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THE USE AND ABUSE OF HISTORY: CLIO BEHIND ICTY BARS¹

Abstract: *The task of this article is to examine the academic value and factual reliability of the reports *Background, Politics, and Strategy of the Sarajevo Siege, 1991-1995* and *Highlights of Deliberations in the Assembly of Republika Srpska Relevant to the Indictment of Ratko MLADIC, 1991- 96*, produced by historian Robert J. Donia, for the purposes of the International Criminal Tribunal for the Former Yugoslavia. The argument advanced in*

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¹ This Analysis was produced by two historians, Miloš Ković and Draga Mastilović, on the request of the legal team of general Ratko Mladić, former Chief of the General Staff of the Army of Republika Srpska, at the International Criminal Tribunal for the Former Yugoslavia (ICTY). The task of the Analysis was to examine reliability of the reports *Background, Politics, and Strategy of the Sarajevo Siege, 1991-1995* and *Highlights of Deliberations in the Assembly of Republika Srpska Relevant to the Indictment of Ratko MLADIC, 1991-96* written by historian Robert J. DONIA for the purposes of ICTY. However, only one of us was allowed by ICTY to sign the Analysis as its official author, and to take part in the ICTY trials the expert historian (on 30 November and 1 December 2015). These are only introductory chapters; the whole manuscript of the Analysis is in the publishing process.

our analysis is that they do not satisfy the basic academic and scientific standards, in spite of their academic structure and ambition. For this reason, the claims and results put forward in these reports must be approached with much caution and little confidence.

Key words: History, Ratko Mladić, Hague Tribunal, Robert Donia, Sarajevo, Yugoslavia, Bosnia and Herzegovina

The reports *Background, Politics, and Strategy of the Sarajevo Siege, 1991-1995* and *Highlights of Deliberations in the Assembly of Republika Srpska Relevant to the Indictment of Ratko MLADIC, 1991-96* by Dr Robert J. DONIA are academic in form. The author is a historian by education and was, as such, invited to draft these expert reports for the purposes of the International Criminal Tribunal for the Former Yugoslavia (ICTY). They have an academic structure: an introduction, the main part (subdivided, for the purposes of clarity, into several parts) and, in the case of the report *Background, Politics, and Strategy of the Sarajevo Siege*, a conclusion. The notes also contribute to the scholarly form of the reports and the author uses them to refer to his sources and literature with the necessary explanations.

The task of this analysis is to examine the academic value and factual reliability of the reports *Background, Politics, and Strategy of the Sarajevo Siege, 1991-1995* and *Highlights of Deliberations in the Assembly of Republika Srpska Relevant to the Indictment of Ratko MLADIC, 1991-96*. For the most part it is concerned with the report *Background, Politics, and Strategy of the Sarajevo Siege*. The scholarly and factual values of the report *Highlights of Deliberations in the Assembly of Republika Srpska Relevant to the Indictment of Ratko MLADIC, 1991-96* do not merit special attention, and it will therefore be analyzed together with Chapter 7 of the report *Background, Politics, and Strategy of the Sarajevo Siege*, which deals with the same subject matter and is based on the same source materials. Henceforth in this analysis, the term Report will be used to refer to the report *Background, Politics, and Strategy of the Sarajevo Siege, 1991-1995*.

What, in this case, do the terms “academic value” and “factual reliability” mean? Every science has its own methods and rules. The question of method is not a question of mere form; like ancient crafts, the sciences have developed and shaped a set of rules and principles on the basis of practical experience, sometimes over many centuries, and these rules and principles are seen as reliable and standard means of acquiring valid knowledge. The method used, therefore, tells us something about the reliability and value of the results achieved. Notwithstanding the specific nature of the methods of academic disciplines, it can be said that they all have in common a systematic and thoughtful approach to the gathering of facts and caution in reaching conclusions. In other words, in order to claim something, it is necessary to collect sufficient solid evidence. The need to collect all the relevant data and the requirement for caution and objectivity are particularly evident in the humanities and social sciences, history being the best example of this.

The authors of these lines are the historians by education and their task is to investigate and demonstrate whether and to what extent Dr Robert J. DONIA adhered to the methodology of history as an academic discipline in the reports *Background, Politics, and Strategy of the Sarajevo Siege, 1991-1995* and *Highlights of Deliberations in the Assembly of Republika Srpska Relevant to the Indictment of Ratko MLADIC, 1991-96*, and, consequently, how reliable is the data they offer.² The argument advanced in this analysis is that they do not satisfy the basic academic and scientific standards. For this reason, the claims and results put forward in these reports must be approached with much caution and little confidence.

It is possible that the weaknesses and unreliability of these two reports are a consequence of the fact that the historian agreed to be hired by a court to prove someone's guilt. The authors of this analysis follow the tradition in the humanities and social sciences established by Max WEBER, Jacob BURCKHARDT, Marc BLOCH, Quentin SKINNER, and other scholars. They

² There is a vast body of literature on the methods of historians. For a general overview, the following is useful: TOSH, J., *The Pursuit of History: Aims, methods and new directions in the study of modern history*, London, etc. 2002. No less relevant is also BLOCH, M., *Apologie pour l'histoire, ou Métier d'historien*, Paris 1949.

argue that the task of science is to seek to *understand* and *explain* rather than to *evaluate* and *judge*. It is precisely history that demonstrates to us the impermanent, conditional and relative nature of our value judgments. However, the interesting relationship between history and legal science remains an open question; both historians and judges seek to determine “what really happened“, as Leopold von RANKE would put it. It is true, for example, that war crimes and mass crimes can hardly be written and spoken about in an impartial and value-neutral manner. Nevertheless, even in such cases, the rules of the scientific methods remain the same *understanding* must have priority over *revulsion*.

