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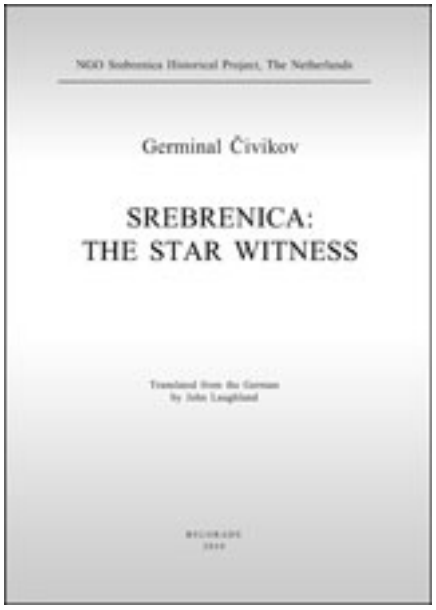
A review of Germinal Chivikov's book Srebrenica: The Star Witness (orig. Srebrenica: Der Kronzeuge, 2009, transl. by John Laughland, Srebrenica Historical Project, 2010, 164 pp.) - "a devastating indictment of the International Criminal Tribunal for the Former Yugoslavia (ICTY)."

The book shows that the Tribunal “does not behave according to the traditions of the rule of law”--it is a political rather than judicial institution, and has played this political role well. It is not the first work to effectively assail the Tribunal—Laughland’s own book Travesty (Pluto: 2006), and Michael Mandel’s How America Gets Away With Murder (Pluto: 2004) are powerful critiques. But Civikov’s book is unique in its intensive and very effective focus on a single witness, Drazen Erdemovic, and the ICTY’s prosecutors and judges handling of that witness. Erdemovic was the prosecution’s “star witness,” the only one in the trials of various Serb military and political figures to have claimed actual participation in a massacre of Bosnian Muslim prisoners. It is therefore of great interest and importance that Civikov is able to show very convincingly that this key witness was a charlatan, fraud, and mercenary, and that the ICTY’s prosecutors and judges effectively conspired to allow this witness’s extremely dubious and contradictory claims to be accepted without verification or honest challenge.



Erdemovic was a member of a Bosnian Serb military unit, the “10th Sabotage Unit,” an eight-man team of which he claimed shot to death 1,200 Bosnian Muslim prisoners at Branjevo

Farm north of Srebrenica in Bosnia on July 16, 1995. Erdemovic confessed to having personally killed 70-100 prisoners. He was initially arrested by Yugoslav authorities on March 3, 1996, and quickly indicted, but was turned over to the ICTY at pressing U.S. and ICTY official request on March 30, 1996, supposedly temporarily, but in fact, permanently. He was himself eventually tried, convicted, and served three and a half years in prison for his crimes. This was a rather short term for an acknowledged killer of 70-100 prisoners, but longer than he had anticipated when he agreed to testify for the ICTY—he had expected complete immunity, as he told Le Figaro reporter Renaud Girard ("Bosnia: Confession of a War Criminal, " Le Figaro, March 8, 1996). He claimed to have an agreement with the ICTY whereby "in return for his evidence he will be allowed to settle in a Western country with his family. He will enter the box as a witness, not as an accused, and will thus escape all punishment." But his earlier arrest, indictment and publicity in Yugoslavia may have made some prison term necessary for the ICTY's credibility. He ended up after his prison term in an unknown location as a "protected witness" of the ICTY. But even before his own sentencing he had begun his role as star witness in the ICTY's (and U.S. and NATO's) trials of accused Serbs. He appeared in five such trials, and from beginning to end was taken as a truth-teller by prosecutors, judges, and the mainstream media.

