

Til PFU sekretariatet
ved Kjell Nyhus

Klagen på Nrk Brennpunkt og dokumentaren "Byen som kunne ofres" fra Den norske Helsingforskomité er rettet både til Kringskastingsrådet og Pressens Faglige Utvalg (PFU). I klagen til PFU har vi fra sekretariatet fått beskjed om at to punkter i klagen er frafalt – uten at klagen er omarbeidet. Det har forvansket arbeidet med svaret, og vi har valgt å respondere på klagen slik den står i sin hovedtekst.

Ettersom dette har vært et internasjonalt prosjekt som er støttet av Sverige, Danmark og EU, har NRK Brennpunkt og Fenris Film valgt å redegjøre for vårt prosjekt i en felles rapport på engelsk. Det er også med tanke på mulige fremtidige klager til andre lands kringkastere. Vi har indikasjoner på at miljøer har startet og vil fortsette det som kan omtales som kampanjer mot programmene, se for eksempel link under.

<http://www.underskrift.no/underskrifter.asp?kampanje=3382&side=11>

Svaret består derfor av denne innledningen på norsk, deretter hovedrapporten som består av et overordnet svar, og en punkt-for-punkt gjennomgang av klagen.

Mesteparten av klagen fremstår som en kronikk og meningsytring. Det har derfor vært viktig å skille mellom a) det som programmet faktisk handler om og det som sies i programmet, b) det klageren mener burde ha vært med i programmet og c) hvordan klageren tolker programmet.

Samlet team

Det er et samlet team som står bak dette dokumentet. For oss er det viktig å understreke at det har vært full åpenhet omkring arbeidsprosessen, manus og ferdig klipp. Programmene har vært ferdig i over ett år før sending. Alle involverte i teamet står derfor bak begge filmene. Våre kilder og involverte som har tilsvare rett har også hatt god tid til å respondere på innholdet.

Vår konklusjon er at vi ikke ser noen grunn til å endre noe i våre programmer "Sporene fra Sarajevo" og "Byen som kunne ofres" ut over vanlig oppdatering som arrestasjonen av folkemordtiltalte Ratko Mladic - og antall drepte og identifiserte på alle sider.

Ensidighet

Generelt mener vi at Helsingforskomiteens klage er ensidig, at den forsøker å presse journalister til å ta part i konflikten, at den er til dels kunnskapsløs om nyere research om Bosnia-krigen – spesielt gjelder dette den militære siden – og at den tillegger oss holdninger og meninger vi ikke har – og som heller ikke uttrykkes i filmen ”Byen som kunne ofres/A town betrayed”.

Vi var klar over at dette var et følsomt tema ettersom vi tidligere har laget to dokumentarer hvor denne massakren har vært en sentral del av handlingen (Minerydderne <http://www.nrk.no/programmer/tv/brennpunkt/7661.html> og Allies and Lies <http://news.bbc.co.uk/2/hi/programmes/correspondent/1390536.stm>).

Vi har derfor lagt vekt på å presentere kjente fakta omkring massakren også i denne filmen. I en lang sekvens i begynnelsen (mellom 00.30 - 09.00) og mot slutten (fra 54.04 – 58.48) får seerne ta del i den bunnløse sorgen som følger massebegravelsene i Srebrenica. Disse sekvensene viser tydelig folkemordets omfang og hvordan hendelsene fortsatt preger de overlevede og etterlatte.

Likevel ligger det i journalistikkens natur at det er de nye og mer ukjente aspekter ved en konflikt som får størst oppmerksomhet.

Internasjonalt graveprosjekt

I ”Byen som kunne ofres” har vi fokusert på den militære siden. Vi har gjort en omfattende internasjonal research - i hovedsak har vi brukt norske, hollandske, britiske, amerikanske, bosnisk muslimske og serbiske kilder. Spesielt bosnisk muslimske og serbiske kilder har gradvis blitt mer tilgjengelig. Vi merket stor forskjell fra 2001, da NRK Brennpunkt i samarbeid med BBC laget dokumentaren ”Våre venners løgner” (Allies and lies).

I denne filmen fortalte norske, britiske og bosnisk muslimske kilder for første gang åpent om de hemmelige våpendroppene utenfor den norske FN-basen i den bosniske byen Tuzla. Serberne ville ikke snakke med oss, men noen bosnisk muslimske kilder brøt tausheten. En av dem var lederen for en muslimsk spesialstyrke kalt Svarte ulver. De hadde ansvaret for sikkerheten rundt droppene. Etter at programmet ble sendt ble han truet på livet og vi måtte

besørge et lengre hotelopphold for ham utenfor Bosnia til risikovurderingene tilsa at han kunne vende tilbake.

Flere av våre kilder ble senere intervjuet av hollandske Cees Wiebes som sto bak den anerkjente nederlandske rapporten om Srebrenicas fall. Våre to siste filmer bygger videre på Allies and lies-researchen.

<http://tpmcafe.talkingpointsmemo.com/talk/2008/07/dutch-report-on-srebrenica-mas.php>

Fortielse

Den innklagede filmen er en dokumentar med hovedsakelig bosnisk muslimske kilder som forteller en mer komplisert og nyansert historie om borgerkrigen i Bosnia, og hvor de tar et oppgjør med sine egne ledere. Det er dette, som vi oppfatter som normal og viktig journalistisk virksomhet, som genererer beskyldningene om fornektelse av et folkemord. Den norske Helsingsforskomiteen går etter vårt skjønns fortiernes ærend med sin klage.

Ofrene

For oss handler dette prosjektet om å søke kilder på tvers av gamle frontlinjer i dagens Bosnia, og vi har hatt et utmerket samarbeid med våre bosniske kolleger fordi de har markert seg som uavhengige og kunnskapsrike. De ble med på vår jakt etter nye kilder både på muslimsk og serbiske side. Spesielt det siste var en utfordring, da bosnisk serbiske veteraner beskyldte oss å være spioner under et besøk i Bratunac og Kravica.

Vi glemmer heller aldri første gang vi møtte vanlige folk i Srebrenica (muslimer) som var kommet tilbake for å begrave sine slektninger. Selv om det var serbiske soldater som drepte, var muslimenes raseri også rettet mot deres tidligere president Alija Izetbegovic. De følte han hadde forrådt dem da det gjaldt som mest. Eller som flere av dem gjentok: Alija ofret oss alle! Det er i dette lys vår reporter Mirsad Fazlic´ avslutningskommentar må sees. De serbiske krigsforbrytelsene kan ikke unnskyldes, men når flere av Srebernicas folk i tillegg retter sin harme mot Izetbegovic som kalles Bosnias far, ville det være en journalistisk unnlattelssynd om dette ikke ble journalistisk behandlet og videreformidlet.

Bytte av territorier

Bakgrunnen for en slik svikanklage var at Srebrenica-folk allerede i 1993 fikk nokså klare signaler på at Izetbegovic ønsket å bytte Srebrenica mot mer ønskede områder rundt

Sarajevo. På grunn av landets sammensatte befolkningsstruktur med serbere, muslimer og kroater som bodde om hverandre, havnet enklavene Zepa, Srebrenica og Gorazde midt i serberland. Befriende åpent forteller sentrale kilder om den muslimske ledelsens vilje til å ofre disse enklavene - derfor navnet på filmen. En rekke maktpersoner i dagens Bosnia var involvert i disse forhandlingene og derfor er dette fortsatt et meget betent tema.

Begrenser ytringsfriheten

I sin klage påstår Den norske Helsingforskomiteens at vi bagatelliserer folkemordet, bedriver historieforskning og manipulere fakta. Vi oppfatter dette som absurde påstander.

Esad Hecimovic, som var blant de første bosniere som begynte å fortelle en oppsiktsvekkende og mer komplisert historie om det som skjedde *før* Srebrenica-massakren, har rakrygget forsvart sin deltakelse i våre programmer i sin egen avis Oslobodenje. Under tittelen ”Hvem manipulerer hvem?” går han i gjennom vårt kildegrunnlag og påviser det opplagte faktum at de aller fleste kilder er bosniakker (bosnisk muslimske kilder) som han selv. I tillegg får tre serbiske primærkilder fortelle sin historie. To av de serbiske kildene har også vitnet for krigsforbryterdomstolen i Haag.

Vedlagt er Esads artikkel (Side 1, 10 og 11).

https://docs.google.com/viewer?a=v&pid=gmail&attid=0.1&thid=12fd93ceb2a95b85&mt=application/pdf&url=https://mail.google.com/mail/?ui%3D2%26ik%3D07e4571406%26view%3Datt%26th%3D12fd93ceb2a95b85%26attid%3D0.1%26disp%3Dsafe%26realattid%3Df_gnilspkj0%26zw&sig=AHIEtbSmdk6Hl1wsvEyjkuLAKy8rD6fJg&pli=1

Et viktig fortellergrep i vårt prosjekt er også at muslimske kilder skulle ta oss med inn i de mer ukjente sidene av Srebrenicas historie. Selv Helsingforskomiteen mener vi har lyktes med å få viktige vitner til å stå frem:

”... dokumentaren har lyktes med å få viktige bosniske vitner til å stå frem.”

Tross dette mener Helsingforskomiteen at deres og våre ytringer kan være straffbare:

”Programmet er etter vårt syn ubalansert og grunnleggende misvisende om de historiske realitetene det søker å beskrive. Å benekte eller underslå folkemord er et alvorlig forhold, straffbart i en rekke land, og dette programmet går langt i den retning.”

Dette forsøket på å forvrengte vårt journalistiske prosjekt og rasle med lovparagrafer mot vanlig journalistisk virksomhet, og spesielt overfor våre kilder og to kolleger i Bosnia, forgifter en viktig debatt og oppleves som et gufs fra den kalde krigen hvor annerledestenkende ble mistenkeliggjort. Den norske Helsingsforskomiteen burde være de første til å skjønne en slik sammenheng.

Folkemord-debatt

Det er en debatt blant jurister og mellom partene i Bosnia-krigen om hvorvidt Srebrenica var et folkemord eller ikke juridisk sett, noe som denne nylige artikkelen i *The Economist* vitner om: **The uses and abuse of the G-word** - <http://www.economist.com/node/18772664>

“... William Schabas, a Canadian law professor who heads the International Association of Genocide Scholars. He has stirred a furore by arguing that since many authorities reject the use of “genocide” to describe the whole military campaign by the Bosnian Serbs (or those of other war parties), it may not make sense to single out one episode in the war as genocidal; either there was a general bid to exterminate or there was not.

This thinking does not, he insists, diminish the horror of Srebrenica or of genocide-like acts in general. But he thinks the world should focus more on “crimes against humanity”—defined as killing and other inhumane acts when committed as “part of a widespread or systematic attack ...against any civilian population.” Such felonious deeds should not be seen as a “discounted form of genocide” but as an extreme form of wickedness; they were, after all, the precise charges against the Nazis convicted at Nuremberg.”

En ny versjon av denne debatten kom også til overflaten i samband med utleveringen av den tidligere øverstkommanderende Ratko Mladic til krigsforbryterdomstolen i Haag. Flere bosniske NGOs har satt i gang en kampanje mot den tyske dommeren som skal lede rettssaken fordi han har kommentert prinsipielle og juridiske forskjeller mellom jødeutryddelsene og Srebrenica (http://www.b92.net/eng/news/region-article.php?yyyy=2011&mm=05&dd=31&nav_id=74666):

“ZAGREB: Three Bosniak associations have called on the Hague Tribunal to exempt Presiding Judge Christoph Flügge from the trial chamber appointed in the Mladić

case. (...)

They said that in a statement for the German daily Spiegel "a while ago", Flügge "denied that the crime of genocide had been committed in Srebrenica".

"By saying that the use of the term 'genocide' in defining the Srebrenica crime is unnecessary and that the term 'mass murder' should be used instead, judge Flügge demonstrated that he is prone to prejudice," the Bosniak associations said in the letter addressed to Robinson, adding that Flügge has also showed that he "does not deserve to be a judge with the Hague Tribunal".

Reports said that "in a statement for the German daily Spiegel, Flügge said that only the Holocaust can be referred to as genocide and that the term should be replaced in all other cases by the phrase 'mass murder'."

Vi går ikke inn i denne folkemord-debatten, men refererer til den i én setning. Vår holdning som speiles i programmet og som vi har gjentatt flere ganger senere, er at det som skjedde i Srebrenica var en massakre og et folkemord. Vårt program handler om forspillet til Srebrenica-massakren.

