binding order pursuant to Rule 54 *bis* of the Rules requiring the United Nations (“UN”) to provide him with certain documents which also relate to the testimony of Diego Arria;²

NOTING that, on 17 November 2010, the UN filed its response to the UN Motion, stating, *inter alia*, that “correspondence between Diego Arria and the [UN] during the period of Venezuela’s membership in the Security Council [...], other than the one-month period of Venezuela’s presidency and in his role as Security Council President, may not be disclosed without breaching the duty of confidentiality that the [UN] owes to Venezuela” and that the Accused’s Venezuela Motion “may be an appropriate means of obtaining such documentation directly from Venezuela” (“Response to UN Motion”);³

NOTING that, on 10 May 2011, the Chamber held a hearing pursuant to Rule 54 *bis* (“Hearing”), which was attended by the parties to the case, as well as two representatives of Venezuela, the Ambassador of Venezuela to the Netherlands, H.E. Ms. Haifa Aissami Madah, and the Director of Multilateral Agreements at the Ministry of the People’s Power for Foreign Relations, Mr. Alfonso D’Santiago;

NOTING that the Chamber invited representatives of the UN to participate in the Hearing,⁴ but that the UN decided not to attend and instead chose to rely upon its prior written submissions;⁵

¹ Venezuela Motion, para. 1.

² UN Motion, para. 1.

³ Response to UN Motion, p. 5.

⁴ Invitation to UN Regarding Hearing Pursuant to Rule 54 *bis*, 15 April 2011, p.3.

⁵ Correspondence from UN regarding Hearing Pursuant to Rule 54 *bis*, 27 April 2011, p. 1.

RECALLING that, at the Hearing, Venezuela informed the Chamber that, in relation to the Venezuela Motion, it is “fully committed to co-operating with [...] the Court”, and that it is “making all the efforts possible to find th[e] documents”, despite the fact that the Accused’s request “refers to a pretty broad period of time” and also to “very old documents”,⁶

RECALLING that, in relation to the UN Motion, Venezuela stated that it was “reasonably concerned [about] providing documents which could make reference to [...] informal consultations [of the Security Council]” thus violating “the principle of confidentiality”, and that, therefore, it has committed to work with the UN in order to identify the documents requested in the UN Motion which may be disclosed to the Accused;⁷

RECALLING that Venezuela stated that it would take between three and five months for it to complete the process of co-operation with the UN;⁸

RECALLING the Accused’s submission which Venezuela has agreed to take into account, that he should be informed as soon as possible of the categories of documents, if any, which either Venezuela or the UN will not consent to disclosing as a matter of principle so that this issue can be litigated and resolved well before the expiry of the three to five months sought by Venezuela;⁹

RECALLING the Accused’s further submission that Diego Arria has in fact already disclosed the content of some of the “informal consultations” of the Security Council in his witness statement;¹⁰

CONSIDERING that the need to resolve the issues relating to the Venezuela Motion and the UN Motion expeditiously and before Diego Arria gives evidence in this case means that prompt clarification of all these issues is essential;

CONSIDERING also that the Prosecution informed the Chamber that it does “not expect the testimony of Mr. Arria until the Srebrenica component of the case”, that is, well after the expiry of the three to five months;¹¹

⁶ Hearing, T. 13869 (10 May 2011).

⁷ Hearing, T. 13871 – T. 13872 (10 May 2011).

⁸ Hearing, T. 13872 (10 May 2011).

⁹ Hearing, T. 13874 – T. 13875 (10 May 2011).

¹⁰ Hearing, T. 13874 (10 May 2011). Diego Arria’s witness statement can be found in Appendix A attached to this Invitation.

¹¹ Hearing, T. 13873 (10 May 2011).

CONSIDERING also that it is in the interests of all parties involved that requests for documents are, if possible, dealt with on a voluntary basis;

PURSUANT TO Article 29 of the Statute and Rules 54 and 54 *bis* (D) of the Rules;

HEREBY INVITES Venezuela to:

- (1) assist the Chamber by making efforts to (i) comply with the Accused's request as referred to in the Venezuela Motion, and (ii) through co-operation with the UN, resolve the matter of consent to disclosure of documents requested in the UN Motion, by 10 August 2011; or
- (2) file a progress report by 10 August 2011, informing the Chamber of the progress made in relation to both the Venezuela Motion and the issue of consent, as well as how much longer the remainder of the process will take; and
- (3) inform the Accused, as soon as possible, if there are any documents or categories of documents requested in the Venezuela Motion or UN Motion that it or the UN is not willing to provide to the Accused as a matter of principle; and

REQUESTS the Registry to provide this Invitation to Venezuela and to provide a copy of this Invitation, as well as the transcript of the Hearing, to the UN.

Done in English and French, the English text being authoritative.



Judge O-Gon Kwon, Presiding

Dated this thirteenth day of May 2011
At The Hague
The Netherlands

[Seal of the Tribunal]

APPENDIX A

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INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION
OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS
OF INTERNATIONAL LAW COMMITTED IN THE TERRITORY
OF THE FORMER YUGOSLAVIA SINCE 1991

WITNESS STATEMENT

WITNESS INFORMATION:

Last Name: Arria

First Name(s): Diego Enrique

Father's First Name: Humberto

Nickname:

Gender: Male

Date of Birth: October 8th, 1938

Place of Birth: Caracas, Venezuela

Ethnic Origin: Caucasian

Religion: Catholic

Language(s) Spoken: English, Spanish and French

Language(s) Written (if different from spoken): Spanish and English

Language(s) Used in Interview: English

Current Occupation: Consultant and Visiting Scholar of Columbia University, New York, USA

Former: Politician, Diplomat, Ambassador

Date(s) of Interview(s): 11 and 14 April 2003. 22, 23, 24 and 25 September 2003

Interviewer: Bretton Randall

Interpreter: Nil

Names of all other persons present during interviews: 14 April 2003, Geoffrey Nice. 22, 23, 24 and 25 September 2003. Jonathan Struggles

Signature:

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WITNESS STATEMENT

1. My full name is Diego Enrique Arria Salicetti. I am a native of Caracas, Venezuela. I was the Permanent Representative of Venezuela at the United Nations (UN) from January 1, 1992 to September 1, 1993. In March of 1992 I served as President of the United Nations Security Council. In April of 1993 I was the coordinator of the Caucus of the Non Aligned countries represented in the Security Council.
2. In April 1993 I headed the UNSC (UNSC) Mission to Bosnia-Herzegovina and to Former Yugoslavia and Croatia.
3. While at the UN, I participated in the Group of Friends of the Secretary-General of the United Nations throughout the peace and reconciliation process of negotiations to restore democracy to Haiti, El Salvador and Guatemala.
4. After my departure from the UN I joined the Council on Foreign Relations in New York as a Visiting Diplomatic Fellow. Also joined the following institutions: Board of Directors of the International Peace Academy; Advisory Council of the International Center for Ethics and Politics of Brandeis University; Latin America Advisory Board of Unilever; Board member of The Latin American Adviser of the Inter American Dialogue; Director of The Columbus Group; Spanish Institute of New York Advisory Board; of the Museum of Art and Design of the City of New York; Board of the Institute of Latin American Studies in California; Special Adviser to the Secretary-General of the United Nations, and Visiting Scholar at Columbia University in New York.
5. In Venezuela I have served as Governor of Caracas, Minister of Information, Minister of Tourism and Congressman, and Founding Editor of a daily newspaper, El Diario de Caracas.
6. I write for publications in the United States and Latin America, and lecture on international issues.
7. This statement is not meant to provide a definitive chronology of events relating to all matters I dealt with whilst I was both in and out of service in the UNSC. I have been asked by staff from the Office of the Prosecutor to review a number of documents and comment on them.

1. INTRODUCTION**Attitudes towards the crisis in Bosnia**

8. During my tenure within the UNSC I was actively involved in many different matters including El Salvador, Mozambique, Somalia, Cambodia, Libya, Angola, Iraq, Haiti, South Africa and the former Yugoslavia. At the time, consensus general prevailed in the Security Council except in the case of the former Yugoslavia, which deeply

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divided the UNSC becoming the most controversial issue on the agenda attracting the focus of the world media and many resolutions.

9. For years the Bosnians innocently believed that they were Europeans and as such they were reluctant to request aid from outside Europe even from the UN. Naively they thought that in a conflict between a democratic state and an opposing regime, Europe would not hesitate to help them.
10. As developments evolved the Bosnians paid dearly for having place their trust and hope in their neighbors. When nothing happened after the European community (EC) Representatives Cutileiro and Carrington failed, Europe deposited in the doorsteps of the UN in New York a badly mauled body-with arms and legs missing. The case was already too deteriorated and the United Kingdom (UK), France and Russia were calling the tune in the Security Council.
11. Some of the 'principals' in the Council feared the emergence of a Muslim state in the heart of Europe. The same can be said about the Former President of Croatia, Franjo Tudman, who expressed the same fears to me when the UNSC visited him in Zagreb. Why would the EU push for the admittance of these new countries in the UN? Why did the UNSC approve Bosnia Herzegovina admission to the UN? Why did the UNSC delegate ex officio the main responsibility for handling the crisis to the EU (David Owen) and the United States (Cyrus Vance)?
12. I believed then, and now, that had the UN Secretary-General assumed an independent role from the Principals of the Security Council, and used the moral power of his office, events could have been significantly different. Maybe today the Muslim world would be appreciative of the role of the international community in Bosnia instead of being enraged by their callous attitude towards the ethnic cleansing, rape and genocide (I use the term "*genocide*" in this statement as this accurately reflects the terminology I used in my speeches and writings at the time of the events) of one of the newest members of the UN taking place a couple of hours away from London, Paris and Moscow.
13. Secretary-General Boutros-Ghali told me, and other members of the Non Aligned group represented in the UNSC, that "If he expressed himself more forcefully on Bosnia he would lose its neutrality, and therefore the efficacy of the UN" and that: "he did not have the luxury of personal feelings on these issues".
14. "The Europeans expected me to concentrate on Bosnia...in fact the Security Council had required the UN to become massively unbalanced in favor of the problems of the former Yugoslavia, and I found myself increasingly thinking about Somalia".¹
15. Such moral indifference and insensitivity was not only contagious, but greatly contributed to reinforce in the Serbs mind that "This was a rich people's war", as the Secretary-General himself had defined the Bosnian tragedy, and, as such, was of little

¹ (*Unvanquished a US-UN saga - Boutros-Ghali, 1999*)

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concern to the international community.

16. Neutrality was not the issue as claimed by Boutros-Ghali. The issue was Bosnia and Herzegovina, a member country of the UN, being ravaged by the Bosnian Serbs with the assistance of the Belgrade government who were providing full military and financial support. There was no question of risking neutrality. Neutrality was used as a cover for indifference.
17. Boutros-Ghali told members of the Non Aligned group in the Security Council that he always asked Arab and Muslim countries for money to finance the peacekeeping efforts, but would not let them send their armies to help. He wanted financial contributions from them, but not political contributions. Of course this was unacceptable for those countries. The UN allowed the presence of Russian forces, which were evidently aiding the Serb side, as their historical patrons. Russia and Muslim countries share an interest in the fate of Chechnya.
18. I believed, and said at the time, that in Bosnia the United Nations principal asset – its moral standing and obligation to speak out on the great issues of the day – was surrendered by the Secretary-General Boutros-Ghali.
19. Kofi Annan, by contrast, reviewing events later said in the Secretary-General report, The fall of Srebrenica: "I am fully cognizant of the mandate entrusted to the United Nations and only too painfully aware of the Organization's failures in implementing that mandate."²
20. Bosnia Herzegovina irritated not only the Secretary-General but also most of the Security Council members because the Bosnians were not playing the role assigned to them from the day the arms embargo resolution was imposed in 1991. They were expected to surrender without of a fight, and to acquiesce quietly in the ethnic partition of their country. To sort of roll down and play dead. This was a tall order for any country to accept especially when that country is in the middle of Europe, and is a victim of genocide.
21. It was always alarming to witness the dismissive attitude by prominent members of the Security Council towards the Republic of Bosnia Herzegovina, even though their people were being ethnic cleansed, massacred and raped.
22. Bosnia Herzegovina was admitted to the UN in the spring of 1992, at the recommendation of the Security Council. But within a couple of months the UN and the EU were actively cooperating in its dismemberment on ethnic criteria in a sort of a new apartheid modality.
23. There was reluctance in referring in the Councils resolutions to Bosnia Herzegovina as a republic. Clearly not wanting to give it the proper respect due to a member

² Report of the Secretary-General pursuant to general Assembly resolution 53/35. *The fall of Srebrenica*
ERN: 0059-6452-0059-6467
Case IT-02-54 Exhibit 547 Tab 36

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country of the organization, and neither the protection owed as a fully-fledged member.

24. Only a year before the Council acted when another UN member country (Iraq) invaded another member country (Kuwait). The double standard applied by the international community in the case of the invasion of Bosnia Herzegovina could not have been more evident and shameful.
25. There was an attempt to treat this republic as just "a party" similar to the other party – the Serb aggressors. I recall that I had to ask permanently in the Council to correct the record to make sure that when the Bosnians were mentioned they should be treated like any other member country. The UN Secretary-General Kofi Annan called this practice "The amoral equivalence of the parties;" victims and aggressors being considered alike.
26. Had the Council acknowledged the quality of Bosnia Herzegovina, as a sovereign member of the United Nations its behavior towards that nation should have been different. It was more convenient to treat it as "The Muslim side"- a sort of a non-state, otherwise the obligation to act to defend the territory invaded by the Serbs with the support of another member country, the Federal Republic of Yugoslavia (FRY), would have been considered.

Notes on the operation of the UN Secretariat and the UNSC

27. In reality the UN has two Security Councils, although not officially of course.
28. One made up by "The Principals" who are the five Permanent Members; and another one, "The Others" the ten non-permanent members. The "Principals" frequently use the Secretariat as a source of power. If there is a place where information is power, it is in the Security Council.
29. For example if the Secretariat does not report correctly or in a timely fashion what is really happening no action is generally taken by the UNSC. The information that reaches the "Others" very often is what some of the permanent members decide together with the Secretariat. The Security Council permanent members are usually fully informed through their own sources in and outside the UN and they share information with "the other ones" selectively and at their convenience. The Secretariat in some cases has provided disinformation. The case in point is in the case of Bosnia-Herzegovina and specifically on Srebrenica.
30. Due to the volume of information that is available to the UN, the Secretariat must filter the flow of information provided to the Security Council. But the filter became excessive in the case of the former Yugoslavia tragedy, when the filter turned into a dam for the containment of information that limited and prevented the arrival of valuable information to the Security Council in real time, even on issues affecting the lives of thousands of peoples.
31. The Secretariat provides information to the UNSC to allow the Council to act, and

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generally the Security Council acts upon this information. Undoubtedly the Secretariat has a difficult and delicate task, especially when the delivery of information in real time is extremely important.

32. In this respect the performance by the Secretariat, at least in the case of Former Yugoslavia left a lot to be desired. Critical developments taking place in the field were often not reported or their importance minimized, thus preventing the Security Council (mainly the non-permanent members) from knowing the realities of the situation.
33. In fact the Secretariat, in the case of former Yugoslavia, assumed the abusive and dangerous prerogative of selecting what, and to what extent should the Council be informed of a matter. This was of course a practice contrary to the Secretariat's mission and responsibility as an independent entity at the service of all of its members, and entrusted to provide, complete and truthful information on the events reported to the Security Council, as well as not to be unduly influenced by some of the permanent members for their own national interests.
34. David Malone, President of the International Peace Academy (IPA) in New York in his book "Decision Making in the Security Council"³ corroborates my belief on the role played by the UN Secretariat under Boutros-Ghali. Malone writes: "Some concern arose during this period over the candor of the military advice to the Council from the Secretariat. Boutros Ghali...may not always have provided to the full Council his best advice. Malone adds: "The modus operandi in New York (UN) in the drafting of the reports from the Secretary-General to stimulate Council decisions was first to take the pulse of the P-5 (UNSC Permanent Members) and establish the parameters of action they would favor. The report was then generally tailored accordingly...and Military advice from the field, was often the first casualty."
35. The non-permanent members therefore often relied on media sources rather than UN information services. They were usually more reliable than the Secretariat that usually stated, "information was not available" or were too late in delivering it. The media and the NGO's were undoubtedly the most reliable sources as was proven during the siege and capitulation of Srebrenica in 1992.
36. Had it not been for a British television journalist, the Security Council would not have acted in Srebrenica as it did then even though the UN had UNPROFOR on the ground and UNHCR and other agencies. None of them reported the crisis at the time. And if they did (which was probably the case) the information was no passed on to the UNSC and especially not to the non-permanent members, as it should have been.
37. London and Paris were better informed than the UN. Their commanders in UNPROFOR surely reported directly to them on real time. A fact not known to outsiders is that the only real UN forces are those integrated by military contingents from smaller countries. But they cannot truly be called UN forces when they are integrated by contingents from the permanent members that report first to their

³ (Clarendon Press Oxford 1998)

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capitals, and afterwards to the UN Secretariat. How much they inform the UN is not known to me.

38. I always thought that the UNSC, regardless of its international political prominence, was collectively an extremely poorly informed body for two reasons: first because the permanent members generally do not share information available to them, and second, because the Secretariat's reports were regularly late and often partial and incomplete – and not necessarily because of ignorance of the facts.
39. Unfortunately the frequent reports delivered by the representatives of Bosnia Herzegovina to the Council were callously dismissed and not attended. The victims were not only denied the right of self-defense, but were also denied the right to report and complain about their predicament.
40. I clearly remember hearing often at the beginning of Council meetings, "Oh, another letter by Sacirbey or Izetbegovic" (The Bosnia and Herzegovina Ambassador and the Bosnia and Herzegovina President), treated like plain nuisances, and no attention given to them. There was no interest in listening to their plight probably because it reminded many of the Council members that the Serbs were flouting UNSC resolutions and they were not doing anything to stop such violations.
41. The Secretary-General's conduct did not help matters. His unprecedented policy adopted of almost never attending the private informal consultations of the Security Council was both arrogant and dangerous. He said he found them boring and time wasting.⁴ Worse than that he appointed an official spokesman, the former Ambassador from India, Chinmaya Gharekhan, to participate in the meetings on his behalf – thus preventing the presence in the Council discussions of the UN senior officials who had direct responsibility in the case.
42. I can only use the term perverse to define such a practice that allowed the Secretary-General not to get involved in discussions with Council members. This practice, in my view, was tantamount to a dereliction of duty, especially when we were discussing issues of life and death for thousands of people. The policy, with a few exceptions, provided a shield that prevented the questioning of UN officials by Council members as the Council has historically done. As soon as he was elected the new Secretary-General, Kofi Annan abandoned this perverse practice.