One of the most remarkable and revealing features of the Erdemovic case is that although he named seven individuals who did the killing with him, and two superiors in the chain of command who ordered or failed to stop the crime, not one of these was ever brought into an ICTY court either as an accused killer or to confirm any of Erdemovic's claims. These co-killers have lived quietly, within easy reach of ICTY jurisdiction, but untroubled by that institution and any demands seemingly imposed by a rule of law. The commander of his unit, Milorad Pelemis, who Erdemovic claimed had given the order to kill, made it clear in an interview published in a Belgrade newspaper in November 2005, that the Hague investigators have never questioned him. He had never gone into hiding, but has lived undisturbed with his wife and children in Belgrade. Nor have ICTY investigators bothered with Brano Gojkovic, a private in the killer team who Erdemovic claimed was somehow in immediate command of the unit (a point never explained by him or prosecutors or judges). Civikov points out that only once did the judges in any of the five trials in which the star witness testified ask the prosecutors whether they were investigating these other killers. The prosecutors assured the judges in 1996 that the others were being investigated, but 14 years later the Office of the Prosecutor had not questioned one of them. And from 1996 onward the judges never came back to the subject.

As these seven were killers of many hundreds in Erdemovic's version, and the prosecutors and judges took Erdemovic's version as true, why were these killers left untouched? One thing immediately clear is that the ICTY was not in the business of serving impartial justice even to the point of arresting and trying wholesale killers of Bosnian Muslims in a case the ICTY itself called "genocide." But ignoring the co-perpetrators in this case strongly suggests that the prosecutors and judges were engaged in a political project—protecting a witness who would say what the ICTY wanted said, and refusing to allow any contesting evidence or cross-examination that would discredit the star witness. Civikov points out that the only time Erdemovic was

subject to serious cross-examination was when he was questioned by Milosevic himself during the marathon Milosevic trial. And Civikov shows well that the ICTY presiding judge in that case, Richard May, went to great pains to stop Milosevic whenever his questions penetrated too deeply into the area of Erdemovic's connections or credibility.

In April 2004, a Bosnian Croat, Marko Boskic, was arrested in Peabody, Massachusetts, for having caused a hit-and-run car crash while drunk. It was soon discovered that Boskic was one of the members of Erdemovic's killer team at Branjevo Farm But journalists at the ICTY soon discovered that the Tribunal did not intend to ask for the extradition of this accused and confessed murderer. A spokesman for the Office of the Prosecutor stated on August 2004 that the prosecutor was not applying for the extradition of Boskic because it was obligated to concentrate on "the big fish." So killing hundreds, and being part of a "joint criminal enterprise" murdering 1,200, does not yield big enough fish for the ICTY. In fact, this is a major lie as dozens of cases have been brought against Serbs for small-scale killings or even just beatings, and the ICTY has thrived on little fish for many years. In fact, the first case ever brought by the ICTY was against one Dusko Tadic in 1996, who was charged with a dozen killings, all dismissed for lack of evidence, leaving him guilty of no killings whatsoever, but only of persecution and beatings, for which he was given a 20 year sentence. A number of other Serbs were given prison sentences, not for killing people, but for beatings or passivity in not exercising authority to constrain underlings (e.g., Dragolic Prcac, 5 years; Milojica Kos, 6 years, Mlado Radic, 20 years, among others). The dossier of ICTY prosecution of little (Serb) fish is large.

Thus, the Boskic case does not fall into any little-fish-disinterest category. Rather, it is perfectly consistent with the failure to bring to court Pelermis or any of the seven known co-perpetrators of the massacre. Civikov's very plausible hypothesis is that this is another manifestation of star witness protection—the ICTY does not want his convenient testimony to be challenged. Little fish like Boskic might gum up a political project. Civikov contrasts the extremely alert and aggressive actions of the ICTY and U.S. authorities in getting Erdemovic transferred to the Hague in March 1996 with this remarkable reluctance to even question Erdemovic's fellow killers. He was seen quickly as a man who might make proper connections to enemy targets, so no holds were barred then, or later..

