



# From Penal Code to Memorandum: The Uses of the Term 'Genocide' in Communist Yugoslavia

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**“From Penal Code to Memorandum: The Uses of the Term ‘Genocide’ in Communist Yugoslavia”, *Serbian Studies*, vol. 33, no. 1, 2022, pp. 95-109.**

**Xavier Bougarel**

It has become an accepted truth that in Yugoslavia, memories of the Second World War were instrumentalised in the 1980s to feed reciprocal fears and hatreds. It is also well known that, at the same period, Serb nationalists used the term ‘genocide’ to refer not only to the massacres committed by the Croat Ustasas between 1941 and 1945, but also to the situation of the Serb population in Kosovo.

Obviously, this political instrumentalisation of the term ‘genocide’ cannot be understood without going back to its definition and uses in the preceding decades. Setting it in perspective allows not only a better identification of the origin of certain semantic drifts but also a better understanding of the interrelation existing, in the case of Yugoslavia, between legal and historiographical logics on the one hand, and between developments specific to the Yugoslav space and developments common to the wider European continent on the other hand.

In this paper, we thus return to the relationships between the concepts of war crime and genocide in the official discourse of Yugoslav authorities, before turning to the use of the term ‘genocide’ by some Serb actors from the 1970s onwards, and its more generalised use in the late 1980s and early 1990s.

**The paradox of the official discourse: a broad definition for a limited application**

According to the most reliable estimates, the Second World War resulted in over one million deaths in the Yugoslav space – representing some 6 per cent of the entire population. Vladimir Žerjavić, a Croat victimologist, came in 1989 to the conclusion that the most affected groups were those targeted by extermination policies or large-scale reprisals – i.e. the Jews (76.5 per cent of the Jewish population were killed) and, among South Slav peoples, Muslims (8.1 per cent) and Serbs (7.3 per cent).<sup>1</sup> However, it should be noted that, by Žerjavić’s own calculations, the Bosnian Serbs were proportionately more affected (11.9 per cent) than the Bosnian Muslims (7.5 per cent). In a more recent study, Tomislav Dulić considers that, on the territory of the Independent State of Croatia (NDH),<sup>2</sup> 76.5 per cent of the Jews, 18.4 to 20.1 per cent of the Serbs, 6.4 to 7.4 per cent of the Muslims and 4.4 to 5.1 per cent of the Croats were killed during the Second World War.<sup>3</sup> To understand the way in which Communist Yugoslavia would use the concepts of war crime and genocide, it is therefore useful to bear in mind the extreme brutality of the war in this part of Europe. On one hand, fighting between occupation forces, local auxiliary troops, Communist partisans and anti-Communist resistance movements gave rise to many acts of reprisal, the best known

<sup>1</sup> See Vladimir Žerjavić, *Gubici stanovništva Jugoslavije u drugom svjetskom ratu* [The Population Losses of Yugoslavia during the Second World War], Zagreb, Jugoslovensko viktimoško društvo, 1989, p. 74.

<sup>2</sup> The territory of the NDH corresponds approximately to that of present-day Croatia and Bosnia-Herzegovina.

<sup>3</sup> See Tomislav Dulić, *Utopias of Nation. Local Mass Killing in Bosnia and Herzegovina 1941-42*, Uppsala, Acta Universitatis Upsaliensis, 2005, p. 317.

example being the execution of thousands of Serb hostages by the German army in Kragujevac (Serbia) in October 1941. On the other hand, to the German intention to exterminate Jewish and Roma populations or to germanise Slovenia by expelling its Slav population can be added other local projects: first came the intention of the Croat Ustasas (Fascists) to rid the NDH of its Serb population, and that of the Serb Chetniks (Royalists) to create a 'homogenous Serbia.' The Jasenovac camp where, according to Croat historian Ivo Goldstein,<sup>4</sup> some 90,000 – 100,000 people died – the majority of them Serbs – remains the main symbol of Ustasha policy, just as the massacres of Muslim population in eastern Bosnia symbolise the policy of the Chetnik movement. Finally, having achieved victory, the Yugoslav Communist party first settled its accounts with its enemies by reproducing their methods, as illustrated by the massacre of tens of thousands of Croat soldiers and civilians in May 1945 on the Austro-Slovenian border (the so-called 'Bleiburg massacre'), and the expulsion of German and Italian minorities.

This wartime brutality no doubt explains, at least in part, why Albert Vajs, one of the Yugoslav representatives at the Nuremberg Trial, wrote in 1949 that, 'along with the German Fascists, the Austrian, Hungarian and Italian Fascists, together with the Chetnik and Ustasha criminals, committed massive genocidal acts against our [Yugoslav] peoples.'<sup>5</sup> Thus he did not limit the use of the term 'genocide' to the extermination of the Jews. But this wording also reflects a political concern to affirm the commonality of the fate of all South Slav peoples, and to set on a strict plan of equal footing the full range of crimes committed by occupation forces and local 'quislings.' Finally, in the same article, Vajs returned to the debates which led to the adoption in 1948 of the UN Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG). Within this framework, he certainly recognised the new and unparalleled nature of the Nazi crimes, but considered none the less that 'the term genocide is in fact a new term for a reality which is not unknown in human history,' citing as examples the extermination of American Indians, the colonial massacres, the pogroms of Tsarist Russia and the Ottoman massacre of the Armenians. Moreover, while generally approving the definition given by the CPPCG, he considered that:

... genocide in the narrow sense aims to eliminate a certain group physically and biologically, but in the broad sense a genocide is also the destruction of the cultural goods that are essential to this group, even if it is not directly physically threatened.

Vajs therefore regretted that the CPPCG 'does not encompass the concept of genocide against culture' because 'the past has shown only too well the existence and all the dangers of this kind of genocide,' here adopting a stance sustained at the time by all Communist countries.<sup>6</sup>

The commitment of the Yugoslav authorities to a broad definition of the concept of genocide did not stop in 1948. Communist Yugoslavia ratified the CPPCG in 1950 and introduced the

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<sup>4</sup> See Ivo Goldstein, *Jasenovac*, Zagreb, Fraktura, 2018, p. 797.