The structure of this analysis follows the structure of the report *Background, Politics, and Strategy of the Sarajevo Siege, 1991-1995*. To demonstrate the argument that it does not constitute a sufficiently scholarly and reliable expert report, it needs to be carefully examined, section by section. At a suitable juncture in Chapter 7, we will also consider the report *Highlights of Deliberations in the Assembly of Republika Srpska Relevant to the Indictment of Ratko MLADIC, 1991-96*.

Title: “The siege of Sarajevo” or “The battle for Sarajevo”

The very title, *Background, Politics, and Strategy of the Sarajevo Siege, 1991-1995* is contentious. It is true that the term Sarajevo Siege has taken root in the mass media propaganda and journalism, but the question arises as to what extent it corresponds to historical facts. Although the title does not say “Serbian siege of Sarajevo”, the author seeks in his report to demonstrate that Sarajevo was under a Serbian siege.

When Robert J. DONIA uses the term Sarajevo he clearly refers only to its eastern parts, which were for the most part controlled by the Bosnian Muslims during the war.³ It is not clear from the Report, however, that there were parts of

³ We share Dr DONIA's opinion that this ethnic group should be called by the name its members used to refer to themselves officially in this period (from the 1971 census the name “Muslims” was adopted, and after 1993 the term “Bosniaks” was used). See, ISAKOVIĆ, A. *O nacionaliziranju Muslimana: 101 godina afirmiranja i negiranja nacionalnog identiteta Muslimana*, Zagreb 1990.

Sarajevo which were under the control of the Serbs. Instead of referring to them as parts of Sarajevo, the author calls them, starting from p. 17 (p. 18 in the English text – hereinafter: Eng.), the “western approaches”. He identifies them clearly only on page 61, when he talks about the creation of a “Serb city of Sarajevo” (1993), putting the term “Serb municipality” in quotation marks to show that he does not consider them Serbian: “The newly-declared city consisted of the ‘Serb municipalities’ of Centar, Hadžići, Ilijaš, Novo Sarajevo, Stari Grad, Rajlovac and Vogošća” (Eng. 66). One should add Dobrinja, Vojkovići and Lukavica to get an approximate idea of the territory controlled by the Serbs during the war.⁴ This reduction of “Sarajevo” to the eastern parts of the city is even more bizarre given that in Chapter 3 – “Sarajevo's Growth, Composition, and Voting Behavior” – “Sarajevo” is taken to include all ten Sarajevo municipalities from 1990 (pp. 17-19; Eng. 18-20). They are shown on Map 1, which is appended to the Report. A full map showing the positions of the conflicting forces in and around Sarajevo would obviously be of huge benefit to the reader. Such a map, however, is not to be found in the Report. It would show that the city was divided and that this was a war between conflicting ethnic groups and not a “siege”.

The author focuses on Serbian artillery and sniper fire on the Muslim parts of the city, although Muslim snipers and artillery also killed civilians in the Serbian parts of Sarajevo. The key elevations above the city, from where the whole of Sarajevo and the positions of the Sarajevo-Romanija Corps could be fired on, were under the control of the Muslim forces (Mojmilo, Debelo Brdo, Čolina Kapa, Grdonj, Hum and Humsko Brdo, Orlić, Žuč, Briješće Brdo, Švabino Brdo, Sokolje and Igman). If one can talk of a siege of the eastern parts of the city, then the question arises as to whether one can talk of a siege of its western parts. The Sarajevo-Romanija Corps suffered considerable casualties on the Sarajevo front because they were outnumbered three or four times by the opposing military forces of the BH Army. With the exception of the units on

⁴ RADINOVIĆ, R., *Laži o Sarajevskom ratištu*, Belgrade, 2004, p. 232. On page 31 (Eng. 32-33) of the Report the author writes that by early April 1992 the SDS had proclaimed the new municipality of Rajlovac and redefined the boundaries of Ilidza; on p. 45 (Eng. 48) he writes that in April and early May 1992, “Serb security forces gradually seized much of the municipalities of Ilidza, Ilijas, Vogosca, and Novi Grad in the western approaches”.

Jahorina and Romanija, the Sarajevo-Romanija Corps was surrounded by the outer ring of the BH Army. Moreover, within those central parts of the city, which were under the dominant control of the Serbs (Grbavica, Koševo, Dobrinja and Neđarići) the demarcation lines went along individual streets where fierce street fighting took place. In any event, it would be useful to compare the number of casualties in this fighting with the number of civilians killed by snipers or artillery projectiles. That could contribute to a more realistic perception of the scale of terror against civilians in Sarajevo between 1992 and 1995.⁵ All of this will be discussed in greater detail below.

Finally, any discussion of the suffering and persecution of Muslims in the Serbian parts of the city necessitates at least a mention of the suffering of Serbs in the Muslim neighbourhoods (murders, robberies, physical violence, rape, imprisonment, digging trenches on the front lines); regrettably, there is not a word about that in the Report.

The term “siege” is contentious because the “besieged” maintained links with the “outside world” through the UN peacekeeping forces, especially after the “besiegers” handed over Butmir airport to the peace-keeping forces in June 1992. The BH Army then dug a tunnel under the airport and used it to transport people, weapons and supplies and to maintain combat links with other territories under its control. If there can be any talk of a true siege, then the term should first and foremost be used to denote the blockade in which the troops of the Yugoslav People’s Army (JNA) found themselves in Sarajevo when their barracks were surrounded by units of armed Muslims and Croats.

Between 1992 and 1995 Sarajevo was a divided, but not a besieged city. It was the scene of a war between conflicting ethnic groups, i. e. Muslims and Serbs. The position of the Croats depended on changing circumstances. At the beginning of the war in Sarajevo, the Croatian Defence Council (HVO) collaborated with the Muslims against the Serbs. From October 1992 and definitively after April 1993, when a war between Croats and Muslims started in Central Bosnia, the Croats in Sarajevo became passive. It can be said that the

⁵ For details on the deployment of forces on the Sarajevo front, see, RADINOVIĆ, R., *ibid.*, pp. 106-130.