Another remarkable feature of the handling of Erdemovic is his use as a star witness immediately after he had been declared mentally impaired and before his own sentencing. Following his first confession of guilt on May 31, 1996, on June 27, 1996 Erdemovic was declared by his trial judges to be unfit for questioning in his own sentencing hearing because psychiatrists found him to be suffering from post-traumatic stress disorder, the doctors urging a pre-hearing review of his mental condition in six to nine months time. But on July 5th, little more than a week after this medical report, Erdemovic was put forward as the star witness in a pre-trial hearing to publicize the current allegations against Radovan Karadzic and Ratko

Mladic.

This was a remarkable spectacle. The two accused had not been apprehended, so they were not present to defend themselves, nor were their attorneys. It was only the prosecutors and ICTY judges in action. The same judges who had just declared him mentally unfit for questioning in his own hearing now pushed him forward without any further medical examination. The presiding judge Claude Jorda explained that Erdemovic's own trial and sentencing were postponed "because we have asked for some further medical information," which suppresses the fact that the judgment of the doctors was that Erdemovic was "unfit to be questioned," presumably not just in his own trial. But Jorda's service to the political project runs deeper—he not only allows the Prosecutor to put on the stand a just-declared medically unfit person, and does this before this self-admitted murderer is sentenced, he even assures Erdemovic that his evidence as a witness for the prosecution "might be taken into consideration." It was mainly on the basis of unverified and unchallenged (and unchallengeable) testimony of this sick man and mass killer still facing his own trial and sentencing, that arrest warrants were issued for Karadzic and Mladic.

What Erdemovic was prepared to do in service to the ICTY program was to help build the case that there was a line of command between himself and his co-murderers at Branjevo Farm and the Bosnian Serb high command, i.e., Karadzic and Mladic, and hopefully eventually Milosevic. He did this poorly, never showing those leaders' involvement in or knowledge of this killing expedition, but mainly just asserting that its local commanders were under the authority of central Bosnian Serb headquarters. He claimed that immediate authority over the killing operation was held by Brano Gojkovic, a private in a team that also included a Lieutenant, and he mentions a mysterious and unnamed Lieutenant Colonel who took the unit to the killing site and then left. Erdemovic is not consistent on whether Pelermis ordered the killing or this unnamed Lieutenant Colonel. He also asserts that Colonel Petar Salpura, an intelligence officer of the Bosnian Serb army had direct command responsibility for the massacre. He vacillates on Gojkovic's power, sometimes making him "commander" with great authority, sometimes merely serving as an intermediary. Erdemovic himself was allegedly without authority and coerced into killing, but Civikov makes a very good case that at that time Erdemovic was a sergeant, and that he had joined the team voluntarily. But he and a Lieutenant Franc Kos were supposedly bossed by private Gojkovic in this killing enterprise. This line of command is very messy!

Civikov shows that the prosecution and judges strove mightily and successfully to prevent any challenges to Erdemovic's implausible and contradictory, and partly disprovable, claims about the line of command. This includes, importantly, their refusal to call before the court even one of those "little fish" co-murderers and higher commanders who might have clarified the facts. Instead of calling to the stand his boss, Lieutenant Pelermis, or Pelermis's boss, Colonel Petar Salpura, the ICTY is happy to stop with "a psychologically disturbed and apparently demoted

sergeant," who makes the ties that this court is pursuing with undue diligence.