2. CHRONOLOGY OF EVENTS

September, 1991

43. After the election of Venezuela as non-permanent member of the Security Council for the period 1992-1993 I was involved in briefings on the situation in Yugoslavia. When I took up the Venezuelan place on the UNSC I had regular contact with Ambassador Darko Šilović of the Socialist Federal Republic of Yugoslavia, the then

⁴ (Stanley Meisler, *Los Angeles Times Magazine* October 3, 1993)

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head of the Non Aligned Movement at the UN. Ambassador Silović was a respected ambassador who became a good and personal friend, and thanks to him I gained an excellent knowledge of the situation in his country from a Yugoslav perspective. At the time the Non Aligned Movement was concerned about the imminent break up of the SFRY. Venezuela was very supportive of the preservation of SFRY. War had not yet erupted, but tensions were evident in Croatia and the Serbian part of the SFRY.

44. During the same period, at the General Assembly of the UN I was introduced to Foreign Minister of the SFRY, Mr. Budimir Lončar. At the time the SFRY had the presidency of the Non Aligned Movement, and in that capacity Minister Lončar addressed a special meeting of the Movement at the UN in New York attempting to gain support to prevent the fragmentation of his country.
45. The Latin American Members of the Movement delegated me to accompany Foreign Minister Lončar in some of the meetings that he would be attending to argue against the break up of the SFRY. In fact I accompanied him to the meeting with the foreign ministers of the EC who were attending the General Assembly (September 1991) under the presidency of Foreign Minister Cutileiro of Portugal. Mr. Lončar presented his arguments, which I supported speaking on behalf of the Latin American countries. No other ambassador except myself accompanied Mr. Lončar in his lobbying efforts. I would like to stress how convinced we were at the time of the need to preserve Yugoslavia's integrity. This explains why we accompanied Yugoslavia's representatives to these meetings.

September 25, 1991 – Resolution 713

46. On 25 September 1991, when the fighting in Croatia was at its height, the Security Council, by its resolution 713 (1991)⁵, decided, "all States shall immediately implement a general and complete embargo on weapons and military equipment to Yugoslavia until the Security Council decides otherwise following consultation between the Secretary-General and the Government of Yugoslavia." The resolution was adopted unanimously, though several observers noted at the time that the major effect of the embargo would be to freeze the military holdings of each of the parties - a move which would overwhelmingly benefit the Serbs, who were dominant both in the Yugoslav military and, to a lesser extent, in the arms industry.
47. The resolution reflected the views of the European Community (EC) and of the States participating in the Conference on Security and Cooperation in Europe who were at the time leading the political negotiation process and the several cease fire agreements, with the full support of the UNSC to the so-called Conference on Yugoslavia.

⁵ *United Nations Security Council Resolution 713.*

ERN: 0057-0233-0057-0234

Tab 1

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48. It intended to strengthen the hand of the European States in the negotiations with all the parties involved.
49. The resolution was a notably bland decision, really a meaningless one and also irrelevant since of course I believed it was totally violated. The States negotiating the conflict did not want to rock the boat and limited themselves to providing rhetorical support to try to stop the crisis, instead of using their collective pressure to force a political option, which, in my view, would have been possible to achieve then.
50. For a resolution that recognized "that the fighting in Yugoslavia is causing a heavy loss of human life and material damage and that its continuation constitutes a threat to international peace and security...that no territorial gains or changes within Yugoslavia brought about by violence are acceptable," resolution 713 could not have been any weaker.
51. It set a dangerous precedent in the way the international community acted from then on during the conflict. Such weakness did not go unnoticed by the parties and proved to be extremely detrimental for the peace negotiations carried under the European banner, and after their failure, to the UN itself. It was clear that the orientation of the political process was defined early on in the conflict.

December 12, 1991

52. Cyrus Vance, the former Secretary of State of the United States said, in the Security Council: "The arms embargo resolution (713) is being violated from all cardinal points: north, south, west and east."

December 13, 1991

53. The Non Aligned Movement at the UN fully supported the preservation of the SFRY. On December 13, 1991, I spoke at the Non Aligned Movement meeting at the UN in New York on behalf of the Rio Group (which includes the largest Latin American countries) in full support of the need to preserve the SFRY. On that occasion I stated the following:
 54. "In Latin America we have greatly benefited from Yugoslavian immigration to our countries. We never saw or welcomed them as Croats, Serbs, Bosnians or Montenegrins, but as Yugoslavs; we are more than pleased to support the request presented to us by the Deputy Foreign Minister of Yugoslavia, Vladimir Sultanović. After all it was the vision of Yugoslavia that created the Non Aligned Movement and that is why we believe that without delay we should support the Yugoslavian people in this fratricidal war, but we have to stress that the solution to the crisis, as well as the future institutional formation of the country rests on the will of the Yugoslavian people.
 55. "Yugoslavia is now starting the fourteenth cease-fire. The previous thirteen have been violated. We can support but not substitute the internal efforts of the Yugoslavian people especially when we are dealing with their attempts to preserve

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their territorial integrity... that the central responsibility was in the hands of the great people of Yugoslavia, and like Foreign Minister Lončar said here in September - Yugoslavia is at war with itself".

56. I took this opportunity to ask the special meeting to approve the declaration to support the integrity of Yugoslavia. The declaration was approved and sent to the meeting of the EC held in Brussels on December 16, 1991, where the Yugoslavian implosion was one of the main items on the agenda.

February 7, 1992 – Resolution 740

57. On 7 February 1992 I attended the UNSC and on behalf of my country voted in favor of UNSC Resolution 740⁶.
58. The resolution's purpose for which I voted favorably on behalf of my country, was to push for the approval of a UN peacekeeping plan by all of the parties, as well as for calling attention to violations to the arms embargo resolution (UNSCR 713).
59. No action had been taken by the UNSC Council regarding the reporting or monitoring of these arms embargo violations, neither was proper information provided to the Council members of the extent of such violations. The permanent members did not share information and the Secretariat did not provide it either.
60. When the resolution was passed I remember the satisfaction that the Non Aligned members of the Council felt for having approved a resolution to impose an arms embargo. We thought that the embargo was going to help to stop the war, not to exacerbate the problem. Little did we know then that with that resolution we were involuntarily deciding the outcome of the conflict; that we were sealing the fate of the Bosnian Republic; that we were taking away from this member country the right of self defense enshrined in the UN Charter. What seemed a moral act was in effect the equivalent of what, with hindsight, looks like a premeditated death sentence for the Bosnian Muslim "side" of the Bosnia and Herzegovina Republic.
61. I believed this because the non-permanent members were the only ones in the Security Council who did not know that the Government of President Alija Izetbegović was the only side without armaments, and even less, without regular armed forces.
62. The Secretariat failed to provide information on the embargo issue prior to this decision, and the members of the Council who had the information did not explain the implications of the resolution.
63. Had we been informed, such a resolution or rather such a condemnation would have been rejected by most of the non-permanent members of the Council, and above all

⁶ *United Nations Security Council Resolution 740*

ERN: 0342-2006-0340-2006

Tab 2

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the reality of the situation: that only the Bosnians were disarmed, would have been known by international public opinion.

64. The resolution has rightly been called "The Rape of Bosnia." Undoubtedly a major cover-up operation was in motion. The Bosnians were expected to roll over and play dead, but they surprised all and did not.
65. Why, if the situation was known by the permanent members and the UN, and by the Secretariat, was the resolution presented to the Security Council?
66. I have never heard a satisfactory explanation for this terrible and unfortunate decision. It increasingly looked like a premeditated action that would allow Belgrade to win the war rapidly so that Bosnia, in the words of a former European colleague at the Council, "would not become the tar baby of Europe"
67. It took only a few weeks for all to see that the military contingents from the FRY were changing uniforms and carrying with them Serbian tanks, planes and heavy weapons to become the "other side" of the conflict – what later was called the Republika Srpska, supported financially and militarily by Slobodan Milošević in Belgrade, and becoming the only side with a full military capacity which allowed them to proceed to attempt to exterminate the "Muslim side", a goal in which they were significantly successful.
68. It is remarkable to note that no monitoring efforts were made at the time by the international community to prevent the transfer of arms, supplies and even soldiers and officers from Belgrade to the Bosnian Serbs. I considered the Bosnian Serbs to be proxies of the Belgrade based government.
69. To compound the plight of the Bosnian Muslims the Security Council opposed the lifting of the arms embargo to Bosnia Herzegovina, thus continuing to ensure their victimization by the paramilitaries who were armed and financed by Belgrade.
70. According to the Secretary-General's report on the fall of Srebrenica⁷: "General Mladić, Commander of JNA forces in Bosnia and Herzegovina, was re-styled Commander of the Bosnian Serb Army (BSA). Throughout the war that was to follow, the BSA remained closely associated with the JNA/VJ and with the Federal Republic of Yugoslavia, on which the BSA relied for materiel, intelligence, funds and other forms of support.
71. The Serb paramilitary groups, which included a substantial criminal element, often operated in close cooperation with the regular armies of Yugoslavia and the Bosnian Serbs."
72. Who else could finance the Serb militia? They did not have resources of their own.

⁷ Report of the Secretary-General pursuant to general Assembly resolution 53/3. *The fall of Srebrenica*
 ERN: 0059-6452-0059-6467
 Case IT-02-54 Exhibit 547 Tab 36

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How could they pay for the food, fuel, etc? Where were they getting munitions? Belgrade of course was the responsible party as corroborated by the UN and the European Commission observers and recognized in all pertinent UNSC resolutions.

73. Even though this was no secret to anyone, the regime of Slobodan Milošević together with his Bosnian Serb partners, was allowed to get away literally with murder on a monumental scale for almost five years.

May 1992 – Resolution 752

74. On behalf of my country I voted for this resolution welcoming the efforts by the European Community within the framework of discussions on constitutional arrangements for Bosnia Herzegovina⁸. The most important issue in the resolution had to do with the withdrawal of Yugoslav People's Army (JNA) as well as elements from the Croatian Army, and that their "weapons should be placed under effective international monitoring, and requests the Secretary-General to consider without delay what international assistance could be provided in this connection."

75. The international monitoring did not take place in any significant fashion, and, as events proved, was far from effective. Furthermore, the UN Secretary-General (Boutros-Ghali) failed to report to the Security Council what assistance was needed from the international community, let alone request any such assistance. Even though these matters were of extreme importance no explanation was provided by the Secretariat to the Council.

May 30, 1992 – Resolution 757

76. I attended the UNSC where I spoke and voted in favor of UNSC Resolution 757⁹. Barely ten days had elapsed since the admission of Bosnia and Herzegovina¹⁰ to the UN and when the Council considered that the situation in the Republic of Bosnia and Herzegovina constituted a threat to international security, and that the imposition of sanctions on the Federal Republic of Yugoslavia were indispensable as it was aggressing the newest UN member country.

77. It is clear that both the UN General Assembly, and the UNSC were aware of the serious situation faced by Bosnia and Herzegovina when they decided to admit it to the UN, nevertheless it was admitted with the same rights and responsibilities as the rest of the UN membership-no less no more than other countries.

⁸ *United Nations Security Council Resolution 752*
ERN: 0035-9895-0035-9897
Case IT-02-54 Exhibit 547 Tab 2

⁹ *United Nations Security Council Resolution 757*
ERN: 0299-1385-0299-1390
Case IT-02-54 Exhibit 547 Tab 3

¹⁰ *United Nations Security Council Resolution 755*
ERN: 0342-2008-0342-2008
Tab 3

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78. Not much time had passed before the fragmentation of this republic on ethnic lines was proposed by Belgrade (How can you support this assertion?) and supported by the international community.
79. On that occasion, on behalf of my country, I made the following statement: "How much longer must this Council wait before acting? How much longer does it have to negotiate with leaders who are insensitive and inflexible: until Bosnia and Herzegovina is totally extinct.
80. "Thousands of deaths, thousands and thousands of wounded; nearly a million refugees; hundreds of thousands of houses destroyed; 700 burned churches, all mosques razed; hospitals, clinics, maternity wards bombed; How much longer must we wait?
81. "The international community delayed too long in bringing this matter before the Council (it was then the Hour of Europe). My country cannot refrain from clearly stating our views regarding the massacre that now obliges us to adopt sanctions against the Federal Republic of Yugoslavia...because if we fail today to act we will be abandoning the peoples of Bosnia and Herzegovina to the worst possible fate...
82. [Negotiations have been] tragically frustrated by the intransigence and violence of the leaders in Belgrade, who have brought these sanctions upon themselves.
83. This is no longer a domestic problem for the former Yugoslavia. Belgrade is waging war against other States, sovereign members of our Organization...
84. "The UNSC has reached this point after all the failed efforts of the international community to halt the massacres in Bosnia and Herzegovina. The long negotiating process led only to an increase in violence, death and destruction. It is the leaders of Belgrade who have thus brought about this resolution, which lifting will depend exclusively on the will of Belgrade."
85. In response, in a letter sent to the UNSC, the Vice-President of Yugoslavia Branko Kostić¹¹, stated: "The Federal Republic of Yugoslavia reaffirms the following five points:
1. ...it has no territorial claims on others
 2. ...will use all means to stop fighting and protect against outside interference in conflict
 3. ...will prevent any military organization or operation in the territory of FRY

¹¹ Letter from the Charge d'affaires of the permanent mission of Yugoslavia to the Secretary-General
ERN: 0342-3306-0342-3311

Tab 4

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directed towards Bosnia and Herzegovina

4. Urges conditions to enable humanitarian aid.... and placing Sarajevo under international control.

5. ...its strong opposition to ethnic cleansing”

86. The facts on the ground manifestly contradicted every assertion in this letter.

87. On the first point, their Serb partners and proxies within Bosnia and Herzegovina were actively and with the full support of Belgrade conquering territory fundamentally in areas closer to mother Serbia.

88. On the second point, their weapons, officers and soldiers were already inside Bosnia and Herzegovina. Who else could interfere from the outside? Only the international community could have. Which it finally did, five years too late.

89. The third point is irrelevant. Their armed forces had already changed uniforms and were operating the war machine provided by Belgrade. The Bosnian Serbs did not have the resources to accomplish this without Belgrade. Furthermore their leaders continued to operate mainly from Belgrade headquarters. Both Mladić and Karadžić had offices there.

90. On the fourth point, the party creating problems for the aid were the Serbs, and to place Sarajevo, the capital of the Republic of Bosnia and Herzegovina under siege placed the republic in a weaker situation

91. On point five, what else could they say? They could not admit it, but the international community and the world public opinion were witnessing these horrible practices.

June 8, 1992 – Resolution 758

92. On 8 June 1992 I attended the UNSC when UNSC Resolution 758 was approved¹². The resolution reflected a cynical interpretation of reality by requesting the victims not to impede the delivery of humanitarian aid to themselves by the reference to, “all the parties and others concerned” – Victims and aggressors were considered alike.

August 26-27, 1992 – London Conference

93. In the London Conference of 26-27 August 1992, the President of the International Committee of the Red Cross (ICRC), Dr. Cornelio Sommaruga, proposed that the international community establish protected zones for some 10,000 detainees already visited by the ICRC in northern and eastern Bosnia.

¹² United Nations Security Council Resolution 758.
ERN: 0200-8905-0200-8906
Case IT-02-54 Exhibit 547 Tab 4

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October 1992

94. Later in October 1992 the ICRC issued a paper stating that, the present situation called for the creation of zones to protect threatened communities in their places of residence.

October 6, 1992 – Resolution 780

95. On 6 October 1992 I attended the UNSC. On behalf of my country I spoke and voted in favor of the UNSC Resolution 780¹³. This meeting involved the discussion of a draft resolution to establish a Commission of Experts to evaluate the evidence of grave breaches of the Geneva Conventions in the former Yugoslavia.
96. I expressed strong support for the establishment of a Commission of Experts to investigate all violations of humanitarian law, and stated inter alia that the commission would “serve to establish responsibility and punish the guilty” and would also “constitute an important deterrent in the context of the process the United Nations has undertaken to bring peace to... former Yugoslavia.”
97. I affirmed that my country Venezuela “supports all efforts contributing to stopping and punishing all those who commit crimes against human dignity, wherever they may occur, and that the lack of an international penal jurisdiction should not exempt these criminals from trial and punishment.”
98. The commission would be “the first step in a process to respond and react to mass murders and to the abominable practice of “ethnic cleansing,” and that process should assign personal responsibility to those found guilty of grave violations of international humanitarian law.
99. “We know that war constitutes the greatest tragedy, and that is why it becomes imperative to make all those who initiate or promote acts of war or conquest understand clearly that they shall be held accountable to the international community for their responsibility in crimes against humanity.” This was clearly a direct message to Serbian President Slobodan Milošević.

October 27, 1992 – UN Special Rapporteur on Human Rights report on FRY

100. In his report on the situation of human rights in the territory of the former Yugoslavia, dated 27 October 1992, the United Nations Special Rapporteur on Human Rights in the Former Yugoslavia, Mr. Tadeusz Mazowiecki, concluded that a large number of displaced persons would not have to seek refuge abroad if their security could be guaranteed and if they could be provided with both sufficient food supplies and adequate medical care. In this context the concept of security zones within the territory of Bosnia and Herzegovina should be actively pursued.

¹³ *United Nations Security Council Resolution 780*
 ERN: 0024-2488-0024-2489
 Case IT-02-54 Exhibit 547 Tab 11

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November 16, 1992 – Resolution 787

101. On 16 November 1992 I attended the UNSC and on behalf of my country voted in favor of UNSC Resolution 787¹⁴. This meeting involved a discussion regarding the prohibition of the transshipment of products via the Federal Republic of Yugoslavia from strategic industries such as petroleum, iron, steel, rubber, etc.
102. In the meeting I stated that Venezuela would vote in favor of the resolution, but expressed “profound concern at the fact that we have not yet found the ways and means of putting such resolutions into effect and of ensuring compliance with them.”
103. I added: “Those countries (permanent members) that are capable of (ensuring compliance with Security Council resolutions) bear continuing responsibility for the potential loss of the Security Council’s credibility and prestige.”
104. I specifically emphasized the need to assess the role of the UN peacekeeping missions, and underlined that regional organizations are “ill-prepared to deal with tragedies of such magnitude and intensity as this one”, and that “conventional methods of peace-keeping and humanitarian assistance did not suffice in the present situation.”
105. Only strong language could be used to describe the unfolding events in the former Yugoslavia. I said then: “The Serbians, with extraordinary cruelty, have undertaken to re-enact these crimes against humanity” (referring to events from the Second World War).
106. To call both aggressors and victims, on the same level as “the parties” is the traditional diplomatic language of UN resolutions. But in this case its use was certainly abused. The Council knew full well who was armed, as well as who was committing the atrocities. The Council knew who was financing and supplying the arms, the munitions, the heavy armaments, the food, the fuel, etc to the Serb paramilitary. The Council knew fully well which people were being raped and uprooted in a horrendous ethnic cleansing practice. The Council knew who had the tanks, the planes and the heavy weapons, but kept asking the victims for restraint, and doing very little, too late to stop the genocide.
107. The Council imposed sanctions on Belgrade precisely because it knew who was behind these massacres, but even though, it continued to use the term “all the parties” giving the impression that both sides were at fault and on the same level, conveniently forgetting that FRY was acquiring by force the territory of another UN member territory through the Bosnian Serbs, and forgetting that Bosnia Herzegovina was a UN member country that could hardly defend itself.