HVO forces in Kiseljak, through cooperation with the Army of Republika Srpska (VRS), even participated in a blockade of the Muslim troops. All in all, the term “The Battle for Sarajevo”, which Robert J. DONIA used as the title for one of the chapters in the report *Highlights of Deliberations in the Assembly of Republika Srpska Relevant to the Indictment of Ratko MLADIC, 1991-96*, is much better suited to the realities of events in Sarajevo between 1992 and 1995 than the “Sarajevo Siege”.

In addition, the title *Background, Politics, and Strategy of the Sarajevo Siege, 1991-1995* suggests and promises that the author’s approach to this complex subject will be complete and comprehensive. The body of the Report, however, does not meet these expectations. Lastly, the war in Sarajevo started in 1992, and not in 1991. It is apparent from the text that the author believes that Serbian preparations for the “siege” began in 1991 (although he does not provide sufficient evidence for this), but despite this the title seems confusing and inaccurate. The “background” could have been discussed under an exact and clear title, which would state the correct years of the war in Sarajevo: 1992-1995.

Ignoring the context

On the first page of the introduction, in the first sentence of the first paragraph, the author says: “This report is intended to assist the reader by providing historical background and political and military context for events alleged in the indictment in case IT-09-92, *The Prosecutor v. Ratko Mladic*.” (Eng. 1).

It is precisely that which the author considered to be his main subject matter that constitutes the weakest point of his Report. An analysis of the context is, of course, one of the key instruments used by historians to explain not so much *what* as *why* something happened. Historiographical explanations, interpretations and the identification of causal links are all based largely on knowledge of the context.

Historical context, however, is a notion with no clear framework or boundaries. Analyses of historical events or processes always open up the question of historical context. At the most practical level, this concerns the scope of historiographical texts. At the methodological level, it is a question of objectivity and bias because it always concerns the historian's choice of what, in his opinion, belongs to the historical context of the given phenomenon which relates to it.

In order to explain the context of the events referred to in the Indictment, the author discusses the role of Ratko MLADIC in the events in Bosnia and Herzegovina from the moment he arrived in BH and took command of the VRS (established on 12 May 1992), but he begins this story only halfway into his report, starting from page 43 (Eng. 46). Even so, the author does not give anything like a full context of the events referred to in the Indictment. Moreover, it turns out that everything DONIA mentions in his Report also has its own context, of which something must be said.

The instances of prevarication in this Report are readily identifiable and unusually systematic. Despite its title, after a brief introduction, it is almost exclusively concerned with the political ideas and conduct of the Serbian Democratic Party (SDS) and commanders of the JNA and VRS in Bosnia and Herzegovina, especially in Sarajevo, in the period between 1990 and 1995. The author discusses the political ideas and conduct of the leaders of the Muslim Party of Democratic Action (SDA), Croatian Democratic Union (HDZ) and their armed forces (Green Berets, Patriotic League, HOS /Croatian Defence Forces/, ZNG /National Guard Corps/, BH Army and HVO) in the same period only when this has to be done in order to preserve the illusion of objectivity and academic approach. He is primarily concerned with proving the responsibility of the SDS leadership and commanders of the JNA and VRS for what happened in Sarajevo in the 1992-1995 period; everything that proves the responsibility of the SDA and HDZ and commanders of their armed formations is ignored or mentioned in only cursory form.

The actions of the leaders of the SDA and HDZ is therefore the first context missing from this paper. There are always two, sometimes three parties to every quarrel and every war. For example, because the author is committed solely to

proving the Serbian responsibility, he fails even to mention the fact that the war in Bosnia and Herzegovina began with the incursions of the Croatian army into Bosanski Brod, Kupres and the Neretva valley in March 1992, followed by killings of Serbian civilians. Sheltered by the West's media and military campaigns against Republika Srpska and Serbia, regular army units of the Republic of Croatia were to remain in the territory of Bosnia and Herzegovina until the very end of the war.

This also involves the international context and the conduct of the "international community" – the new term for what used to be known in the 19th century as the "Great Powers".

The European Community and the USA were involved in the events from the beginning; from time to time Russian presence was also evident as was the involvement of some Muslim countries. UNPROFOR was always present on the fringes or in the epicenter of the war; and in the end NATO became one of the warring parties. The author did say something about that, but not enough, and only at the very end of the Report.

Another context which this Report lacks is the prehistory of the war in Sarajevo. The author devotes only a few pages in Chapter 2 ("The Transformation of the JNA", pp. 4-12; Eng. 4-12) to the events that took place in the Socialist Federative Republic of Yugoslavia (SFRY) immediately before the outbreak of the war in Bosnia and Herzegovina. Those events, however, are essential for an understanding of his Report and the Indictment.

The subject of this chapter is, as the author puts it, "the transformation of the JNA into a Serb nationalist force" (p. 4; Eng. 4) or "the JNA's /discreet/ tilt toward nationalism" (p. 8; Eng. 8), and not the reconstruction of the events in their entirety. It is evident that the intention was to focus the discussion as soon as possible on the JNA and Ratko MLADIC, at that time a JNA colonel, while the conduct of the Slovenian and Croatian nationalists was, naturally, either ignored or mentioned in only cursory form. Out of eight and a half pages devoted to the Yugoslav crisis and the war before fighting started in Bosnia and Herzegovina and Sarajevo, three and a half pages are devoted to the operations in Kijevo in August 1991 (pp. 9-12; Eng. 9-12). The intention, again, was to link the conduct of Colonel MLADIC during this conflict to the purported

final turning of the entire JNA towards Serbian nationalism and its transition to offensive operations in close cooperation with Serbian paramilitary forces. To what extent this argument is convincing will be shown below.