Erdemovic and a number of his colleagues in the .10th Sabotage Unit were clearly mercenaries, and after the ending of the Balkan wars served the French in Africa. Erdemovic himself had worked for a time with the Bosnian Muslim army, then with the Croatians, and then with the Bosnian Serbs. He was trained as a locksmith, but never managed to work that trade. He found military service, and eventually serving as a star (and protected) witness, more profitable, but he regularly claimed before the Tribunal that he was a good man, hated war, was coerced into participating in the Branjevo Farm mass murder, and confessed to his crimes there because he was a man of conscience. The ICTY judges believed him, never saw him as a mercenary despite his performing military service for all three parties in the Bosnian warfare, and the ICTY took pains to exclude any witnesses from testifying who would put him in a bad light. They could not avoid several awkward witnesses in other trials: Colonel Salpura, a defence witness in the Blagovic and Jokic trials, denied authority over the 10th Sabotage Unit, and gave clear evidence that the killer team was on holiday leave on July 16, 1995; Dragan Todorovic, a witness for the prosecution in the Popovic case and officer of the Drina Corp of the Bosnian Serb army, also testified that the killer unit was on leave, that Lieutenant Kos, not private Gojkovic, signed out for the arms to be used by the unit, and that Erdemovic volunteered to be a member of that unit, and was not coerced into joining it.

Except for these awkward witnesses, the prosecutors and judges were able to keep out of the court record the fact that the Erdemovic unit that went to the Branjevo Farm did so during a ten-day vacation leave, not during regular service hours. Erdemovic himself never mentioned this fact. They also successfully buried the fact that, according to an early interview with Erdemovic, he claimed that his colleagues received a large sum of gold, perhaps 12 kilos, for some kind of service rendered. This payment, which suggests mercenary service, and not payment by the Bosnian Serb army, was never explored by prosecutors or judges in any of the trials in which Erdemovic participated, and was only raised by Milosevic, who, as noted, was harshly limited in his questioning by Judge Richard May. The facts that members of the killing group were on leave on July 16, 1995, and later findings of a French secret service connection of Pelemis and several of his colleagues, and the subsequent recruitment of soldiers from the 10th Sabotage Unit for mercenary service in Zaire to fight in the war there on the side of Mobutu, are suggestive. So is the fact that this mass murder of prisoners was extremely unhelpful to the Bosnian Serb cause, but worked out very well for the NATO powers. And it is clear why the ICTY, in service to NATO, would refuse to explore these questions and linkages.

The protection of Erdemovic and the notable ICTY-NATO success in getting his problematic testimony accepted as truth in five separate trials of Serbs owes much to the media, which in the United States and Britain raised no questions and swallowed the party line intact (for a case study, see Edward S. Herman and David Peterson, "Marlise Simons on the Yugoslavia Tribunal:

A Study in Total Propaganda Service," ZNet, 2004). This applied not just to the mainstream media but to the supposedly left and dissident media, with only Z Magazine in the United States publishing reviews of serious critical works dealing with the ICTY (notably, Mandel, Laughland and Johnstone).

Germinal Civikov points out that killing 1,200 people in five hours, ten at a batch, as claimed by Erdemovic, would allow under three minutes for each batch, including getting them out of the buses, taking them to the shooting zone, shooting them, making sure of their being dead, and disposing of the bodies. There were also claimed interludes of drinking, arguing, and cavorting. Why did the prosecutors, judges and media never address this issue of timing? Why did the prosecutor sometimes speak of only "hundreds" killed at the Branjevo Farm? Could it be related to the fact that fewer than 200 bodies were recovered from the site, and no aerial photos were ever produced that showed body removal or reburial? Civikov says, "So something between 100 and 900? This lack of knowledge, incidentally, will not prevent the judges, several months later, from putting the figure of 1,200 in their judgment after all—mind you without any proof, then or now, apart from the accused's own claim." Once again, why did they not call any other perpetrator to discuss numbers?

One would love to know what the ICTY prosecutors and judges said behind the scenes in confronting Erdemovic's numbers, lines of authority, role, lies and contradictions. Perhaps the ICTY insiders did discuss them, but they and the media have played dumb. A Wikileaks was, and still is today, desperately needed to deal with the Erdemovic/ICTY travesty—and in fact, a Wikileaks on the ICTY would wreak havoc in the trial of Karadzic and pursuit of Mladic. So will Civikov's Srebrenica: The Star Witness if it gets the exposure that it deserves.