¹⁴ United Nations Security Council Resolution 787
ERN: 0299-1374-0299-1378
Case IT-02-54 Exhibit 547 Tab 13

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108. Belgrade could have easily prevented the application of the sanctions but I believed it (Belgrade) was intent on creating a Greater Serbia and would not be stopped by UN resolutions.

Safe Areas

109. Austria, which was then serving as a non-permanent member of the Security Council, was the first Member State to pursue actively the possibility of establishing Safe Areas in Bosnia and Herzegovina.

110. In general, the permanent members of the Security Council were - to say the least - not supportive, and "the first set of discussions on this issue led only to a carefully worded operative paragraph in resolution 787 (1992) of 16 November 1992, inviting the Secretary-General, in consultation with the United Nations High Commissioner for Refugees and other relevant international humanitarian agencies, to study the possibility of and the requirement for the promotion of Safe Areas for humanitarian purposes...

111. "The Force Commander of UNPROFOR opposed the concept of establishing Safe Areas other than by agreement between the belligerents. He did not oppose the principle of protecting the Bosnian Government and its armed forces against Serb attack, but opined that there could be no role for peacekeepers in such an operation. Protecting the Safe Areas, in his view, was a job for a combat-capable, peace-enforcement operation. He summarized his position in a communication to the Secretariat, stating that one cannot make war and peace at the same time."¹⁵

112. No report on the promotion of Safe Areas was prepared. Reading the above comments it is evident that confusion, contradiction, indifference and lack of will were all combined in order not to develop a Safe Areas' policy.

113. It is painful to see that it was only when Srebrenica's plight came to be known by the world - not thanks to the UN, but to the media and to the Bosnia and Herzegovina representative, Ambassador Muhammed Sacirbey - that the issue of Safe Areas jumped into the UNSC agenda.

114. But it should have been months before when the UN knew full well the realities and the circumstances were less tragic. The Secretariat was tasked in November 1992 to study the possibility of creating Safe Areas, an improvised resolution had to be tabled in April 1993 by the Non Aligned countries in the Council - who then had to struggle with the resistance of some of the permanent members who clearly opposed such initiative.

December 17, 1992 - UNHCR recommendations

¹⁵ Report of the Secretary-General pursuant to general Assembly resolution 53/3: *The fall of Srebrenica*
ERN: 0059-6452-0059-6467
Case IT-02-54 Exhibit 547 Tab 36

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115. According to the SG's Srebrenica report, "The United Nations High Commissioner for Refugees, Mrs. Ogata, expressed caution on the subject [of Safe Areas] in her letter to the Secretary-General, dated 17 December 1992. She supported the general principle that security should be provided in situ, and that peacekeepers should be deployed to provide military protection for persecuted groups. She believed, however, that the safe area concept should only be a last option."
116. Eleven years later, I only recently found out that Madame Ogata had sent this letter to the UN Secretary-General warning him of the imminent tragedy in Srebrenica. The letter is mentioned in the SG's report¹⁶ but not totally quoted.
117. It reveals that four months before the crisis erupted in April 1993, the Secretariat (and probably some permanent members) knew about the trouble brewing in Srebrenica.
118. Madame Ogata's letter was never shared with the non-permanent ones. Had it been known it would have prompted action instead of waiting four months later when Srebrenica was forced to capitulate, and phase one of the massacre was in motion.
119. Due to Madame Ogata's credibility, and rank, her urgent request "to provide military protection for the persecuted groups" would have impacted public opinion and that was probably the reason that the letter was not made public to prevent precisely protective enforcement initiatives in the enclave.
120. It is shocking to find so many years later that the urgent request by the head of the UNHCR, on the unfolding tragedy of Srebrenica was not informed to the Security Council (before the international media had revealed the extent of the tragedy).
121. I believe it is now clearer that there was never an intention to prevent the fall of the village, otherwise the course of action would have been different, and the massacre of Srebrenica might have never taken place. It remains in the conscience of the responsible parties on this cover up that was duly informed by Madame Ogata through the proper UN channels of communication.

February 22, 1993 – Resolution 808

122. On 22 February 1993 I attended the UNSC, and on behalf of my country I spoke and voted in favor of the UNSC Resolution 808 to establish an international tribunal for prosecution of violators of humanitarian law in the former Yugoslavia¹⁷.

¹⁶ Report of the Secretary-General pursuant to general Assembly resolution 53/3. *The fall of Srebrenica*
ERN: 0059-6452-0059-6467
Case IT-02-54 Exhibit 547 Tab 36

¹⁷ United Nations Security Council Resolution 808
ERN: 0013-8917-0013-8918
Case IT-02-54 Exhibit 547 Tab 16

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123. As time has proven the creation of the tribunal was undoubtedly a remarkable development.
124. Some of the Council members sincerely believed that the threat of legal actions against those responsible for the crimes being committed would influence the course of the war.
125. Others believed the same, but found in this initiative an opportunity to appear more proactive against the aggressors, without having to resort to the use of force to stop them. It took several years to activate this initiative, which did not find much support initially.
126. It was evident from the delay in putting into place that the UNSC continued to believe that negotiations were possible, and was moving to cut a peace deal at any price. The prosecutor was not a matter of concern and there was no urgency to prosecute anyone; actually its first judgment (Tadić) was delivered only in May 1995.
127. The candidate proposed by the Non-Aligned countries in the Security Council to the Secretary General Boutros Ghali, the prominent jurist Professor Cheriff Bassiouni, was blocked by some of the permanent members with the active support of a senior member of the Legal Department of the Secretariat who lobbied some of us to withdraw our support for Professor Bassiouni. They feared that Professor Bassiouni would move immediately to prosecute precisely the man they were negotiating with: Slobodan Milosevic. It was common knowledge in the UNSC that the negotiators did not want to accelerate the judicial process before they concluded their negotiations which in fact was the case (it took a long time to be put in place the Prosecutor and activate the tribunal). Another major concern was the fact that Professor Bassiouni was of Egyptian origin.

March 1993 – Safe Areas

128. By March 1993 Safe Areas was really a non-issue even though the Secretariat knew (as we now have found out) that the situation clearly merited its full and urgent attention as well as the Security Council's involvement.
129. Four months had elapsed since the President of the International Committee of the Red Cross (ICRC) and the United Nations Special Rapporteur on Human Rights in the Former Yugoslavia, had requested that safe heavens or protected areas should be created to cope with the emergencies that were already taken place.
130. Also three months had passed since the UNSC "invited the UN Secretary-General in consultation with the UN High Commissioner for Refugees, to study the requirements needed for the promotion of Safe Areas". But no action was taken until April 1993 when Srebrenica made its appearance in the international scene.
131. Now with recent information I understand why the permanent members opposed the resolution. I now believe that they already knew that Srebrenica had effectively already fallen.

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March 18, 1993 – UNHCR report

132. Only recently, almost ten years later, have I been able to read the letter sent on March 18¹⁸, 1993 by the United Nations High Commissioner for Refugees, Madame Ogata to Secretary-General Boutros-Ghali. It is extremely disturbing to find that given the nature of the emergency described by Madame Ogata, her letter was not immediately shared with the Security Council.
133. It is also clear in Madame Ogata's urgent request that the situation had been sometime in the making. That it did not develop over night, and that most probably the head of the UNHCR must have reported on this situation in previous letters to which I have not been privy, yet.
134. In this letter Madame Ogata anticipated the tragedy and massacre that took place later in Srebrenica. Moreover, she clearly warned Boutros-Ghali:
135. "I wish to draw your attention to the medium-term developments in Srebrenica. Everything would indicate that a massive humanitarian tragedy is unfolding in the Srebrenica enclave.
136. "Key world leaders should be alerted to these developments and this urgent issue should be brought to the attention of the Security Council.
137. "The situation in the Srebrenica enclave is deteriorating by the hour. The latest reports I have received from my staff on the spot are appalling. Thousands of people are entering the town from surrounding areas, which are being systematically attacked and taken by the Serb forces.
138. "People are dying from military action, starvation and lack of medical treatment at a rate of 30 to 40 a day. On March 16, I received verbal assurances from President Milošević and Dr. Karadžić on the passage of relief convoys...in particular to Srebrenica.
139. "Last night General Wahlgren told me that negotiations were proceeding to enable the passage of the convoy to Srebrenica this morning. I have just learned that all these efforts have so far produced no tangible results. It would thus appear that the only means of bringing assistance to the destitute people in Srebrenica remains the air-drops.
140. "I am requesting the Government of the United States to expand the relief quantity by any appropriate means. I would like to be able to count on your support."
141. Madame Ogata strongly, and as time unfortunately proved, correctly warned

¹⁸ Letter from UNHCR (Ogata) to Secretary-General highlighting the appalling situation in Srebrenica.
ERN: 0345-2461-0345-2462

Tab 5

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Boutros Ghali:

142. "I also wish to draw your attention to the medium-term developments in Srebrenica. I consider it absolutely necessary to maintain a permanent international presence in the enclave.
143. "This is the only means to ensure that the desperate population is not totally abandoned. Everything would indicate that a massive humanitarian tragedy is unfolding in the Srebrenica enclave.
144. And she reiterated, "I believe key world leaders should be alerted to these developments. I would be most grateful if you would kindly consider bringing this urgent issue to the attention of the Security Council"
145. Her alarm was later echoed by others that I spoke to when the UNSC visited the FRY. Mr. Jose Maria Mendiluce a distinguished Spanish diplomat who at the time was the UNHCR representative in former Yugoslavia, told me during our visit to Srebrenica in April 1993, that he had previously reported seeing trucks full of dead Bosnian Muslims being carried out in the area of Tuzla.
146. Obviously the Secretary-General had by then more than enough reliable information to alert the UNSC. The nature of the request and its source – Madame Ogata – should have compelled him to inform the Council immediately. Because of her credibility and rank, her request would have prompted action by the Council and would certainly have had a major impact on world opinion at the time – this appears to be a reason why the letter was withheld.
147. Even judging the UNSC's poor track record throughout the process probably not much it is probable: that in the least the the Safe Area of Srebrenica could have been created before it was forced to capitulate with the assistance of UNPROFOR four months later in April 1993. It would have been a different situation where the terms and parameters could have been defined in different terms by the UN and not by the Bosnian Serbs..
148. Definitely the Secretary-General should have used the moral and political power of his office to generate a reaction-at least of public opinion. But he remained sphinx like. It is not necessary to speculate much on the reason to reach the following conclusion: Negotiations were ongoing at the time under the leadership of David Owen and Cyrus Vance. A territorial division of an apartheid character was being proposed by them and by Mr. Milošević on what, according to the UN was, "The sovereign Republic of Bosnia and Herzegovina".
149. In that ethnic division Srebrenica, in the eastern part of Bosnia and Herzegovina and close to the border of the Federal Republic of Yugoslavia, remained in what was proposed to be Muslim territory-largely isolated from Sarajevo. This was always rejected by the leaders in Belgrade and Pale: Milošević and Karadžić.
150. The conclusion that emerges when you are aware of this situation as well as a

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number of other occasions is described in this statement.

151. The surrender of Srebrenica to the Serbs was of strategic importance – both for the Serbs and for the UN negotiators – because Srebrenica had to be in Serb held territory in order to be able to secure a peace ‘deal’.
152. It would become part of the Greater Serbia. The enclave was never joined to the main body of Government-held territory further west, leaving it vulnerable to isolation and attack by Serb forces.
153. Such a premeditated course of action can be easily established by just following the reports that Secretary-General Boutros-Ghali never shared with the Council non-permanent members – who were the only ones that would have opposed such a course – as well as by reading the directives he provided to UNPROFOR not to assist in the protection of the enclaves. The infamous Safe Areas resolutions we have now learned were a total sham from day one.
154. What the Secretary-General, the UN negotiators nor the permanent members of the UNSC failed to consider was the potential cost of such a course of action, that would eventually lead to the massacre of almost eight thousand innocent people who had the misfortune to live in the neighboring side of Serbia proper.
155. Today Srebrenica is in the Republika Srpska.

March 22, 1993 – Safe Areas

156. It was only on March 22, 1993 when Secretary-General Boutros Ghali wrote to the UNSC that we learned of the letter but did not see its contents. Boutros Ghali wrote then: “Madame Ogata describes the disturbing situation in Srebrenica.... the members of the Security Council may wish to consider what supportive action they might take in this extremely worrying situation” .”May wish” -as the Secretary-General blandly suggested did not convey the sense of urgency described by Madame Ogata, who in her letter told the Secretary-General: ”I would like to be able to count with your support”
157. This description by the Secretary-General was a major understatement of the realities on the ground as vividly reported by Ogata. And Madame Ogata’s urgent letter of March 18 detailing the precise and dire situation in Srebrenica asking the Secretary-General to bring her report to the urgent attention of the UNSC was never circulated to the UNSC as she diligently and responsibly requested.
158. Why the Secretary-General decided to suppress its full content, and not to share with the UNSC members Madame Ogata’s dramatic request must be a matter of significant concern for anyone who served in the UNSC.
159. The Secretary-General report, The fall of Srebrenica states that: “The Secretary-General transmitted the High Commissioner’s letter to the Security Council, after which extended consultations took place among the members of the Council.” He did

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not. Kofi Annan must be unaware of the reality at that time.

March 31, 1993 – Flights ban

160. On 31 March 1993 I attended the UNSC. I spoke and on behalf of my country voted in favor of UNSC Resolution 816¹⁹ to extend the flight ban over Bosnia and Herzegovina's airspace. I expressed Venezuela's support "because of its preventive character and the express link it makes between the flight ban and the series of measures designed to give effect to the peace settlement." Even though the first resolution banning military flights (781) has seen at least 500 violations, one may say that it achieved an important objective in the prevention of the conflict's spreading.
161. I understood the violations in general involved aircraft from the FRY as effectively only the FRY had the planes and helicopters as well as the maintenance capacity and experienced pilots. The same applied to the radar system that was only available through Belgrade.
162. I also agreed with the inclusion to enforce the ban through all necessary means. I was concerned that failure to ensure respect for this resolution would make it difficult to convince the parties that the UNSC had the ability and political resolve to enforce it, which fatally proved to be the case. Belgrade had well understood that there was no will in the Security Council to stop them.
163. The flights were a test for the international community, and it failed. Not a single plane was forced to land by NATO.

April 3, 1993 – Safe Areas

164. Later, on April 3, 1993 the Secretary-General Boutros-Ghali addressed the President of the UNSC (letter dated 2 April, 1993)²⁰ conveying a second letter from Madame Ogata, dated April 2, 1993 in which she states:
165. "Further to my letter of March 18th, I would like to draw your attention to the extremely dramatic plight of the people in Srebrenica." Madame Ogata should surely have been under the false impression that her previous letter of March 18 had been circulated to the UNSC as she had requested the Secretary-General. Now we know it was not circulated as she presciently requested, consistent with her responsibilities as High Commissioner for Refugees.

¹⁹ *United Nations Security Council Resolution 816*
 ERN: 0299-1367-0299-1368
 Case IT-02-54 Exhibit 547 Tab 18

²⁰ *Cover letter from the Secretary-General to the President of the UNSC with accompanying letter from the UNHCR (Ogata) outlining the extremely dramatic plight in Srebrenica*
 ERN: 0342-1915-0342-1916
 Tab 6

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166. The significance of Madame Ogata's March 18, 1993 letter should not be underestimated.
167. Had the Ogata's March 18 letter been delivered to the UNSC the ulterior developments in Srebrenica's tragedy, first during its capitulation with the support of UNPROFOR in April 1993 and later in July 1995 when the long foretold massacre took place, events could have been different.
168. The UNSC accepted to consider the resolution declaring Srebrenica a Safe Area, tabled by the Non Aligned members of the UNSC, only after the international media had made the unfolding tragedy impossible to ignore.
169. Madame Ogata's letter should, and probably would, have been more than enough for the UNSC to act. After all, her description of the atrocities were more dramatic than the television coverage itself. Her letter was also sent when there would have been time for some action by the UNSC, like for example declaring Srebrenica a safe and protected area. This was only done only after the enclave had fallen to the Serbs. The UNSC had been led to believe by the Secretariat and UNPROFOR that the enclave was only surrounded by the Serbs.

April 3, 1993

170. On 3 April 1993 following consultations with all members of the UNSC the President issued a statement indicating that the "Security Council is shocked by and extremely alarmed at the dire and worsening humanitarian situation which has developed in Srebrenica..."²¹

April 5, 2003 – Letter from the Permanent Representative of The Republic of Bosnia and Herzegovina

171. On 5 April 1993 the Permanent Representative of Bosnia and Herzegovina, Ambassador Muhammad Sacirbey delivered a letter to the President of the UNSC indicating that during the previous night of 4 April a military convoy of armored vehicles had entered Zeleni Jadar, Republic of Bosnia and Herzegovina from the territory of the Republic of Serbia.²²
172. The Council did not react to this serious event.
173. Actually the Council had a very dismissive attitude regarding the letters that were

²¹ *United Nations Security Council Presidential Statement regarding the dire situation in Srebrenica*
ERN: 0342-1913-0342-1914
Tab 7

²² *Letter from the Permanent Representative of Bosnia and Herzegovina to the President of the UNSC indicating that armored vehicles had entered Bosnia and Herzegovina from the FRY.*
ERN: 0342-1912-0342-1912
Tab 8

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constantly being introduced by the Bosnia and Herzegovina Ambassador reporting on aggressions against his country, a full member of the UN. In fact the Council never acted on any Bosnia and Herzegovina reports or even considered studying them, or asking the Secretariat to report on them. The letters from the Ambassador and from President Izetbegović went literally to the trash-can and were not considered to merit a reply, neither by the UNSC nor by the Secretariat.

174. In this case Ambassador Sacirbey, the Bosnian and Herzegovina Ambassador, was reporting ground attacks and heavy artillery shelling on the eastern front of Srebrenica.
175. Amazingly it took ten more days for the Council to react, not to this alarming and urgent report, but because of the uproar created about Srebrenica by the international media that made it impossible to keep it undercover anymore.

April 8, 1993 – International Court of Justice Order

176. On 8 April 1993 the International Court of Justice issued an unprecedented order in the case concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina vs. Yugoslavia) [Serbia and Montenegro].²³
177. The order represented a strong warning that the UNSC and the United Nations should not ignore. The Genocide Convention places obligations to the States signatories to take measures to confront acts of genocide. But despite the importance of the ICJ as a fundamental part of the UN system, as well as the content of the court's provisional measures, the information from the Court did not receive the importance and urgency it deserved. Permanent members in the Council did not want to face this obligation.
178. The Court had indicated the following provisional measures to be in effect while the Court is seized of this case:
179. "That Yugoslavia (Serbia and Montenegro), together with its agents and surrogates in Bosnia and elsewhere, must immediately cease and desist from all acts of genocide and genocidal acts against the People and the State of Bosnia and Herzegovina, including, but not limited to murder; summary executions; torture; rape; mayhem; so called ethnic cleansing; the wanton devastation of villages, towns, districts and cities; the siege of villages, towns; the starvation of the civilian population; the bombardment of civilian populations centers; and the detention of civilians in concentration camps.
180. "The Government of the Federal Republic of Yugoslavia (Serbia and

²³ Order in the case concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)).