Nrk Brennpunkt og Fenris Film ser derfor ingen grunn til å korrigere programmet "Byen som kunne ofres" eller sensurere våre kilders ytringer. Alle som har krav på tilsvar har fått tilbud om dette. Vi ber derfor om at klagen avvises.

Mvh

Vibeke Haug, redaktør i Brennpunkt

Tore Buvarp, produsent Fenris Film

Ola Flyum, regissør

David Hebditch, regissør

Esad Hecimovic, researcher

Mirsad Fazlic, researcher

Roger Charles, researcher

John M. Berger, researcher

Documentary: NRK Brennpunkt *A Town Betrayed*

RESPONSE TO THE COMPLAINT OF THE NORWEGIAN HELSINKI COMMITTEE

(The quotes below in Norwegian have been translated into English by us.)

INTRODUCTION

The Norwegian Helsinki Committee (NHC) has complained to the Norwegian Press Complaints Commission and the Broadcasting Council about a documentary programme broadcast on 26 April 2011 in NRK's Brennpunkt series and titled *A Town Betrayed* (a Fenris Film production). This will be referred to as 'The Complaint'. The Complaint is dated 11. May 2011.

The documentary is an investigation of events leading up to the massacre of some 8,000 men and boys during July 1995 near Srebrenica in Bosnia and Herzegovina ('Bosnia' or 'BiH'). It reports the concerns of members of the Bosniak community, many of whom were directly involved in the events described, that since 1993 the Bosnian government in Sarajevo had been prepared to relinquish control of the town to the Bosnian Serbs in return for Serbian-held territory near the capital city. This was a 'land-swap' agreed between the two sides politically and aimed at giving each contiguous, ethnically-pure territory.

In the preamble to the Complaint, the NHC says, 'We believe that the program contributes to the history of forgery and does not live up to the journalistic standards expected from NRK'. That highly-emotive dismissal of four years' work by a team of very experienced journalists in four countries demands preliminary comment before we go on to make a point-by-point rebuttal.

The Oxford English Dictionary defines 'forgery' as 'the action of forging a copy or imitation of a document, signature, banknote, or work of art'. If the programme is a copy or imitation of something, it is unclear what it is supposed to be a copy or imitation of. Saying that the programme 'contributes to the *history* of forgery' [our emphasis] is even more obscure.

We have to assume, therefore, that the NHC is trying to say that the programme is some kind of deception or lie. In other words, the film-makers conspired with a large number of people – interviewees, financial backers and broadcasters – to carry out a deception on the public. That is a preposterous assertion and we refute it absolutely.

The writer/directors of the programme, Ola Flyum and David Hebditch have between them 60 years of experience as award-winning print journalists, authors and film-makers.

Our researchers, Bosniak journalists Mirsad Fazlic (*Slobodna Bosna*) and Esad Hecimovic (*Oslobodenje*) are both very experienced journalists in Sarajevo and Zenica. Esad, who is also an author, has been working with these issues since the war and is known as an independent voice in Bosnia.

Our two American researchers are Roger Charles and John Berger, both experts on military and terrorism issues for TV-channels such as CNN, BBC, CBS (60 Minutes), National Geographic Channel and Al Jazeera.

We are all well-known to NRK. In the words of an American politician, we ‘do not have a dog in this fight’ – the Bosnian civil conflict – and do not carry a torch for any of the participants. Our three documentaries on this topic (*Allies and Lies* for the BBC, NRK and NDR in 2001 and the present two programmes) have been approached using a number of basic research principles which far exceed anything imposed by broadcaster or state guidelines. These may be summarised as follows:

- We don’t believe anything *anyone* tells us without further rigorous examination. This is particularly important in the context of the Balkans and is applied to all sides.
- All claims made in the programme must be substantiated from at least two sources (eye-witnesses, documents and/or photographic and video material), preferably more.
- The closer to the events described, the more credible a source is. For this reason, institutional sources rank far below the evidence of, say, participants and eye-witnesses. *This includes the ICTY*. It also includes academics and self-appointed campaign groups. None of these groups occupy the moral high ground. Nor do we.
- We do not consider blogs to be a credible source.

The application of these working practices resulted in potentially dramatic stories – “good television” – being left out of the documentaries. For example, many people wanted to convince us that Osama bin Laden had visited Bosnia during the civil war. They failed.

We are experienced enough to be able to shrug off claims of poor journalism. Accusations that we are genocide-deniers are another matter. Under the heading of ‘Overriding Issues’, NHC makes the following allegation against the programme-makers:

‘The documentary questions whether there was genocide in Srebrenica...’

No it doesn’t. The very first words of commentary (words written by the programme-makers) over shots of Srebrenica are as follows:

‘Srebrenica in eastern Bosnia is a ghost town. More than 7,000 Muslim men never returned after the civil war. They were killed in 1995 by Serbian soldiers in a series of incidents commonly known as *Europe’s worst genocide since World War 2*.’ [Our emphasis.]

We would be interested to know to which of those three sentences NHC objects. Towards the end of the film, the commentary says:

‘Of the 6,200 bodies identified through DNA-profiling, only half have been released for burial.’

A little later, Sefer Halilovic says:

‘If you look at where they (the people from Srebrenica) are *after the genocide* at home...’ [Our emphasis.]

We believe that every single one of the Bosniak contributors to the documentary would describe the July 1995 massacres as genocide by the Serbs. One of our research team is Jewish. One of the writer/directors was recently involved in original research into the Shoah in Latvia. To accuse us of being genocide-deniers is defamatory.

It is quite clear from the content of the film the programme-makers accept that over 7,000, probably 8,000, people were killed by the Bosnian Serbs in the aftermath of the 11 July 1995 fall of Srebrenica and that those killings took place at different times and in different places – outside and mostly to the north of the city. [Source: Jon Sterenberg, Head of Excavations, International Commission for Missing Persons, speaking to the programme-makers in Sarajevo, 2006.]

To accuse us of being genocide-deniers is nonsense. It is also illogical. If more than 7,000 Bosnian-Muslim men *hadn’t* been massacred after 11 July 1995, what would be the purpose of making a documentary about the preceding events?

What provoked the making of this documentary was a desire to investigate a serious accusation being made by *Bosniaks* that, for political reasons, the BiH government in Sarajevo allowed Srebrenica to fall into Serb hands.

The *Bosniaks* making that accusation included relatives of the Srebrenica dead, farmers, soldiers, journalists, a police-chief, a local mayor and MP, an army Chief of Staff and a senior B-H politician, professor and ambassador to London. All were directly involved in these events.

Many of the contributors to the programme have been threatened for expressing an unpopular view on why Srebrenica fell to the Serbs. Since the documentary was broadcast, hate-mail and death-threats have been a daily occurrence for some of them. Three were subject to murder attempts during or shortly after the war.

The army general lost his wife and brother-in-law in a bungled attempt to assassinate him. The former mayor and MP was beaten up in broad daylight in Srebrenica after he published a book about what happened in the town. That was only three years ago.

Now the Norwegian Helsinki Committee, a group which – according to its website – ‘monitors compliance with the human rights provisions of... OSCE signatory states’ – has decided to attack these Bosniaks for expressing an opinion on historical events that it, the NHC, has decided is not politically correct. We regret to acknowledge that the NHC in its criticism actually put freedom of expression as a human right under attack.

The NHC Complaint alleges that viewers of the programme ‘will be left with an inaccurate picture after watching this documentary on what happened’. We absolutely refute that assertion. It is clear from the complaint that, when the NHC says ‘an inaccurate picture’ it means ‘a picture we do not agree with’.

To repeat, we had no agenda and, therefore, no motivation to make things up. We were not manipulated and we did not manipulate anyone else.

We are going to use the opportunity of the NHC Complaint to present evidence gathered during research, but which couldn’t be included in the documentary for reasons of space. We will also carry out an issue-by-issue rebuttal of the Complaint.

We stand by our programme.

David Hebditch and Ola Flyum

Writer/Directors

ISSUE-BY-ISSUE REBUTTAL OF THE COMPLAINT

1. THE FALL OF SREBRENICA

The sentence from the Complaint quoted earlier is now shown in its entirety:

‘The documentary questions whether there was genocide in Srebrenica and goes far in placing the responsibility for the assaults on Bosnian and U.S. governments.’

We have a problem with the second half of the sentence too.

To be quite clear, in our opinion, only the Bosnian-Serbs are responsible for the assaults, the murder of some 8,000 men near Srebrenica.

However, if Srebrenica hadn’t fallen to the Bosnian-Serb Army, the July 1995 massacres could not have happened. That is self-evident. It is a legitimate exercise, therefore, to re-examine *why* the town fell into enemy hands after three years in the hands of the ABiH. Many Bosniaks involved in these events have been asking the same question for some time – since 1995 in fact.

Despite the bravery and determination of people like Major Huso Salihović, when the Bosnian-Serb Army (VRS) entered Srebrenica it faced minimal resistance. Why did that happen?

Tanks and Tactics

Much has been made of the VRS’s superiority of armour. However, it is possible for infantry to defend against tanks in urban areas. Naser Orić bore the rank of Brigadier and one assumes he knew how the limited number of routes into Srebrenica could be blocked to advancing tanks. In that case, why didn’t he use the years in which he commanded the Bosnian Army (ABiH) in the town to build such defences?

It has been suggested that Orić’s forces had no weapons with which to attack advancing armour. This is untrue. The ubiquitous RPG-7 (Rocket-Propelled Grenade Mark 7) was specifically designed as an infantry anti-tank weapon. Orić also had more modern Chinese-manufactured ‘Red Arrow’ anti-tank missiles. We have documentary evidence that such weapons were delivered to Orić but no evidence that any of them were used against Serbian tanks on 11 July. In fact the BiH army, according to its website, still has them. According to

military analyst Tim Ripley, Dutch UN soldiers, ‘saw Bosnian troops escaping from Srebrenica move past their observation points carrying brand new anti-tank weapons, still in their plastic wrappings.’ [Source: Tim Ripley, *Operation Deliberate Force*, Lancaster University, 1999, p.192]

If NHC doesn’t believe documents from Naser Orić’s own files, the following might help. Coincidentally, on 11 July 1995, the Main Board of the ruling SDA party was meeting in Zenica. On learning of the Bosnian-Serb Army’s advance into Srebrenica, General Rasim Delić, Chief of the General Staff of the ABiH, added the following comments to his speech.

‘Srebrenica has sufficient weapons. The point was to organize resistance. Over the last several months, we have, among other actions, ensured that Srebrenica has more arms and ammunition than at any point during the last three years. This means that it also has long-distance armour-piercing weapons. Four tanks mean nothing, if there is a ‘Red Arrow’ launcher with enough rockets, if there are enough RPG launchers with enough ammunition. It is not a huge amount, but it is the amount I would have wished for at the General Staff in 1993 for the whole Army, let alone for a municipality. [...] All the necessary orders regarding Srebrenica have been issued, we have enough fighters, and now there are enough arms too. [The municipality president] must organize the people to offer resistance and he will surely resist the attack by four tanks. In some areas, say in the area of Brcko, they used to send up to 50 tanks simultaneously at us.’ [Source: BHDANI, special issue, September 1998, Esad Hecimovic: How they sold Srebrenica and hung on to power, pages 11 and 12. Hecimovic was present during the speech and made notes.]

General Delić might not have had the numbers at his fingertips, but 42 RPG-7 rockets and 28 Red Arrow missiles were sent to Orić on one day alone – 18 January 1995. [Source: ABiH inventory schedules from 28th Division HQ.]

More importantly, why did *a civilian official*, the president of the municipality, have to ‘organise the people to offer resistance’? Where was Brigadier Naser Orić, ‘the Defender of Srebrenica’? Where was the 28 Division of the ABiH?

Force Strength

Military sources have suggested to us that the VRS’s capture of Srebrenica resulted from a tactic known as ‘advance to contact’. In order to determine the position and strength of a defending force, a small attacking force moves forward until it meets resistance. When shot at, they stop and maybe even retreat back to their original position. That’s why the VRS didn’t use ‘50 tanks simultaneously’. On 11 July 1995, four hundred soldiers followed four armoured vehicles into Srebrenica from the south. No resistance was met and they kept advancing until they reached the centre of the town. [This scenario is confirmed by UNPROFOR Dutchbat, UN Military Observers (UNMOs), the European Community

Monitor Mission (ECMM) and the CIA. In *A Town Betrayed*, Major Huso Salihović describes arriving earlier in Srebrenica's town square and finding it deserted.