<sup>5</sup> Albert Vajs, 'Zločin genocida u međunarodnom pravu' [The Crime of Genocide in International Law], *Međunarodni problemi*, vol. 1, no. 1, April 1949, pp. 55-82. See also Sabina Ferhadbegović, 'The Prosecution of Shoah Crimes in Yugoslavia: Local Developments and International Impacts,' *Revue d'histoire de la Shoah*, no. 214, 2001, pp. 97-120.

<sup>6</sup> See Johannes Morsink, 'Cultural Genocide, the Universal Declaration and Minority Rights,' *Human Rights Quarterly*, vol. 21, no. 4, November 1999, pp. 1009-1060. On the positions of the Yugoslav delegation at the debates on the CPRCG, see also Matthew Lippman, 'The 1948 Convention on the Prevention and the Punishment of the Crime of Genocide: Forty-Five Years Later,' *Temple International and Comparative Law Journal*, vol. 8, no. 1, Spring 1995, pp. 1-84. I am grateful to Christian Moe and Wibke Timmerman for bringing these bibliographical references to my attention.

crime of genocide into its penal code the following year. Article 124 of the new Yugoslav penal code defined the crime of genocide in the following way:

Anyone who, with the intent to destroy in whole or in part a national, ethnic, racial or religious group, commits murders or severe physical wounds or a serious harm to the bodily or mental health of members of the group or forced removals of population, or inflicts on the group conditions of life calculated to bring about its destruction in whole or in part, or imposes measures intended to prevent births within the group, or forcibly transfers children to another group, will be punished by a term of imprisonment of at least five years or the death penalty.<sup>7</sup>

This definition of the crime of genocide was largely inspired by the wording of Article 2 of the CPPCG in 1948, but presents some differences, the most significant being that forced removals of population are mentioned as a possible form of genocide, and that the disappearance of the group following exposure to certain conditions of life is not necessarily understood in physical terms, the door being thus left open to the concept of cultural genocide. On the other hand, as noted by Vladan Vasiljević, Yugoslav criminal law gave no genuine legal value to the concept of crime against humanity.<sup>8</sup> Article 124 was included in a chapter entitled *Criminal Acts against Humanity and International Law*, but the subsequent articles dealt with war crimes against the civilian population (Article 125), against the wounded and the sick (Article 126) and against prisoners of war (Article 127), and provided for penalties strictly identical to those provided under Article 124. In Yugoslav criminal law, the dominant concept remains clearly that of war crime, as indeed confirmed by judicial practice.

The determination of the Yugoslav authorities to promote a broad definition of the concept of genocide in fact contrasts with its total absence from Yugoslav legal practice. Certainly, this is due first of all to the fact that most trials of war criminals took place between 1945 and 1948, and were based on the Law on criminal acts against the people and the state adopted in April 1945. In this law, the two central concepts are those of treason and war crime: they appear for example in 1946 in the trial of Draža Mihailović, ex-commander in chief of the Chetnik movement, charged among other things with having come to an agreement with the occupation forces and of having ‘given instructions to his officers to annihilate the Muslims (whom he called Turks) and the Croats (whom he equated with the Ustasas).’<sup>9</sup> This trial shows, however, that Yugoslav military justice placed on equal terms assassinations of prisoners of war and massacres of civilians on an ethnic basis, the specificity of the latter crime being either considered negligible or deliberately passed over in silence. This could explain why Yugoslav tribunals continued after 1951 to resort only to the concept of war crime in the verdicts on war criminals.<sup>10</sup> Similarly, in 1951, it was the simple label of ‘crime’

<sup>7</sup> Article quoted in Aleksandar Levi, ‘Krivična dela protiv čovečnosti i međunarodnog prava iz aspekta jugoslovenskog zakonodavstva’ [Criminal Acts against Humanity and International Law in the Eyes of the Yugoslav Legislation], *Jevrejski almanah*, vol. 10-11, 1963-1964, pp. 103-128. The penal code of 1976 repeats this definition of genocide in its article 141, but distinguishes between the sponsors and the perpetrators of the order.

<sup>8</sup> Vladan Vasiljević, *Zločin i odgovornost. Ogled o međunarodnom krivičnom pravu i raspadu Jugoslavije* [Crime and Responsibility. Essay on International Penal Law and the Collapse of Yugoslavia], Belgrade, Erinje, 1995, p. 70.

<sup>9</sup> *Izdajnik i ratni zločinac Draža Mihailović pred sudom* [The Traitor and War Criminal Draža Mihailović before his Judges], Belgrade, Multinacionalni fond kulture, 2005 [1946], p. 38.

<sup>10</sup> In a collection of documents published in 1997, Mustafa Bisić cites several judgements passed in the 1950s and 1960s on the basis of Article 125, but none relying on Article 124. See Mustafa Bisić, *Ratni zločin i genocid (zbirka pravnih dokumenata i sudska praksa)* [War Crime and Genocide (Collection of Legal Documents and Judicial Decisions)], Sarajevo, SAP Biblioteka, 1997, pp. 167-70.

that was used by the Yugoslav authorities to ask the American justice to extradite Andrija Artuković, former Minister of the Interior of the NDH and as such responsible for the deportation of the Serb, Roma and Jewish populations, for this label alone made it possible to put into effect the extradition convention signed in 1901 between the United States and Serbia. Questions over the validity of this convention and the 'political' nature of the crimes with which Artuković was charged fed a long legal battle, and finally overcame this first demand for extradition in 1959.