ERN: 0342-3741-0342-3793

Tab 9

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Montenegro) should in particular ensure that any military, paramilitary or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control, direction or influence, do not commit any acts of genocide, of conspiracy to commit genocide, of direct and public incitement to commit genocide, whether directed against the Muslim population of Bosnia and Herzegovina against any other national, ethnical, racial or religious group.”

181. The only Judge who voted against the order was Judge Nikolai K. Tarassov of Russia. Unsurprisingly, he followed the same voting pattern of the Russian representative in the Security Council, who also was the single abstention in the Council.
182. The fact that the highest international court had admitted the case represented an extraordinary event in the life of the court and of the UN itself. Such crimes against humanity as well as genocide were not considered since Nuremberg, fifty years before.
183. Even in 1996 Ambassador Sacirbey the Representative of Bosnia and Herzegovina in his essay “Charting the Course” says that in 1996, United States Ambassador Richard Holbrooke reverted to the contention that we should drop our case before the ICJ. Although we knew that he had brought it in the context of some vague bargain from Milošević, Ambassador Holbrooke unconvincingly articulated it as a gesture of good faith on our part to a new era of cooperation with that regime in Belgrade. The ICJ case constantly acted to counter the rewriting of history with the original evidence and testimony. It neither suited the demand for accountability of those who did not confront genocide nor the grandiose projections that some had in image for their role as “peacemakers” in Bosnia.”

Draft Resolution for the imposition of further sanctions on the FRY

184. On the same day, 8 April, a draft UNSC resolution sponsored by Cape Verde, Djibouti, France, Morocco, Pakistan, Spain, United Kingdom, United States and Venezuela was proposed.²⁴
185. The sponsors of the resolution were intent on blocking the commercial and military connection between the former Yugoslavia and its proxies within Bosnia and Herzegovina.
186. We wanted to reduce at the maximum possible level the assistance that the regime in Belgrade was providing to the Serbs in Bosnia. In practice this resolution was not firmly enforced and was permanently violated, by Serbia and Montenegro.

²⁴ *Draft United Nations Security Council Resolution condemning ethnic cleansing and confirming sanctions on the FRY.*

ERN: 0342-2187-0342-2190

Tab 10

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April 13, 1993

187. On 13 April 1993, Serb commanders informed the representative of UNHCR that they would enter Srebrenica within two days unless the town surrendered and its Bosnian population was evacuated. (Serious as this development was, the Secretariat did not inform the UNSC—at least, not the non-permanent members.)

April 15, 1993 – Statement by the Movement of Non Aligned countries

188. On 15 April 1993 as coordinator of the Movement of Non Aligned countries that were members of the UNSC, I delivered a statement to the President of the UNSC for general distribution. The statement was signed by the representatives of Cape Verde, Djibouti, Morocco, Pakistan and Venezuela.²⁵

189. The resolution, which we co-sponsored, was intended to link the need for immediate economic sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro) as a measure for the immediate acceptance of the peace plan by the Bosnian Serbs, who as time proved were using the negotiation process only as a mean to gain time to carve –through ethnic cleansing and genocide – more territory from Bosnia and Herzegovina.

190. We defined as extremely serious the postponement of the resolution on sanctions. The postponement, although not officially recognized as such, was due to the Russian position that further sanctions on Serbia would affect President Yeltsin in the upcoming April 25 referendum.

191. The UK, France and the USA unfortunately, and wrongly, accommodated Russia's request in our view setting a dangerous precedent. Of course the façade used to cover up this decision was that further diplomatic efforts should be carried on, which obviously was not possible because at the time while the Serbs were continuously shelling Sarajevo and Srebrenica.

192. We reiterated that in order to stop the Serb aggression against Bosnia Herzegovina the UNSC should implement measures to achieve the immediate immobilization of heavy weapons and place them under effective international control; lifting of the arms embargo that continued to hamper the right to self-defence of the Government of Bosnia and Herzegovina; and extremely important to effectively interdict arms supplies to the Bosnian-Serb party coming from the FRY and to effectively enforce comprehensive sanctions on the FRY (Serbia and Montenegro). None of this took place in a significant manner.

193. We drew the attention of the UNSC to the provisional order of the International

²⁵ *Statement of the Movement of Non Aligned countries that were members of the UNSC, regarding immediate economic sanctions to be placed on the FRY*
ERN: 0342-1892-0342-1894

Tab 11

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Court of Justice calling Serbia and Montenegro to immediately take all measures within its powers (which were unlimited) to prevent commission of the crime of genocide in Bosnia-Herzegovina. They did not prevent, nor stop even though as I believe it was well known they had full control (financial, commercial, militarily, weaponry, fuel, and logistical) of the Bosnian Serbs.

194. We complained that it was highly undesirable that the consideration by the UNSC of an issue of vital importance for international peace and security, was not allowed to be fully considered on its own merits (and not in order to weigh in President Yeltsin's electoral fate), which was the real reason for the UNSC not to have acted promptly to adopt the resolution.
195. Our last point was a reminder to the permanent members that they had individual and collective responsibility in upholding the principles and purposes of the Charter of the United Nations (consistent with their Charter privileges) at this hour of trial for a Member State of the organization; meaning the obligation to defend Bosnia-Herzegovina, from being attacked by another member State.

April 16, 1993

196. On 16 April 1993 the Permanent Representative of Bosnia and Herzegovina forwarded two letters to the President of the UNSC for general distribution.²⁶ (He had already sent several letters during the previous two weeks). The letter indicated that forces directed, controlled and supported by the Federal Republic of Yugoslavia (Serbia and Montenegro) continued their assault on Bosnia and Herzegovina and, in particular, had intensified their assault on Srebrenica.
197. The Bosnia Herzegovina letter stated also: "The horrifying situation in Srebrenica is so well documented by the media around the world, and confirmed by UN personnel on the ground, that I will refrain from repeating the details for the sake of sparing the readers [Security Council members] of the letter the embarrassment."
198. And he added: "The responsibility for this ongoing massacre is with many parties and includes the parties which have denied the innocent civilian victims in Bosnia and Herzegovina their right of self-defence, while they have not taken even remotely adequate steps to protect those civilians."
199. Actually the Bosnia and Herzegovina representative Muhammad Sacirbey briefed the Non Aligned group in the UNSC, as well as other Council members, and provided

²⁶ Letter from the Permanent Representative of Bosnia and Herzegovina to the President of the UNSC seeking to guarantee the safety of the remaining inhabitants in Srebrenica.

ERN: 0342-1888-0342-1888

Tab 12

Letter from the Permanent Representative of Bosnia and Herzegovina to the President of the UNSC regarding the assault on Srebrenica by FRY forces.

ERN: 0342-1890-0342-1890

Tab 13

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significant information that was later corroborated by the reports coming from the international media as well as from NGO's. The UNSC could not claim ignorance of the facts.

200. These letters, together with information provided by the media, prompted the Non Aligned members to table the resolution which was later approved, "treating Srebrenica and its surroundings as a safe area free from any armed attack or any other hostile act"- even though the resolution suffered significant alterations by the permanent members that changed our proposed "Protected Area of Srebrenica" to "Safe Area of Srebrenica" which as developments unfortunately proved were completely different concepts.
201. That week Dr. Radovan Karadžić, describing the Srebrenica situation, said, "We have them trapped like rats."
202. On the same day, 16 April, the Secretary-General's Special Political Adviser, Chinmaya Gharekhan (who represented the Secretary-General in the Security Council), informed the UNSC that he had been in contact with the Force Commander of UNPROFOR and that United Nations military observers stationed in Srebrenica had reported that the town had not yet fallen.
203. There was considerable confusion in the Security Council; with the representative of one Member State indicating that he had heard from national sources that Srebrenica had already fallen (The Permanent Representative of Bosnia Herzegovina, Ambassador Muhammad Sacirbey).

Creation of the UN Safe-areas – Resolution 819

204. On 16 April 1993 I attended the UNSC, and on behalf of my country voted in favor of UNSC Resolution 819.²⁷
205. Prior to the vote on this resolution there was no formal debate, there were only informal private consultations by members of the UNSC - mainly of a bilateral nature, between the Non Aligned members who tabled the draft resolution and the permanent members of the Council.
206. The representatives from the United Kingdom, France and the United States met several times that evening with us (the Non Aligned members) stating their support for our resolution but expressing their concern regarding Russia. They assured us Russia would veto the resolution.
207. Those permanent members told us that President Boris Yeltsin would be facing a referendum on April 25, only a week away, and the Russians feared that if they did not oppose the resolution it would look like they were abandoning their traditional

²⁷ *United Nations Security Council Resolution 819.*
ERN: 0007-0426-0007-0428
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allies: the Serbs, and this would affect Yeltsin's political future.

208. It was evident too, that the permanent members were also concerned about Yeltsin's future and did not want to affect him either. We had the impression that we were being carefully and delicately persuaded by them to postpone the vote on the resolution, even though it was not clearly expressed, and that if we agreed it would be a relief to all of them.
209. To the above concerns we expressed a different opinion responding that the Russians could not afford to veto such a humanitarian resolution. I remember the French Ambassador, Jean Bernard Merimée telling me: "Do not be so sure of it".
210. I responded that if they (the United Kingdom, France and the United States of America) continued to support our resolution, Russia would not risk a veto. Previously, we negotiated with the representative of China to abstain as they usually do on these issues, but not to veto it.
211. The above-mentioned meeting was in a way an introduction to the next one that was requested by the Russian Ambassador Yuli Vorontsov. In a private meeting he explained to us that he was forced to follow his "standing orders" and would veto the resolution if it were presented. He did not volunteer the reason but we all knew about President Yeltsin's imminent referendum.
212. I quote now from notes from my verbatim personal records as well as from an article by Stanley Meisler, *The Los Angeles Times* UN correspondent, published in October 3, 1993
213. Ambassador Vorontsov asked us: "What has changed? What has happened in Srebrenica for us to act so hastily?"
214. As head of the Non Aligned group in the Council I replied: "The Serbs are terrorizing the population, they are strangling them, they are playing with them like if they were mice- and they are not taking the city because they don't need to."
215. Ambassador Vorontsov replied: "I could use my standing orders or ...I could call President Yeltsin", but he also made clear that he did not want to call Yeltsin and he said: "It is now 4 o'clock in the morning in Moscow, which coincides with the Orthodox Easter Sunday. What a present. I plead with you. Let's wait."
216. On behalf of the Non Aligned I responded: "Yuli we would appreciate it greatly if you would call President Yeltsin now."
217. Ambassador Vorontsov then asked us for a half and hour and offered to get back to us. True to his words within the hour he was back and announced that although his government still believed that the campaign for sanctions was too hasty, he would abstain rather than veto, allowing in this way for the Council to approve the resolution.

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218. Ambassador Vorontsov also added that if "the resolution is approved, blood will be all over the place because the Serbs will react against it, and things will get worse, and not better."
219. Around midnight when the UNSC was about to proceed to a vote for the resolution, the Secretary-General's spokesman, Ambassador Chinmaya Gharekhan, from India, surprisingly intervened to inform the members that he had just received an urgent message from the force commander, General Wahlgren expressing that he was in the process of negotiations with "the parties", at the Sarajevo Airport, and that the resolution if approved, would undermine his negotiations and recommended its postponement.
220. Such intervention at that point was judged unacceptable by the Non Aligned members, and was seen as equivalent to the throwing of a monkey wrench at the last moment to stop the approval of the resolution. We immediately rejected such a move, and demanded to put the resolution to a vote, which was approved with Russia abstaining.
221. A few days later I met with General Wahlgren in Zagreb and told him how surprised we had been in the Council with his late hour call to request us to delay the approval of the resolution. General Wahlgren was startled by my statement and told me: "I never called that night to anyone in the UN," but instead he had received a call from a senior UN official, "but I assure you that I did not raise such objection, neither did I call."
222. Taking advantage that the very much respected Representative of Pakistan, Ambassador Jamsheed Marker was presiding the UNSC on behalf of the Non Aligned countries, I proposed that a UNSC mission be sent to Srebrenica to ascertain the real situation on the ground.
223. Such a proposal was not welcomed by the permanent members, but we were finally able to persuade them and the mission was approved. The Council President Jamsheed Marker proposed my name to head the mission, which was unanimously approved.
224. When the Non Aligned presented the draft for the creation of the Protected Area of Srebrenica, the full implication of the difference between 'safe' and 'protected' areas was not clearly understood, nor discussed, nor defined at the time.
225. Semantics then played a role. Each one in the Council interpreted or translated 'safe' or 'protected' according to their different agendas, or political preferences.
226. Regardless of whether they should have been called protected areas (a more robust concept as we found out later) or safe (an ambiguous concept which was precisely the policy followed) the fate of Srebrenica had been sealed probably since October 1992, which rendered this, and many other resolutions, completely irrelevant.
227. According to the Secretary-General's report on the fall of Srebrenica : "After

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extended debate, the Council on 16 April adopted a draft resolution tabled by the Non Aligned members, as resolution 819 (1993) in which it demanded that "all parties and others treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act".

228. Following the adoption of resolution 819 (1993), and on the basis of consultations with members of the UNSC, the Secretariat informed the UNPROFOR Force Commander that, in its view, the resolution, calling as it did for the parties to take certain actions, created no military obligations for UNPROFOR to establish or protect such a safe area."
229. During the discussions concerning UNSC draft Resolution 819 as one of the resolution sponsors, I was not aware of this Secretariat Directive.
230. I have recently received information that this extremely relevant Secretariat Directive was sent to General Wahlgren, the UNPROFOR Commander, the day before the draft resolution was even voted on and adopted, which compounds even more the behind the scene plot to effectively render irrelevant the resolution.
231. It also serves to illuminate the kind of role that UNPROFOR played during the next two years until 1995; a role that made its code name, UN Protection Forces, a real oxymoron.
232. I find it extremely disturbing that a Chapter VII UNSC resolution approved by the fifteen members was interpreted by the Secretariat to the UNPROFOR force commander in such a minimalist way and without informing the UNSC of such directive. The report states that the Secretary-General "consulted with Security Council members," but non-permanent members were not included.
233. Only "the principals" seemed to have been consulted which of course was not the correct procedure, especially when the Non Aligned members were the sponsors of the resolution in question.
234. The reference to "calling the parties to take certain actions" referred exclusively to the Bosnian Serb military who had prevented the safety and freedom of movement of UNPROFOR personnel; who were attacking Srebrenica and brutally forcing the displacement of civilians, in particular women, children and the elderly. The only other party was to the FRY (Serbia and Montenegro) demanding that it immediately cease the supply of military arms, equipment and services to the Bosnian Serb paramilitary units in the Republic of Bosnia and Herzegovina. The resolution reiterated its condemnation of the abhorrent campaign of "ethnic cleansing" carried on by the Bosnian Serbs, and reaffirmed that those who committed such acts will be held individually responsible for such acts.
235. Nowhere in the resolution was there an exception or even a mention that stated that the resolution "did not create military obligations for UNPROFOR to establish or protect such Safe Areas."

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236. This directive would have been absolutely unacceptable and considered a mockery by the Non Aligned countries that tabled the draft resolution with the purpose of saving lives in Srebrenica. We would not have been a voluntary party to what obviously was a total charade.
237. Meanwhile the resolution allowed the permanent members of the Security Council (mainly France, the United Kingdom, Russia and the United States of America) to preserve a public image of concern for the people in the Safe Area by acting under Chapter VII of the Charter and implying that forceful actions would be taken. In short the resolution provided political cover for the benefit of international public opinion, but no real protection for the people of Srebrenica.
238. We now know better, that Resolution 819 was a total farce since day one. A sham that I believe could not have been concocted without the support of permanent members of the Council and of the Secretary-General of the United Nations himself.
239. The open question is: If there were not military obligations to defend Srebrenica, what then was the purpose of the resolution to "treat Srebrenica as a Safe Area"?

April 17, 1993 – Events on the Ground

240. While we were debating how to ensure the safety of the poor people of Srebrenica the village had already capitulated. Vice President Ganić of Bosnia Herzegovina told me a few days later in Zagreb that the UN and UNPROFOR had convinced them to accept the rendition and demilitarization of the enclave as the only available option for them to survive. They were told that they could not expect any assistance from outside.
241. The euphemistically called "Agreement for the Demilitarization of Srebrenica" was agreed on April 17, 1993, and signed two hours after midnight, at 0210 hours, April 18.²⁸
242. This means that when the Security Council was debating draft resolution 819 which ended around 0100 hours USA EST on April 18, the Force Commander already had "mediated" and assisted in an "agreement" equivalent to a capitulation of Srebrenica without taking into consideration the terms of our resolution. Our resolution in no way mentioned the demilitarization component, which prevailed in the UNPROFOR mediated act.
243. It also means that while the Council was holding its official meeting on Saturday, 17 April 1993 the capitulation agreement was being signed at 0200 hours Sarajevo time, 2020 hours. New York time. Two hours before the UNSC even started the meeting. Another kind of a "deal" had completely replaced the UNSC resolution and in full disrespect of nothing less that the UNSC.

²⁸ Signed agreement for the demilitarization of Srebrenica
ERN: R004-5287-R004-5289
Tab 14

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244. I believe that such behavior could only had been tolerated because the principal members of the Council were in the "know" and counted with the complicity of the Secretary-General who managed to evade questions, that would have been addressed to him by the Non Aligned countries, by his complete absence from meetings.
245. The UNPROFOR commander could not have proceeded without instructions from capitals and from the Secretariat given to him days before we even had a draft resolution.
246. It defies the imagination to accept that the Secretary-General was not aware of UNPROFOR mediation activities, and that the governments of the main permanent members were not aware either.
247. This was obviously a well-orchestrated mockery and a cynical charade at the expense of the poor people of Srebrenica and of the Non Aligned members of the Council. It is clear that the efforts to stop or to postpone the resolution by some Council members and by the Secretariat, was an attempt not to discover their act of duplicity and disinformation.
248. The only thing that they did not anticipate was the fact that the Non Aligned were able to persuade the Council to send the mission to Srebrenica without which the charade would have never been discovered.
249. It is very important to underline that the Secretary-General did not attend the meetings of the UNSC while the resolution was being discussed. According to his obligation as Secretary-General he should have been present at discussions of matters of life and death but now we know that he knew too much of what was going on in Sarajevo, and he would have been in a very uncomfortable position.
250. It is surprising to note that during all the discussions on this Safe Areas resolution the UNSC never had the assistance or advice from military experts, for example on issues such as how far from Srebrenica or Sarajevo should the Serbs withdraw their heavy weapons. (who were the only side to have them).
251. Evidently we could have demanded – on paper – that the heavy weapons should be one mile or a hundred miles away, and it would have been accepted in the UNSC for the simple reason that it did not matter because no one was going to take any action to enforce their withdrawal.

UNSCR 819 "takes note" of the International Court of Justice's order of 8 April 1993.

252. Even though the Court order was of the highest political and juridical importance –genocide was the issue – the Council waited eight days before it decided to acknowledge such an unprecedented act by the highest international court.
253. And it did so in the blandest terms in the introduction of UNSC Resolution 819

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and I quote: "The Security Council, taking note that the International Court of Justice... that the Federal Republic of Yugoslavia (Serbia and Montenegro) take all measures to prevent the commission of crime of genocide." Even to include such a bland mention was quite a struggle with some of the permanent members who wanted to ignore the Court order completely.