See also interview with Salihović in the Sarajevo-magazine *Slobodna Bosna*.

https://docs.google.com/viewer?a=v&pid=gmail&attid=0.1&thid=12fcf79f0bfa8ec4&mt=application/pdf&url=https://mail.google.com/mail/?ui%3D2%26ik%3D07e4571406%26view%3Datt%26th%3D12fcf79f0bfa8ec4%26attid%3D0.1%26disp%3Dsafe%26realattid%3Df_gnf_xj0hs0%26zw&sig=AHIEthS9jloi0SnpfM6TvEFDZugQs3Lcuw]

Merknad [DCB1]: Ola: This is not a web-page and I don't think we should use embedded links. They could only be used by retyping everything! In any case, the link doesn't work. We need a source reference in square brackets with the date. I don't have that information.

According to Orić, he had 12,000 armed fighters under his command. The Serbs estimated that 13,000 retreated from Srebrenica on or about 11 July 1995. The CIA estimated that the VRS had some 6,000 troops, fewer than 2,000 of which were involved in the capture of Srebrenica. So why did the town fall so easily?

All of this – and Gen Rasim Delić's confident assertion in Zenica on 11 July that the VRS would be easily repulsed – overlooks one important fact. *Since March that year, the ABiH in eastern Bosnia had been leaderless.*

An important document we were unable to include in the documentary is a secret report commissioned by Gen Delić from his head of military security Gen Jusuf Jašarević. Jašarević was asked to report on the reasons for the fall of Srebrenica. We will quote more from this important evidence later, but it should be noted here that one of the reasons he gives for the loss of the town is this:

'Naser Orić's departure from Srebrenica in March 1995 had certainly a very negative impact on the organization of defense.' [Jašarević Report, 23 September 1995]

That could be read as something of an understatement. At a critical time in the civil war, Brig Naser Orić *and 23 of his top commanders* had been ordered out of the region by the ABiH General Staff in Sarajevo. Gen Delić must have been well aware of this and it explains why he called on a public servant, the president of the municipality, to command a civilian defence of the town.

The UN had three military observers in the enclave between 3 July and 21 July 1995. They were close to the action throughout the whole of that period. This is what they said about the B-H army's situation on 4 July.

'The BiH were confused by the lack of leadership and arguments over who was in charge. Zufo [Zulfo Tursunović] was leading the Bandera triangle area but many troops were too scared of him to join him. Ramiz, the COS [chief of staff], was also trying to take the lead but the orders given were different from those the troops expected and they were confused. The soldiers were very fatigued by walking from one side of the town to the other while trying to follow orders. The weather was very hot and there were no vehicles for transport. The BiH were so fatigued and confused

that they presented no defence. The BSA knew of this weakness in the chain of command and timed their attack to exploit it.' [Source: UNMO G2 (Military Information Branch) Debrief of UNMOs from the Srebrenica Enclave, Sarajevo 24 July 1995]

This assessment was confirmed in a 26 July report by Major P H D Wright the UNMO military intelligence officer at UNPROFOR Sector Northeast at Tuzla Air Base. The report, marked 'secret' and 'locally sensitive' says this:

'ORIC, the charismatic Commander of SREBRENICA, was not allowed to return by either BiH Government or 2 Corps. The reasoning in Ref A may be false and instead it was a deliberate attempt to weaken 28 Div. Whatever the reasons it certainly succeeded in doing so according to UN reports, which claimed that the local Commanders seemed incapable of taking any decisive action.' [Source: UNMO Military Intelligence Report MIO.SREB.002 'Postscript to Srebrenica', Tuzla, 26 July 1995]

In his conclusions, Major Wright says that:

'The overwhelming evidence above seems to suggest that:

- a. The ABiH should have been able to defend the enclave for at least a longer period providing proper leadership had been offered
 - b. BiH Government had a lot to gain from the fall of the enclave.'
- [Source: as above]

We tried repeatedly to secure an interview with Major Wright about this remarkably revealing 11-page report but were blocked by the UK Ministry of Defence.

In fact, Brig Naser Orić had been trying to surrender Srebrenica single-handedly for two years. Late on 15 April 1993 army chief-of-staff Gen Sefer Halilović was woken by a phone call from Munir Alibabić, head of the BiH secret police.

Alibabić: Commander, I would not call this late, but a message from Belgrade has arrived. I do not know how accurate the information is. Apparently, Jean Klod [*sic*] took the message to Belgrade for the president of the War Presidency of Srebrenica. Naser Orić has offered to surrender Srebrenica, with two conditions. One is to allow a corridor towards Tuzla to get the fighters out and the second is to get the wounded out. Allegedly the offer has not been discussed with the army command here, nor with the government, because according to them, this is not Sarajevo's problem. Now, the information I've got, I have no way to verify.

Halilović: Yeah.

Alibabić: It is already in Belgrade on the table.

[Source: Translation of hand-written transcript of 15 April 1993 telephone conversation between Munir Alibabić and General Sefer Halilović]

Five months later, withdrawal from Srebrenica was to become the policy of the BiH government.

The official reason cited for the March-April 1995 withdrawal of the 28th Division leadership was that the 24 officers were to attend Staff College in Zenica. No mention has been made of what additional training they were to be given or why they all had to be retrained at the same time. But they never returned and this decapitation of 28th Division of the ABiH made the fall of Srebrenica almost inevitable. It certainly explains why most of the remaining ABiH soldiers did not fight the advancing Serbs in July.

The Complaint goes on to make the following observation:

'The film presents the Serbian side as a militarily weaker party that only reacts (regains lost territory). The statement of the Bosnian Serb forces' resources and capacity later in the film (43.03, etc.) is in our view clearly misleading. The same is to expect the Dutch UN troops who had the mandate to protect Srebrenica as a safe zone for civilians, as part of Bosniaks military capacity.'

Filmen presenterer den serbiske siden som den militært underlegne part som bare reagerer (gjenerobrer tapt territorium). Angivelsen av de bosnisk-serbiske styrkenes ressurser og kapasitet senere i filmen (43.03 osv.) er etter vårt syn klart misvisende. Det samme er å regne de nederlandske FN-styrkene som hadde mandat til å beskytte Srebrenica som en sikker sone for sivile, som en del av bosnjakenes militære kapasitet.

We do not 'present the Serbian side'. The numbers used are based on various sources. NHC says the film is 'in our view clearly misleading' on the matter but does not present contrary evidence. What is clear is that the VRS was stronger than the ABiH in terms of materiel, training and doctrine. However, it always had fewer troops under arms than the ABiH.

But the NHC persists with this point, saying:

'It is said that Mladic was militarily inferior and that he did not trust their local troops, because he was afraid that they might commit abuses. This is wrong. Purely military concludes UN report on Srebrenica that: "There was no contest." Serbs were militarily crushing superiority. The movie expects the UN troops as part of the resistance of the Serbs had to be reckoned with, but does not mention that the Serbs at the time threatened to kill the captured hostages from the United Nations if the United Nations intervened militarily, and that in addition a long time had prevented reinforcements Dutchbat to arrive, the UN contingent in Srebrenica were therefore understaffed. A picture is drawn of inferior Serb forces who are forced into action by the Muslim assault and breach of contract, which is in total contrast to the ICTY ruling and the UN version.'

45:09 Det sies at Mladic var militært underlegen og at han ikke stolte på sine lokale tropper, ettersom han var redd for at de skulle begå overgrep. Dette er feil. Rent militært konkluderer FN-rapporten om Srebrenica med at: "There was no contest."

Serberne var militært sett knusende overlegne. Filmen regner opp FN-styrkene som en del av motstanden serberne måtte regne med, men nevner ikke at serberne på den tiden truet med å drepe tilfangetatte gisler fra FN, hvis FN intervenerte militært, og at de i tillegg over lang tid hadde hindret forsterkninger i å ankomme Dutchbat, FN-kontingenten i Srebrenica som dermed var underbemannet. Det tegnes et bilde av underlegne serbiske styrker som tvinges til aksjon av muslimske angrep og avtalebrudd, noe som er i total kontrast til ICTY-dommenes og FNs versjon.

The European Community Monitor Mission (ECMM) continually gathered intelligence on relative force-strengths. Based on an 11th May 1995 meeting with Croat and Bosnian officers at Sarajevo Joint Command, ECMM liaison officers summarized their view of 'Serb morale and BSA (Bosnian-Serb Army) capabilities' as follows:

'The Serbs' morale looks very low. It seems that very soon, they will need help. They are short of military spares. They have to hold a too large territory. They have a lot of refugees and many factories are not working due to the lack of man-power. With no industries, no money and no food, people are not satisfied; "RS" is economically destroyed.' [Source: ECMM Special Report by Joseph du Chesne, ECLO, 11 May 1995]

The programme-makers do not say that the VRS was 'militarily inferior'. We do say that it had fewer soldiers – that is not the same thing. The VRS got its superiority from weapons, training, command-structure and doctrine. In spite of that, the ABiH and the UN were able to keep the Bosnian-Serb forces out of Srebrenica for over three years.

We agree that UN Dutchbat was ridiculously undermanned and poorly armed if it was ever going to defend the town. It was able to perform the rôle of observers, no more. The former head of UNPROFOR Sector North-East, Brigadier Hargrup Haukland's conclusion regarding the UN's ability to defend Srebrenica says it all: 'It was Mission Impossible!'

Rather than rely on Dutchbat, an advance by ABiH 2 Corps from Tuzla to reinforce the 28th Division might have made it possible to secure Srebrenica permanently. But, if our Bosniak interviewees are right, that was the last thing that Izetbegović and the Sarajevo government wanted.

Since 1995 the Dutch UN soldiers have been criticised for not defending Srebrenica against the VRS. However, the town was abandoned by the 28th Division so the ABiH didn't defend Srebrenica either. If the Bosniaks expected Dutchbat to defend the town, it's not unreasonable for the Bosnian Serb Army also to anticipate that the Dutch would defend the town. It seems that both sides were wrong. The VRS lost two tanks to ground-strikes from Dutch Air Force F-16s and Dutchbat vainly tried to block the advance with two armoured personnel carriers – but that was the only resistance put up by the UN/NATO.

2. BRIGADIER NASER ORIĆ: HERO OR HOODLUM?

The NHC Complaint seems uncertain how it should deal with the problem of Naser Orić, the so-called ‘Defender of Srebrenica’.

‘With regard to killings of Serb civilians in Srebrenica in captivity, the ICTY stated that war crimes, including murder, had taken place. However, Orić was nevertheless acquitted because the court did not find it proven that he had a personal criminal responsibility (i.e. that there was an established chain of command) for these violations. Acquittal is controversial, not only on the Serbian side. Many lawyers believe that the ICTY prosecutors did a poor job of it.’

Med hensyn til drap på sivile serbere i fangenskap i Srebrenica, slo ICTY fast at *krigsforbrytelser*, inclusive drap, hadde funnet sted. Men Orić ble likevel frikjent ettersom retten ikke fant det bevist at han hadde et personlig straffeansvar (det vil si at det fantes en etablert kommandokjede) for disse overgrepene. Frikjennelsen er kontroversiell, ikke bare på serbisk side. Mange jurister mener at ICTYs anklagere gjorde en dårlig jobb med saken.

The secret ABiH Jašarević Report on the fall of Srebrenica cites a number of incidents of Orić’s involvement in criminal activity and states that there was indeed an established chain of command. The report makes this assessment of Orić’s character.

‘In estimating the causes of the non-efficient defense of Srebrenica one should keep in mind the personality of Naser Orić, who before the war was in Belgrade, where he was engaged in providing personal protection to Slobodan Milošević. During the war, he kept in touch with a police officer from Novi Sad, who was also previously in the police escort of Slobodan Milošević. In addition Orić had daily contact through Ibrahim Mandžića (called “Mrki”) with Chetniks [Serbs]. Most of these contacts have been over radio links using the code-names “Gazda” (Orić) and “Duke” (a Chetnik).’ [Source: Jašarević Report]

The report goes on to say:

‘In January 1994 general chaos and lawlessness prevailed in Srebrenica. Orić gathered around him mainly criminal personalities such as Ejub Golić, a battalion commander, Ibrahim Mandić aka “Mrki”, Husein Aljukić called “Behaija”, a certain Ćelo who was his companion, and others. These persons on the orders of Orić committed more crimes.’ [Jašarević Report]

Maybe Ejub Golić was only obeying orders when he assaulted the local prison?

‘One illustration of lawlessness is the attack by Ejub Golić, commander of Independent Mountain Battalion, with 20 soldiers on the municipal jail in Srebrenica in order to help the breakout of Nezir Merdžić, accused of attempted murder and Sadik Begić, accused of murder.’ [Jašarević Report]

If there are any doubts that Naser Orić was a 'hands-on' commander, his own graphic account of killing his first Serb will assuage those concerns. The victim was Srebrenica Judge Slobodan Ilić and the incident took place on 12 July 1992.