Lastly, the third context missing from this Report is an extensive historical introduction to what happened in Sarajevo between 1992 and 1995. This should, above all, cover the history of the Second World War in Bosnia and Herzegovina. Instead, the author tried to explain the ideas and actions of the Serbs during the 1992-1995 war without touching on the genocide committed against the Serbs (and Jews and Roma) in the territory of the Independent State Croatian (NDH) in the period between 1941 and 1945 by their neighbours and fellow citizens – Croat and Muslim members of the Ustasha units emboldened by the Nazi and fascist occupation and destruction of Yugoslavia. This is the same as trying to explain the culture, political life and foreign policy of Israel or Armenia without any reference to the Holocaust or the genocide against Armenians in the Ottoman Empire. With the exception of a brief war in Slovenia, all the fighting in the territory of Croatia and Bosnia and Herzegovina between 1991 and 1995 took place precisely in the areas that had 50 years previously been part of this genocidal creation in which a huge number of Serbs were massacred. Anyone studying the events that took place between 1992 and 1995 will quickly realize that those who lived through it, perceived the Second World Wars if it took place “yesterday”, and not in some distant past. This was not only demonstrated in their Ustasha, Chetnik and Partisan warrior insignia. Serbs did not have to read books about the genocide committed in the NDH; they could hear about it from parents and grandparents who had lived through it. In 1941 the Ustasha killed about 50 residents of Kijevo. The father of General Ratko MLADIC was killed in the Second World War as a partisan. General ADZIC, Chief of the JNA Staff from 1989 to 1992, was born in Herzegovina in the village of Pridvorica whose residents were murdered most brutally by Muslims from the neighbouring village of Boračon Orthodox Christmas Day in 1942. They killed 168 men, women and children, including 54 children aged between the ages of three and 17.⁶ This once prosperous village had not recovered from the

⁶ SKOKO, S., *Čitulja žrtava ustaško-nacističkog genocida u gatačkom kraju 1941-1944*, Belgrade, 2006, pp. 157-161.

1942 massacre before the new war started: at the time of the 1991 census it had 13 inhabitants.

In order to understand the events that took place in Sarajevo between 1992 and 1995, an extended historical perspective should therefore at least touch on the genocide committed against the Serbs in the NDH. A glance still further into the past will show, however, that the Serbs of Bosnia and Herzegovina suffered similar pogroms during the First World War, albeit on a lesser scale, again at the hands of their Muslim and Croatian fellow citizens. Finally, an even longer perspective will reveal – contrary to the Robert J. DONIA's emphasis on the idyllic tradition of “coexistence”, “neighbourliness” and multiethnic community – the unfortunate legacy of strife and religiously motivated massacres bequeathed by history to the inhabitants of BH. Since at least the 15th century, from the conquest of these parts by the Ottoman Empire and the beginning of great wars it fought against the European Christian empires, the periods of peace and “coexistence” have been more the exception of the rule. The Report is completely silent about this third context of the events that took place in Sarajevo between 1992 and 1995.

Sources and literature

In the introduction to his Report Robert J. DONIA discusses his sources and literature. The sources on which his statement is based appear diverse only at first glance, given that they originate from Serbian, Muslim and Croatian sides. Even this, however, could not be said for the literature which the author uses to shape and interpret the facts gathered from the sources.⁷ It is obvious

⁷ Because of certain differences in English and Serbian academic terminology we emphasise that the term “sources” means written, material and oral remnants of the past, which most often come about at the time of the historical phenomena we study or were left behind by direct witnesses to and participants of such events (archive documents, notes, memoirs, journals, material remains, press, oral testimonies, photographs, etc.). By the term “literature” we mean subsequent interpretation which postdates the events and processes studied and includes academic studies and treatises, as well as journalistic accounts. It is sometimes difficult to distinguish the sources from the literature, especially when specialist and academic papers are written by direct participants in the historical events they describe. In Anglo-Saxon historiography “sources” are usually divided into published and unpublished sources, while “literature” is referred to as secondary sources.

at the very first glance that he uses only West European, American, Muslim and Croatian authors, while systematically avoiding even a mention of any Serbian historian, sociologist, political scientist or philologist.⁸ When it comes to the history of Bosnia and Herzegovina, the works of Vladimir ĆOROVIĆ, Milorad EKMEČIĆ, Tomislav KRALJAČIĆ and many other Serbian historians of different generations ought not be bypassed; in interpreting the break-up or disintegration of the SFRY /Socialist Federative Republic of Yugoslavia/, it would be useful to consult, for example, a book by the Zagreb-based political scientists Dejan JOVIĆ, whose oeuvre belongs to both Serbian and Croatian scientific output, or the works of the Belgrade-based sociologist Jovo BAKIĆ.⁹ The complete disregard for Serbian scholars points to the author's prejudices and bias. This too will be discussed in greater detail below.

With regard to the sources, a few further remarks are in order. It is recognized that the press is an interesting historical source, which is, nevertheless, more useful for reconstructing the views of publishers, editors and journalists than providing a true reconstruction of the events themselves. Everyday experience tells us that the media are increasingly used to persuade rather than inform the public. This is especially true of the media in the times of war, when they become, with a few honourable exceptions, vehicles for propaganda. The 1990-1995 Yugoslav crisis cannot be described as a golden age of impartial journalism. This is why it is surprising that the author of this Report uses Muslim newspapers published in war-affected Sarajevo (*Oslobodjenje*¹⁰ and *Slobodna Bosna*) as the source of information about the war without comparing and cross-referencing these reports with those carried by, for example, the Serbian or Croatian press. One such article to which the author refers in order to establish what happened in Sarajevo in November 1991 even carries the title *Sarajevo na četničkom nišanu* /Sarajevo in Chetnik gunsights/

⁸ The only exceptions are: *Sudbina Krajine*, by S. RADULOVIĆ, Belgrade 1993; JANJIĆ, J., *Srpski general Ratko Mladić* 1993, Novi Sad 1996, and collection of interviews: IVANOVIĆ, N., *Rečeno ili prećutano: Intervjui*, Belgrade,

⁹ JOVIĆ, D., *Yugoslavia: a state that withered away*, Lafayette 2009; BAKIĆ, J., *Jugoslavija: Razaranje i njegovi tumači*, Belgrade, 2011.