254. The resolution continued to reaffirm the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina while at the same time negotiations for its ethnic partition were actively pursued. The aggressors (Bosnian Serbs) were recognized by the UN and the UNSC as "the parties" on an equal footing with the victims (the citizens of the Republic of Bosnia and Herzegovina), a fully-fledged UN member, or so they innocently believed.
255. In 1994 the Bosnia and Herzegovina government named the United Kingdom as an accessory to the violations in their actions before the ICJ.
256. Ethnic cleansing as a policy of acquisition of territory is considered "unlawful and unacceptable," but more forcefully, the UNSC "condemns such abhorrent practice and reaffirmed that those who commit such acts shall be held individually responsible for such acts." [UNSCR 819, (1993)]
257. The key word in this operative part of the resolution was: "individually responsible." This was addressed specifically to warn the leaders of the aggressors "party" Slobodan Milošević, Radovan Karadžić and Ratko Mladić among others.
258. The inhuman practice of ethnic cleansing consisted basically in redrawing the map of Bosnia and Herzegovina by the following methods: Burning of Bosnian Muslim homes, burning of their mosques, rape and murder. The accumulation of these depraved and brutal practices was meant to terrorize the civilian population to evacuate their villages, to redraw the map of a UN member country: The Republic of Bosnia and Herzegovina.
259. A week later in the Srebrenica area we saw with our own eyes the tragic meaning and horrendous consequence of this inhuman practice. What used to be beautiful villages had been burned down. House roofs were bombed to prevent people from using them.
260. A fundamental point in our resolution was: "to demand that the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease the supply of military arms, equipment and services to the Bosnian Serb paramilitary units in the Republic of Bosnia and Herzegovina."
261. The Council once more reaffirmed and reiterated the significant responsibility of the Belgrade regime's role in the criminal acts taking place in Bosnia and Herzegovina. The Bosnian Serbs paramilitary units were integrated by soldiers and officers detached from VJ regular forces as well as by criminal groups that operated jointly with them. I believe all working together with the same goal: a Greater Serbia and the elimination of as many Bosnian Muslims as possible.

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262. The UNSC mission to Bosnia Herzegovina to ascertain the situation on the ground was an initiative from the Non Aligned members of the Council that belatedly came to realize that they were being sidelined and misinformed about the real circumstances in Bosnia.

263. I believe that the President of the UNSC honored me by designating me to head the mission because of my vocal history on the issue of the FRY from 1991 onwards. Another additional consideration must have been that I was a catholic and not a Muslim as three of my colleagues in the Non Aligned group in the Council were Pakistan, Djibouti and Morocco.

April 17, 1993 – Imposition of further sanctions on the FRY

264. On 17 April 1993 I attended the UNSC. I spoke and on behalf of my country, I voted in favor of UNSC Resolution 820.²⁹

265. I reminded the Council that the world had not forgotten the fact that a year and a half ago when the Serb leaders in Belgrade began the destruction of the historic city of Dubrovnik it was the time to take a firm stand, but the timid reaction of the international community was taken advantage of. From Dubrovnik the Serbs carried on to Vukovar and now we are facing the devastation and subjugation of Srebrenica.

266. I likened the Serb forces to the Nazis: "a policy of 'ethnic cleansing' has been outdone by a policy of ethnic extermination, or what the Nazis called 'Endlosung': final solution. The world has been watching all this with horror but the international community, however, seems not to have fully grasped the future consequences of the barbaric acts committed in the middle of Europe - of Maastricht - consequences which are not limited to the military sphere, but also extend into moral and ethical dimensions."

267. I claimed that the slowness and timidity with which the international community has reacted has set a very dangerous precedent, as Serbian leaders see that "no matter what they do, nobody will lay a finger on them."

268. I also stated that the support of the FRY (Serbia and Montenegro) had been "clearly evident," as it has contributed to grave human and material damage in Bosnia Herzegovina. While we supported the resolution, I cautioned that economic sanctions would achieve little if the UNSC did not truly control the heavy arms that are being supplied by Belgrade to the Serbs in Bosnia.

269. In addition, I stated that: "Venezuela believes it essential to discourage the illusion that war and genocide, carried out with impunity, are legitimate means of

²⁹ *United Nations Security Council Resolution 820*
 ERN: 8299-1360-0299-1366
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manifesting the right to self-determination." I noted the International Court of Justice judgment on 8 April 1993, which implied that the Federal Republic of Yugoslavia is "possibly responsible for committing crimes of genocide." If there were negligence or, worse, omission, the Federal Republic of Yugoslavia would be responsible for genocide.

270. Genocide is the worst crime against humanity, and everyone must understand it as such. I concluded stating that the credibility and legitimacy of the international system, and its judicial system would be profoundly and seriously compromised if the international community could not meet the concerns expressed by the International Court of Justice.

271. It should be underlined that the Resolution indicated that it would enter into force only nine days after its adoption. The formal excuse for such a lapse was to provide the Secretary-General more time to negotiate with Belgrade but the truth was another one: simply to allow the referendum on President Yeltsin's political future to take place one day before the resolution would enter into effect. President Yeltsin was successful in the referendum, and the resolution was never really entered into force.

April 20, 1993

272. On 20 April 1993 I attended the UNSC. At this meeting a large number of other representatives also attended to discuss the situation in Bosnia Herzegovina.

273. Among those who spoke was Ambassador Djokić representative of the FRY. Ambassador Djokić spoke against the UNSC sanctions imposed on his government. He stated the following:

274. The FFRY was not responsible for the outbreak of war and cannot influence the Bosnian Serbs to accept elements of the peace plan, which they find contrary to their vital interests.

275. What are really at stake are an ethnic, religious and civil wars, in which the three nations making up Bosnia and Herzegovina, namely, Muslims, Serbs and Croats, are taking part.

276. Not a single soldier from the Yugoslav army remains in Bosnia since May 1992.

277. The Muslims and Croatian forces in Bosnia and Herzegovina have continued their campaign of terror and provocation, and that the Muslim forces had attacked the territory and population of the FRY.

278. Secession was rewarded when the international community in a matter of months accepted and encouraged the breakup of Yugoslavia.

279. The Serbs in Bosnia are not aggressors; they are fighting for their own land, where they have lived for centuries.

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280. The peace plan maps clearly favor Croatian and Muslim interests and are not acceptable to the Bosnian Serbs.
281. Further sanctions against FRY cannot objectively stop the civil war in Bosnia and Herzegovina and bring us to a just and lasting peace. This is best evidenced in the period since the sanctions were imposed nearly a year ago, and that the only way to reinstate peace is patiently and tenaciously to continue negotiations so that the vital interests of all the three nations are taken into account.
282. Ambassador Djokic's statements did not add anything new to the permanent protestations that his country was not a party to the conflict - denials that were believed by no one in the international community, but some conclusions can be drawn from his statements:
283. Clearly the Belgrade continued not to recognize the fact that Bosnia and Herzegovina had become a fully fledged member country of the United Nations, and that the Republic of Bosnia and Herzegovina was one nation, and not three nations made up of Muslims, Serbs and Croats. The UNSC members he was speaking to had recommended the admission of the Republic of Bosnia and Herzegovina to the UN.
284. Belgrade continued to (falsely) hold that the conflict in Bosnia and Herzegovina was an ethnic and religious civil war, and not the war it really was - of aggression against a sovereign member of the UN by another UN member, the FRY.
285. I believe that without the military support of FRY as well as their financial support, the Serb paramilitary contingents could not have succeeded in their crimes. There is no way they could have gathered the enormous amounts of fuel and ammunition used for the offensive without the committed aid of the FRY.
286. Given the well-known strength of Mr. Milošević's intelligence work and capabilities, I believe that he (Milošević) and the FRY had to be aware of what was happening in terms of ethnic cleansing, crimes and executions in general. (Ignorance cannot be argued; if anything escaped their attention it would certainly be brought very quickly to their attention by the international media that was constantly reporting the crimes).
287. It must be strongly underlined that both General Ratko Mladić and Radovan Karadžić dispatched and operated publicly and officially from Belgrade - their sponsor and patron state. They also met constantly, and publicly with, what I and many others believed to be, the regime leader in Belgrade Mr. Milošević.
288. Also, and very significantly, Belgrade was suffering sanctions for this war of aggression and conquest so that it would be impossible to imagine that the regime in Belgrade would not have a need to know the real facts, to know at least of the crimes for which Serbia was been punished by UN sanctions.
289. Belgrade had a two prong approach: one, they denied their involvement in the war while engaging the international community in protracted negotiations; secondly they

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continued to provide their Bosnian Serb partners with the means to carve a greater Serbia knowing that the negotiating process, combined with the indifference of the international community would give them the time to get away with murder.

290. This would only be over when the United States of America and NATO finally decided to put and an end to the brutality that could not have taken place without the encouragement and support of Mr. Milošević.

UNSC Mission to the former Yugoslavia in accordance with UNSC resolution 819

291. In accordance with UNSC resolution 819 I had the privilege to lead the mission, dispatched to the Republic of Bosnia and Herzegovina with a view to ascertaining the situation on the ground and reporting thereon. This was the first UNSC mission ever sent by the UN anywhere.³⁰

292. The other mission members were: Ambassadors Hervé Ladsous (France), André Erdos (Hungary), Terence O'Brien (New Zealand), Sher Afgan Khan (Pakistan) and Vassily Sidorov (Russian Federation).

293. As an introduction to my comments on the Mission I believe it to be important to underline the following points:

294. The plurality of the Mission made the Mission report a remarkable one. Even though the Russians and the French had opposed many of the Non Aligned members as well as those positions taken by Hungary and New Zealand (not members of the Non Aligned group), the report whose draft I had the honor to prepare was unanimously approved by all.

295. More remarkable were the representatives of France and Russia who had dissenting positions within the UNSC with the other members of the Mission, for example on choosing 'safe' areas instead of 'protected' areas as promoted by the Non Aligned together with Hungary and New Zealand.

296. By sharing the views expressed in the report many of them appeared to be in conflict with the positions held by their governments in the Council. The representatives of France and the Russian Federation were courageous and honorable and deserve recognition and admiration.

297. The representatives of Hungary, and of New Zealand, who shared the Non Aligned views on the fundamental issues in Bosnia and Herzegovina were extremely supportive in attempting to stop Serb brutality, and played a very significant role in the Council initiatives and resolutions.

³⁰ Report of the Security Council Mission established pursuant to Resolution 819.

ERN: 0342-3312-0342-3330

Tab 15

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298. The Pakistani representative in the Mission, together with the Permanent Representative of Pakistan (who was acting as President of the Security Council while we were in Bosnia) were extremely active throughout the painful process. It is remarkable that even though they were Muslims their objectivity was never questioned in the Council and their views were always considered with great respect.

April 23, 1993 – The Security Council Mission to Bosnia Herzegovina and Croatia

299. The Mission also visited the cities of Zagreb and Split in Croatia, and Belgrade in the FRY (Serbia and Montenegro)

300. The actual terms of reference were left to the Mission Members to agree among themselves. Accordingly we decided to meet the leaders of the three parties in conflict: President Alija Izetbegović of the Republic of Bosnia and Herzegovina, Dr. Radovan Karadžić, the Bosnian Serb leader, and Mr. Mate Boban, leader of the Bosnian Croats. The Mission also met Vice-President Ejup Ganić of Bosnia Herzegovina, and President Franjo Tudjman of Croatia.

301. We agreed not to meet with President Slobodan Milošević in order not to interfere with Cyrus Vance and David Owen who had been entrusted by the EC and the UNSC to negotiate with Belgrade. In the case of General Mladić we were not willing to visit him in Pale as suggested to us inasmuch as we did not recognize the so-called Srpska Republika.

302. On 23 April 1993 the delegation arrived to Zagreb and was briefed at UNPROFOR headquarters by General Lars Eric Wahlgren and General Philippe Morillon.

303. In that meeting the Mission (to our major surprise) learned from General Wahlgren that these negotiations (The Demilitarization Agreement of Srebrenica) had been initiated at least a month before the Security Council was informed of "the imminent fall of the city and.... that negotiations were taking place at the Sarajevo Airport... to reach a cease fire." (*Report of the Mission*)

304. The Mission indicates in its report to the UNSC that the Security Council should take note that when it was discussing resolution 819(1993) it did not know that negotiations involving the Force Commander of UNPROFOR had been taking place and that UNPROFOR had participated actively in the process of convincing the Bosnian Commander to sign the agreement.

305. In fact both the President and the Vice-President of the Republic of Bosnia and Herzegovina informed the Mission that UNPROFOR officers had reminded them: "that no outside support would be forthcoming and that they were defenseless." The Bosnian leaders added that they had to sign the agreement under duress.

306. The mission felt that lessons should be drawn from the previously mentioned experience both in terms of the need for adequate and opportune information and on the hard choices that may have to be considered. Once more the failure of the

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Secretariat to report to the UNSC reveals the serious implications of the covert policy that was followed during these developments.

307. In our report we stated that the alternative to that agreement could have been the massacre of 25,000 people. It was definitely an extraordinary emergency situation that had prompted UNPROFOR to act and that had UNPROFOR not reached such an agreement, most probably a massacre would have taken place, which justified the efforts of the UNPROFOR Commander.
308. The above mentioned statement seemed to us at the time as a valid one to make, but after all the information that we now have come to know it is clear that UNPROFOR had informed the Secretariat of this crisis long before the UNSC became appraised of the imminent fall of Srebrenica.
309. The Secretariat chose not to inform the Council – at least not the non-permanent members – a month before of this very significant initiative that was being carried out by UNPROFOR – which implied nothing less than the capitulation of part of the territory of a member country of the UN. This set the precedent for action in other places, and ultimately for the fall and massacre of the people of Srebrenica itself only two years later.

April 24, 1993

310. On 24 April 1993 the delegation traveled to Sarajevo and met with President Alija Izetbegović to appraise ourselves of the situation on the ground from the victims' perspective. From Sarajevo we traveled to UNPROFOR headquarters in Kiseljak and to Vitez where we received briefings from UNPROFOR personnel.
311. "On the way to Kiseljak the Security Council Mission was held up at gunpoint for an hour and a half, with a tank's sub-machine gun pointed at Diego Arria, the Venezuelan ambassador and coordinator of the Security Council Mission. The fact that only five Serb soldiers were able to defy a large group of soldiers and officers who were traveling with the UNSC mission should be noted by the Council in order to understand the actual conditions that UNPROFOR faces. The attitude of defiance of the Serbs towards the United Nations in general is a matter that should concern the Council. The Serbs obviously have little respect for UNPROFOR's authority" (*Report of the Mission*)
312. In Kiseljak we had briefings by (UK) Brigadier General W. Hayes, Chief of Staff of Bosnia and Herzegovina Command; Jose Maria Mendiluce, Coordinator of UNHCR in former Yugoslavia, and Urs Boegli, Coordinator of ICRC – the International Red Cross.
313. Besides the conventional military briefings we were shocked by Brigadier Hayes comment that he considered the UNSC resolution creating the Srebrenica safe are as, "woolly-headed, imprecise, vague and not actionable." Such opinions by the Chief of Staff of UNPROFOR helped us to understand immediately why the UNSC resolutions regarding Bosnia and Herzegovina had not been implemented, and that

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the new one on Srebrenica did not have much of a chance, if any, to be implemented either.

314. I have commented before that when officers from the permanent members of the UNSC are deployed their main allegiance is to their capitals and not to the UN. Srebrenica, unfortunately would not be an exception to this practice, which is so damaging to the effectiveness and prestige of UN contingents. Officers often behave more like representatives of their countries instead of UN representatives. When things go well, their nationalities are hailed, and when things turn sour the UN is left alone to be blamed.

April 25, 1993

315. On the 25th Brigadier Hayes informed me that we would not be able to travel to Srebrenica. Nor would he allow access for the international journalists who flew from New York with us. We had a very tense situation in which Hayes finally offered to take me first to Srebrenica, leaving the other Council members and the press behind. After conversations with my UNSC colleagues we agreed to proceed in such an unexpected fashion where the officer in charge of our official travel to Srebrenica, was acting like our headmaster and above all making what I believed to be every effort to prevent us from accomplishing our mission.

316. It was not an encouraging start for a mission sent by the most important international political body of the international community. But it was clear to me that that this United Kingdom military officer was not about to change his instructions and adapt to the mission's mandate. It was only after our visit to the field was over that we were able to understand the motivations behind this incident, of which more below.

317. Finally I left with Brigadier Hayes, but to my surprise the UN helicopter landed in the soccer field of Zvornik – I had not been informed of this. As soon as I came out of the helicopter a Serb militia officer (Colonel Rodić) approached and welcomed us on behalf of the "Republika Srpska." I responded that the UN had never recognized a country with such a name. There followed a long conversation between Hayes and Rodić.

318. I continued to insist on continuing the trip to Srebrenica but it soon became clear that Brigadier Hayes was not acting on his own initiative, but was rather following instructions I believe, either from London or from New York, or both. He was in no rush to continue the trip, nor to fly in the rest of the mission members. It was clear that he was scripting a "tour" and not a "visit to ascertain the situation" as the UNSC had resolved.

319. Time of course was only of the essence for the Mission members and not for UNPROFOR. The less time we were on the ground, and the less we saw, the better it was. This perception was amply reinforced after the day was over.

320. Again Brigadier Hayes insisted that I travel alone with him and promised to send

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a helicopter to pick up my colleagues as well as the journalists. Placed alone in Zvornik, I did not know whether I was a hostage of UNPROFOR or a hostage of the Serb paramilitary Colonel Rodić, or, as was really the case of both of them. They appeared and acted very comfortably in that situation while trying to prevent the UNSC delegates from reaching Srebrenica.

321. I had no option but to adapt to Hayes handling of the situation. We visited Srebrenica believing that the enclave was besieged but had not fallen.
322. Rodić's presence and behavior towards Hayes and us should have made it clear to me of the reality to be found on the ground. But many more surprising and disturbing developments would take place during the visit.
323. Finally we landed in the "Safe Area of Srebrenica." Approximately one hour later the other members of the UNSC delegation also arrived. Even though Brigadier Hayes had agreed with me to fly in the journalists, he actually had prevented them from flying from Zvornik to Srebrenica.
324. It should be noted that UNPROFOR personnel asked the member of the Mission to surrender their photo cameras to them "because the Serbs would not allow them in Srebrenica." As head of the UN mission I refused to do so and thanks to that Reuters was able to publish my photos the day after we had left Srebrenica - showing the dire situation of the poor people of the enclave. These were the first photos to come out of Srebrenica for a long time until the 1995 massacre took place.
325. It was not until I set foot on the ground in Srebrenica that I saw, first hand, what the policy of "ethnic cleansing" meant. Wanton destruction, terrorized human beings, women and children reduced to inhuman conditions. And all this violence and brutality happening two hours away from Paris or London.
326. In the Safe Area we met with senior representatives of the Republic of Bosnia Herzegovina Army's and of the Bosnian Serbs. We were also briefed by UNPROFOR personnel and Mr. Claude Amiot of UNHCR, Mr. Francois Bellon the head of the ICRC Task force on the former Yugoslavia and Mr. Jose Maria Mendiluce the UN coordinator for humanitarian assistance in the former Yugoslavia, from whom we received the best briefings and information.
327. If it had not been for Mr. Mendiluce from UNHCR we would not have seen most of the most important things we observed in Srebrenica. His honest reporting was of great value to the Mission.
328. The conclusions of our report were reflected in the Secretary-General report, The fall of Srebrenica : "On arrival in Srebrenica, the mission members noted that whereas the Council in resolution 819 (1993) had demanded that the Bosnian Serbs take certain steps, the UNPROFOR-brokered agreement of 18 April 1993 had required the Bosnians to disarm.
329. "In its report the Security Council mission noted the discrepancy between the

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Council resolutions and the situation on the ground. It stated that "even though Security Council resolution 819 (1993) declared the city of Srebrenica a safe area, the actual situation obviously does not correspond to either the spirit or the intent of the resolution."