'We took that group captured in Zalazje from [Srebrenica] prison to take them back towards Zalazje. When the slaying began I got my hands on Slobodan Ilić. I climbed on his chest. He was bearded and hairy like an animal. He looked at me without saying a word. I took out my bayonet and jabbed it straight into one eye, and then turned it back and forth. He didn't let out a single sound. Then I stabbed him with the knife in the other eye... I couldn't believe he was not reacting. Frankly, that's when I got scared for the first time, so I cut his throat.' [As told to SDA member of parliament Ibran Mustafić and quoted in his book *Planirani Haos* (Planned Chaos), Sarajevo, 2008.]

This incident was witnessed by Mustafić's uncle Ibrahim:

'Naser [Orić] came over and told me to get ready at once and go with the flag to the front of Srebrenica prison. I dressed up and went over. When I arrived at the prison, they took out all those captured in Zalazje and ordered me to drive them towards Zalazje. When we reached the depot, they ordered me to stop and park the truck. I moved to a safe distance. But, when the slaying began and I saw their savagery, all the blood drained from my head. When Zulfo [Tursunović] ripped his knife down the chest of the nurse Rada [Milanović], while asking her where her radio-set was, I couldn't watch any longer. I came back to Srebrenica on foot from the depot, and when they drove the truck over afterwards I took it from Srebrenica to go home to Potocari. The inside was all bloodied up.' [Ibran Mustafić, *Planirani Haos* (Planned Chaos), Sarajevo, 2008.]

If it seems unbelievable that Orić would talk so freely about such incidents, it should be kept in mind that he would even boast to journalists about his brutality.

'Nasir Orić's war trophies don't line the wall of his comfortable apartment -- one of the few with electricity in this besieged Muslim enclave stuck in the forbidding mountains of eastern Bosnia. They're on a videocassette tape: burned Serb houses and headless Serb men, their bodies crumpled in a pathetic heap.

"We had to use cold weapons that night," Orić explains as scenes of dead men sliced by knives roll over his 21-inch Sony.' [Source: John Pomfret, 'Weapons, Cash and Chaos Lend Clout to Srebrenica's Tough Guy', *The Washington Post*, 16 February 1994]

Later in the interview, Orić told Pomfret, 'As long as I am in Srebrenica, it will never be Serb.'

The bizarre encounter can be second-sourced. With Pomfret was another journalist, Bill Schiller of the *Toronto Star*.

‘On a cold and snowy night, I sat in his room, watching a shocking video version of what might have been called Naser Oric’s Greatest Hits. There were burning houses, dead bodies, severed heads and people fleeing. Oric grinned throughout, admiring his handiwork. “We ambushed them,” he said. The next sequence of dead bodies had been done in by explosives: “We launched those guys to the moon,” he boasted. When footage of a bullet-marked ghost town appeared without any visible bodies, Oric hastened to announce. “We killed 114 Serbs there.”’ [Source: Bill Schiller, ‘Muslims’ hero vows he’ll fight to the last man,’ *Toronto Star*, January 31, 1994]

From General Jašarević’s report, it is clear that Orić spent more time running Srebrenica’s black market and causing internal havoc than he did defending the town against the Bosnian-Serb Army. More of this later, but a key question has to be raised. Given the scale of Brig Orić’s criminal activities *and* his suspicious radio contact with the enemy, why was he allowed to remain as a commander of the ABiH? Was the removal of Orić and his senior officers in March 1995 merely a way of sacking them? Or was there another motive?

3. THE CLINTON 5,000

The NHC makes a number of comments regarding the claim that President Bill Clinton told President Alija Izetbegović 5,000 people would need to be sacrificed in Srebrenica before NATO air attacks against the Bosnian Serbs across the country could be secured. We have gathered those comments together here for reasons of clarity.

‘The documentary goes even further: the claim that Izetbegovic signed an alliance with the United States to let Srebrenica fall. But even if this should be correct (which we doubt, and that raises a strong demand for documentation), it is still wrong to blame the Bosnian government and possibly the U.S. leadership for the genocide that was carried out by Bosnian Serb forces.’ [Page 6]

Dokumentaren går enda lenger: den påstår at Izetbegovic inngikk forbund med USA om å la Srebrenica falle. Men selv om dette skulle stemme (som vi betviler og som reiser et sterkt krav om dokumentasjon) er det fortsatt feil å legge skylden på den bosniske regjering og eventuelt USAs ledelse for det folkemordet som ble utført av bosnisk-serbiske styrker.

‘The film is framed by an opening sequence that alleges that there was an agreement between the Bosnian president, Alija Izetbegovic (1925-2003) and U.S. President Bill Clinton to sacrifice Srebrenica and 5000 people to justify U.S. military intervention, and a closing sequence that gives Izetbegovic responsibility for Srebrenica.’ [Page 5 - 6]

Filmen er rammet inn av en åpningssekvens som påstår at det var en avtale mellom den bosniske presidenten, Alija Izetbegovic (1925-2003) og USAs president Bill Clinton om å ofre Srebrenica og 5000 mennesker for å kunne legitimere amerikansk militær intervensjon, og en avslutningssekvens som gir Izetbegovic ansvaret for Srebrenica.

‘What is new is the claim that Izetbegovic and Clinton signed an agreement to Srebrenica victims. To promote such a claim without examining it thoroughly and to give both counterparties the opportunity to comment on it is irresponsible.’ [Page 8]

Det nye er påstanden om at Izetbegovic og Clinton inngikk en avtale om å ofre Srebrenica. Å fremme en slik påstand uten å undersøke den grundig og å gi begge motparter mulighet for å kommentere den er uansvarlig.

‘The film opens with Hakija Mehlović, [sic] a former policeman and an officer from Srebrenica, claiming that the Bosnian president Alija Izetbegovic told him the following: President Clinton has said that if 5,000 (implied 5,000 Bosniaks in Srebrenica) were slaughtered, NATO would attack the Serb targets throughout Bosnia. This claim is repeated in the film, uncritically, and appears as fact. These are very serious allegations against Clinton and Izetbegovic as submitted without further coating [No. 1 – page 10]

Filmen åpner med at Hakija Mehlojovic, en tidligere politimann og offiser fra Srebrenica, hevder at den bosniske presidenten Alija Izetbegovic fortalte ham følgende: President Clinton har sagt at hvis 5000 (underforstått 5000 bosnjaker i Srebrenica) slaktes, vil NATO angripe serbiske mål over hele Bosnia. Denne påstanden gjentas i filmen, ukritisk, og fremstår som fakta. Dette er svært alvorlige påstander mot Clinton og Izetbegovic som fremsettes uten ytterligere belegg.

It is argued in the movie that Bakir Izetbegovic, son of Alija Izetbegovic, did not respond to request for an interview where he could comment on the claim. It is submitted that Bill Clinton has not been asked to comment on the claim.’ [Page 10]

Det anføres i filmen at Bakir Izetbegovic, sønnen til Alija Izetbegovic, ikke svarte på forespørsel om intervju hvor han kunne kommentere påstanden. Det anføres *ikke* om Bill Clinton har blitt spurt om å kommentere påstanden.

The programme does not ‘blame the Bosnian government and possibly the U.S. leadership for the genocide that was carried out by Bosnian Serb forces.’

This is what Hakija Mehlojić (not Hakija Mehlojovic as spelled in the complaint) actually says in the film about President Clinton’s supposed proposal that 5,000 Bosniaks needed to be slaughtered. [At 27:50]:

‘I will try to tell you exactly what President Izetbegović said. “My dear people of Srebrenica, how are you?” “Fine, how are you, Mister President?” “Clinton has made me a proposal, if the Četniks enter Srebrenica and slaughter 5,000 Moslems,

there will be military intervention by NATO forces against Serb positions throughout Bosnia and Herzegovina. What do you think about that?” I jumped up and said, are you crazy? Who is going to be slaughtered? You will not be slaughtered! So, that is what he said. And then the argument started. Whether Clinton really offered it to him, or not, I do not know.’

First of all, the word ‘agreement’ is not used by Hakija Meholfjić, nor is it used in our commentary in this context. The word Meholfjić uses is ‘proposal’: ‘Clinton has made me a proposal.’ The NHC Complaint then says:

‘To promote such a claim without examining it thoroughly and to give both counterparties the opportunity to comment on it is irresponsible.’

By quoting what Meholfjić claims is not the same as ‘promoting’ it. We do not say in the commentary whether we believe Clinton made such a proposal. Meholfjić himself says, *‘Whether Clinton really offered it to him, or not, I do not know.’*

We are surprised that NHC should jump to the conclusion that we didn’t try to check Izetbegović’s claim. This is the email our US researcher, John Berger, received from President Clinton’s office (the initial approach is via an internet enquiry form on the Clinton Foundation web-site).

From: Press WJCF [mailto:press@clintonfoundation.org]
Sent: Friday, May 29, 2009 12:46 PM
To: berger@egoplex.com

Subject: Request for President Clinton

Dear Mr. Berger,

Thank you for your interest in President Clinton and the Clinton Foundation. Unfortunately, we will be unable to accommodate your request for an interview with President Clinton for your documentary, at this time, due to scheduling constraints.

Again, thank you and best of luck in all future endeavors.

Sincerely,

Press Office

William J. Clinton Foundation
Office of President Clinton
212.348.0360
55 W. 125th Street
New York, NY 10027
press@clintonfoundation.org
www.clintonfoundation.org

We also approached President Izetbegovic’s son and former close advisor.

From: ola flyum <ola.flyum@gmail.com>
Date: 2008/9/26
Subject: Request for an interview
To: fuad.delic@parlament.ba

Dear Mr. Bakir Izetbegovic

I refer to my previous email and the conversation between you and Mr. Mirsad Fazlic in parliament. On behalf of the independent film-company Fenris Film/Nordic Broadcasters, Mr Fazlic asked for an interview and you asked for more specific questions. I hereby send you these in the attachment.

I hope that you can help us in this regard and look forward to meet you.

Yours sincerely

Ola Flyum
Fenris Film
+47 97110574/063891761

In spite of many follow-up calls by Mirsad Fazlic, we got no reply from Mr Izetbegović.

Other members of the Srebrenica delegation were of course in the room at the time the remark was allegedly made. We approached a number of them. They declined to be interviewed on camera, but none of them denied that the '5,000' comment was made. They had, however, spoken to UN investigators.

'Some surviving members of the Srebrenica delegation have stated that President Izetbegovic also told them he had learned that a NATO intervention in Bosnia and Herzegovina was possible, but could only occur if the Serbs were to break into Srebrenica, killing at least 5,000 of its people.' [Source: Report of the Secretary-General Pursuant to General Assembly Resolution 53/35 (1999) The Fall of Srebrenica, Section IV, paragraph C.115]

4. EXCHANGE OF TERRITORY

The NHC fails to see the significance about what President Izetbegović said to the delegates from Srebrenica during the 28 September 1993 conference. If it is *not* true that President Clinton made the '5,000' suggestion, then Izetbegović invented it and then we'd have to look at his motive for so doing. It's clear that the main purpose of the side-bar meeting with the Srebrenica delegates was to persuade them to abandon their town in return for Bosnian-Serb territory. In the documentary, Hakija Mehuljić says:

'Well, after we'd exchanged a few, let us say words, sentences, Mr. Izetbegović asked whether we would accept an exchange of Srebrenica for Vogošća, because that deal was on the table. We spoke as one: "Mister President, if you've called us here over this, you should not have called us, because we have no mandate to exchange territory and the people did not give us one."'

The Serb-occupied north-western suburb of Vogošća was blocking access between the capital and central Bosnia. The siege of Srebrenica was tying-up VRS troops and resources. Therefore, it suited both sides to exchange territory – it wasn't just something that Izetbegović wanted to achieve, *both sides* wanted a 'land-swap'.

When Izetbegović told the Srebrenica delegation an exchange-of-territory deal was 'on the table' he was referring to an agreement that had been reached that same morning (on 28 September 1993) at Sarajevo Airport between Serb and Muslim representatives.