Besides, as reported by Wolfgang Höpken, the official historiography of the first post-war decades gave only a secondary place to the massacres of the Second World War:

The official memory of the war offered society an image which made it possible to some extent to 'pass over in silence' the painful experiences of the civil war. It rejected the guilt and responsibility on to a politically marginalised 'class enemy,' and thus dispensed society from confronting the past – an offer of integration which, obviously, was largely accepted by society.<sup>11</sup>

It does not mean that the massacres of the Second World War were completely passed over in silence in official historiography: only those committed by the partisans remained taboo, while those committed by their enemies could in contrast be highlighted, even exaggerated. For example, the official death toll of 700,000 in the Jasenovac camp was used by Communist Yugoslavia to bolster its demands for reparation addressed to Germany. But Yugoslav historians insisted on the ideological dimensions of the war rather than on its ethnic dimensions, and on the heroism of the combatants rather than on civilian sufferings. Thus, in the edition of the *Enciklopedija Jugoslavije* published in the first post-war decades, the article on 'Jasenovac' states that 'in 1941-1945 anti-Fascist Serbs and Croats were taken to Jasenovac camp, together with Jews and Gypsies.'<sup>12</sup> The racial dimension of the Ustasha policy was thus relegated to the background. Similarly, Yugoslav historians tended to set all acts of mass violence on a strict plan of equal footing. The *Enciklopedija Jugoslavije* estimates thus that 'the terror of the Chetniks against the population, in its intensity and its cruelty, yields in no way to the terror and crimes perpetrated in our lands by Fascist occupation forces.'<sup>13</sup> Finally, the terminology used is derived from the war and the post-war trials (*pokolj*: massacre; *zločin*: crime; *istrebljenje*: extermination; etc.) and not from the CPPCG. The absence of the term 'genocide' from the official historiography of the Second World War is therefore not surprising – for example the *Enciklopedija Jugoslavije* carries no 'Genocide' entry and its article on the 'Jews in Yugoslavia' notes without further comment that 'out of 76,000 Jews living in pre-war Yugoslavia, 60,000 were killed in the camps or outside.'<sup>14</sup> It was not until 1980 that the Union of Jewish Communities in Yugoslavia

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<sup>11</sup> Wolfgang Höpken, 'Kriegserinnerung und Kriegsverarbeitung auf dem Balkan. Zum kulturellen Umgang mit Kriegserfahrungen in Südosteuropa im 19. und 20. Jahrhundert,' *Südosteuropa-Mitteilungen*, vol. 41, no. 4, 2001, pp. 371-89, here p. 386.

<sup>12</sup> 'Jasenovac', in *Enciklopedija Jugoslavije*, volume 4 (Hil-Jugos), Zagreb, Leksikografski zavod FNRJ, 1960, p. 467.

<sup>13</sup> 'Četnici u drugom svetskom ratu' [The Chetniks in the Second World War], in *Enciklopedija Jugoslavije*, volume 2 (Bosna-Dio), Zagreb, Leksikografski zavod FNRJ, 1956, pp. 572-87, here p. 580.

<sup>14</sup> 'Jevreji u Jugoslaviji' [Jews in Yugoslavia], in *Enciklopedija Jugoslavije*, volume 4, *op.cit.*, pp. 488-91, here p. 491.

published a book entitled *The Jews of Yugoslavia 1941-1945. Victims of Genocide and Participants in the National Liberation Struggle*.<sup>15</sup>

### **Emigrés, academicians and clergy: the origins of the Serb discourse on genocide**

While the Yugoslav authorities balked at using the term 'genocide,' the Serb diaspora took it up immediately. At the instigation of the Orthodox bishop Nikolaj Velimirović, Serb organisations in the United States mobilised to have the Ustasha genocide recognised and, in 1950, sent the United Nations a memorandum on the crimes of genocide committed against the Serb nation by the government of the Independent State of Croatia during the Second World War.<sup>16</sup> In the following years they joined Jewish organisations in agitating for the US authorities to ratify the CPPCG.<sup>17</sup> This early use of the term 'genocide' by the Serb diaspora no doubt explains in part its adoption in Serbia in the 1980s, in particular by certain representatives of the Serb Orthodox Church. But the gradual emergence of the term 'genocide' in Serb political and historiographical vocabulary should also be seen against the background of more general and more diffuse developments, not unrelated to those which were taking place in Europe as a whole.

From the 1960s onwards, in fact, the question of civilian victims of the war became increasingly significant in the remembrance and commemorations of the Second World War. The Eichmann case in 1961 no doubt played a part in this development. According to Emil Kerenji,

... standard Holocaust terms such as Auschwitz, death camp, crematorium, 'the Final Solution,' the six millions, and similar ones that we take for granted today really entered the public realm in Yugoslavia only after the apprehension of Adolf Eichmann.<sup>18</sup>

The reverberations from the Eichmann trial were even stronger in Yugoslavia since the Yugoslav authorities tried to use it to relaunch their demand for the extradition of Artuković. Similarly, in 1964 and 1965, the demands addressed to the German Parliament to vote a law on the imprescriptibility of war crimes raised among Yugoslav lawyers an increased interest in questions of war crimes and crimes against humanity. In the case of Yugoslavia, however, the rediscovery of civilian victims was above all furthered by the census of war victims launched in 1964 by the Federal Institute of Statistics. Designed to support the reparation demands addressed to Germany, this census managed to identify 'only' 597,323 victims, civilian and military, when the official death toll was 1,706,000. According to the Federal Institute of Statistics itself, this census managed to account for only 56-59 per cent of war

<sup>15</sup> Jaša Romano, *Jevreji Jugoslavije 1941-1945. Žrtve genocida i učesnici narodnooslobodilačkog rata* [The Jews of Yugoslavia 1941-1945. Victims of Genocide and Participants in the National Liberation Struggle], Belgrade, Savez jevrejskih opština Jugoslavije, 1980.

<sup>16</sup> See Vjekoslav Perica, *Balkan Idols, Religion and Nationalism in Yugoslav States*, Oxford, Oxford University Press, 2002, p. 29.