April 26, 1993 – Visit to Belgrade to meet with Dr. Radovan Karadžić

330. On 26 April 1993 the delegation traveled to Belgrade, where we arrived precisely on the first day that the sanctions imposed on the Federal Republic of Yugoslavia (resolution 820) entered into effect.
331. The delegation met with Dr. Radovan Karadžić at the Belgrade Airport. He told us that he was just arriving from one of his regular meetings with President Milošević.
332. All the Mission members expressed in very specific, strong and unambiguous language our serious concerns about the tragic situation in Srebrenica and what it meant for the Security Council in terms of violation of resolution 819.
333. Dr. Karadžić adopted the attitude of complete ignorance of the developments taking place during the previous weeks. He claimed that he had nothing to do with the orders to cut the water supply, the gas and the electricity. He said something like "...you know the military." He denied having any knowledge about the interference with humanitarian assistance (doctors being prevented from entering the town) and of the blocking of UN humanitarian convoys. He also claimed ignorance of the increase in the deployment of heavy weapons around the town.
334. Even though just a few days before he had stated that in Srebrenica "We have them trapped like rats," on this occasion Dr. Karadžić was more diplomatic and feigned generosity when he told the Mission that "he was not planning to take the town, "that the water supply would be restored immediately, and the humanitarian convoys would be allowed, subject to inspection."
335. Dr. Karadžić proceeded to attack the Bosnian Muslim as the ones who create problems using the town of Srebrenica to hide people and arms. According to him the Muslims were horrible, violent people totally responsible for the situation in the enclave.
336. I believe that Dr. Karadžić was absolutely unnerved by our complaints, as well as by the reactions that we said might be forthcoming from the international community.
337. Obviously during the last two years he had already taken the temperature of the international community and knew full well that nothing would change except the map of Bosnia and Herzegovina. He could not care less about the resolutions of the UNSC.
338. Dr. Karadžić did not seem to care either for the sanctions imposed on the Belgrade regime for sustaining his acts of aggression and violence.

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339. The bottom line we could draw from our meeting was that Messers Milošević and Karadžić together would achieve their goals, and the two of them would also confront the international community: Mr. Karadžić from Bosnia Herzegovina and Mr. Milošević from Belgrade.

340. Dr. Karadžić with the backing of General Mladić and his militia would carry on with the policy of ethnic cleansing to carve as much territory in Bosnia Herzegovina as possible and eliminate as many Muslims as possible. Meanwhile President Milošević from Belgrade would continue to receive the representatives of the international community and accommodate them in endless and unfruitful negotiations that allowed the duo of Karadžić-Mladić to continue their criminal and brutal campaign of killing and terrorizing the Muslim people.

341. The Mission members quickly realized that nothing would be gained by continuing the meeting with Mr. Karadžić, an obvious liar, and we left Belgrade for Zagreb to meet with President Tuđman.

April 28, 1993 – Meeting in Zvornik with international media

342. After the visit we returned to Zvornik where the delegation gave a press conference to the assembled journalists. The conference was recorded and reported on in the world's media over the coming days. The fact that a UNSC Mission was taking place did not go unnoticed by the international media. Attached are a number of their reports including some from Belgrade based publishers.³¹

³¹ "Borba" press report on the UNSC mission
ERN: 0342-1636-0342-1636
Tab 16

Transcript of UNSC press conference conducted in Zvornik
ERN: 0342-1840-0342-1844
Tab 17

"Borba" press report on the UNSC mission visit to Srebrenica
ERN: 0342-1635-0342-1635
Tab 18

"Politika" press report on the UNSC mission visit to Srebrenica
ERN: 0342-1633-0342-1633
Tab 19

"New York Times" press report on the UNSC mission visit to Srebrenica
ERN: 0036-5496-0036-5496
Tab 20

"Borba" press report on the UNSC mission
ERN: 0342-1634-0342-1634
Tab 21

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343. I made some statements that day which I will summarize.³²

344. Srebrenica is an open jail where Serbian forces were planning "slow-motion genocide". Srebrenica is far from being "the safe area" that the Council wants it to become although the cease-fire there was holding. Serb forces are effectively in control of Srebrenica. Serbs did not allow foreign correspondents who accompanied the Mission to enter the town. Serbs have cut the water and electricity creating a risk of epidemic disease. Serbs have failed to pull back their encircling forces and increased the deployment of heavy weapons. They are keeping out doctors, including the French medical relief group "Medicins sans Frontiers". (Doctors without Borders) In Srebrenica there is an open defiance of the international community. The town is seriously overcrowded with refugees from other villages victims of the Serb's abhorrent policy of "ethnic cleansing" – the people are living in the ruins of a bombed out city with houses destroyed. People are cooking on the streets. There is terrible devastation of what used to be a winter spa. Although the Serbs remain outside the city its people are exhausted and in despair and can be overrun at anytime. The Serbs are effectively running a concentration camp policed by UNPROFOR while they act as wardens of this open jail. Meanwhile the slow-motion genocide to kill them gains speed. Srebrenica is a symbol of resistance. A symbol of defiance by their courageous people. The failings in Srebrenica are not the failings of UNPROFOR but of the international community that provides directives to them, but not the proper mandate and commensurate resources to effectively protect the safe area.

April 30, 1993

345. The report of the mission was circulated within the UN on 30 April 1993 as a consensus report.

346. It was allocated distribution "General" status and was subsequently reported widely in the world's press. Its conclusions (in bullet format) are summarized below:

- Srebrenica is today the equivalent of an open jail in which the people wander around but are controlled and terrorized by the increasing presence of Serb tanks and other heavy weapons in its immediate surroundings.
- The actual situation of Srebrenica obviously did not correspond to either the spirit or the intent of UNSCR 819 (1993).
- The Commander of the Canadian Battalion informed us that the Serbs "had their own interpretation of the demilitarization agreement." Brigadier Hayes added,

"Politika" press report on the UNSC mission

ERN: 0342-1632-0342-1632

Tab 22

³² Selection taken from the *New York Times*, *BBC*, *The Washington Post*, *CBS*, *Toronto Star* and others.

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"even though the Security Council is obviously an important organ of the United Nations it is of no importance to the Serbs in the area."

- Having heard from Brigadier Hayes his opinion of the UNSC as a producer of "woolly headed resolutions" it was no surprise that such interpretation would find fertile ground in the Serb militia.
- The UNHCR, Mr. Mendiluce described the town as a "bad refugee camp." Inhuman conditions prevailed, with potentially catastrophic consequences.
- Serbs were not allowing surgeons to enter the enclave, and the only surgeon in Srebrenica has not been authorized to stay by the Serbs.
- To impede medical assistance is a crime of genocide. This action, together with the cutting of supplies of water, gas and electricity, has put into effect a slow motion process of genocide.
- The mutilated remains of fifteen children who had been blasted by Serb mortar fire while playing in the schoolyard still remained while we visited the site. It was the most painful and disturbing sight that we experienced during our mission.
- The sick and the wounded could only be evacuated after a "triage" done by Serbian doctors in the presence of Red Cross doctors.
- The tents to shelter refugees brought by UNHCR were confiscated by the Serb checkpoint in Srebrenica who consider them "military equipment"
- The Serbs had dug 47 new trenches during the last week. Tanks could be seen at a distance of no more than 900 meters. Evidently their forces were not withdrawing as demanded by resolution 819(1993) but are increasing their pressure on the town.
- The Serb forces must withdraw to points from which they cannot continue to attack, harass or terrorize the town.
- The Mission believes, as does UNPROFOR, that the actual 4.5 by 0.5 kilometers delimited as a safe area should be greatly expanded.
- On this point again it was another shock to find out that the safe area had been decided by the Serbs - with or without the cooperation of UNPROFOR is not known, but the issue was not included in the agreement. The fact that UNPROFOR agreed with the mission on the need to expand the area leads anyone to conclude that the extension was decided by the Serbs when the capitulation of the town took place.
- The Mission reported that if an agreement had not been reached the alternative could have been a massacre of 25,000 people. It was an extraordinary emergency

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situation and UNPROFOR had to act.

- We were not aware at the time that the Srebrenica situation had been a major issue for UNPROFOR and for the Secretariat since October 1992 – almost six months before it was brought to the attention of the Council.
- According to this information there was really not an “extraordinary emergency that forced UNPROFOR to act” as we innocently stated, because, if the situation had been put to the Security Council since the beginning of the crisis, maybe the situation would not have become the emergency that we wrongly were informed had been the case.

347. What occurred was a covert operation that ended badly and not an emergency. Srebrenica became an emergency because the international community allowed it to turn into one. When the permanent members decided to keep it for themselves and not share information about the unfolding crisis with the Council they then became responsible and accountable for the decision. If they could not solve the issue, which was a matter of life and death, they should have shared it with the full Security Council.

348. Secretary-General Boutros-Ghali did not have the right to expose and risk the United Nations in covert operations done behind the back of the full UNSC.

349. This was one of the reasons the Mission felt that the UNSC should be kept more fully informed of developments and consulted accordingly; not with a view to micromanaging but in order to be in a position to discharge its responsibilities effectively. The Mission report – a consensus one, could not be so explicit as I am being now.

350. The Mission concluded with the following statements:

- Sarajevo a symbol of plurality where Croats, Serbs, Jews and Muslims had coexisted for centuries, should immediately become a safe area. The one-year siege must be terminated and its multicultural character must be guaranteed as a message of hope to the whole country.
- The outcome in Goražde, Žepa and Tuzla could be similar to that in Srebrenica. They should also be declared Safe Areas.
- The Mission believes that the Council should deploy UNPROFOR forces with a revised mandate if we want to protect the Safe Areas, and that the designation of certain towns as Safe Areas deserves serious consequence as an act of Security Council preventive diplomacy.
- Designation of Security Council Safe Areas would have to be done with the clear intent that they would once established, be enforced or defended if need be.

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351. The Mission Report took note that the Mayor and authorities of Srebrenica had expressed a feeling of encouragement by the visit, and that the President of Bosnia and Herzegovina, Alija Izetbegović had said that the Mission's visit "represented a symbol of hope for all of his people".
352. President Izetbegović and his people, soon and very painfully, learnt that to place their hopes in the international community had been a major mistake. The Mayor of Srebrenica and many of the authorities whom we met, and who had felt encouraged by our visit to their city, paid with their own lives within the next to years.
353. While in Srebrenica I understood why there were no UNSC missions sent to the field when tragic developments were taking place.
354. The reason in this case was that because the UNSC permanent members together with the Secretariat were working covertly and without informing the other Council members of what was going on (until the tragedy was known by the international media) it was not in their interest to get other objective and independent parties such as the Non Aligned members, to take a close look on the ground.
355. The parties acting under the table (some UNSC members and the Secretary-General) did not anticipate that a mission would be sent to Srebrenica. Nor did they anticipate that even representatives of the same governments who were party to this covert activity publicly came to the same conclusions that the Non Aligned had also reached.
356. Amazingly the only photos that were published all over the world were the photos that I took which I gave to a Reuters journalist who had been prevented from joining us in Srebrenica. It is unbelievable but true that censure had been applied by UN officers (UNPROFOR) to a UNSC mission.
357. There is no doubt in my mind that the visit to Bosnia and Herzegovina changed the outlook and feelings of the Mission members. The consensus report is but one proof of this conclusion. The most important conclusion of our experience in Srebrenica was to clearly foresee that given the situation a step by step a massacre would take place: what I defined during our visit as "slow-motion genocide" because it was evident that the Serbs not only had full control of the town, but were following different means to accomplish the ethnic cleansing and the gradual elimination of the villagers who stayed in their ruined homes or survived in the streets.
358. The difference between the July 1995 massacre and the Srebrenica slow-motion genocide that started in 1993 is that in a couple of days in 1995 Mladić and his militia managed to massacre almost eight thousand Muslims who were carried away to be murdered secretly. Whereas from late 1992 until July 1995 thousands were either ethnically cleansed or murdered in a slow massacre process but the numbers of victims were even larger in this case.
359. For anyone who visited Srebrenica it was very simple to anticipate what eventually happened there, both in the first phase of the massacre, which began in

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1993, as well as the second phase, which took place in July 1995.

360. Defenseless civilians were surrounded by heavy weapons and without doctors, water, gas and electricity. Surviving in the streets because their homes had been bombed. With very limited access to food and medicines and without effective protection by the international community.
361. By adding all of these circumstances together, it was clear as day light that it was only a matter of when and how long it would take until they were all gone. We did not have to anticipate the massacre: it was happening in real time before our eyes when the UNSC mission visited Srebrenica.
362. The UNSC was made aware of this situation through our report as well as through the briefings that I provided to the full Council in informal and private consultations.
363. I hold that only one massacre took place in Srebrenica, but that it was accomplished in a barbaric and progressive fashion by the Bosnian Serb militia headed by Mr. Karadžić and Mr. Mladić, financed and supported by the leader of Belgrade, Serbian President Slobodan Milošević.
364. The Serbs could not have massacred the villagers of Srebrenica in April 1993 when the world media was centered on that town-but as time passed the I believe the trio of Milošević-Karadžić-Mladić realized that even though Srebrenica had caught the world's attention during a short span of time, no one in the international community did much about it.
365. Such a passive posture by the UNSC definitely encouraged them to continue the slow motion massacre until July 1995, when they were convinced that they could not only get away with slow motion genocide and murder but that they could even get away with murder in a monumental scale.

May 6, 1993 – Resolution 824

366. On May 6, 1993 I attended the UNSC, and on behalf of my country and spoke and voted in favor of UNSC Resolution 824 declaring additional Safe Areas in Bosnia and Herzegovina and incorporating the UNSC Mission report to Bosnia and Herzegovina.³³
367. I indicated that since Venezuela coordinated the UNSC mission sent to Bosnia and Herzegovina on 28 April 1993, Venezuela was pleased that the mission's report was incorporated into the resolution, and that some of its recommendations were being acted upon, particularly the declaration of Safe Areas.
368. I stated that UNSC Resolution 819 (declaring Srebrenica a Safe Area) had

³³ *United Nations Security Council Resolution 824*
ERN: 0299-1357-0299-1359
Case IT-02-54 Exhibit 547 Tab 21

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prevented at the time the massacre of the people of Srebrenica. This new resolution attempts to anticipate the same extreme situation in Srebrenica, "where conditions still do not exist for it to be considered a Safe Area."

369. Based on our mission experience, I affirmed that "Srebrenica remained a sort of open jail," where the Serbian paramilitary forces obstruct essential services (such as water, electricity and medical care), and were in absolute control of the city.
370. I reiterated that, "these acts constituted crimes of genocide for which...those responsible will have to answer." I claimed that only the presence of the Canadian battalion "separates (Srebrenica's people) from a greater tragedy," and that, "the Serbian party's intolerance and its disrespect for the international community has once again stood in the way of implementing the peace plan."

May 14, 1993 – Caucus of the Non Aligned Members of the UNSC Memorandum on The Situation in the Republic of Bosnia-Herzegovina

371. On 14 May 1993 the Group of the Non Aligned Countries represented in the UNSC produced a "Memorandum on the situation in the Republic of Bosnia-Herzegovina".³⁴ The signatories included the Permanent Representatives from Cape Verde, Morocco, Djibouti, Pakistan and Venezuela, for which I signed.
372. The Non Aligned Members believed we had a moral and political obligation to state clearly and publicly our views, and our position on the collective security issue as envisaged in the Chapter VII of United Nations Charter and its effect on the situation in Bosnia and Herzegovina.
373. We wanted to publish and circulate the arguments that we had been raising in the private meetings of the Council (informal consultations) because no records are formally kept of these meetings and we wanted to be once more on the record on these issues.
374. We underlined that: "It was in this context that the Caucus proposed the concept of guaranteed and protected safe-areas which, were regrettably not accepted at the time of the consideration of Resolutions 819 (1993) and 824 (1993). We reiterated, "that such guarantees and protection are indispensable. Without them, as has been proven by recent developments, such Safe Areas provide no help to their inhabitants but rather force them into helpless submission."
375. The memorandum recommended as an interim measure, "predicated on the exceptional circumstances of the situation and not in order to perpetuate the gains of ethnic cleansing," a number of points including a new UNPROFOR mandate, the right to self defense, which meant the lifting of the arms embargo which had rendered

³⁴ *Caucus of the Non-Aligned members of the UNSC "Memorandum on the situation in the Republic of Bosnia-Herzegovina*

ERN: 0345-0661-0345-0665

Tab 23

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defenseless Bosnia, and the possible extension of sanctions to Croatia.

376. In regard to the FRY involvement in the Bosnia Herzegovina war, the memorandum reiterated:

377. "Since April 1992, Serbia had already embarked on a policy to carve out a Greater Serbia from the territory of former Yugoslavia. It is thus clear that this is not a civil war but rather it is an international conflict in which a state enjoying international recognition has been subjected to external aggression."

378. The Secretary-General report, *The fall of Srebrenica* summarized: "The memorandum presented the argument that the safe area concept would fail unless the security of those areas was "guaranteed and protected" by UNPROFOR. Without those guarantees and protection, the memorandum stated, such Safe Areas would "provide no help to their inhabitants but rather force them into helpless submission."

379. "Referring to UNPROFOR, the memorandum stated, "in spite of the fact that the force was established under Chapter VII, its functions have been narrowly interpreted and its focus limited to the provision of humanitarian assistance and that, too, based on the consent of the perpetrators of the aggression. This restrictive interpretation, coupled with the denial of the inherent right of Bosnia and Herzegovina to invoke Article 51 of the Charter [self-defence], has encouraged the Serbs to continue with their aggression"

380. "Despite these concerns, the Secretary-General advised against redefining the mandates "commensurate with the resources the international community is prepared to make available to UNPROFOR". He noted with some optimism "the close collaboration that has developed between the United Nations and NATO with regard to the former Yugoslavia". In particular, he noted that the threat of NATO air power was effectively used to bring about a positive result in the safe area of Sarajevo. He therefore concluded, "Soldiering on in hope seems preferable to withdrawing in abdication"."

381. This attitude on the part of Secretary-General Boutros Ghali was defeatist and inappropriate. The issue at stake was not withdrawal but rather the proper interpretation and implementation of the Security Council's wishes.