¹⁰ KEČMANOVIĆ, D., *Teme i dileme I*, Belgrade, 2014, pp. 337-359 provides a useful analysis of the articles published in this newspaper during the war.

(p. 40, note 118, Eng. 42, note 118). It should be noted here that the terms “Chetniks” and “Vlachs” are derisory, pejorative terms that Muslims and Croats in Bosnia and Herzegovina use to this day to refer to Serbs. None of this testifies to the impartiality of the author.

The author also establishes the course of events in the former Yugoslavia on the basis of published analyses and reports of the American Central Intelligence Agency (CIA) (p. 7, notes 13 and 14, and elsewhere; Eng. 7, notes 13 and 14 ff), without comparing them with data from other sources. This confidence in the CIA, an institution with a long and curious history, may testify to the patriotism of Robert J. DONIA, but not to his professionalism and impartiality as a historian.

Listing intercepted and secretly recorded telephone conversations of Serbian officials as sources and basing the chapter entitled “Serb Visions of Sarajevo: September 1991-April 1992” almost exclusively on these sources raises similar professional issues. The author should have at least informed us about the provenance of these extraordinary materials; no doubt they originate from CIA-type institutions. More importantly, after reading the intercepted conversations between Serbs one wonders just what might have been said on the phone by Alija IZETBEGOVIĆ, Ejup GANIĆ, Sefer HALILOVIĆ, Juka PRAZINA or Ramiz DELALIĆ aka Ćelo? Or perhaps Abu Hamza AL-MAZRI and other members of the international, Islamic, mujahidin units from Arab countries or Afghanistan who went to Bosnia and Herzegovina to fight on the side of the Bosnian Muslims against Serbian, Christian non-believers.¹¹ They were also on the Sarajevo front; one of them, Ali Ahmed ALI HAMAD has testified that in 1992 they took part in battles against the Serbs in Ilijaš municipality.¹² There are no intercepts of their conversations or those conducted between leaders of the SDA or HDZ in this Report.

¹¹ Abu Hamza would, of course, later achieve notoriety as the imam of the mosque in London's Finsbury Park, and be imprisoned for preaching religious hatred and cooperation with Islamist terrorist organisations, first in the UK and then, for life, in the USA. See KOHLMANN, E., *Al-Qaida's Jihad in Europe: The Afghan-Bosnian Network*, Oxford and New York, 2004, xi-xiii.

¹² Ali Hamad, *U mreži zla, međunarodni terorizam i „Al kaida“*, Banja Luka 2007, pp. 150-153.

Finally, anyone seeking a complete picture would surely want some insight into intercepted conversations between representatives of the great powers and international organisations involved in the events in the former Yugoslavia and BH. The Wiki Leaks affair has shown the nature and extent of US involvement in the world's hotspots and demonstrated the value of such historical sources for historiography.

What is true for the recordings of the secretly taped telephone conversations among Serbian officials applies also to the minutes of the sessions of the Assembly of RS /Republika Srpska/ and the whole range of sources of Serbian provenance that the author uses. The report *Highlights of Deliberations in the Assembly of Republika Srpska Relevant to the Indictment of Ratko MLADIC, 1991-96* is wholly based on the parliamentary records and almost the entire chapter "Serb Visions of Sarajevo: September 1991-April 1992" is based on the same type of source. The absence of minutes of the BH Assembly sessions and other documents of Muslim and Croatian origin points to the fact that the author completely severed the ideas and activities of Serbs from the logical context of the ideas and actions of Muslims and Croats. Other weaknesses of this approach will be discussed in greater detail below. All this points again to the unprofessional and biased selection of sources and literature on which this Report is based.

Theoretical framework

The passage in which Robert J. DONIA explains the method applied in the preparation of the report *Background, Politics, and Strategy of the Sarajevo Siege, 1991-1995* is confusing and incomprehensible (pp. 1-2). On reading the author's original English text (Eng. pp. 1-2) it becomes clear that this is due to poor translation. The sentence: "I have employed four standards to assess the reliability of evidence: relevance to the expository theme; origin; verifiability through crosschecking with other sources; and finally, richness, or value in illuminating thinking, behavior, or developments" is translated as follows: "Za

ocjenu pouzdanosti dokaza držao sam se tako četiri kriterijuma: relevantnost za temu; izvor; mogućnost provjere poređenjem s drugim izvorima; i, naposljetku, njihovu punoću, odnosno mjeru u kojoj mogu osvijetliti razmišljanja, ponašanje ili događaje.” If only the word “origin” had been translated as “poreklo” it would have been clearer what the author meant to say.

It is clear from the foregoing how Robert J. DONIA respected these principles, especially that of “verifiability through crosschecking with other sources”. Moreover, in the same paragraph the author pointed out that in his Report he “explains the causes and course of major trends, placing individual events in the context of broader developments” and points out that this is “the most common form of historical narrative produced by professional historians” (p. 1; Eng. 1)¹³. It is already clear from what has been said so far in the present Analysis how the author implemented this principle in practice. Whether and to what extent Robert J. DONIA placed events in the context of broader developments will be seen in the remaining part of the Analysis.

It is interesting that Keith JENKINS is the only author to whom DONIA refers in this paragraph devoted to his theoretical foundations. JENKINS is one of the leading postmodernist theorists of history. Among other things, it is characteristic that he gave up the traditional historiographical search for the objective, historical truth through sources and literature. Keith JENKINS, Hayden WHITE and other postmodernists argue that books and articles written by historians actually have no relevance for establishing historical facts, but they do provide interesting testimony about their authors, their beliefs and “literary strategies.” According to JENKINS, the human potential for learning historical truth is more than limited given that different historians always ascribe different meanings to the same historical facts. That is why, instead of establishing “facts”, it is more interesting to turn to analysis of the discourse.¹⁴ Pondering these issues, Robert J. DONIA himself wonders whether the term “narrative”, which he uses, should be replaced by the term “discourse”.