<sup>17</sup> See Binoy Kampmark, 'Shaping the Holocaust: The Final Solution in US Political Discourses on the Genocide Convention 1948-1956,' *Journal of Genocide Research*, vol. 7, no. 1, March 2005, pp. 85-100, here p. 90.

<sup>18</sup> Emil Kerenji, *Jewish Citizens of Socialist Yugoslavia: Politics of Identity in a Socialist State 1944-1974*, PhD dissertation, University of Michigan, 2008, p. 195.

victims.<sup>19</sup> Therefore, the Yugoslav authorities tried to destroy all copies of the census results, and these were kept secret until 1990. At the local level, however, it was an opportunity to draw up lists of victims from which were created, in the ensuing years and decades, numerous war memorials dedicated to the 'dead combatants' (*pali borci*) and the 'victims of Fascist terror' (*žrtve fašističkog terora*). Since this new generation of memorials included nominal rolls of victims, it became simple to guess at their nationality and, in municipalities with several coexisting national communities, to deduce from them their differing fates and forms of engagement during the Second World War.<sup>20</sup>

Similarly, from the 1960s onwards new interest in the concentration camps emerged, as seen in the publication of several books on the Ustasha camps,<sup>21</sup> resistance inside the camps<sup>22</sup> or the large-scale deportation of Serb children from the Kozara region in western Bosnia.<sup>23</sup> During the 1960s, partial exhumations of mass graves were undertaken in Jasenovac, a memorial and museum were established there, and the Yugoslav authorities attended the ceremonies organised by the families of victims and survivors. In 1982 this renewed interest in the camps even led to a substantial research project, *The Yugoslavs in Fascist Prisons, in Prisoner and Concentration Camps and in Resistance Movements in European Countries during the Second World War*. Coordinated by the Institute of Contemporary History in Belgrade, this project brought together research institutes from all the republics in a context where conflicts of interpretation were already proliferating between Serb and Croat historians of the Second World War. On 25-27 October 1989 a large conference at Jasenovac was supposed to assess the advancement of the project, but the conference was the scene of lively exchanges between Serb and Croat historians, and the collapse of Yugoslavia two years later prevented the project from reaching its conclusion. However, the Institute for Contemporary History published several monographs on certain camps in Yugoslavia or in other countries.<sup>24</sup>

From the 1960s onwards the rediscovery of civilian victims of the Second World War, the growing interest in the camps and the splitting up of the memory and history of the Second World War along ethnic lines were all factors that favoured the introduction of the term 'genocide' in Serb political and historiographical vocabulary. But this introduction was also, in practical terms, the work of specific institutional or individual actors. From this point of view, a central role was played by Vladimir Dedijer, a former diplomat and member of the Yugoslav delegation at the UN during the negotiations over the CPPCG, a historian and

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<sup>19</sup> See Srđan Bogosavljević, 'Nerasvetljeni genocid' [The Unexplained Genocide] in Nebojša Popov (ed.), *Srpska strana rata. Trauma i katarza u istorijskom pamćenju* [The Serb Side of the War. Trauma and Catharsis in Historical Memory], Belgrade, Republika, 1996, pp. 159-70.

<sup>20</sup> On the case of Srebrenica, see Ger Dujzings, 'Commemorating Srebrenica: Histories of Violence and the Politics of Memory in Eastern Bosnia,' in Xavier Bougarel, Elissa Helms and Ger Duijzings (eds.), *The New Bosnian Mosaic. Identities, Memories and Moral Claims in a Post-War Society*, Aldershot, Ashgate, 2007, pp. 141-66.

<sup>21</sup> See for example Mirko Peršen, *Ustaški logori* [The Ustasha Camps], Zabreb, Stvarnost, 1966.

<sup>22</sup> Dušan Azanjac, Ivo Frol and Đorđe Nikolić (eds.), *Otpor u žicama: sećanja zatočenika* [Resistance behind the Barbed Wire: Memories of Detainees] Belgrade, Vojnoizdavački zavod, 1969.

<sup>23</sup> Dragoje Lukić, *Rat i djeca Kozare* [The War and the Children of Kozara], Belgrade, Narodna knjiga, 1979.

<sup>24</sup> See Kosta Nikolić, *Prošlost bez istorije. Polemike u jugoslovenskoj historiografiji 1961-1991* [A Past without History. Polemics in Yugoslav Historiography 1961-1991], Belgrade, ISI, 2003, pp. 203-373.

member of the Serb Academy of Sciences and Arts.<sup>25</sup> In 1966 he became secretary to the 'Russell tribunal' set up by famous intellectuals such as Bertrand Russell and Jean-Paul Sartre to 'judge' American war crimes in Vietnam. In this role, Dedijer played an important part in the description of such crimes as 'genocide against the Vietnamese people' in 1967. Similarly, in 1976 he contributed to the denunciation of the 'cultural genocide' inflicted on the indigenous peoples of Latin America. In both cases, the 'Russell tribunal' turned to a definition of genocide which was rather vague, and broader than that of the CPPCG.<sup>26</sup>

It is therefore not surprising that Dedijer was also the first to introduce the term 'genocide' into Yugoslav historiography. In 1972 a *History of Yugoslavia*<sup>27</sup> was published in Belgrade which triggered a great many polemics: some historians criticized it for having a centralist view of Yugoslav identity. Responsible for the chapters covering 20<sup>th</sup> century history, Dedijer wrote of the Ustasha NDH that it...

... took from Hitler the methods of denationalisation of other nations, not only through assimilation and cultural genocide, as had been suggested by nationalist politicians of earlier periods, but through nationalisation of the territory, its radical cleansing of all members of the nations condemned to annihilation, and thus through a pure genocide.<sup>28</sup>

With reference to the Chetnik movement, he considered that 'the right wing of Serb bourgeoisie, with Draža Mihailović at its head, has also applied the Hitlerian concept of genocide (territorial cleansing) against Muslims and Croats.'<sup>29</sup> Finally, Dedijer did not restrict the concept of genocide to the Second World War, but also used it to describe the Austro-Hungarian policy towards the Serbs of Bosnia-Herzegovina during the First World War. In his opinion, in effect, 'the [Austro-Hungarian] project of genocide was undertaken through the following criminal acts: direct physical extermination, forced removal and concentration camps.'<sup>30</sup> Here again Dedijer used a broad definition of the concept of genocide, similar to that defended by the Yugoslav delegation during the negotiations over the CPPCG.