May 25, 1993 - Creation of the ICTY

382. On 25 May 1993 I attended the UNSC. On behalf of my country I spoke and voted in favor of UNSC Resolution 827 to establish an International Tribunal to prosecute violators of international humanitarian law.³⁵

³⁵ *United Nations Security Council Resolution 827*

ERN: 0342-3281-0342-3283

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383. On that occasion I stated the following:
384. "Not quite 48 years after the beginning of the Nuremberg trial, the world is horrified to see that organized barbarism-which, it was thought, was possible only in that age and could never be repeated-has come again, this time before the eyes of all mankind. And unlike the experience of the past no one can escape his responsibility by claiming ignorance of the atrocities.
385. "The policies of scorched earth, of what was initially called "ethnic cleansing" and today can more accurately be called "ethnic extermination", of concentration camps and of torture carried out by the Serb militias, who resort even to the savage policy of raping women as a technique of war, have attained sinister levels previously unthinkable to mankind.
386. "Rapes and crimes have become for the Serbs militia an instrument of war, not a consequence of war. The Sarajevo siege has lasted ten terrible months; the cemetery cannot hold all the dead, and it is now necessary to bury them in the sports stadium."

May 28, 1993

387. According to the Secretary-General report, The fall of Srebrenica, on 27 May 1993 the UNSC asked the Secretariat to prepare within 24 hours a working paper on Safe Areas, which was presented to the UNSC, the next day, on 28 May 1993.
388. Actually the working paper was withdrawn by the Secretariat from the UNSC table the day that it should have been considered by its members. Copies that were on the table in the informal consultations room (The Council's private room) were hastily picked up the members of the Secretariat. I actually managed to keep mine because I had arrived before the meeting started.
389. The paper was never officially presented. The UN must have it in their non-public files, otherwise Secretary-General Annan would not have mentioned it.
390. I remember the United Kingdom permanent representative arguing that day that the Security Council had not asked the Secretariat to prepare such a paper. In fact the paper had been requested by the Non Aligned members who wanted to make sure that the new resolution under discussion would not have the serious shortcomings that we had discovered during our visit to Srebrenica and other cities in Bosnia Herzegovina,
391. Furthermore I personally called Madame Ogata in Geneva and asked also for her assistance in preparing adequate parameters to define Safe Areas, which she did, and sent me material. This was later incorporated in the Secretariat non-official paper.
392. The unexpected and irregular procedure to "eliminate" the paper was ordered by Secretary-General Boutros-Ghali, who was at the time in London, after complaints and a request from the representatives of two Council permanent members. Secretary-General Boutros Ghali did not comment - nor reacted, to such arbitrary demand by those Council members, who did not want to leave behind "a paper trail"

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393. The paper was a constructive one and would have been helpful to really create safe and protected areas but the principals in the UNSC did not want to adapt their capabilities to the UN Secretariat's rational parameters, and thus once more the Safe Areas concept turned into a monumental sham.
394. In my intervention that day in the Council I addressed this matter. The "vanished paper" incorporated recommendations formulated by UNHCR at my request.
395. Obviously the "UN non paper" had to disappear, otherwise it would have exposed the fact that the Council members were acting in complete contradiction with the Secretariat and UNHCR pretending as though they were doing something for the people in the Safe Areas but not really doing anything significant as events proved to be the case.
396. The unofficial working paper stated (quoting from Secretary-General report, The fall of Srebrenica), "Any concept of Safe Areas must assume the cooperation of the warring parties. Without a cease-fire in the region of the Safe Areas, the concept of Safe Areas is virtually impossible to implement". The paper laid out the argument that peacekeeping operations could only succeed with the consent of the parties, and that the Serbs would certainly not consent to any arrangement, which put UNPROFOR in the way of their military objectives. Having said that, the paper then stated, "If UNPROFOR is given the task to enforce the establishment of a safe area (i.e., Chapter VII) it is likely to require combat support arms such as artillery and perhaps even close air support". The Secretariat paper laid out a number of options for the size and composition of United Nations units in each safe area.

June 4, 1993 – Safe Areas Resolution 836

397. On 4 June 1993 I attended the UNSC. For the first time on behalf of my country I abstained from the vote on UNSC Resolution 836.³⁶ The resolution was approved with thirteen votes, Venezuela and Pakistan abstaining.
398. The pressure applied to the Non Aligned members of the Council by some of the Permanent members of the Council (France and the UK) was of such a nature that Djibouti, Morocco and Cape Verde were not able to withstand it and had no other option but to vote for the resolution, which we all considered extremely inadequate. Their speeches that day did not reflect their votes of approval.
399. Minutes before the vote was called the Ambassadors of France and the United Kingdom in Venezuela, were still trying to pressure my Foreign Minister in Caracas to change my vote, to vote for the resolution. Actually they were in our Foreign

³⁶ *United Nations Security Council Resolution 836*
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Ministry while we were in the process of debating the resolution cajoling my Foreign Minister to instruct me to change our position and vote for the resolution.

400. The reason for such an effort by the British and French ambassadors in Venezuela was because Venezuela and Pakistan had been the sponsors and promoters of the previous resolutions regarding Safe Areas and our abstentions on the present resolution clearly reflected how ill-conceived the new resolution was. Time proved it to be fatal in Srebrenica as I myself anticipated during my intervention in the meeting before abstaining in the vote.
401. At this meeting we debated extending UNPROFOR's mandate so as to deter attacks against Safe Areas. At the beginning of the meeting, the Permanent Representative from Bosnia and Herzegovina Mr. Muhammad Sacirbey, rejected the concept of Safe Areas promoted in the draft resolution. He stated, "It is especially tragic that this draft resolution will most likely have a greater impact in giving true meaning to the term 'non Safe Area' than to the designation 'Safe Area'."
402. Venezuela, along with Cape Verde, Djibouti, Morocco and Pakistan, the Non Aligned group in the Council, played a decisive role in the adoption of resolutions 819 (1993) and 824 (1993) but we were opposed to the ineffective shape they had taken in practice. Venezuela found the new resolution incomplete in scope and contrary to its own objectives.
403. I reiterated that the day before in the informal consultations of the UNSC we asked the proponents of the draft resolution before us to wait for a report by the Secretary-General – the executor of the Council's decision, but the sponsors could not wait and ignored our request in spite of the extraordinary importance of the situation. (A rare occurrence in the UNSC that always awaits the Secretary-General's report or recommendations)

My criticisms as recorded in Secretary-General report, The fall of Srebrenica were as follows:

404. "The Permanent Representative of Venezuela (Ambassador Diego Arria), who abstained in the voting on the draft resolution, spoke at length, criticizing it on two grounds: first, that it could not be implemented without substantial resources which might not be forthcoming, and, second, that it provided cover for an unwillingness to support "the broader and more meaningful goals of the fair and equitable distribution of territory between the various communities of Bosnia and Herzegovina". On the first point, the representative stated that "the draft resolution could not be implemented without the resolve to do so and until the Secretary-General had the necessary means and resources.
405. "Ambassador Diego Arria noted that the members of the Council that were members of the Movement of Non Aligned Countries had wanted the Secretary-General to report formally on the safe area concept before the vote was taken on the draft resolution. "Unfortunately, it [had been] decided not to await the opinion of the Secretary-General.

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406. "The representative of Venezuela referred to the "objective and highly critical evaluation" of the concept made by the Secretary-General in the unofficial working paper of 28 May. He noted that the Secretary-General had already asked Council members "particularly valid questions" about the precise role of the United Nations, and whether or not the United Nations would be expected to use force if the Serbs did not comply with the resolution. He noted also that these questions had not been satisfactorily answered, and predicted that the Safe Areas would not be "safe" at all.
407. "On the second point, Ambassador Diego Arria, criticized the joint action programme in which "all that was needed (according to the programme) are containment and prevention measures: Safe Areas, border monitors, strengthening sanctions, the prohibition of over flights, a tribunal for crimes against humanitarian law". He (Diego Arria) asked whether Council members could believe that this attitude would "convince the aggressors that it is best graciously to renounce what they have conquered by terror and force". Ambassador Arria called on the Council to "respect and apply collective security, which ensures the right to self-defence, as guaranteed by the Charter".
408. Undoubtedly the underlying reason behind the decision not to await the opinion of the Secretary-General was the fact that the report prepared at our request (eventually published May 28, 1993) by the Secretariat contained an objective and highly critical evaluation of the situation in the so-called Safe Areas.

The Secretariat report posed fundamental questions

409. What would the UN responsibility would be if the aggressor were to accept the establishment of Safe Areas but later refuse to withdraw from their surroundings (the exact situation being suffered in Srebrenica, Sarajevo, Tuzla, Zepa and Goražde). Would the UN then be obliged to use force to make them withdraw?
410. Would the Security Council be prepared to authorize military action to meet this objective?
411. Clearly the Council permanent members that were promoting and pushing for the resolution approval did not want to answer these questions. The Secretary-General's questions centered the debate on these crucial points and the refusal to even consider them made the whole resolution a mere public relations exercise by the sponsors.
412. I stressed at the time that these questions were of importance for UNPROFOR, for the people that remained in deplorable conditions in the Safe Areas and for the Serbian aggressors that would surely tailor their actions according to the answer or lack of answers to these questions, which mortally proved soon enough to be the case.
413. The peace plan in which so much had been invested and in which so much confidence and hope had been placed, especially by the victims of the conflict, is today a mere frame of reference. On May 22 the Vance-Owen Plan was in effect replaced by the Washington Plan of Action. Significantly, the only party that did not

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support the Vance-Owen Plan, the Serbian party, was the only one that enthusiastically supported the Washington plan.

414. The European Parliament in its May session adopted a resolution expressing its disagreement with the Washington Action Plan stating that "it gave the impression of conceding the palm of victory to the aggressors", and invited the UNSC to promote a plan including the necessary military presence to disarm the Serbian aggressors.

415. Venezuela noted with profound concern that the conflict was seen by the major countries as being unrelated to their strategic interest, which was certainly in contradiction with the approach that just a short time ago guided them to face the Kuwait issue based "on the unacceptability of the solution of conflicts by force that put at risk the territorial integrity of a UN member State."

416. Based on these principals the non-recognition of political or territorial gains achieved by aggression and the terror of "ethnic cleansing" made it even more justified to put an end to them. But the resolution's sponsors believed that all that is needed to redress such a horrible situation were: to create unSafe Areas, place border monitors, prohibit over flights and create and tribunal for crimes against humanity. The obvious questions to ask, I said, are:

417. "How? When? On what bases? Can we truly believe that this attitude will convince the aggressors that it is best for them to renounce what they have conquered by terror and force?"

418. "In our view this will not be the case. The only inevitable and inescapable deduction to draw is that in this conflict there has not been the firm determination to face reality - and what is concocted today with this resolution - is to recognize de facto and to legitimize the situation as a basis for a solution which sooner or later will inevitably be imposed.

419. "The so-called Safe Areas amount today to enclaves surviving only by the whim of the aggressor. They are nothing more than ethnic reservations under the wing of the United Nations and I fear that this organization, the UN, will be indefinitely committed to answering for prolonging these aberrations."

420. Real Safe Areas as defined by UNHCR and the Secretary-General's report (which vanished from the UNSC up to today) should provide or guarantee:

- A minimum of safety for the normal life of their inhabitants.
- Open areas where respect for human rights can be verified and humanitarian assistance can be received unimpeded.
- Not confine people as if they were in prison.
- Freedom of movement into and out of the areas.

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- International military presence and unrestricted presence of UNHCR and other humanitarian agencies.
- Uninterrupted accesses to water, electricity, gas, communications and access to economic activities.
- Security against military attacks, which only would be possible by seizing or neutralizing the heavy armaments of the Serbs
- The restoration of civil government, local police, schools, productive activities and social services.

421. The above were prepared at our request and partially served to comply with the UNSC request the previous November that had asked the Secretary-General to prepare a plan for the promotion of Safe Areas.

422. The conditions defined in the 'vanished non-paper' represented almost the exact opposite of those that existed in the 'Safe Areas'. I said that the resolution, "we consider today does not address their main points... We cannot call them 'Safe Areas' and instead call them by their real names: ghettos, refugee camps, open jails, areas under threat-but we should not be so brazen as to call them Safe Areas."

423. Perhaps the best description of a 'safe area' was given by the UNPROFOR spokesman, Commander Barry Frewer when, after the Serbian refusal to admit UNPROFOR into the 'safe area of Goražde' after a month of trying to gain entry, said: "We are going to put up a sign on the outskirts of Goražde that says: Safe Area -Very Dangerous-Keep Out".

424. In that meeting I quoted the following from the letter of June 1, 1993 addressed to the Council by President Alija Izetbegović of Bosnia Herzegovina:

425. "Serb paramilitary units, directly supported by the Yugoslav army from Serbia continue their aggressions against our people...The Aggressor is able to do this because you, the Security Council, have tied our hands while our people are being killed and our country is being destroyed.

426. "You say that you do not want to take sides in this conflict. But Excellencies, you implicitly and explicitly took sides in the conflict when the Council imposed an arms embargo on the former Yugoslavia and when the Council decided to enforce the same resolution on Bosnia and Herzegovina (Bosnia and Herzegovina had not yet been admitted to the UN). The arms embargo substantially helped the well-armed aggressor while tragically weakening the victim. This is today obvious to everyone.

427. "The consequences are tragic: two thirds of our country is occupied; over 200,000 civilians have been killed; more than 2 million civilians have been uprooted from their homes; hundreds of towns have been destroyed. This is the price this country

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has paid for one unfortunate decision and for your unyielding opposition to it being corrected.”

428. I reiterated that the Council should duly re-evaluate the terrible situation described by President Itzebegović under the provisions of article 51 of the Charter, the right of self-defence.
429. During my intervention I said: “The central argument that has been put forward in the Council for not dealing with this tragedy with greater determination is that there are not enough military or financial resources available to the UN to put several thousands troops on the ground-and again and again we hear that nothing more can be done and that this resolution is the only way to prevent Bosnia and Herzegovina from losing all its territory. To be frank, I must remind you that when the Council adopted the resolution that left it up to the coalition to deal with the trampling, vandalizing and appropriation of a member country, Kuwait, the international community deployed 500,000 military personnel, dividing its cost among the coalition members.”
430. Vital interests, I stressed, were more closely linked to that crisis than to the vandalizing of this other member country that did not receive such a generous response from the international community and, without attempting to compare the two situations, this tragedy has far more worrisome dimensions. Unspeakable crimes against humanity were being committed and there are essential values that should indeed be of strategic importance to the international community.
431. I called to the attention of the Council that the Government of Bosnia and Herzegovina had communicated to the Council its rejection of the particular modality of “safe area” contemplated in the resolution – but the President of Bosnia and Herzegovina’s opinion had not even been considered by the Council, though it is traditional attentive to the opinions of parties in conflict, especially when they are Member States. Once more Bosnia and Herzegovina was treated as a Muslim party and not as a Republic and even less a Member State.
432. I concluded stating that while the UN was attempting to negotiate, a member country was on the verge of disappearing under the weight of terror. Circumstances required that the Council take firm actions to stem this extermination. This is the time, I insisted, to really take action and not just to appear to take action like the Council proposes to do now. Safe Areas, in practice, are “nothing more than ethnic reservations under the wing of the United Nations... refugee camps at the whim of the aggressors.”
433. As I concluded during my recent visit to Srebrenica, Safe Areas should not be a substitute for peace. “They should provide a minimum of safety for the “normal” life of their inhabitants, and...should be open areas where respect for human rights can be verified and humanitarian assistance can be received unimpeded.
434. With hindsight it is clear that had the UNSC opted for the rational and logical path of adopting the main guidelines proposed by the Secretariat “non-paper” the policy of Safe Areas would have been more realistic and appropriate to the

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circumstances. By pretending to hide the sun with one finger they assumed the responsibility for endangering UNPROFOR and UNHCR personnel - and last but definitely not least the monumental share of the blame for the fate of so many victims.

435. The Secretary-General report, The fall of Srebrenica said: "Following the adoption of Security Council resolution 836 (1993), the Bosnian Serbs continued to bombard the Safe Areas at about the same rate as before. In Sarajevo, for example, Serb shells continued to land in the safe area at an average rate of approximately 1,000 per day, usually into civilian-inhabited areas, often in ways calculated to maximize civilian casualties, sometimes at random, and only occasionally for identifiably military purposes. This pattern, which had begun on 6 April 1992, continued, with lulls of varying lengths, until Operation Deliberate Force in August 1995."

June 29, 1993 – Arms Embargo against Bosnia and Herzegovina (by extension of the FRY embargo)

436. On 29 June, 1993 I attended the UNSC and spoke and voted in favor of the draft resolution to exempt the government of Bosnia and Herzegovina from the arms embargo imposed on former Yugoslavia by UNSC Resolution 713 for the sole purpose of enabling Bosnia and Herzegovina to exercise its inherent right to self defense.³⁷ This draft resolution did not manage to get the necessary support outside the five Non Aligned members plus the United States that joined us.
437. I reminded the Council that the arms embargo against the former Yugoslavia was decreed before the Republic of Bosnia and Herzegovina had been internationally recognized but the embargo has only affected them. Croats and Serbs have secure sources of supply of armaments, equipment and fuel.
438. I stated that Article 51 of the Charter must be accepted and interpreted by all members of the Security Council without any form of discrimination. Just as yesterday (In Kuwait) we recognized the right of another State Member's right to self-defense, we must make sure that the same right is not denied to the Republic of Bosnia and Herzegovina

The main considerations that have been put forward by members of the Council who opposed our draft resolution were as follows:

- 1. That the level of violence and the conflict would spread and intensify**
439. My comment: The Council should remember that already 200,000 people have died and more than 2 million people have been displaced from their homes through

³⁷ United Nations Security Council draft Resolution to exempt the government of Bosnia and Herzegovina from the arms embargo imposed on former Yugoslavia by UNSC Resolution 713.
ERN: 0342-3797-0342-3798

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'ethnic cleansing.' Twenty thousand women have been raped. The International Court of Justice and the World Conference on Human Rights have indicated that Bosnia and Herzegovina is a victim of genocide and 'ethnic cleansing' among other unspeakable crimes. What then do the Council members that oppose the resolution have in mind when they affirm that violence would increase and spread? Is not the present reality enough?

2. That there would be more war, not less, and that all the parties would acquire more sophisticated armaments

440. My comment: obviously, an armed people would have a greater ability to defend itself. This does not mean that violence would necessarily increase. Up to now the Serbs have found it very easy to vandalize the Bosnian Muslims but when the latter are able to defend themselves, circumstance may deter the Serbs, and above all place limits on their impunity. More war? The international community's inconsistent attitude to stop aggression has given free rein to its escalation – which has meant the massacre of the Bosnian Muslim people.

3. The negotiating process in Geneva would be put in jeopardy

441. My comment: What remained of the Vance-Owen Plan had been replaced in Geneva by the Milošević-Karadžić-Tudjman-Bovan agreement. Why, I asked, should the Council be worried about affecting a process in which those who took a territory by force seek the legitimacy undoubtedly conferred on them by the presence and not a passive presence of Lord Owen and Mr. Stoltenberg at the site of the talks?