¹³ The translation from English is useless here too.

¹⁴ JENKINS, K., *Introduction: On being open about our closures*, in *The Postmodern History Reader*, London and New York 1997, pp. 1-30.

The postmodernist theory of history and its “deconstruction” of historical truth and of the methods of historians have been criticised, however, precisely because they necessarily and logically lead to the relativisation of facts even about such historical events as, for example, the Holocaust. Richard EVANS thus analysed in detail what he called the “postmodernist hyperrelativisation”,¹⁵ especially in relation to historical facts of this kind. He particularly highlighted the case of one of the leading postmodernists and “deconstructionists”, Paul DE MAN, professor at the prestigious Yale University, who, it turned out, during the Second World War wrote anti-Semitic articles for a Nazi-controlled journal in occupied Belgium.¹⁶ EVANS himself is known by the wider public for his appearance as an expert witness for the defence in 2000 at a trial for the denial of Holocaust (*David Irving v Penguin Books and Deborah Lipstadt*).

The notion of national identity

In interpreting the phenomenon of national identity, which can be considered one of the central themes of the story of the disintegration of the SFRY and BH, Robert J. DONIA refers to himself as a “constructionist”. He points out that national identity is not a given, but is constructed to fit the circumstances of the moment. It is not quite clear whether DONIA believes that national identity is completely fabricated and entirely constructed or claims only that, because it already exists, it can be changed and shaped anew in line with the interests of the leaders of national movements. It seems that DONIA is closer to the first interpretation since, as he puts it, his Report is “informed by a ‘constructed’ view of nations and nationalist movements”. DONIA argues that “almost everyone in the community of social scientists and historians rejects essentialism and endorses some variant or other of the ‘constructed’ view” and that “They suggest instead that a ‘nation’ is a mental construct, widely shared by a large population”. Essentialism is, DONIA points

¹⁵ EVANS, R., *U odbranu istorije*, Beograd 2007, p. 348.

¹⁶ *Ibid.*, pp. 259-265.

out, an “often anthropomorphic view of a nation, people, or ethnic group as firmly fixed, neatly-bounded, monolithic, and stable over many centuries”. Most interestingly, DONIA finally argues: “It should be noted that leading Serb nationalists hold in the main to a traditional essentialist interpretation of their own nation as embodied in the term ‘the Serb people,’ and therefore are likely to take exception with the basic conceptual framework of this report.” (p. 2; Eng. 2).

We do not see anything controversial in an interpretation according to which national identity is a variable category. It is, indeed, changeable and constructed. However, the author’s vision of nation and national movements as “constructs” is simplified. This can also be said of his caricature of “essentialism”. DONIA claims that “almost everyone” in the community of social scientists and historians rejects essentialism and endorses some variant or other of constructivism does not correspond with the facts. First of all, the authors he cites in support of his views do not claim that the nation is a “construct”. Benedict ANDERSON observed changeability, but also the durability of the nation and therefore asserts that the nations are “imagined” but not “invented communities”.¹⁷ Eric HOBBSBAWM, to whom DONIA also refers here, has written that, in some cases, the nations of the 19th century were preceded by centuries old, “proto-national” communities. As an example of this phenomenon HOBBSBAWM cites the English, Russians, and - Serbs.¹⁸ Thus DONIA seeks to support his views by citing authors who see things differently from him.

In today’s academic world constructionism, as understood by DONIA, is not the only legitimate approach to the study of nations and nationalism. One of the leading experts in the field, Anthony SMITH, was once regarded as “primordialist” and is today seen as an “ethnosymbolist”; his position is somewhere between “primordialism”, which emphasises the antiquity of nations or ethnic communities that precede them, and “constructionism”.¹⁹ The

¹⁷ ANDERSON, B., *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London and New York, 1991, pp. 5-7.

¹⁸ HOBBSBAUM, E., *Nacije i nacionalizam od 1780: Program, mit, stvarnost*, Belgrade, 1996, p. 86.

¹⁹ For an outline of theories of nations and nationalism, see *Nationalism*, ed. by HUTCHINSON, J. and SMITH, A. D., Oxford and New York, 1994.

situation concerning contemporary research into nations and nationalism is obviously more complex than Robert J. DONIA seeks to portray it.

What, then, of the essentialism of the “leading Serb nationalists”? Who does the author have in mind? Which historical period? The term “leading Serb nationalists” is very vague and collective. From Dositej OBRADOVIĆ and Vuk KARADŽIĆ at the end of the 18th and beginning of the 19th century, to Jovan SKERLIĆ and Jovan CVIJIĆ, leading Serbian intellectuals viewed the category of the nation as being subject to change, be that through the will of the very members of the nation or that of foreign state authorities in Austria and the Ottoman Empire. Dositej OBRADOVIĆ and Vuk KARADŽIĆ already separated the Serbian national idea from its church roots and linked it to language and free choice. Serbian intellectuals, in the spirit of the Enlightenment, convinced that religion had to become a private matter, already sought towards the end of the 18th century to establish permanent cooperation and links with the Muslims and Catholics of Bosnia and Herzegovina, among whom national consciousness was developing at a much slower pace than among the Serbs. Thus, the Yugoslav idea would take shape through interaction with the Croatian Illyrian movement; it was through the efforts of the Serbian army and Serbian ideologists that the Yugoslav state was created in 1918. Had the Serbian nationalist ideologues been “essentialist” in their leanings, would they ever have attempted to “construct” a new, Yugoslav nation out of the Orthodox, Catholics and Muslims within the Kingdom of Yugoslavia? The opposite is true: the dominant interpretation of the national idea among the Serbian intellectuals of that time was “French”, “RENAN’S” and, in the contemporary sense of the word, constructionist.²⁰ Finally, it is not clear why DONIA claims, without any evidence, that the phrase “Serb people” implies immutability, essentialism and nationalism; in both the Serbian vernacular and expert literature, it denotes what is, for example, the