In 1972 this use by Dedijer of the term 'genocide' remained an isolated initiative, without immediate repercussions. In 1983, however, Dedijer created within the Serb Academy of Sciences and Arts a Committee to gather material on the genocide against the Serb people and the other peoples in Yugoslav territory in the 20<sup>th</sup> century. This committee initially had as its aim the study not only of the genocide against the Serbs during the two world wars but also the genocide against the Slovenes and Macedonians in the 20<sup>th</sup> century, the genocide against the Muslims during the Second World War and 'the genocide in Kosovo from 1875 to

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<sup>25</sup> In Yugoslavia as in other countries, Vladimir Dedijer is above all known for having published in 1953 texts from the Communist dissident Milovan Djilas and for having written in 1981 a critical biography on Marshal Tito, but here we do not consider these aspects of Dedijer's life.

<sup>26</sup> On the 'Russell tribunal,' see Arthur Jay and Judith Apter Klinghoffer, *International Citizens' Tribunal*, New York, Palgrave, 2002.

<sup>27</sup> Ivan Božić, Sima Ćirković, Milorad Ekmečić and Vladimir Dedijer, *Istoria Jugoslavije* [The History of Yugoslavia], Belgrade, Prosveta, 1972.

<sup>28</sup> *Ibid*, p. 467.

<sup>29</sup> *Ibid*, p. 467.

<sup>30</sup> *Ibid*, p. 395.



1987.<sup>31</sup> In the event, the members of this committee published almost exclusively works devoted to the fate of the Serbs in the Jasenovac camp during the Second World War, and to the links between the NDH and the Vatican. They also organised two conferences, on Jasenovac (November 1988) and on the genocide against the Serbs during Second World War (October 1991). The activities of this committee were marked by the impetuous personality of its chairman and his recurrent struggles with the authorities of the Academy of Sciences and the Communist League, at least until Slobodan Milošević came to power in September 1987. In June 1989, Dedijer sent him a letter of thanks for enabling the conference on Jasenovac: 'Here too I must thank you. I do not esteem you according to programmes and plans to come, but in an entirely practical way. The Stambolić dynasty [<sup>32</sup>] banned my conference, and when you arrived at the head of Serbia, it happened.'<sup>33</sup>

To all appearances, the Committee to gather material on the genocide played an important part in the introduction of the term 'genocide' in the vocabulary of Serb historiography and politics. Other academicians also contributed, such as Vasilje Krestić, who in 1986 published a very controversial article which dated the origins of the Ustasha genocide back to the 17<sup>th</sup> century<sup>34</sup> or Dimitrije Bogdanović, who classified as 'genocide' the acts of violence against the Serbs committed by Albanians at the end of the Ottoman period.<sup>35</sup> It is therefore not surprising that the expression 'genocide' finally found its place in the famous memorandum of the Serb Academy of Sciences and Arts, which in 1986 evoked 'the physical, political, legal and cultural genocide of the Serb population in Kosovo and Metohija'<sup>36</sup> and which saw in the political and economic status of Serbia the result of an anti-Serb 'revanchist policy' with the 'genocide' of the Serb people as its ultimate consequence.<sup>37</sup>

None the less, to understand the way in which the concept of genocide was to be used no longer to qualify past violence but to describe the current fate of the Serb people and the threats hanging over them, the analysis must take account of another category of actors, in the form of representatives of the Serb Orthodox Church.<sup>38</sup> In fact, following Albanian demonstrations and their crushing in Kosovo in 1981, relations between the Albanian and Serb communities in this province deteriorated rapidly. By 1982, the main organ of the Serb

<sup>31</sup> Vladimir Dedijer, 'Uvod' [Introduction], in Vladimir Dedijer and Antun Miletić, *Proterivanje Srba sa ognjišta 1941-1944: svedočanstva* [The Expulsion of the Serbs from their Homes, 1941-1944: Witness Accounts], Belgrade, Prosveta, 1990, pp. 7-13.

<sup>32</sup> Ivan Stambolić was the predecessor of Slobodan Milošević at the head of the Communist League of Serbia.

<sup>33</sup> Letter quoted by Milo Gligorijević, 'Bravar nije bio bolji' [The Locksmith Was Not Better], in Milo Gligorijević, *Ratni radovi* [Wartime Works], Belgrade, Svečanic, 2002, pp. 308-16, here p. 315.

<sup>34</sup> Vasilje Krestić, 'O genezi genocida nad Srbima u NDH' [On the Genesis of the Genocide against the Serbs in the NDH], *Književne novine*, no. 716, 15 September 1986, pp. 1-5.

<sup>35</sup> Dimitrije Bogdanović, *Knjiga o Kosovu* [Book on Kosovo], Belgrade, Književne novine, 1989, pp. 183-94.

<sup>36</sup> Draft memorandum of the Serb Academy of Sciences and Arts, reproduced in Bože Čović (ed.), *Izvori velikosrpske agresije* [Sources of the Great Serb Aggression], Zagreb, Školska knjiga, 1991, pp. 256-300, here p. 288.

<sup>37</sup> *Ibid*, p. 285. It should be noted that several academicians who took part in editing the memorandum were members of the Committee to gather material on the genocide, as well as Dobrica Ćosić, considered by many as the 'spiritual father' of the memorandum.

<sup>38</sup> The writers also played an important role in the reactivation of memory of the massacres of the Second World War, but not in the diffusion of the term 'genocide' as such. See among others Jasna Dragović-Soso, 'Saviours of the Nation.' *Serbia's Intellectual Opposition and the Revival of Nationalism*, London, Hurst, 2002, pp. 104-8.