In the international media, the siege of Srebrenica had become an icon of the Bosnian war, second only to the siege of Sarajevo. But the news that the B-H government was prepared to hand it over to the Bosnian-Serbs in an 'enclaves-for-suburbs' sleight-of-hand would have caused outrage. The whole business was kept secret – but still it leaked out. We interviewed Mrs. Hatidza Mehmedović, the president of the association 'The Mothers of Srebrenica' who said this:

'All I know is this, people from Srebrenica went to a meeting with Alija Izetbegović in Sarajevo, and in fact, I do not know quite how to put this, the secret leaked out, that there was an offer for an exchange with some places around Sarajevo. But I also have to tell you that the people who attended the meeting were forbidden from talking about it in public, talking about it publicly in Srebrenica, because of the people there, because at that time the people had no intention of leaving Srebrenica or of looking for salvation in the world outside. We all thought we had found some sort of sanctuary in Srebrenica and that we would return to our pre-war homes.' [Source: Hatidza Mehmedović, president of the association "Mothers of Srebrenica"]

General Sefer Halilović told us that the land-swap agreement was central to Izetbegović's policy regarding Srebrenica. It came up constantly in meetings (including cabinet meetings) and in one of these, Halilović made clear his opposition to the plan.

'I (then) said that we can defend Srebrenica, that our strategy will be to bring strategic focus to combat in Podrinje [the Drina Valley], and in this way create a new situation in Bosnia and Herzegovina where Srebrenica and Žepa will be free. Of course he did not believe what I said, and he was insistent in this effort to replace Srebrenica and Žepa for parts here around Sarajevo.'

The land-swap didn't work during the war because the Bosniak and Serb people would not voluntarily leave their ancestral homes as part of the territorial machinations of their political leaders. But Gen Halilović told us this about the situation after 1995.

'If you look at where they (people from Srebrenica) are after the genocide at home, on which regions are inhabited then you can see that this is absolutely it. And that's only on the basis of which can be concluded, therefore, they live exactly in the areas that

were offered for the exchange of territories, some of them are up around Tuzla and that's it.'

The existence of the policy is also confirmed on-camera by senior politician and former B-H ambassador to London, Muhamed Filipović:

'There had been discussions about territories. I wasn't told by Izetbegović but by [Slobadan] Milošević. He told me, [then] I asked Radovan Karadžić, "Why do you want to put the Serbian side in jeopardy? Where Serbs have never set foot?"'

Professor Filipović goes on to directly link the abandonment of Srebrenica with the land-swap deal.

5. MASS BURIALS

The NHC Complaint says this:

'The program says that the Bosnian authorities "take this opportunity" (the annual mass burial in Potocari) for propaganda purposes. There might be something in this, yet it is only part of the truth surrounding the annual funerals (new burials happens after the victims from mass graves are identified through DNA). Bosnian authorities are described as if they exploit the tragedy also claimed that they are responsible.' [Page 10]

Programmet sier at bosniske myndigheter "benytter anledningen" (de årlige massebegravelsene i Potocari) i propagandaøyemed. Det er kanskje noe i det, men er samtidig bare en del av sannheten rundt de årlige begravelsene (nye begravelser skjer etterhvert som ofrene fra massegravene blir DNA-identifisert). Bosniske myndigheter blir omtalt som om de utnytter tragedien det også hevdes at de er ansvarlige for.

We do not say this – we report relatives of the victims making this claim.

Esad Hecimovic revealed this story in the magazine Dani two years ago. The essence of his findings was that all Srebrenica mass graves had been mapped by 1998 and that most victims had been DNA-identified. In other words, this was important info about their dead family-members that the government had withheld. The story was subsequently confirmed by B-H federal sources.

If the NHC is not convinced by this statement we have many 'vox-pop' interviews where relatives make the claim, too many to include in the documentary. They are supported by the statistics. In May 2010, 6,557 victims had been identified using DNA, but only 4,524 had been interred. [Source: ICMP annual reports.] That's a backlog of some four years.

Some relatives complained to us that they did not have the option of a private funeral. Everything is orchestrated centrally. The mass funerals prevent them from showing their respect to other families that are burying their dead relatives in the same funeral.

6. HISTORICAL DETAIL

This comment relates to the following passages in the NHC Complaint:

‘The film says that Bosnia's Muslim majority declared independence (spring 1992) and the Civil War broke out as a result. This is misleading. The referendum was held on 1 March 1992 on independence, which the Bosniaks, Croats and some Serbs voted for independence. A large majority of Serbs voted against or boycotted the referendum. None of the ethnic groups had absolute majority in the population, but the Bosniaks were the largest ethnic group. [Page 11]

Filmen sier at Bosnias muslimske flertall erklærte selvstendighet (våren 1992) og borgerkrigen brøt ut som følge av dette. Dette er misvisende. Det ble arrangert folkeavstemning 1. mars 1992 om uavhengighet, der bosnjaker, kroater og noen serbere stemte for uavhengighet. Et stort flertall av serberne stemte imot eller boikottet folkeavstemningen. Ingen av folkegruppene hadde absolutt flertall i befolkningen, men bosnjakene utgjorde den største folkegruppen.

[A Town Betrayed] is not on par with this terminology, and creates a misleading impression that the Bosniaks are more religiously active than the other groups and only in relation to Islam. [Footnote, page 11]

“Byen som kunne ofres” er ikke på høyde med denne terminologien, og skaper et misvisende inntrykk av at bosnjakene er mer religiøst aktive enn de andre gruppene og bare i forhold til islam.

It is impossible to cram the history of Bosnia-Herzegovina into a 58-minute television documentary. That is true of most complex subjects. If we had included the level of detail proposed in the above passage (and elsewhere from the NHC Complaint), we would not have had the space needed to report the views of Bosniaks (all of whom happen to be Muslims) about the fall of Srebrenica.

It seems to be a universal truth of *critique* that it is far easier to suggest what should have been included in a documentary than to advise what should have been left out as a consequence.

7. THE ATTACKS ON VILLAGES

In describing the events in eastern Bosnia prior to March 1995 (when Orić and the rest of the ABiH 28th Division leadership left Srebrenica) the attacks on the farming villages are a

crucial element of the story. We chose to deal with the Orthodox Christmas attack on the village Kravića in some detail as an alternative to tackling, say, ten villages in less convincing detail.

The attack on Kravića had immense importance as a rallying effect on the Serbs during and after the war. It became a symbol for what Serbs call 'Muslim aggression' and the justification for revenge. The number killed in Kravića cannot match all the Bosniak Muslim victims, but the Kravića-effect became evident two years later and after the fall of Srebrenica.

'The film takes a long time on the attack on the Serb village of Kravica in January 1993. A person who was taken prisoner is interviewed about the abuse to which he was subjected. A Serbian forensic pathologist and a cameraman are interviewed and tell of horrifying details: People who have been crucified, beheaded, castrated, circumcised and women who have foetuses torn out of the stomach and more. It is presented as if this is an extension of Orić attacks including Kravica, and with a claim that the murders have a religious character.

Of course, it is important new evidence about the atrocities against Serbs, but the allegations are vague in terms of when, where and with whom this happened. They leave the impression that the Serbian population has been subjected to massacres and extremely grave violations without documentation. Such serious allegations must be provable.

NHC doubt that these allegations are correct since the judgments of the ICTY and investigations of the International Research and Documentation Center in Sarajevo, as well as other independent and credible sources, does not refer to them.

In the UN report on Srebrenica from 1999 printer-General Kofi Annan that the Serbs had exaggerated the importance of the Bosniak attacks as a pretext for their real goal: an ethnically pure Serbian land. This goal led to the Serb forces killing thousands of civilians in ethnic cleansing and thus made itself guilty of the vast majority of crimes committed in Bosnia-Herzegovina.' [Page 13]

Filmen bruker lang tid på angrepet på den serbiske landsbyen Kravica i januar 1993. En person som ble tatt til fange der intervjues om mishandlingen han ble utsatt for. En serbisk rettsmedisiner og fotograf intervjues og forteller om gruoppvekkende detaljer: Folk som er blitt korsfestet, halshugging, kastrasjon, omskåret og kvinner som har fått fostrene revet ut av magen med mer. Det fremstilles som om dette er i forlengelsen av Orics angrep på blant annet Kravica, og med en påstand om at drapene har et religiøst preg.

Selvsagt er det viktig med ny dokumentasjon om overgrep mot serbere, men påstandene er diffuse i forhold til når, hvor og med hvem dette skal ha skjedd. De etterlater et inntrykk av at den serbiske befolkningen har blitt utsatt for massakrer og ekstremt grove overgrep uten det gis ytterligere belegg. Slike alvorlige påstander må man kunne belegge.

Helsingforskomiteen tviler på at det er hold i dem ettersom dommene i ICTY og undersøkelserne til *The International Research and Documentation Center* i Sarajevo, samt andre uavhengige og troverdige kilder, ikke refererer til dem.

I FNs rapport om Srebrenica fra 1999 skriver generalsekretær Kofi Annan at serberne overdrev betydningen av de bosnjakiske angrepene som påskudd for deres egentlige mål: et etnisk rent serbisk land. Dette måvet førte til at serbiske styrker drepte tusenvis av sivile i etnisk rensing og dermed gjorde seg skyldig i den store majoriteten av forbrytelser som ble begått i Bosnia-Herzegovina.

This passage from the Complaint comes very close to saying that we should believe everything said to us by Bosniaks and nothing by Serbs. This is a problem for the NHC because it is also saying that we should not believe the Bosniaks we interviewed, either.

In the documentary we rarely (if ever) identify the ‘ethnicity’ of the participants. In contrast, the NHC Complaint labels an internationally-recognised forensic pathologist and a renowned and courageous war-cameraman merely as ‘Serbian’ as though that degraded their evidence. Their names are Dr Zoran Stanković and Miodrag (Mico) Urošević. They are two of the few non-Bosniaks in the programme and they were included because of the level of documentation they brought from the villages in the aftermaths of the attacks. (We do say they are ‘from Belgrade’ but so are many Muslims.)

Dr Stanković (then a general in the Serb military) took photographs of the victims, carried out about 5,000 autopsies during the war and made detailed contemporaneous notes. He showed us those files and allowed us to film them. The very nature of Mico Urošević’s work as a news cameraman is self-documenting and shockingly explicit. We have had access to most of his video-material from 1993 and 1994 (raw footage).

The historical reality of Bosnia’s demography is that Serbian people are predominantly farmers. Pre-war inter-marriage would make it inevitable that some rural villages would include some Bosniaks. It may well be true that many Serbs wanted an ‘ethnically-pure’ Bosnia but that would seem to be a sentiment shared by the man who painted ‘ISLAM WILL WIN BECAUSE BOSNIA IS AN ISLAMIC COUNTRY!’ on a wall in a village near Srebrenica. Indeed, that could almost be a quote from Alija Izetbegović’s *Islamic Declaration*. This is a real quote:

‘There can be no peace or coexistence between the ‘Islamic faith’ and non-Islamic societies and political institutions... Islam clearly excludes the right and possibility of activity of any strange ideology on its own turf.’ [Source: Alija Izetbegović, *Islamic Declaration: A Programme for the Islamization of Muslims and of Muslim Peoples*, Zagreb, 1970, 1990.]

Izetbegović’s ‘multi-ethnic Bosnia’ seems to have been for Western consumption only.

The likely consequences of the attacks on the farming communities were all too evident to police-chief Hakija Meholjić, one of the few men brave enough to confront Orić.

‘There was a long-standing conflict between Hakija Meholjić and Naser Orić. Meholjić had asked, at the beginning of the war, not to burn Serb villages and homes and to protect the civilians of all nationalities. And he requested the opening of a corridor from Srebrenica to the free territory. Orić had contrary opinions which led to conflict.’ [Source: Jašarević Report]

The wording of this is extremely important: ‘Meholjić had asked, *at the beginning of the war*, not to burn Serb villages and homes’. Either Orić had told the police-chief of his intentions or Meholjić felt he knew him well-enough to anticipate his actions. None of this suggests that the village-attacks were something that happened outside of Orić’s control. Nor does it suggest they were mere forays into the countryside to steal food; burning houses and killing people was not essential to such an operation, indeed it was stupidly counter-productive.

The Complaint tries to dismiss the allegations in the following terms: ‘Of course, it is important new evidence about the atrocities against Serbs, but the allegations are vague in terms of when, where and with whom this happened.’ This is absurd.

The events at Kravića on 7th January 1993 – Orthodox Christmas Day – are so vivid in the mind of Ratko Nikolić that he can even remember what the attackers were wearing:

‘Naser had a Skorpion machine-pistol that he was turning in one hand... He was dressed in green fatigues... military boots and very tight smart pants... Zulfo Trifunović had... I can remember it well, like it was yesterday... he had a green beret... an automatic rifle, I remember it well...’

Names, dates, places, even the type of weapons used: does the NHC expect us to go into this level of detail for every one of over 100 village attacks?