²⁰ For a history of South Slavic nationalisms, see EKMEČIĆ, M., *Stvaranje Jugoslavije 1-2*, Belgrade, 1989. See in KOVIĆ, *From Vienna to Paris: Serbian Elite Between Central and Western Europe (1893–1914)* in Gabriella Schubert (Hg.), *Serbien in Europa: Leitbilder der Moderne in der Diskussion, Forschungen zu Südosteuropa*. Sprache - Kultur - Literatur, band 3, Harrassowitz Verlag. Wiesbaden 2008, 53-60; *Id. Političke ideje Jovana Skerlića: Pogled iz 2014. godine*, *Letopis Matice srpske* pp. 494-4 (October 2014), pp. 465-472, BATAKOVIĆ D. T., *Les sources françaises de la démocratie serbe*, Paris 2013, pp. 357-365.

expression *peuple français* for the French or the expression “English people” for the English.

True, the strange sentence about “leading Serb nationalists” is written in the present tense. If it refers to extreme Serbian nationalists of the kind found in almost all European countries today, whose main characteristic is hostility towards immigrants and people of different faiths and ethnic background, these cannot be taken as the only relevant samples of public opinion and this applies equally in the Netherlands and France and in Serbia. If it refers to the leading Serbian intellectuals today, or the members of the Serbian academic community, then this statement is simply incorrect and arbitrary, because it ignores the vast differences that exist within every country, including Serbia. This view of the “leading Serb nationalists” as being some kind of an undifferentiated collective, lagging behind contemporary global theoretical trends, taken together with the author’s persistent disregard for the work of Serbian scholars and his systematic denunciation of Serbian politicians and officers, whom he blames for all the evils that have befallen the countries of the former Yugoslavia, seem to point the author’s deeply held cultural prejudice against Serbs.

Breaking up Federal Yugoslavia and preserving a unitary Bosnia and Herzegovina: double standards

At the very beginning of the narrative about the Yugoslav crisis and wars, it is clear that the author’s approach cannot be considered to be objective. Instead of trying to *explain what happened and why*, DONIA simply takes one side in a bloody civil war which lasted from 1991 until 1992. He declares support for the Slovenes and the Croats in their fight against the JNA and the Serbs. This is certainly not the optimum position for someone who wants to be regarded as, what DONIA himself calls, “a professional historian”.

The author seems to display a degree of nostalgia for Tito’s times. In paying tribute to the partisan army as the predecessor of the JNA, DONIA gets carried away and forgets the facts. He thus claims that it liberated the country in 1945

“with only modest outside assistance” (p. 4; Eng. 4), which can be considered to be a substantive mistake because the decisive role in the liberation of the capital of Yugoslavia, Belgrade, from Nazi occupation was played by the Soviet Red Army.²¹

DONIA then describes the disintegration of Yugoslavia and goes to the other extreme by painting the JNA and Yugoslavia exclusively in shades of black. By supporting the secession and nationalism of the Slovenes and Croats (on page 5, Eng. 5, DONIA explicitly refers to the winners in the Slovenian and Croatian elections of 1990 as “nationalists”), he plumps for the break-up of the multi-ethnic, federal Yugoslavia in the first chapter already. Further on in the Report DONIA will also declare his support for the efforts of the Muslim and Croatian nationalists (he refers to the winning political parties in the 1990 elections in BH, the SDA, SDS and HDZ, as “nationalist parties”) to secure the secession of Bosnia and Herzegovina, completely omitting to mention the attempts of the leadership of Serbia and some leaders of the Bosnian Muslims (led by ZULFIKARPAŠIĆ) to preserve a multicultural Yugoslavia (the Belgrade Initiative of July 1991). All of this will be discussed in greater detail in this Analysis.

Despite the author’s evident belief that the Serbs, Croats and other Yugoslav peoples could not live together in 1990 and 1991 in even a federal Yugoslavia, he will declare in the same Report his support for the struggle of Franjo TUDJMAN’s HDZ for a unitary Croatia and Alija IZETBEGOVIĆ’s SDA for a unitary Bosnia and Herzegovina. He also shows himself as an opponent of the Serbian division of Sarajevo, and all this with reference to multiculturalism, tolerance and the need to resist nationalism. The struggle to preserve the idyllic image of Sarajevo as it supposedly existed before 1992 and defend the tolerance and common life of people of different faiths is the leitmotif of the entire Report.

The total absence of logic and consistency, which allows the same person to advocate the breaking up of the multicultural, federal Yugoslavia at the same

²¹ ŽIVOTIĆ, A., „Beogradska operacija” in *Srpska enciklopedija 1–2*, Novi Sad and Belgrade, 2011, pp. 71-72.

time as he defends a unitary Croatia and a unitary Bosnia and Herzegovina, is typical of a large part of the literature on the Yugoslav wars. The illogicality, inconsistency, unfairness and short-sightedness of this approach has been clearly noted by Professor John FINE, one of Robert J. DONIA's former teachers. FINE quite obviously shares DONIA's affection for the Muslim project of a supposedly multiethnic BH and his hostility towards "Serb nationalism".²² His position was, however, logical and consistent: as an opponent of nationalism and supporter of multiethnic states, FINE also mourns the breakup of Yugoslavia.²³

There is, however, one consistent approach, which is evident from the first to the last page of this Report. In all the volatile situations that succeed each other with lightning speed during the Yugoslav crisis and wars of 1990-1995, Robert J. DONIA remains a firm and consistent opponent of the Serbs. This can be expressed more precisely and politically correctly by saying that he is an opponent of "Serb nationalists" and the Serbian political elite of the period, but it must also be acknowledged that they were legitimate and democratically elected by a majority of votes.