Orthodox Church published a letter of protest from 21 clergymen against the emigration of the Kosovo Serbs, asserting that 'a premeditated and organised genocide is taking place in stages against the Serb people of Kosovo.'<sup>39</sup> This same expression of 'genocide' was picked up again in 1985 in a petition launched by the leaders of the protest movement of the Kosovo Serbs,<sup>40</sup> and in 1987 by the synod of the Serb Orthodox Church.<sup>41</sup> In the meantime, the religious press evoked this theme of genocide ever more frequently, publishing for example a long serial by the Archimandrite Atanasije Jevtić entitled 'From Kosovo to Jadovno,'<sup>42</sup> or treating the cultural heritage policy of the Sarajevo municipal authorities as 'cultural and religious genocide against the Orthodox Serbs of Sarajevo.'<sup>43</sup> Concurrently, from 1984 onwards the Serb Orthodox Church organised an annual pilgrimage to Jasenovac, and in 1990 and 1991 took part in the ceremonies accompanying the opening of the mass graves from the Second World War in Croatia and Bosnia-Herzegovina.

In two decades, the term 'genocide' thus spread through the Serb historiographical and political vocabulary, this diffusion corresponding in part to developments which can be traced in the rest of Europe. In the case of Serbia, however, the definition of this word extended to the point of including a heterogeneous ensemble of events, past or contemporary, lending itself to all sorts of historical falsifications and political manipulations. The main craftsmen of this semantic drift were the academicians of the Committee to gather material on the genocide, and some representatives of the Serb Orthodox Church. The diffusion of the expression 'genocide' and its political instrumentalisation gathered pace from the middle of the 1980s, and again further after Slobodan Milošević came to power in 1987, with the theme of genocide against the Serb people invading the popular press and television screens from then on. At the end of the 1980s it was thus clear that the main purpose of speeches on past, present and future genocides against the Serb people was to contribute to its nationalist mobilisation, in both Serbia and in the neighbouring republics of Croatia and Bosnia-Herzegovina. The reactions of the federal, Croat and Bosnian authorities faced with such an instrumentalisation of the term 'genocide' remains to be seen, and the ways in which the term was used (or not used) by Croat and Muslim historians.

### **Between mutism and mimetism: the question of the genocide in Croatia and Bosnia-Herzegovina**

In the middle of the 1980s, the tensions between Serb promoters of the term 'genocide' and the authorities of the Yugoslav federation or the neighbouring republics crystallised around two 'affairs' with a strong international dimension: the Artuković case on one hand and the 'Waldheim affair' on the other. In the early 1980s the US authorities informed their Yugoslav

<sup>39</sup> 'Appel sveštenika vlastima i svetom sinodu i saboru' [Appeal of Clerics to the Authorities and to the Holy Synod and to the Holy Assembly], reproduced in Radojica Bajraktarević, *Besane noći. Istina o srpskom pokretu* [Nights Without Sleep. The Truth on the Serb Movement], Podgorica, Pobjeda, 1996, pp. 23-30, here p. 27.

<sup>40</sup> 'Peticija 2016 gradana Kosova i Metohije' [Petition of 2016 Citizens of Kosovo], reproduced in *ibid.*, pp. 31-5.

<sup>41</sup> Quoted in Radmila Radić, 'Crkva i 'srpsko pitanje'' [The Church and the 'Serb Question'], in Nebojša Popov (ed.), *Srpska strana rata, op.cit.* pp. 267-304, here p. 275.

<sup>42</sup> *Pravoslavlje* (1983), quoted by Vjekoslav Perica, *Balkan Idols ..., op.cit.*, p. 125. Jadovno is a former Ustasha concentration camp in Croatia. It should also be noted that in 1990 the Archimandrite Atanasije Jevtić became a member of the Committee to gather material on the genocide.

<sup>43</sup> *Glas crkve* (1988), quoted by Radmila Radić, 'Crkva i 'srpsko pitanje'', *op.cit.*, p. 280.

counterparts that they were ready to look favourably on a new request for the extradition of Artuković. A request was therefore lodged in 1984, and Artuković was extradited two years later. But when the trial was held in Zagreb in April and May 1986, far from representing a cathartic moment in a process of Serbo-Croat reconciliation, it triggered violent polemics. In fact, although the bill of indictment mentions the fact that Artuković had ‘committed genocide against the Serbs, the Jews and the Gypsies,’<sup>44</sup> he was only judged for war crimes against civilians (execution of Serb civilians in the Vrginmost area, deportation and execution of Jewish civilians in Zagreb) and war crimes against war prisoners (deportation and execution of partisans in the Samobor region). Despite the best efforts of the prosecutor, claiming that the extradition agreement between the United States and Yugoslavia restricted him to prosecuting Artuković for precise crimes and not for his overall role as Minister of the Interior of the NDH,<sup>45</sup> the fact that Artuković was not charged with genocide aroused lively protestations in Serbia. In particular, the members of the Committee to gather material on the genocide hoped to turn this case into a Yugoslav equivalent of the Eichmann case,<sup>46</sup> and accused the Croat authorities of refusing to confront the Ustasha past. In the end, the court condemned Artuković to the death penalty, but he died of natural causes before the time of his execution.