If it had been our objective to make a polemical film against the Bosniaks, we would also have included, for example, the ethnic cleansing of Sarajevo’s Serbian community by ‘Caćo’ (Musan Topalović, commander of the 10th Mountain Brigade), ‘Ćelo’ (Ramiz Delalić), ‘Juka’ (Jusuf Prazina, commander ABiH Special Forces). In spite of the detailed research we carried out into this, the operation was not central to events leading up to June 1995 in eastern Bosnia and had to be excluded from the programme.

8. ARMS DROPS AND THE ATTACK ON SREBRENICA

The Complaint says this about the arms drops:

‘The film mentions the illegal arms drop to the Srebrenica enclave, and suggests the larger weapons smuggling operations conducted by the Americans. The fact that some weapons were smuggled in, many sources confirm, but the Americans ran in this way is doubtful. Again, such claims must be coated. In this case they build up under the notion of an American-Muslim conspiracy. Brennpunkt expert John R. Schindler, who through the program comes with a number of misleading and erroneous claims, saying that weapons smuggling was the cause of the attack on Srebrenica. This stands in contrast to the UN report on Srebrenica, the ICTY and the ICJ judge ruling that all states that the reason for the attack and the genocide was the goal of creating an ethnically pure Serb land, which meant that the Muslims had displaced or eradicated described.’ [Page 14]

34:20 Filmens nevner ulovlige våpenslipp til Srebrenica-enklaven, og antyder større våpensmuglingsoperasjoner utført av amerikanerne. At noen våpen ble smuglet inn, vil mange kilder bekrefte, men at amerikanerne drev på denne måten er tvilsomt. Igjen: Slike påstander må belegges. I dette tilfelle bygger de opp under forestillingen om en amerikansk-muslimsk konspirasjon.

Brennpunkts ekspert John R. Schindler, som gjennom programmet kommer med en rekke misvisende og feilaktige påstander, sier at våpensmuglingen var årsaken til angrepet på Srebrenica. Dette står i kontrast til FNs rapport om Srebrenica, ICTY- dommer og ICJ- dommen som alle slår fast at årsaken til angrepet og folkemordet var målsetningen om å skape et etnisk rent serbisk land, som innebar at muslimene måtte fordrives eller utslettes.

For evidence of US involvement in the illicit arms drops, we refer to our earlier documentary on this topic. [*Allies and Lies*, 2001, BBC/NRK/NDR] We do not say that the arms-drops were an American operation, but they could not have been successful without the complicity of the US. For example, the aircraft that made the deliveries into the Tuzla road airstrip starting in February 1994 were exempted from the No-Fly Zone. The earliest flights were escorted in by F-15 planes from Aviano air base in NE Italy – and observed by UN military personnel from the ground. These deliveries took place on nights when NATO AWACS (Airborne Warning and Control System) aircraft had been stood down and replaced by E-2 Hawkeye planes from the USS Dwight D Eisenhower.

We have interviewed Capt Harry Schmidt, a US Navy pilot who was on patrol enforcing Operation Deny Flight when he came across a ‘no-flag’ C-130 cargo plane painted black. When he asked if he should shoot it down, he was told to leave it alone. The other question that has to be raised is how was it possible for the ABiH to operate 18 helicopter flights in the no-fly zone without the co-operation of the Americans commanding Operation Deny Flight?

The Complaint refers to John R. Schindler as a ‘Brennpunkt expert’ as though he had previously been stored in a cupboard at NRK. Schindler was an intelligence officer with the US National Security Agency. Immediately after the conflict he moved to Sarajevo and became the NSA’s Chief Analyst in Bosnia. He admits that the illicit arms-drops were ‘an open secret’. He then expresses the following opinion:

‘It was the black flights, arms from the black flights into the Srebrenica enclave which was the proximate cause of Operation Krajivja of 95 which was the attack on Srebrenica. General Mladić protested about this, saying these flights are bringing

arms in by helicopter. The Serbs knew this, this had to stop, and of course some of them had to know what was going on. But they were powerless to stop this because the airspace was under the control of NATO which meant under US control.'

Given that the superiority of the VRS was in terms of weapons rather than numbers, it is not unreasonable to suggest that Mladić would be panicked into launching his attack on Srebrenica on learning that arms were being shipped into the enclave.

However, the programme-makers are not convinced that this was the sole event leading to the eventual fall of the town. Mladić knew that the ABiH was leaderless from the spring of 1995 and that would have swung things in his favour. There is also doubt about how useful the new weapons would be to the defending forces. We have been told that the only Red Arrow missile fired in Srebrenica was discharged accidentally by an ABiH soldier inside an ISO container.

In summary, the departure of Orić and his commanders had left Srebrenica *undefendable* and, when the rest of the 28th Division left the town heading north towards Tuzla, it became *undefended* against the Serbian advance.

We note the opinion that Schindler's view 'stands in contrast to the UN report on Srebrenica, the ICTY and the ICJ judge ruling that the reason for the attack and the genocide was the goal of creating an ethnically pure Serb land, which meant that the Muslims had displaced or eradicated described.' However, if the objective was to achieve 'an ethnically pure Serb land', why did the VRS arrange the transportation of thousands of Bosniak women, children and old people from the enclave to Tuzla? That was something that Orić refused to do.

9. THE ISSUE OF BALANCE

At paragraph 12, the Complaint states that:

'The film says that the Muslims broke the peace treaty with General Mladic. Again, agreement violations existed on both sides. Again portrayed Muslims as treacherous and aggressive, while the Serbian side and Mladic implicitly presents itself as concerned with peace, treaties, laws and regulations. This is to place the matter on its head.' [Page 15]

36:20 Filmen sier at muslimene brøt fredsavtalen med general Mladic. Igjen, avtalebrudd fantes på begge sider. Igjen portretteres muslimene som svikefulle og aggressive, mens den serbiske siden og Mladic implisitt fremstår som opptatt av fred, avtaler, lover og regler. Dette er å stille saken på hodet.

At no point in the film do we portray Muslims as 'treacherous and aggressive'. (Surely, when it says 'Muslims', the NHC means 'Bosniaks'?) In the context of the Serbs, NHC says 'the Serbian side implicitly presents itself as concerned with peace...'

By this stage the Complaint has progressed into a refrain of ‘Bosniak Good – Serb Bad’ on every point it raises. We don’t agree with that simplistic position, nor do we think that all Bosniaks are bad and all Serbs good. More importantly, the programme does not express an opinion on the issue.

10. NUMBERS OF SERBS KILLED IN VILLAGE ATTACKS

The Complaint makes the following observation about the number of Serbs killed during the attacks on Serb villages.

‘Schindler claims that more than 1,300 Serb civilians were killed by Muslim forces led by Orić. This number seems to stem from controversial Serbian sources. A Norwegian-supported project found statistically that the killing of 480 Serbs in the Srebrenica area was 151 civilians. There are many, but nowhere near the Brennpunkt numbers. Orić was also active outside the Srebrenica area, but nevertheless it is hard to believe the numbers given by Schindler. Again it seems that the intention is to underline that the Serbs were provoked into action by Orić’s bloodthirsty bandit gang in Srebrenica.’ [Page 16]

42:45 Schindler hevder at mer enn 1300 sivile serbere ble drept av muslimske styrker ledet av Orić. Dette tallet ser ut til å stamme fra kontroversielle serbiske kilder. Et norsk støttet statistisk prosjekt fant at av 480 drepte serbere i Srebrenica-området var 151 sivile. Det er mange, men ikke i nærheten av Brennpunktstall. Orić var også aktiv utenfor Srebrenica- området, men like fullt er det vanskelig å tro på tallene til Schindler. Igjen virker det som om hensikten er å understreke at serberne ble provosert til handling av den blodtørstige røverbanden til Orić i Srebrenica.

We will not get involved in any numbers-game. There are so many estimates from different sources. Our point is that there are a considerable number of victims on all sides.

There is an attempt from the Serb side to push up the number of Serb victims in order to compete with the large number of ‘Muslim’ victims. ‘Controversial’ Serb sources have published the names of 3,262 Serbs killed in the Srebrenica enclave.

However, already in 1993 – two years before the fall of Srebrenica -- the Serbs presented a report to the UN Security Council about ‘Crimes against the Serbs in 1992 – 1993’. It estimates that between 3000 – 6000 people were killed by Bosniak forces.

There is also a list of all the predominantly Serb villages that were destroyed by Bosniak forces between 1992 – 93. The document also gives a historical background for the long-term conflicts in the Podrinje-region (Drina River Valley) back to WW1:

‘The aim of the terror the Serbs are now exposed to is the same as during the previous wars (*WWI and 2*). It is to expel now and for all the Serbs from these

regions. That is why every attack on the Serbian villages leaves in its wake only desolation, burned buildings, looted and destroyed property, destroyed monuments, cemeteries and churches. All the attacks so far were as a rule thoroughly prepared, they were systematically mounted and carried out by large numbers of well-armed men. The targets were initially smaller Serbian hamlets in nationally mixed villages, then isolated Serbian villages surrounded by Moslem ones, and finally the remaining Serbian settlements.

It seems that even the days when attacks take place are not left to chance. It is hard to believe that Orthodox festivals and family patron saint days (St. George's Day, St. Vitus' Day, St. Peter's Day, Christmas) when villagers are celebrating or days when they are busiest working on their farms are chosen for no reason whatsoever.'

The facts and focus in this number can surely be questioned, but as a contemporary early-warning about the Serb attitude towards Naser Orić and his men in Srebrenica it is telling – and chilling. There were scores to be settled. [Source: The UN Security Council Document: A/46/171 S/25635 2. June 1993 – Memorandum on war crimes and crimes of genocide in eastern Bosnia (communes of Bratunac, Skelani and Srebrenica) committed against the Serbian population from April 1992 – April 1993.]

Merknad [DCB2]: Ola: I've removed this link.]

Since we do not want to be involved in a numbers-debate, we chose to use an estimate from a less contested source. The authoritative Srebrenica-report by Professor Cees Wiebes calculated that some 1,300-2,000 people, including women and children, were mutilated and killed in this series of massacres by the ABiH 28th Division – or, in NHC's words, 'Orić's bloodthirsty bandit gang'.

We understand that US intelligence officer John Schindler also has his information from Wiebes and not 'controversial Serbian sources'.

In addition, 8,000 Serb survivors of the Bosniak attacks fled across the Drina to Serbia. [*Srebrenica – A Safe Area?* Dutch Government Report, 22nd April 2002.]

11. ABOUT GENERAL RATKO MLADIĆ

The NHC says this about our supposed 'portrayal' of Mladić:

'To present Mladic as worried about abuse is also in total contrast to the ICTY judgments and the ICTY indictment against Mladic, where he is central in the planning and implementation of comprehensive genocide that claimed considerable logistics.

The documentary portrays Mladic as an honorable soldier with respect for humanitarian values and laws which are contrary to all known and legally-established facts about the war in Bosnia-Herzegovina.

18. In this sequence Mladic portrayed as an honorable soldier, who faced an uncertain and difficult situation after the capture of Srebrenica (49.55), that he asked for help of Bosniaks in Srebrenica, he did not want to hurt the Bosniak civilian population, but that Izetbegovic and the Bosnian leadership not "bothered to reply to Srebrenica's plea for help", and thus implied were responsible. It is contrary to all the facts known from ICTY judgments, the ICJ ruling and the UN report. While Mladic negotiating with the United Nations and the civilian population of Srebrenica, his men separated captured Bosniak men from women and children. They were all executed in the days that followed, while the women and children were bussed to Tuzla in a large operation that included the requisitioned vehicles from Serbia. The fact that Mladic said that he wanted to spare the innocent civilian population is in contrast to what he did.' [Page 17]

Å fremstille Mladic som bekymret for overgrep, er også i total kontrast til ICTY-dommene og ICTY-tiltalen mot Mladic der han er sentral i planleggingen og gjennomføringen av et omfattende folkemord som krevde betydelig logistikk. Dokumentaren portretterer Mladic som en hederlig soldat med respekt for humanitære verdier og lover, noe som er i strid med alle kjente og juridisk etablerte fakta om krigen i Bosnia-Herzegovina.