442. Lord Owen said at this meeting: "We have to stop this nonsense of decisions being taken by the Bosnian Government (President Izetbegović) that are not discussed with their government. We could do to Izetbegović what Karadžić and Bovan do, which is to refer to him as the Muslim party." This was an amoral and ill-advised remark, which equated the aggressors with a member state.

443. Lord Owen and Mr. Stoltenberg were hatching a partition agreement (completely bypassing the non permanent members of the Council who were only informed by the media), which, naturally, was unacceptable to the President of Bosnia and Herzegovina, whom the UNSC negotiators found "hotheaded" and "intransigent" and was thus pushed aside during the Geneva negotiations.

444. The Council should be aware, I told them, that the negotiations in the Palais des Nations took place first with the Croatian side, and then with the Serb side, but strangely when it came the moment to negotiate with the Muslim side, the negotiators agreed to bring seven members of the Presidency of that republic: three Croatsians, three Serbs; and one Muslim-I repeat, only one Muslim.

445. Unfortunately for the promoters of the meeting, the single Muslim who was invited with the sole purpose of subscribing to the rules for the partition of his country was being sought at that moment by the Austrian police for the crime of fraud against poor Muslim refugees. Incredible and irrational as it sounds, such was the

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man chosen by the negotiators to replace the legitimate President of the Republic of Bosnia and Herzegovina. And the Security Council did not even comment on this matter.

446. I concluded my comment on this issue stating that: "The United Nations cannot, must not, lend its name, which is that of all the nations, small, medium-sized or large, to the legitimating of the final ravaging of that Republic. And that the old cynical colonial philosophy that holds that 'There are times when considerations of abstract justice must give way to those of administrative expediency,' must not be applied in detriment of Bosnia and Herzegovina – a member state of the UN."

4. It would mean the end of the Safe Areas

447. My Comment: The whole world knows by now what those areas consist of and what they mean. To continue calling them by that misnomer threatens to destroy what little credibility the Council has left in this conflict.

448. For the last three months Srebrenica, the first safe area, continues to be forcibly deprived of water, electricity, gas and medical care. Epidemics are devouring thousand of children caught between the cruelty of their Serbian jailers and our own inability to defend them. Sarajevo, Tuzla, Gorazde, Žepa and Bosnia and Herzegovina are areas definitely free and safe for committing all kinds of crimes and attacks, as those of us who have visited these areas know well.

5. It would speed up the Serbian offensive against what remains of Bosnia and Herzegovina, which would be totally conquered.

449. My comment: This was probably true I said, unless the international community decides to carry out the necessary compensatory actions to neutralize the heavy armaments that have been allowing the Serbs to act with impunity. Obviously if such a course were not followed there is no doubt that a disarmed Government will be conquered.

450. What would the international community do then, asked one of our colleagues in the UNSC. I believed that only one answer was possible. This could not come about, because if it did, Europe would never be the same, neither for itself, nor for the rest of the world.

451. In this regard, three European heads of States-and a former one- made the following statements:

452. **President Felipe Gonzalez of Spain:** "If the international community is unable to resolve this problem by the means available to it, and if it does not want to undertake a massive intervention in Yugoslavia, as seems obvious is the case, the Bosnian's right to self-defence begins to emerge."

453. **President Francois Mitterand of France:** "It is intolerable that the Muslims cannot defend themselves" and he reminded his colleagues in the EC that the

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Secretary-General was still begging to get 7,500 soldiers. He then proceeded to say, "If we were talking about the security of our States, it would take us two hours, not two weeks to take that decision. If we cannot defend the Safe Areas, it will be impossible to tell the Bosnian Muslims that they will not be allowed to defend themselves."

454. **Prime Minister Helmut Kohl of Germany:** "The international community cannot be allowed to abandon the Bosnian Muslims. Lifting the arms embargo is a necessity and a moral duty"

455. **Baroness Thatcher** summarized better than any of them the situation: "It is intolerable to prevent people from defending themselves, unless one is willing to defend them oneself."

456. At the time of this debate, Spain was a non-permanent member of the Council, and France a permanent one. After reading the strong statements by the heads of state of both countries one would logically conclude that Spain and France would support the resolution but they did not. France in particular was very active against it. In a way both heads of state had their cake and ate it too. They played the moral role for public opinion, but when the time came to vote in the Council other interests prevailed.

6. Humanitarian aid would be jeopardized

457. My comment: That would definitely be the case, although humanitarian assistance by air, transported by the United States, had reached places where UNPROFOR troops had never been able to go. On this topic, I reminded the Council, humanitarian assistance was conceived as a means to help people to survive while steps were taken to put an end to the conflict, but not to take the place of a more purposeful and significant effort.

458. Humanitarian assistance, as the Coordinator of the International Red Cross Operations in the former Yugoslavia described it, "Has been used by the humanitarian organizations to fill a political vacuum created by the international community. We have been asked to throw flour at political problems. The humanitarian organizations cannot take the place of political decisions. Governments should stop using humanitarian organizations for their own purposes." This is calling a spade a spade by a senior official of the prestigious IRC.

459. To add two other factors, the Special Representative of the UN, Mr. Stoltenberg informed us in the Council that the climate of insecurity had grown so acute that the UNHCR, UNPROFOR and other humanitarian organizations could not continue to operate much longer therefore the humanitarian assistance was already extremely compromised.

7. The United Nations Protection Force (UNPROFOR) would be withdrawn

460. My comments: The noble contingents of UNPROFOR have rendered

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extraordinary service, but they were not equipped or prepared to defend themselves appropriately. As my colleague Ambassador Roble Olhaye of Djibouti rightly pointed out, an option to be considered would be either to give these troops a really effective mandate or to withdraw them. What cannot be envisaged is for them to protect only the humanitarian convoys and not the people.

8. It would be an admission that the Security Council had failed

461. My comments: The fact is that the UNSC inherited a situation that had badly deteriorated. Once more I reminded the Council - that almost two years ago at the beginning of the conflict, the Minister of Foreign Affairs of Luxembourg, Mr. Jacques Poos, stated: "This is the Hour of Europe, not the Hour of the Americans." At that time, the effort was made to deal with the conflict regionally. But 40 resolutions later and after the London Conference, the peace plans of Lord Carrington and of Vance and Owen, and lately the Washington Action Plan no one here, I stressed, no one here can deny that the aggressors have been progressively and effectively defeating this illustrious body that represents the international community.

462. It must be recognized, I added, that we have managed to save many thousands of lives thanks to the humanitarian assistance but it is no less true that many more thousands of lives have been lost at a time when the Republic of Bosnia Herzegovina has all but disappeared - and today in Geneva the new peace plan has as its protagonists the chief aggressors against that Republic, and we, the international community continue striving assiduously to clinch a deal at any price - an agreement that will have to be imposed upon the victims with our blessings.

My statement in the Council continued as follows:

463. "With regard to concerns about the future implications of our resolution, allow me to recall here that the Security Council is not a debating society or a future-oriented think tank, for that reason to speculate about and attempting to anticipate the consequences of this resolution is not the proper business of the Council. Its business and indeed its obligation is to see to it that the UN Charter is enforced.

464. In 1938, the Czechoslovak leader, Edward Benes, was also described as intransigent. "[At that time], the prestigious *Times* of London went so far as to publish an editorial pointing out the following: "The Czechoslovak Government should consider making its country more homogeneous, ceding the Sudetans to Germany - the neighboring country with which they are united by race."

Srebrenica would end up suffering the same fate.

465. "This historical backdrop - has now sowed many dangerous seeds in the degenerating conflict in Bosnia Herzegovina. President Izetbegović has been called by Lord Owen "intransigent" just as Benes was. Bosnia and Herzegovina is being compelled to cede to its Croat and Serb neighbors 90 percent of its territory. What will be left will be perfectly homogenous areas, within the spirit of apartheid so often condemned by this Organization.

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466. "Obviously, President Izetbegović feels the same passion as President Benes felt. His country is being dismembered, and he is on the way to losing it entirely. He cannot be less than intransigent. The Council should remember that it was not enough for Hitler to do away with Benes and with Czechoslovakia. The offer of "land for peace" was not enough for him, nor will it be for the conquerors of Bosnia Herzegovina, which after exterminating the Muslims of that Republic, and having learnt that "crime does pay" will extend their actions to the rest of the area." They were finally stopped in Kosovo in 1999.
467. "To prevent a people from exercising its right to defend itself to survive means to shoulder moral and political responsibilities of extraordinary significance. It is one thing to decide not to help a State that bases its preservation on the principle of collective security and another thing entirely different to deny it its natural right to self-defense. Those who today would make that decision, thorough their vote, shoulder the corresponding responsibility before the world. We should be aware that our resolution is above all a declaration of moral and political principles. We trust then that the Council will vote in favor of the draft resolution because defending the rights of States should never be conceived of as a minority position."
468. But such was the case. The resolution was not approved.
469. Whether the members who voted against feel accountable for their decision to render defenseless so many innocent people have never so expressed. It seemed incredible that barely two years after Bosnia and Herzegovina had been admitted to the UN, the Security Council could remain passive before its imminent partition through territorial conquest by the use of force and žethnic cleansing'.
470. I cannot finish my comments on this matter without addressing the influence that the Government of John Major, and prominently his foreign secretary Douglas Hurd, whose stubborn and inflexible insistence on the arms embargo prevented Bosnia Herzegovina from exercising the right of self-defense.
471. Lifting the embargo, Hurd famously said, would create a "level killing field". Hurd's unyielding policy dominated the UNSC during the crucial years of 1991 to 1995. In his recently published memoirs Hurd states that the second Srebrenica massacre, the biggest war crime in Europe since 1945, only occurred after he left the Foreign Office, implying that he bore no responsibility for it when he actually resigned a week before the July 1995 massacre occurred. I believe it is well known that the massacre took place between 1992 and 1995 it was not confined to July 1995. Baroness Margaret Thatcher responded then to Hurd that there already was a, "killing field the like of which I thought we would never see in Europe again - it is in Europe's sphere of influence. It should be in Europe's sphere of conscience".
472. I concluded expressing that Mr. Izetbegović reminded me of Mr. Churchill, a great intransigent who in 1938 said: "Those who seek to prevent war without honour will end up suffering dishonor and war".

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473. Alija Izetbegović, President of Bosnia and Herzegovina wrote to the Secretary-General Boutros-Ghali requesting him to create a group of friends of the Secretary-General to advise and cooperate with him in bringing to a closure the war. The request went unnoticed and did not receive any reply. The UNSC was not informed either.

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474. On September 1, 1993 I completed my term in the UNSC. After my departure the issues relating to the problems associated with the former Yugoslavia continued to be raised within the United Nations and in particular with the Security Council. The trusting people of the Republic of Bosnia and Herzegovina (by then has lost two thirds of its territory) would have to suffer two more years of subjugation and genocide before the international community finally decided to act.

3. CONCLUDING REMARKS**Could the July 1995 Srebrenica Massacre have been foreseen and prevented?**

475. Absolutely. In my view there are several groups, apart from the Serb militias that carried out the massacres, that deserve special blame for the failure to protect the people of Srebrenica. Foremost and above all the leaders of the government of the FRY who started the aggression. Then the EC; the UNSC permanent members and the UN secretariat. The failure of these four to abide by the UN charter has had consequences beyond the thousands of dead people and motherless children.

UNSC Permanent Members and the EC

476. The record on the Bosnians Muslims tragedy is unquestionable: Srebrenica and other abuses should have been prevented by the international community, mainly its European component that took the political decision for Yugoslavia's fragmentation without assuming the inherent responsibilities that were easy to avoid then. The concern for the emergence of a Muslim country in their midst influenced the mistaken course of their actions. As described by Mr. Akashi the UN Secretary-General's representative in Bosnia and Herzegovina, "Forceful passivity" was the policy followed by the international community.
477. Racial and religious persecution and extermination; aggression and armed violence; concentration camps; breaches of human rights; war crimes; genocide; violation of sovereignty; conquest of territory by force; devastation of cities: These were the causes that galvanized the world into establishing the United Nations in San Francisco. The leading countries who gathered in 1945 proclaimed: "Never Again".
478. Almost fifty years later the world saw the re-enactment of all kinds of atrocities and, despite the legacy of Nuremburg which obliged the UN to uphold the charter,

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key member states were not willing to take action to stop the Serbians from the FRY and their Bosnian Serb partners within Bosnia and Herzegovina. Ignorance could not be claimed as an alibi. We all saw these atrocities in full color, and in real time.

479. Such an attitude was a major blow for international law, for human rights and for the UN itself. The leaders of the free world agreed among themselves not to stand up for Bosnia and Herzegovina in the face of crimes against humanity, clearly demonstrating that they would only take a firm stand in cases where their sense of human solidarity or of their national interests so demanded. The Bosnians did not fit the bill, and were treated as Muslims but definitely not like Europeans. The Muslim factor should not be overestimated, nor put aside in an analysis of the history of Srebrenica.
480. After I left the Council I had the opportunity to interview some of my colleagues for a paper that I was preparing on major powers behavior in armed conflicts situations. I asked one of them, a very talented Ambassador with whom I had strongly disagreed during the Bosnian process: Why did your country take such a passive position and impede a robust reaction to stop the massacre of the Bosniaks when you knew perfectly well the situation? My colleague responded: "We did not want Bosnia to become the tar baby of Europe."
481. I mentioned this conversation just to illuminate the point that all the UNSC members knew what was going on in Bosnia. Some knew more; some were more concerned, some more indifferent, and some more active. But all were aware that the death toll was huge and that there was no stopping it with resolutions alone. No one could claim surprise or shock at the final phase of the massacre in July 1995.
482. There was no need to foresee anything. The massacre in Srebrenica started in April 1993 before the eyes of the UNSC Mission that visited the enclave. I myself publicly stated there, that a process of "slow motion genocide" had been put into place by the Serb militia that besieged the town. Such a conclusion was included in the mission's report to the Security Council that was circulated to the whole UN membership. Everybody was fully aware of the dire situation in Srebrenica and its imminent and progressive consequences: the extermination of their inhabitants.
483. What could not be envisaged in 1993 that two years later they would have the temerity to kill over seven thousand people in three days. The blatant and brash disregard for the will of the international community shown by the leaders of Belgrade and Pale can only be explained by the fact that they knew they could get away with it. The UN had given them a green light by clearly signaling that it would not intervene.
484. Many members of the UNSC, the Secretariat and national governments are responsible for guilty silence. Others considered and treated criminals and their victims alike in what Kofi Annan called "Amoral Equivalence".

The UN Secretariat and the Secretary-General

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485. The independence of the UN secretariat was significantly compromised by the Secretary-General Boutros-Ghali's accommodation of the policies of the UNSC Permanent Members, including actions that can only be described as covert. Such actions were unbecoming and irregular for the United Nations. The consequences of such behavior were fatal for thousands of innocent people; people who did not even count on the moral support of his office. "There are ten more places worse than Sarajevo," he memorably said in the besieged capital of Bosnia and Herzegovina in 1992. He reflected a degree of indifference never displayed by any of his predecessors.
486. The Secretary-General report, The fall of Srebrenica states that after resolution 819 that created the safe area of Srebrenica, Boutros-Ghali sent a directive to the UNPROFOR Force Commander Lt. General Wahlgren "that, in its view, the resolution, created no military obligations for UNPROFOR to establish or protect such a safe area". This directive was never shown to the full Security Council and contradicted the letter and spirit of resolution 819.
487. The same report states that despite concerns expressed by the Non Aligned members of the Council as well as by the Mission to the field which I headed, the Secretary-General advised against redefining the mandates "commensurate with the resources the international community is prepared to make available to UNPROFOR".
488. Secretary-General Boutros-Ghali therefore concluded, "Soldiering on in hope seems preferable to withdrawing in abdication." Actually the international community had already surrendered. The choice was not between soldiering on and withdrawal but between protecting or not protecting innocent people. Even when the massacre in the enclave had already started in 1993 - Secretary-General Boutros-Ghali refused to change the mandate of UNPROFOR and the "Safe Area" concept remained unchanged.
489. With such directives how can anyone say it was not possible in 1993 to anticipate that massacres would occur? Ironically those who, like the Secretary-General, knew more than anyone opted for "soldiering in hope of saving lives." Such remarkable comment speaks volumes of the Secretary-General's attitude and lack of commitment.
490. The UN and UNPROFOR kept the Secretariat and the permanent members well informed (in contrast the non-permanent members). The main and most credible source for the non-permanent members continued to be the international media. The French and the British media played a significant and admirable role in informing the world. Almost exactly the opposite of what their governments in the UNSC did
491. We should not refer to the July 1995 Srebrenica massacre, as if only one massacre took place. The fact is that the Srebrenica massacre was in process for about three years since 1993 to the last phase in July 1995. Not to understand this would mean that the rape of Muslim women and the lost of lives of at least 100,000 people, and the uprooting through ethnic cleansing of about 2 million people were not major

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components of the accumulated massacre that took place in the middle of Europe during those years. We must add to the abhorrent crime of genocide the loss of lives of thousands of people: children and women who died for lack of doctors, medicines or suffered epidemics for the lack of water in the so called Safe Areas were they were trapped like animals by the Bosnian Serbs who subjugated and humiliated them for over three years. Who would not even allowed doctors to come into the "Safe Areas".

492. The Secretary-General report, The fall of Srebrenica states that the "Serb militia in Srebrenica and its immediate surroundings killed 20,000 people". This means that the Serb militia killed 14,000 people during the previous two and a half years -or almost 8,000 killed per year-more than 20 persons killed daily. This macabre average of murders climaxed in the last phase of the ongoing massacre process when the Serb militia managed -in cold blood to murder more than 7,500 people-in just three days in mid July 1995 - equivalent to the same number of people than they had been able to massacre in the previous whole year.

493. With such directives how can anyone say it was not possible in 1993 to anticipate that massacres would occur? Ironically those who, like the Secretary General, knew more than anyone opted for "soldiering in hope of saving lives". Such remarkable comment speaks volumes of the Secretary-General's attitude and lack of commitment.

The Government of the FRY

494. I believe that because of the homogenous relationship between Belgrade and the Bosnian Serbs, that those in Belgrade were in an excellent position to know what would eventually occur in Srebrenica. Belgrade had access to the required information in real time and were supporting the whole process. Pale was supported by Belgrade for the huge military expenditures that their conquest required.

495. Belgrade supplied the ammunition, the fuel and the armaments indispensable for the siege while at the same time its leader artfully maneuvered to prolong the endless negotiations, providing time to allow the progressive degeneration of the conditions in the enclave. The Serbs forced on the town's people a dilemma: to struggle to survive in sub human conditions in the so-called "safe area" (which they did for almost three years) or face incremental extermination.

DECLARATION

I have been advised that my statement may be provided to other law enforcement agencies and or judicial authorities. I agree to my statement being provided to those authorities at the discretion of the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia.

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WITNESS ACKNOWLEDGMENT

I have given this Statement voluntarily and am aware that it may be used in legal proceedings before the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991, and that I may be called to give evidence in public before the Tribunal.

Dated:

Signed:
