

# The Massacres in Syria and the Bosnian Experience

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- What kind of clues does the Bosnia experience give about reading the developments in Syria?
- For how long will the perpetrators behind the killings in Syria be left to the conscience of real politics instead of international law as it was the case in the Bosnian War?
- Will the photographs proving the atrocity in Syria prevent new massacres to take place?

The systematic torture and massacres in Syria are now proven by photographs.<sup>1</sup> These images have made the agenda on whether they would affect the decisions to be reached at the Geneva II Conference or not. However, in the face of the documents reflecting the systematic torture and tyranny which are evaluated in the scope of crimes against humanity, the real question that needs to be asked independent of the Geneva II agenda is whether or not sanctions, as the requirement of the international law, will be applied against the Bashar al-Assad regime.

About 20 years ago, the Bosniaks became the victims of the international policies that took form according to the interests of the international actors - just as the Syrian people go through today. The inhuman experiences occurring before the very eyes of the world during the Bosnian War failed to motivate the international community for a rapid and decisive intervention. In the aftermath of the Srebrenica massacre, the international intervention<sup>2</sup> in Bosnia in 1995 did not gladden the hearts of the Bosniaks, because the

persecutors and the persecuted had to sit around the same table under the same conditions after hundreds of thousands people were killed and millions had no choice but to become refugees –just as at the Geneva II Conference today.

Will the photos pricking one's conscience today in Syria be enough to motivate the international community for an immediate action and find a political solution or will they be used as evidence during the prosecution of the war criminals? In order to find an answer to this question and project the fate of the killings in Syria, reading the past mistakes of the United Nations (UN) and the international community, and remembering the Bosnian experience may provide critical leads.

## THE INTERNATIONAL COMMUNITY'S APATHY IN BOSNIA

Just as in Syria today, the international community failed to stop the war in Bosnia, make contributions to the peace process and when finally involved in the situation, it followed *Realpolitik* rather than respecting the principles of international law. Given the de-

1. "Suriye'de Savaş Suçu Belgeleri," AA, January 24, 2014

2. <http://www.nato.int/sfor/docu/d981116a.htm>

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cisions made, the UN exerted a great deal of efforts on paper in order to prevent the humanitarian drama in the Bosnian War. For instance, the UN Security Council adopted 46 resolutions on various issues related to the Bosnian War between May 1992 and November 1995. The majority of these resolutions provided a legal framework<sup>3</sup> for at least having a humanitarian aid operation in the Bosnia-Herzegovina as part of the international humanitarian aid law, international human rights law and the refugee law.

Despite these developments, however, the UN and the international community took only ineffective steps instead of making moves to change the fate of the Bosnian War. Although many plans were made to stop the Bosnian War, none was executed. First, the peace plan prepared by Cyrus Vance, the former United States Secretary of State, as the UN co-chairman, and David Owens, as the European Union (EU) co-chairman, in 1993 was introduced, but not accepted. Then, the UN Security Council tried to put the Safety-Zones Plan into action, but the result was a total fiasco. In Srebrenica, which was one of the safety-zones, a massacre took place and the UN mission in Bosnia became the target of accusations and criticisms that continue even today. The UN was accused of not providing military support to defend the safety-zones in Bosnia-Herzegovina and not showing determination.<sup>4</sup>

The massacre in Srebrenica was in fact anticipated by the international community given the ineffectiveness of the symbolic UN interventions. However, the US regarded the war as “an internal issue of Europe” due to Europe’s reaction and, in a way, took the initiative for a belated intervention in order to teach a lesson to the European countries.<sup>5</sup>

On the other hand, the European states, in general, adopted a position against intervention. Russia

played the actor protecting the murderers (i.e. Serbs) in the Bosnian War – just as they are taking the side of the murderers today. Turkey, in parallel to her stance in the Syrian crisis today, backed the Bosnian people and became one of the countries that put tremendous effort for an international intervention in Bosnia. The President of the time Turgut Özal called the NATO a few times for an intervention and stated that this was the only way to stop the massacres in Bosnia-Herzegovina.<sup>6</sup>

As the international community continued discussions, the news about the Srebrenica massacre suddenly made to the world’s agenda, causing particularly in the US a serious reaction to stop the war in Bosnia and creating public pressure for active involvement.<sup>7</sup> After this news, the US administration admitted the UN’s inadequacy and stressed that a NATO intervention was necessary in order to bring the Serbs to the negotiation table. Consequently, the NATO organized a belated military intervention, i.e., Operation Deliberate Force, under the leadership of the US forces in 1995.<sup>8</sup>

## THE COST OF THE BELATED JUSTICE IN BOSNIA

As the civil war in Syria turns its fourth year, the killings taking place in this country recall the images of the Bosnian War, which are still fresh in minds. When the experiences in Syria are compared to those of Bosnia, one may certainly raise the differences in circumstances. However, the characteristics of the Bosnian experience that are parallel to the Syrian experience can provide a better understanding of the latter:

First, the Bosnian War lasted three-and-a-half years and the international community took action very late and showed only partial willpower to stop the war despite the massacres.

Second, although the killings transformed into crimes of humanity when the concentration camps

3. Mark Cutts, “The humanitarian operation in Bosnia, 1992-95: dilemmas of negotiating humanitarian access”, UNHCR Working Paper, no. 8 (1999), p. 2 <http://www.unhcr.org/3ae6a0c58.pdf>

4. <http://www.hrw.org/sites/default/files/reports/bosnia1095web.pdf>

5. M. İrem Yapıcı, “Bosna Hersek’teki Gerçekleştirilen Askeri Müdahale’nin Uluslararası Hukuki Yeri”, *Uluslararası Hukuk ve Politika*, v 2, no: 8 (2007), p.1-24.

6. <http://dergi.altinoluk.com/index.php?sayfa=yillar&Makale-No=d078s010m1>

7. <http://www.brookings.edu/research/articles/1998/12/balkans-daalder#>

8. <http://www.nato.int/docu/review/2005/issue3/english/history.html>

were set-up in May 1992, the international community did not take the imminence of genocide seriously enough.

Third, the procedures of international law proceeded slowly and failed to change the course of the war, even though the International Criminal Tribunal for Former Yugoslavia was formed in The Hague in 1993 to bring charges against war crimes.

The cost of all this was heavy. Many killings and massacres took place and each was a precursor for the other. Over 200,000 people were murdered, and hundreds of war crimes and crimes against humanity were committed. Many mass-graves were found after the war, while graves of thousands of civilians are still unknown. Millions had no choice but to become refugees. Afterwards, the Bosnian people exposed to atrocities were also punished by the Dayton Agreement after being pressured by the global actors as if the massacres were not enough. As we compare the civil war in Syria and the Bosnian War in these aspects, it is quite meaningful that the war in Syria has taken almost as long a time as the war in Bosnia.

The Bosnian experience also tells us that if international actors do not interfere in the grave situation in Syria, new killings are likely to be committed by the Baath regime. So far the international law has operated too slowly to start prosecuting the civil war in Syria, more importantly the war criminals, in a way to affect the drama of humanity in Syria. Among the most similar characteristics of the Bosnian experience to the Syrian crisis, perhaps even a *déjà vu*, is that the representatives of the Baath regime, which was responsible for the massacres, and the representative of the Syrian people, i.e., the National Coalition of Syria, are made to sit around the table *in pari causa* at the Geneva II Conference.<sup>9</sup>

## **IMPLICATIONS OF THE BOSNIAN EXPERIENCE**

Given the attitudes of the current global actors who have failed to affect the course of the bloody civil war

9. <http://www.bbc.co.uk/news/world-middle-east-25836827>

in Syria, the involvement of the international community does not seem very likely. However, the images in hand provide undeniable legal evidence in order to put the Assad regime before justice. Most of the findings that have a potential to be evidence of crime against humanity committed in Syria were examined and approved by an independent group of three former prosecutors of the ICC.<sup>10</sup> Thus the global actors cannot remain reluctant on this issue.

Moreover, it has been figured out that chemical weapons were used just a few months ago in Syria.<sup>11</sup> Unfortunately, these war crimes have remained unpunished because of international balances. This also reminds us of the massacres during the Bosnian War.

Civilians are still being killed in Syria today. In order to stop these killings as soon as possible, the UN Security Council should not only decide to dispatch peace missions to the country, but also to take more decisive and forceful measures. After all, it should not be forgotten that the UN had seriously damaged its own image during the Bosnian War, due to the weakness of the peace mission in military terms.

It is for sure that at the end of the war, the guilty will be brought to justice. However, at present the international community should be involved in the prevention of massacres just as they will bring the war criminals to justice after the war. Therefore, moral, political and economic outcomes of a belated intervention and dramatic humanitarian losses, as happened in the Bosnian example, can be averted.

Turkey caring about the humanitarian crisis in Syria has taken risks, opened its doors to the Syrian refugees and continued to reach the Syrian people. Tur-

10. With the financial support of the Qatar government, this commission delegated three former chief prosecutors (David Crane who was the chief prosecutor in the file against former Liberian President Charles Taylor, Sir Desmond Da Silva who was the chief prosecutor of the international criminal tribunal for war crimes in Sierra Leone and Professor Geoffrey Nice who was the chief prosecutor of the international criminal tribunal for the former Yugoslavia President Slobodan Milosevic) and the London-based Carter-Ruck and Co. law office to examine the photos and prepare a report. See. <http://www.hurriyet.com.tr/dunya/25613143.asp>

11. "Report on the Alleged Use of Chemical Weapons in the Ghouta Area of Damascus on August 21, 2013", [http://www.un.org/disarmament/content/slideshow/Secretary\\_General\\_Report\\_of\\_CW\\_Investigation.pdf](http://www.un.org/disarmament/content/slideshow/Secretary_General_Report_of_CW_Investigation.pdf)

key also asks for concrete steps from the international community to stop the killings in Syria. The Bosnian experience sets a historical reference for Turkey's consistent and sustainable position in Syria. Back then the Serbian leader Slobodan Milosevic criticizing Turkey's support to the Bosnians had issued statements similar to those of Bashar al-Assad today. Making a comparison by referring to the late Turgut Özal and his successor Süleyman Demirel, Milosevic had criticized Turkey's support for the people of Bosnia-Herzegovina saying, "Özal adopted a fundamentalist attitude. Demirel is a more logical politician. He looks at the incidents through a contemporary eye."<sup>12</sup> Today, Turkey has advanced diplomatic and social relations with Bosnia-Herzegovina and the same can be expected for its future relations with Syria, as the crisis with the Syrian regime will not be permanent.

For the moment, it is difficult to predict the direction of the developments in Syria. However, just like Milosevic, who could not find a space of manoeuvre in terms of international political balances after the massacres on Bosniaks, al-Assad is now subject to international conscience and law. It is impossible to foresee whether the probable trial of al-Assad will end the violence in Syria altogether. Meanwhile, it should be remembered that his own people turned Milosevic in to The Hague.

12. <http://www.turkiyegazetesi.com.tr/ceren-kenar/575833.aspx>

## WHAT SHOULD BE DONE TO PREVENT FURTHER MASSACRES?

A human drama has been taking place in Syria and the current developments are the harbinger of new killings in the country. Mass graves, similar to those found in Bosnia, probably exist in Syria, as the Baath regime exposes even civilians in opposition to systematic torture and mass killings.

To end the massacres, firstly the ICC should take action urgently and form an international criminal tribunal for Syria in order to launch the prosecution process against crimes of humanity committed in the country.

Secondly, the international community should remember that even though they were slow to act in Bosnia-Herzegovina, they did prevent potential killings in Kosovo. Therefore, they should immediately make strong political moves to initiate the process of International Law. Russia, on the other hand, should stop resisting the international law, reconsider the support it has been providing to the Baath regime, and see the long-term costs of its current policy, especially to its international image.

Thirdly, the international community should question the morality of receiving the Baath regime and the Syria National Coalition on equal terms on equal terms in Geneva.

Lastly, Turkish non-governmental organizations (NGO) should raise international awareness on the issue and on the images of systematic killings.