Even while the Artuković case was taking place in Zagreb, the ‘Waldheim affair’ burst into the headlines in March 1986, after the publication in the *New York Times* of an article accusing the former Secretary-General of the United Nations, and candidate for the presidency of the Austrian republic, of having concealed his past as a war criminal. The ‘Waldheim affair,’ which was to see many twists and turns between 1986 and 1988, concerned Yugoslavia under several headings. To start with, some of the crimes in which Kurt Waldheim was accused of having taken part took place on Yugoslav territory, such as the deportation of tens of thousands of Serb civilians from the Kozara region in 1942. Next, it was at the demand of the Yugoslav authorities that Waldheim’s name was entered in 1948 on the list of the UN Commission for War Crimes. The ‘Waldheim affair’ was also the occasion of lively polemics, in which Serb promoters of the term ‘genocide’ accused the federal government of protecting Waldheim by blocking access to certain archives, and of being involved in the publication of a fake telegram in the magazine *Der Spiegel*. In a ricochet effect the latter had had the consequence of ruining the credibility of all the archive material hitherto published in the Yugoslav press. The members of the Committee to gather material on the genocide were once more in the lead and Dedijer, now President of the ‘Russell tribunal’ after the death of Sartre in 1980, created his own commission of historians and announced a session of the ‘Russell tribunal’ dedicated to the Waldheim case.<sup>47</sup>

<sup>44</sup> See ‘Andrija Artuković, 1986,’ in Srđa Popović, *Posledna instanca* [On Last Appeal], Belgrade, Helsinški odbor za ljudska prava, 2003, pp. 1241-1342, here p. 1244.

<sup>45</sup> This has been contested by Vladan Vasiljević, director of the Institute of Criminology in Belgrade and specialist in international criminal law. See Vladan Vasiljević, ‘La responsabilité pour crimes contre l’humanité perpétrés en Yougoslavie de 1941 à 1945,’ *Jugoslovenska revija za međunarodno pravo*, vol. 38, no. 3, 1991, pp. 314-38.

<sup>46</sup> Significantly, this committee sent Milan Bulajić as observer at the Artuković case. Bulajić had been first secretary at the Yugoslav embassy in Washington in the 1950s, charged with following the first demand for the extradition of Artuković, then representing Yugoslavia at the Eichmann case in 1961.

<sup>47</sup> On the Yugoslav dimension of the ‘Waldheim affair,’ see Antun Miletić, *Brzjavka za Valdhajma. Operacija za spas ratnog zločinca* [A Telegram for Waldheim. The Operation to Rescue a War Criminal], Belgrade, Diglota, 1994.

More generally, the authorities of the Yugoslav federation and the republics of Croatia and Bosnia-Herzegovina appeared very reluctant to allow a debate to develop on the issue of genocide. In 1984, Dinko Davidov, a member of the Committee to gather material on the genocide working on the destruction of Orthodox religious monuments during the Second World War, was even arrested by the police in Bosnia-Herzegovina and returned to Serbia. The following year, the Bosnian Academy of Sciences and Arts rejected a proposal from the historian Milorad Ekmečić to cooperate with the Serb Academy of Sciences and Arts on the genocide question.<sup>48</sup> None the less, during the 1980s the term 'genocide' gradually spread beyond Serb nationalist circles. The best illustration of this evolution is no doubt the (unfinished) second edition of the *Enciklopedija Jugoslavije*. In this edition, the article on 'Chetniks' considered that '[Draža] Mihailović had implemented a genocide against the Croat and Muslim peoples just as the Ustashas did against the Serb population,'<sup>49</sup> and the article 'Jasenovac Camp' stated that 'drawing on racial theories and the fascist ideology, the Ustashas drove the Serbs, Jews and Gypsies into this camp, eliminating them gradually and killing them on a massive scale, and thus committed genocide against these peoples.'<sup>50</sup> The differences of formulation from the preceding edition of the *Enciklopedia Jugoslavije* are blatant, and bear witness to the developments in a few decades of the historiography of the Second World War.

To understand how the thematic of genocide was gradually picked up beyond Serb nationalist circles, it is important to distinguish carefully between the cases of Croatia and Bosnia-Herzegovina. In the first case, the Croat historians got involved into increasingly vivid polemics with their Serb colleagues on the subject of the death toll of the Second World War. But at the turn of the 1980s and 1990s they were not speaking of genocide against the Croat people, even after the Bleiburg massacre had ceased to be a taboo subject. From this point of view, the historian Ljubo Boban stood out as an exception when he stated that the policy of the Ustasha state was indeed genocidal, but that 'on the territory of wartime Yugoslavia, genocide was the policy of other military-political forces too, notably the occupying forces and the Serb Chetniks. Hence, other South Slavic peoples (Croats, Muslims, and others) were also victims of genocide.'<sup>51</sup> Similarly, at this time, the Catholic Church was less preoccupied with the commemoration of the Croat victims of the Second World War than with the rehabilitation of Cardinal Alojzje Stepinac, convicted in 1946 for collaboration with the Ustashas. It was therefore mainly in the rightist political emigration that, tardily, the term 'genocide' was used in evoking the Bleiburg massacre, with Ante Beljo seeing in the latter a

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<sup>48</sup> See Muhidin Pelesić, 'Manipulacije srpske historiografije o Bosni i Hercegovini' [The Manipulations of Serb Historiography on Bosnia-Herzegovina], *Prilozi*, no. 29, 2000, pp. 367-494, here p. 380. Milorad Ekmečić was at the time a member of the Bosnian Academy of Sciences and Arts and of the Serb Academy of Sciences and Arts. In the 1990s he was often presented as the *éminence grise* of the Serb Democratic Party (SDS) led by Radovan Karadžić.

<sup>49</sup> 'Četnici' [Chetniks], in *Enciklopedija Jugoslavije*, volume 3 (Crn-D), Zagreb, Leksikografski zavod, 1984, pp. 269-75, here p. 274.

<sup>50</sup> 'Jasenovački logor' [Jasenovac Camp], in *Enciklopedija Jugoslavije*, volume 6 (Jap-Kat), Zagreb, Leksikografski zavod, 1990, pp. 5-6, here p. 5.