49:25 I denne sekvensen portretteres Mladic som en hederlig soldat, som sto overfor en uklar og vanskelig situasjon etter erobringen av Srebrenica (49.55), at han ba om hjelp av bosnjakene i Srebrenica, at han ikke ønsket å skade den bosnjakiske sivilbefolkningen, men at Izetbegovic og den bosniske ledelsen ikke "brydde seg med å svare på Srebrenicas bønn om hjelp", og dermed implisitt var ansvarlige. Det er i strid med alle fakta kjent fra ICTY-dommene, ICJ-dommen og FN-rapporten. Mens Mladic forhandlet med FN og sivilbefolkningen i Srebrenica, skilte mennene hans de tilfangetatte bosnjakiske mennene fra kvinner og barn. De ble alle sammen henrettet i dagene som fulgte, mens kvinnene og barna ble busset til Tuzla i en stor operasjon som inkluderte rekvirerte kjøretøy fra Serbia. At Mladic sa at han ønsket å skåne den uskyldige sivilbefolkningen står i kontrast til det han gjorde.

This part of the documentary is a factual account of what happened on 11th July 1995. The VRS entered an undefended Srebrenica. Almost all the 28th Division had left over previous days, escaping towards Tuzla. Once the civilian population realised it had been abandoned, it left the town for the village of Potočari seeking shelter with Dutchbat there. Some followed the soldiers towards the north.

The footage shows Mladić in the empty streets of Srebrenica doing what military commanders do: posing for cameras, looking through binoculars and giving orders. At that point his urgent military priority was to stop the 28th Division joining ABiH 2 Corps in Tuzla.

Our supposed 'portrayal' of Mladić as some kind of Ghandi comes from the imagination of the authors of the Complaint. Nowhere are any offending words quoted from the commentary.

It seems to us that the NHC is complaining about a documentary that we never made, one that may stem from dislike of what the *Bosniak* interviewees say about the events of that month.

The next paragraph says this:

'Meeting between Mladic, Nesib Mandić and Dutch UNPROFOR commanders. At the meeting the parties appear as equals, but the fact is that Mladić's forces had won a complete military victory. Editorial do not challenge what Mladić says: "Nesib, your people's fate is in your hands." On the contrary, you follow up with the following comment: "But Nesib Mandić could not do anything. Neither Izetbegović or someone else from the political or military leadership cared to respond to Srebrenica's plea for help ". This is to put things on their heads. It was the Serb forces who had military control and that carried out the genocide. It is highly unclear what the editors believe that the leaders in Sarajevo would be able to do in the situation, but this is only comment is given a clearly misleading impression of the responsibility for the genocide.' [Page 17]

50:30 Møte mellom Mladic, Nesib Mandic og UNPROFORs nederlandske kommandanter. På møtet framstår partene som likeverdige, men faktum er at Mladic' styrker hadde vunnet en fullstendig militær seier. Redaksjonen problematiserer ikke at Mladic sier: "Nesib, ditt folks skjebne ligger i dine hender". Tvert i mot følger man opp med følgende kommentar: "Men Nesib Mandic kunne ikke gjøre noe. Verken Izetbegovic eller noen andre fra det politiske eller militære lederskapet brydde seg med å svare på Srebrenicas bønn om hjelp". Dette er å sette ting på hodet. Det var serbiske styrker som hadde militær kontroll og som utførte folkemordet. Det er også høyt uklart hva redaksjonen mener at lederne i Sarajevo skulle kunne gjøre i situasjonen, men med dette som eneste kommentar gis et åpenbart villedende inntrykk av ansvarsforholdene for folkemordet.

'At the meeting the parties appear as equals, but the fact is that Mladić's forces had won a complete military victory.' Well, *we're sorry!* We were obliged to use news footage of that meeting. It clearly shows the main participants sitting around a table talking. There are bottles of water, coffee cups and notepads. No-one is wearing a label reading 'Victor' or 'Vanquished'. No-one is in chains. If 'the parties appear as equals' to the NHC, we can't help that – that was the way it was. We'd already established in the film that the Serbs had won 'a complete military victory'.

Our commentary says: 'But Nesib Mandić could not do anything. Neither Izetbegović nor anyone else from the political or military leadership cared to respond to Srebrenica's plea for help.' In our opinion, this is a statement of the obvious. The BiH government had decided to abandon the town on 28 September 1993 at the Sarajevo Airport meeting with the Bosnian Serbs: 'We'll exchange Srebrenica for Vogošća'. It is worth viewing the preceding

interviews with Hakija Meholjić and Huso Salihović in which they describe begging Sarajevo to send them help, either in the form of ground troops from Tuzla or NATO strikes from the air. It was never going to happen (although two Dutch F-16s did destroy two Serb tanks at 2.40pm). If there was no hope for them, there was certainly no hope for Nesib Mandić, a school-teacher. What was going to happen was what Mladić wanted to happen. In the event, Mandić said the civilians wanted to leave and 20,000-25,000 of them were moved to Tuzla Airbase via Tišća and Kladanja.

The Complaint goes on the say:

‘It is highly unclear what the editors believe that the leaders in Sarajevo would be able to do in the situation, but this comment gives a clearly misleading impression of the responsibility for the genocide.’ [Page 17]

Det er også høyt uklart hva redaksjonen mener at lederne i Sarajevo skulle kunne gjøre i situasjonen, men med dette som eneste kommentar gis et åpenbart villedende inntrykk av ansvarsforholdene for folkemordet.

To make the point clear – again – Mladić wouldn’t have been sitting at that table in Potočari if Sarajevo hadn’t decided to abandon Srebrenica. The people in the enclave – soldiers and civilians – were put in peril by a callous act of political expediency by the BiH government. That doesn’t excuse the Serbs for what was a brutal, unforgivable act of mass murder, but it explains why the Bosnian Serb Army was in Srebrenica on 11 July 1995.

12. REVENGE

Throughout the Complaint, the NHC expresses denial that revenge could have played any part in the motivation of the Serbians who took part in the mass killings of Bosniaks. For example:

‘The film says that most Muslim men refused to surrender because they feared retaliation after the village massacres they had committed. This is again misleading. They would not surrender because they feared that they would be killed, many of them were. Again, used the motif of revenge attacks by Bosniaks in a biased manner. When Mladic talks about revenge, he refers to when the Turks brutally put down a revolt against Ottoman rule in 1804.’ [Page 17 - 18]

51:53 Filmen sier at de fleste muslimske mennene nektet å overgi seg fordi de fryktet hevn etter landsbymassakrene de hadde begått. Dette er igjen misvisende. De ville ikke overgi seg fordi de fryktet at de ville bli drept, noe mange av dem ble. Igjen brukes hevnmotivet etter angrep fra bosnjakenes side frem på en tendensiøs måte. Når Mladic snakker om hevn, refererer han til at tyrkerne brutalt slo ned et opprør mot ottomansk styre i 1804.

This is poorly argued. If the Muslim men ‘would not surrender because they feared that they would be killed’, why did they think the Serbs wanted to kill them? Wasn’t retaliation for the

killings in the villages a major cause for concern? For each mother, father, son, daughter, brother, sister or cousin shot or hacked to death and left to the dogs, how many angry 'Chetniks' swore bloody revenge against the 'Turks'? Five for each victim? Ten, maybe?

Killing someone in military combat is one thing, killing someone in cold blood is another. But murdering someone's wife or father might be just enough to push someone to make that transition from combatant to murderer - and with dreadful and inexcusable consequences. Why is this basic human psychology so difficult for NHC to accept? Ibran Mustafić and Hakija Meholfić understood it only too well, but their warnings were ignored.

The commander of Dutchbat, Lt Col Thomas Karremans made clear that he connected the July 1995 murders near Srebrenica to the village attacks.

'[We] know that in the area surrounding the Srebrenica enclave alone, 192 villages were razed to the ground and all the inhabitants killed. This is what I mean when I say 'no good guys, no bad guys'. As far as I'm concerned, they're all the same.' [Speaking at a press conference in Zagreb 23rd July 1995 and quoted in *Srebrenica – A Safe Area?* Part IV, Ch. 6, Section 5, Netherlands Institute for War Documentation, 2002]

Karremans wasn't alone in UNPROFOR expressing this opinion.

'Judge Patrick Robinson: Are you saying, then, General, that what happened in 1995 was a direct reaction to what Naser Oric did to the Serbs two years before?

Morillon: Yes. Yes, Your Honour. I am convinced of that.'

[Source: ICTY Milosevic Trial Transcript, 12 February 2004, p31,975. General Philippe Morillon giving evidence.]

13. THE MASSACRES

Most people who have heard of Srebrenica probably have the impression that 8,000 Muslim men and boys were brought together in the town square, lined up, and systematically shot to death.

Some people we spoke to dared to make a closer analysis of how and where the massacres happened. The RS Documentation Centre (Committee for Co-operation with ICTY) gave us detailed maps showing where and when they say the killings took place. The summary map documents some 13,000 28th Division soldiers leaving the enclave on 11th and 12th July. By the 13th, the VRS had caught up with them and captured or killed some 8,000 Bosniak soldiers. By 16th July they were all dead, murdered in some six named locations.

Working from the location of the mass graves, Jon Sterenberg, Head of Excavations for the ICMP confirmed that, even allowing for the relocation of burial sites by the Serbs, the massacres took place at many locations.

In 1995 John Schindler worked for the US NSA, an agency that gathers intelligence through the interception of telephone, telex and radio traffic. NHC says this about part of his interview:

'In the movie Schindler expert argues that parts of the Bosnian Serb army under the control of counter-terrorism service executed about 2,000 male Muslim prisoners of war after the fall of Srebrenica. This is wrong. Many more were executed. In July 2010 international forensic experts had identified 6,481 individual victims from Srebrenica had been found in mass graves, and estimates that about 8,100 Bosniaks, not 2000, was executed. It was not an operation committed by "undisciplined elements", as the film suggests.

'ICTY judge states that the genocide was planned and led by the Bosnian Serb political and military leadership, and that the conduct involved participation of a large part of the regular Bosnian Serb army and paramilitary units from Serbia. When Schindler claims that around 5000 of Muslims were killed in fighting that regular artillery attacks, this has no basis in fact. Schindler says, "In the course of 24-48 hours on 11 July 1995 the Bosnian Serb army executed 2,000 Muslim men. Most were unarmed prisoners of war. The 5,000 other Muslims were killed during the next five days. Small and large groups were trying to escape - along with civilians - back to Tuzla. They were killed in droves by artillery fire. The Serbs managed to find them. But for the Serbs, to be fair, this was more like a conventional military operation."

This portrayal stands in sharp protest to the ICTY verdicts, which refers to a series of mass executions in the period up to 16 July.' [Page 18]

52:08 I filmen hevder eksperten Schindler at deler av den bosnisk-serbiske hæren under kontroll av kontraterror-tjenesten henrettet om lag 2000 mannlige muslimske krigsfanger etter Srebrenicas fall. Dette er feil. Langt flere ble henrettet. I juli 2010 hadde internasjonale rettsmedisinere identifisert 6481 individuelle ofre fra Srebrenica som var funnet i massegraver, og anslår at om lag 8100 bosnjaker, ikke 2000, ble *henrettet*.

Det var heller ikke en operasjon begått av "udisciplinerte elementer", slik filmen antyder. ICTYs dommer slår fast at folkemordet var planlagt og ledet av den bosnisk-serbiske politiske og militære ledelsen, og at gjennomføringen involverte deltagelsen av store deler av den regulære bosnisk-serbiske armeen samt paramilitære avdelinger fra Serbia. Når Schindler påstår at rundt 5000 av muslimene ble drept i regulære kamphandlinger som artilleriangrep, har dette ingen basis i fakta.

Schindler sier: "I løpet av 24-48 timer den 11. juli 1995 henrettet den bosnisk-serbiske hæren 2000 muslimske menn. De fleste var ubevæpnede krigsfanger. De 5000 andre muslimene ble drept i løpet av de fem neste dagene. Små og store grupper prøvde å flykte — sammen med sivile — tilbake til Tuzla. De ble drept i

hopetall av artilleriild. Serberne klarte å finne dem. Men for serberne (to be fair) var dette mer som en vanlig militær operasjon." Denne fremstillingen står i skarp protest til ICTY-dommene, som viser til en rekke massehenrettelser i perioden frem til 16. juli.

According Hakija Meholjić – who commanded one of those ‘groups trying to escape’ – the retreating 28th Division was attacked by the VRS in hot pursuit. The fighting was fierce and many men were killed in combat, he told us. He also said that some Bosniak soldiers were shot by their own officers for wanting to return to Srebrenica to search for their families. Some men committed suicide by gathering around hand grenades which were then exploded. We have interviewed other soldiers who agree with this view of the bloody chaos.

Many Bosniaks died during the retreat from Srebrenica. Where are their bodies? If their bodies are not included among the 8,000 Muslim prisoners-of-war massacred by the Serbs, then the total number of dead for July 1995 should probably be increased.

If the programme-makers had used the word ‘genocide’ throughout the film, would the NHC have been happy with this documentary? We suspect not.