DONIA simply wants to persuade us that Slovenian, Croatian and Muslim nationalisms are good, but Serbian nationalism is evil. The overwhelming majority of Serbs, including Serbs from Bosnia and Herzegovina, wanted, for reasons of national interest, to preserve the multicultural Yugoslavia, but DONIA sides with the Croatian and Slovenian nationalists who wanted to secede. Most Bosnian Muslims wanted, for reasons of national interest, to preserve the multicultural Bosnia, and DONIA declares his support for them and opposes the Serbs who wanted to secede (and remain in Yugoslavia). One can, of course, say that the Serbs were in Yugoslavia because they were driven by nationalism, since they wanted to remain in one state in which they would be the majority people, but could not the same be said of the Muslim nationalists, who first rejected Yugoslavia and then opted for a unified Bosnia and Herzegovina in which they

²² DONIA, J. Robert, and FINE, J. V. A., *Bosnia and Herzegovina: A Tradition Betrayed*, New York, 1994.

²³ FINE, J. V. A., "Heretical Thoughts about the Postcommunist Transition in the Once and Future Yugoslavia", in *Yugoslavia and its Historians: Understanding the Balkan Wars of the 1990s*, ed. by NAIMARK, N. M. and CASE, H., Stanford, 2003, pp. 179-192. For a detailed account of this kind of inconsistency, see: BAKIĆ, J. *ibid.* pp. 103, 107, 392, 395, 511, etc.

were already the most numerous people and were on the way to becoming an absolute majority? The Muslims, DONIA will say, did not want to live in a state ruled by Slobodan MILOSEVIĆ (p. 21; Eng. 22). But why would the Serbs want to live under the rule of Franjo TUDJMAN or Alija IZETBEGOVIĆ?

What is the principle and logic behind such inconsistency on the part of Robert J. DONIA? He has simply chosen a side and consistently supports it despite all academic and human logic. By the end of the Report his affections will prove to be staunchly on the side of Alija IZETBEGOVIĆ and the Bosnian Muslims, despite the complexity of the civil war in BH. His attitude towards the Croats can be described as ambivalent; when they wage war against the Serbs, he supports them, but they fall from his favour when they turn against the Muslims. The following question remains open: is the pen of Robert J. DONIA primarily steered by his negative bias against the Serbs (and Serbian nationalists), or his positive bias in favour of the Muslims (and Muslim nationalists)? The answer to this interesting question has no special significance for this analysis, which is concerned with the academic and scientific validity of his Report; at this juncture, however, it can be said that the motivation and method with which he approached the writing of it are neither academic nor scientific.

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УПОТРЕБА И ЗЛОУПОТРЕБА ИСТОРИЈЕ: КЛИО ИЗА РЕШЕТАКА
МЕЂУНАРОДНОГ КРИВИЧНОГ ТРИБУНАЛА ЗА БИВШУ ЈУГОСЛАВИЈУ

Резиме: Чланак, који је део шире студије, посвећен је анализи два извештаја: *Позадина, политика и стратегија опсаде Сарајева 1991–1995* и *Битни изводи из расправа у Скупштини Републике Српске релевантни за оптужницу против Ратка Младића 1991–1996*, које је за потребе Међународног кривичног трибунала за Бившу Југославију (МКТБЈ) саставио историчар Роберт Џ. Дониа. Они су, наиме, написани са академским амбицијама и имају историографску форму и структуру. Анализа је показала, поред осталог, да се наслов једног од извештаја може сматрати промашеним, јер је аутор сложеност стања у подељеном Сарајеву, у коме се водио етнички рат, тенденциозно поједноставио, назвавши га „опсадом“. Он је, такође, скоро у потпуности занемарио суштински важан контекст појава о којима је писао, иако је нагласио да му је баш анализа контекста један од главних циљева. Прећуткујући деловање хрватских и муслиманских националиста и западних земаља које су биле умешане у разбијање Југославије и рат, Дониа је приказао искључиво акције Срба, које као да се одвијају у празном простору. Историјски контекст, нарочито геноцид над Србима 1941–1945, такође је изостао из његових анализа. На сличан начин Дониа је поступио и у хеуристичком делу посла. Користио је само српске изворе, укључујући и пресретнуте телефонске разговоре, да би доказао кривицу Срба за рат, у потпуности занемаривши муслиманске, хрватске и западне изворе ове врсте. То се односи и на прикупљање и анализирање српских скупштинских расправа, и на потпуно занемаривање хрватских и муслиманских скупштина, у чијим записницима се може пронаћи много примера ратнохушкачке политике. У прикупљању литературе, Дониа је поступио супротно. Српску литературу сасвим је занемарио, усвајајући податке и закључке искључиво муслиманских, хрватских и западних аутора. Све то, заједно са његовим узгредним критичким судовима о Србима

као колективитету, указује на дубоко укоренење антисрпске предрасуде Роберта Доније. То га је довело до тога да се, упркос декларативној склоности ка мултикултуралности, у својим извештајима сврстао на страну рушилаца мултикултурне Југославије, док се, у исто време, заложио за очување мултикултурне Босне и Херцеговине. На први поглед контрадикторан, Донија је, у ствари, доследан у противљењу свакој политици Срба и Србије, била она југословенска или српска. Све што је наведено, заједно са ауторовом методолошком и теоријском површношћу, показује да се ова два извештаја Роберта Доније, упркос академској форми, могу сматрати пропагандним штивом лишеним методолошке и чињеничне заснованости.

Кључне речи: Историја, Ратко Младић, Хашки трибунал, Роберт Донија, Сарајево, Југославија, Босна и Херцеговина.