

# Bosnia's Genocide Case Against Serbia Starts

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PARIS, Feb. 27 — The International Court of Justice began hearings on Monday in its first genocide case, a suit in which [Bosnia](#) charges that Serbia tried to destroy the Muslim population of Bosnia.

Bosnia is asking the court, a judicial body of the [United Nations](#), for formal recognition of its people's brutal fate and financial compensation for Bosnia and its victims.

The central argument is that Serbia violated the 1948 United Nations Convention on Genocide "on all counts" in the 1992-1995 war after the breakup of Yugoslavia.

Although other national and international courts have had genocide trials, the International Court of Justice has never taken up the issue of one state accusing another of genocide.

The court, based at the Peace Palace in The Hague, adjudicates disputes between nations and more commonly deals with territorial or maritime claims.

The public hearings now under way are the final stage in a 13-year-old process. Since Bosnia filed its suit in 1993, the two sides have exchanged voluminous legal briefs, and Serbia has tried to settle the dispute through diplomacy and through efforts to block the court from taking the case. But the court has ruled that it has jurisdiction, allowing the case to proceed.

The hearings are scheduled to continue until May 9. After that, it is quite likely to take months before the international panel of judges delivers its verdict.

In his opening statement, the Bosnian representative, Sakib Softic, said that the violence instigated by the Belgrade government in 1992 "destroyed the character of Bosnia and Herzegovina and certainly destroyed a substantial part of its non-Serb population."

Mr. Softic said the Belgrade authorities took that population "on a path to hell, a path littered with dead bodies, broken families, lost youths and lost futures."

Despite the magnitude of the massacres, he said, many Serbs have continued to deny the history of war crimes. The suit aims to do away with "the falsifying of history," Mr. Softic said.

An estimated 100,000 Serbs, Croats and Bosnian Muslims were killed in the Bosnia conflict. About two-thirds were Bosnian Muslims. Serbian forces, acting in concert with

local Bosnian Serbs, set out to create Serb-only regions in a policy known as ethnic cleansing.

The suit cites numerous cases of the deliberate killing of Muslim civilians in their towns and houses, as well as in concentration camps. It also documents large-scale rape and torture and the destruction of mosques and cultural heritage sites.

A lawyer on the Bosnian team, Phon van den Biesen, said in an earlier interview that Bosnia was relying on publicly available evidence.

"We have not tried to get materials from intelligence services," he said. "We have found more than enough material."

The material includes evidence and rulings from a different court, the United Nations war crimes tribunal that deals with the former Yugoslavia, also in The Hague. That tribunal has already ruled that genocide occurred at Srebrenica, in eastern Bosnia, in 1995 when close to 8,000 unarmed men and boys were executed and thrown into mass graves.

The tribunal has convicted several Bosnian Serb military officers of genocide and is now trying former President [Slobodan Milosevic](#), also on genocide charges.

The Bosnia case before the International Court of Justice may be a factor delaying the arrest of Gen. [Ratko Mladic](#), the Bosnian Serb military leader who is charged with genocide and remains at large.

Some lawyers at the court say Belgrade may be refusing to hand over General Mladic for fear that evidence at his trial could strengthen the Bosnian suit against Serbia. In the war, Belgrade provided covert support to General Mladic's ostensibly separate army, including financing, equipment, personnel and intelligence.

In taking their case to court, Bosnians are seeking greater recognition for their suffering and an implicit confirmation of their moral superiority over their neighbors, which they feel the Dayton peace accord of 1995 did not provide.

Moreover, the continuing denial by Serbian nationalists of the atrocities in the war causes continuing outrage among many survivors.