‘The film says that the Serbs will never admit to genocide. All in all, the film also seems to have this notion that Srebrenica was [not] genocide. This is contrary to the judgments of the ICTY, the ICJ and a number of other sources. Mladić makes the unchallenged statement: “The target of Serbian forces was not the civilian population or UNPROFOR, but fundamentalist or terrorist organizations.”

‘This is an authentic reproduction of the official Bosnian Serb war propaganda. Under the guise of it was that committed genocide and ethnic cleansing. We are very critical of the surviving impression of this quote, especially in the context of the program in general and that assertion is not questioned and not held together with the ICTY judgments related to Srebrenica.’ [Page 19]

53:00 Filmen sier at serberne aldri vil innrømme folkemord. Alt i alt synes filmen også å ha denne oppfatningen, at Srebrenica ikke var et folkemord. Dette er i strid med dommene fra ICTY, ICJ og en rekke andre kilder.

55:40: Mladic får uimotsagt uttale: "Målet for de serbiske styrkene var ikke den sivile befolkningen eller UNPROFOR, men fundamentalister eller terroristorganisasjoner."

Dette er en autentisk gjengivelse av den offisielle bosnisk-serbiske krigspropagandaen. Under dekke av den ble det begått folkemord og etnisk rensning. Vi er svært kritiske til det etterlatte inntrykket av dette sitatet, særlig sett i sammenheng med programmet for øvrig og at påstanden ikke problematiseres og ikke holdes sammen med ICTY-dommene knyttet til Srebrenica.

Again, the NHC is talking about ‘notions’ and ‘impressions’ rather than quoting words from the commentary to support its case. In 2006 Jon Sterenberg, Head of Excavations for the

ICMP told us that he wouldn't describe what happened at Srebrenica as genocide. Sterenberg is a former British soldier who served with UNPROFOR during the war and, at one point, was involved in the extraction of civilians and wounded from the enclave.

14. MORE ON JOHN SCHINDLER

Schindler may now be an academic, but from 1995 he was a senior intelligence officer based in Sarajevo with responsibility for the analysis of events in Bosnia. This is something that the NHC seems unable to recognize, dismissing him variously as an 'expert', and 'academic' or an 'author'.

'The film's main expert, who puts all the action in a framework, the American author John R. Schindler. During the film he comes with a number of misleading and erroneous claims. Some of them have already been mentioned. He also describes the war in eastern Bosnia in 1992 - 1994 as the "settling of scores" between the two nationalist groups. This description covers the fact that it was the Serbian side that went to the attack on the Bosniak population and the Bosnian authorities, backed by the Serbian (former Yugoslav) army and paramilitary groups from Serbia. He also calls Srebrenica a conventional military operation, which can hardly be construed as anything but denial of the genocide. Basing the program on an academic with barely differing opinions about what happened in relation to the majority of leading academics with knowledge of this field is unprofessional and irresponsible of an honest journalist. Especially since his statements are also contrary to the ICTY sentences.' [Page 19]

Filmens hovedekspert, som setter alle begivenhetene i ramme, er den amerikanske forfatteren John R. Schindler. I løpet av filmen kommer han med en rekke misvisende og feilaktige påstander. Noen av dem er allerede nevnt. Han beskriver også krigen i Øst-Bosnia i 1992 —1994 som "settling of scores" mellom to nasjonalistiske grupper. Denne beskrivelsen dekker over at det var den serbiske siden som gikk til angrep på den bosnjakiske befolkningen og bosniske myndigheter, støttet av den serbiske (eks-jugoslaviske) hæren og paramilitære grupper fra Serbia. Han kaller også Srebrenica for en konvensjonell militær operasjon, noe som vanskelig kan tolkes som annet enn benektelse av folkemord. Å basere programmet på en akademiker med så vidt avvikende oppfatninger om det som skjedde i forhold til majoriteten av ledende akademikere med kunnskap om dette feltet, er uprofesjonelt og uforsvarlig av en redelig journalist. Særlig siden uttalelsene hans også er i strid med ICTY-dommene.

'He also calls Srebrenica a conventional military operation, which can hardly be construed as anything but denial of the genocide.' This is arrant nonsense. For three years the situation at Srebrenica was a conventional military operation known as a 'siege'. The Serb takeover of the town resulted from a conventional military operation known as an 'advance to contact'. Many units of the ABiH column retreating from the enclave were attacked in a conventional military operation known as an 'ambush'. This was a war between two armies towards the end of which the victorious army massacred some 8,000 prisoners of war. This was a war crime and clearly not a conventional military operation.

'Basing the program on an academic with barely differing opinions about what happened in relation to the majority of leading academics with knowledge of this field is unprofessional and irresponsible of an honest journalist.' [Page 20]

Å basere programmet på en akademiker med så vidt avvikende oppfatninger om det som skjedde i forhold til majoriteten av ledende akademikere med kunnskap om dette feltet, er uprofesjonelt og uforsvarlig av en redelig journalist.

Yet again, we have to ask if NHC bothered to read the name credits on the programme. We interviewed Schindler, not because he's now an academic, not because he's an author, but because he was a senior intelligence officer responsible for Bosnia at the time in question. Furthermore, we did not base the programme on what he alone had to say.

15. MIRSAD FAZLIĆ AT THE END

The Complaint says this about Mirsad Fazlić's closing remarks at the funeral:

'The film ends with the journalist Mirsad Fazlić says that "Izetbegović is responsible for what happened in Srebrenica." The translation is inaccurate, but the film ends therefore with a sort of indictment of Izetbegović and an implicit acquittal of Mladić and Bosnian Serb forces. Again: this is to set things on their heads.' [Page 19]

Filmen avsluttes med at journalisten Mirsad Fazlic sier at "Izetbegovic har ansvaret for det som skjedde i Srebrenica." Oversettelsen er unøyaktig, men filmen slutter altså med en slags dom over Izetbegovic og en implisitt frikjennelse av Mladic og de bosnisk-serbiske styrkene. Igjen: Dette er å stille ting på hodet.

The whole documentary is an investigation into Alija Izetbegović and the Bosniak leadership's rôle in allowing the town to fall. We set out with no desire or interest in vindicating the actions of the Serbs in July 1995. And the evidence we presented against Izetbegović is not 'an implicit acquittal of Mladić and Bosnian Serb forces' except in the minds of the Complaint's authors.

Mirsad Fazlic speaks in English and his exact words are: 'Alija buried us all, meaning that our former president, Alija Izetbegovic, bears the responsibility for what happened in Srebrenica.'

Mirsad expresses the grief and anger of many local Bosniaks we spoke to at the funeral. Even he, who lived and fought in Bosnia during the war, was surprised and shocked about their anger towards Bosnia's 'grandfather' -- President Alija Izetbegovic. After working on this story for four years, he more than ever understands their resentment and feeling of betrayal. His conclusion is based on this own experience and investigation.

The Complaint's attempt to label Mirsad a genocide-denier is nonsense. Izetbegovic's responsibility is -- as we have said throughout the film -- his promotion of the land-swap and the withdrawal of the army from Srebrenica, leaving it defenceless.

16. HÅKON HAUGSBØ

The Complaint says:

NRK Brennpunkt´s presenter Håkon Haugsbø deals with the events in Srebrenica as a "massacre", not a genocide, and in general seems Brennpunkt to vouch for and support the film's revisionist tendency. As we have indicated above, genocide is defined and time-honored category of crime in international criminal law which indicates that there was an intent to destroy a group or part of a group as such. Massacre as part of a genocide is nothing but massacre carried out from other intentions or motives. [Page 20]

Brennpunkts Håkon Haugsbø omtaler begivenhetene i Srebrenica som en "massakre", ikke et folkemord, og gjennomgående synes Brennpunkt å gå god for og støtte filmens revisjonistiske tendens. Som vi har anført ovenfor er folkemord en definert og hevdvunnen forbrytelseskategori i internasjonal strafferett som indikerer at det fantes en hensikt om å ødelegge en gruppe eller en del av en gruppe som sådan. Massakre som ledd i et folkemord er noe annet enn massakre utført ut fra andre hensikter eller motiver.

This is an absurd allegation and we cannot take this spin seriously. What happened at Srebrenica was mass murder and genocide as defined in international law. Haugsbø uses the words 'the worst massacre in Europe since WW2'. There is no justification for NHC's interpretation in this matter.

17. CHOICE OF INTERVIEW SUBJECTS

The Complaint says:

'For other sources that Stoltenberg, the former Bosnian army chief Sefer Halilovic and a few others from the Bosnian side, they are all relevant sources, but all are also controversial because of their roles in the story that took place in Srebrenica. The program does not seem to account for this, but use them indiscriminately, as needed.' [Page 20]

Når det gjelder andre kilder som Stoltenberg, den tidligere bosniske hærsjef Sefer Halilovic og et par andre fra den bosniske siden, er de alle relevante kilder, men samtlige er også kontroversielle på grunn av sine egne roller i historien som utspilte seg i Srebrenica. Programmet synes ikke å ta høyde for dette, men bruker dem ukritisk etter behov.

It was never our objective to engage in a debate about genocide at Srebrenica. As we've already said *repeatedly* the programme is about *Bosniak* allegations that Srebrenica was betrayed by Izetbegović and the BiH government. That betrayal led directly to the downfall of the town.

The people we interviewed knew about the events from their own close involvement at the time. We are suspicious that the Norwegian Helsinki Committee – while wrongly accusing us of bias – *is actually unprepared to accept any view of events that doesn't fit with its own preconceived notions.*

18. MISLEADING RELIGIOUS TENDENCY

The Complaint says:

‘The war was not a religious war, as suggested in terms of participation of the Mujahideen, and the above-mentioned idea of the Army as a Muslim army. It zooms in on religious slogans scribble on the walls (there is no evidence that they were written during the war), and cut tracks in the transition from a Serbian funeral to evening prayers in today's Sarajevo, etc.’
[Page 20]

Krigen var ikke en religiøs krig, slik det antydes når det gjelder deltakelsen av Mujahedin, og ovennevnte inntrykk av hæren som en muslimsk hær. Det zoomes inn på religiøse slagord rablet på vegger (det finnes ikke belegg for at de ble skrevet under krigen), og klippes lydspor i overgangen fra en serbisk begravelse over i aftenbønn i dagens Sarajevo osv.

We do not, anywhere in the documentary say that the Bosnian Civil War was a religious war. Nor do we mention the mujahideen. Again, the NHC is imagining a programme different from the one we actually made. Perhaps this makes it easier to criticise?

Yet again, there's a crude allegation of fraud. The *graffito* in question was filmed during the war. Is it likely that such a slogan would be allowed to remain on display in a Serb village *after* the war? The allegation is farcical and smacks of desperation on the part of the NHC.

The Complaint goes on to claim that:

‘Religion is also an element that makes the representation tendentious. Calling Bosniak people Muslims means that they are perceived as a religious group. The distinction between Muslim and ethnic and religious designation is not possible to see if you do not know it from before (“Muslim” was established as an ethnic group in Yugoslavia in 1979). The Bosnian army appears therefore as a religious army, which was not the case - as the Bosnian Serb army was not an orthodox Christian army, or the Croatian army, a Catholic Christian army.’
[Page 20]

Religion er også et element som gjør fremstillingen tendensiøs. Å kalle folkegruppen bosnjaker for muslimer —gjør at de oppfattes som en religiøs gruppe. Skillet mellom muslim som etnisk og religiøs betegnelse er det ikke mulig å se hvis man ikke kjenner til det fra før ("muslim" ble etablert som en etnisk gruppe i Jugoslavia i 1979). Den bosniske hæren fremstår dermed som en *religiøs* hær, noe som ikke var tilfellet —slik den bosnisk-serbiske hæren ikke var en ortodoks kristen hær, eller den kroatisk-hæren en katolsk kristen hær.

At no point do we claim that the Bosnian conflict was about religion and the programme makes no attempt to address the issue. No matter how they might be characterised, civil wars are about *land* and *A Town Betrayed* is certainly about that.

We find it odd to be criticised for supposed lapses in calling ‘Bosniaks’ ‘Muslims’ when the NHC does exactly the same thing throughout the Complaint.

IN CONCLUSION

We accept none of the criticisms levelled against our programme by the Norwegian Helsinki Committee. The ill-founded complaint seems to stem from a discomfort at the idea that opinions rooted in the Bosniak community fail to fall in line with one political perspective of the events of July 1995. We do not understand why the NHC has taken it upon itself to challenge the right of Bosniaks involved in those events to express their freedom of expression about the causes of a great tragedy.

End