<sup>51</sup> Ljubo Boban, 'Jasenovac and the Manipulation of History,' *East European Politics and Societies*, vol. 4, no. 3, Autumn 1990, pp. 580-92, here p. 589.

genocide that was 'worse than Auschwitz'<sup>52</sup> and Ivo Omrčanin speaking of the 'Holocaust of the Croats.'<sup>53</sup>

In this general configuration, a particular place belongs to Franjo Tuđman, former partisan and Yugoslav general, then director of the Institute of History of the Worker Movement in Zagreb between 1961 and 1967, the year of his dismissal for 'Croat nationalism.' From the 1970s onwards Tuđman contested the official tally of 700,000 dead at Jasenovac, judging the true number of victims to be around 40,000. In his book *Horrors of War* (English title), published in 1990, the year of his election as President of the Croat Democratic Union (HDZ) and then as President of the Croat Republic, he returned not only to what he called the 'myth of Jasenovac,' but also developed more general reflections on the matter of violence. In particular he considered that:

... Reasoning that would assign genocidal inclinations, reasoning or goals to only some nations or racial-ethnic communities, to only some cultural-civilizational spheres and social-revolutionary movements, or to only some individual religions and ideologies is completely mistaken and beyond any sense of historical reality.<sup>54</sup>

In writing this, Tuđman resorted also to a broad and rather vague definition of genocide, and indirectly picked up on one of the favourite slogans of Dedijer (taken from Sartre), according to which 'there is not in the 20<sup>th</sup> century a single state or social order which has not had genocidal activity,'<sup>55</sup> with the important difference that Tuđman did not use this slogan to multiply *ad infinitum* denunciations of genocides past or current, but to banalise the crimes of the Ustasha regime during the Second World War.

The case of the Muslim community in Bosnia-Herzegovina is markedly different from that of Croatia, since the discourse on the genocide against the Muslim people is partly derived from that on the genocide against the Serb people. In fact, it was to a large extent the book by Vladimir Dedijer and Antun Miletić, *Genocide Against the Muslims*,<sup>56</sup> published in 1990 as part of the activities of the Committee to gather material on the genocide, which launched a public discussion on the Chetnik massacres of Muslim populations during the Second World War.<sup>57</sup> In the following months, several articles or serials on Chetnik crimes appeared in the

<sup>52</sup> Ante Beljo, *Genocide in Yugoslavia: A Documentary Analysis*, Sudbury, Northern Tribune Publishing, 1985, p. 281, quoted in David Bruce MacDonald, *Balkan Holocausts? Serbian and Croatian Victim-Centered Propaganda and the War in Yugoslavia*, Manchester, Manchester University Press, 2002, p. 172.

<sup>53</sup> Ivo Omrčanin, *Holocaust of Croats*, Washington, Samizdat, 1986.

<sup>54</sup> Franjo Tuđman, *Bespuća povijesne zbiljnosti* [Dead Ends of Historical Reality], Zagreb, Matica Hrvatska, 1990, p. 166, quoted in Robert Hayden, 'Recounting the Dead. The Rediscovery and Redefinition of Wartime Massacres in Late- and Post-Communist Yugoslavia,' in Rubie Watson (ed.), *Memory, History and Opposition under State Socialism*, Santa Fe, School of American Research Press, 1994, pp. 167-88, here p. 176.

<sup>55</sup> See for example Vladimir Dedijer and Antun Miletić, *Genocid nad Muslimanima 1941-1945* [The Genocide against the Muslims, 1941-1945], Sarajevo, Svjetlost, 1990, p. VII.

<sup>56</sup> Vladimir Dedijer and Antun Miletić, *Genocid nad Muslimanima 1941-1945*, *op. cit.*

<sup>57</sup> Already in 1952, the Muslim émigré Smail Balić described the Chetnik massacres of Muslim populations as a genocide. The Muslim historian Safet Bandžović did the same in 1989 in the journal *Istorijski zbornik* published in Banja Luka. But neither of these texts has had a decisive role in the discussion on the issue of genocide against Bosnian Muslims. See Smail Balić, *Etičko naličje bosansko-hercegovačkih muslimana* [The Ethical Hidden Side of the Bosnian-Herzegovinian Muslims], Vienna, Muslimanska biblioteka, 1952; Safet Bandžović, 'Prilog proučavanju četničkog genocida nad Muslimanima u istočnoj Bosni'

daily newspaper *Oslobođenje* (Liberation) and in the press of the Islamic Community and the Party for Democratic Action (SDA), the main Muslim political party. On 25 August in 1990 and 1991 religious ceremonies were organised at Foča (eastern Bosnia) in memory of the Muslims massacred by the Chetniks in 1941 and 1942; the organisers wished to transform this ceremony into an annual commemoration and to erect a monument in memory of the *šehids* (martyrs) of eastern Bosnia. Finally, on 20 November 1991, the Muslim cultural society *Preporod* (Renaissance), close to the SDA, organised a conference on *The Genocide against the Muslims in Yugoslavia* in which the contributors spoke not only about the massacres of the Second World War but also the demographic consequences of the decline of the Ottoman empire in the 17<sup>th</sup>-20<sup>th</sup> centuries, and about violence, migrations and agrarian reform in the Kingdom of Yugoslavia.

Referring to this conference, the journal of the SDA wrote that:

... although the genocide against the Yugoslav Muslims [...] is quite well known as a practice and as an element of Muslim life, it is unfortunately not investigated scientifically, even though it has been going on for more than three centuries. [...] This scientific gathering has shown that genocide does not begin or end with the physical elimination (of the members) of a nation, or with its removal or ideological conversion, but that it can take on many latent forms and contents which are difficult to recognise and discover, or which are discovered when it is already too late to take measures of protection or resistance, and which are part of the fields of faith and culture as much as the fields of language and information.<sup>58</sup>

From then on, in the early 1990s, the paradox of Muslim discourse on the genocide was that it denounced the instrumentalisation of the term 'genocide' by the Serb nationalists, but reproduced much of its semantic drifts. This is particularly flagrant in the documents destined for international public opinion, such as the brochure *A Survey of the History of Genocide against the Muslims in the Yugoslav Lands*, published by the Islamic Community in 1991, or another, *The Genocide against the Bosnian Muslims*, published by the SDA in 1992. In both cases, a continuity was established between the various episodes of war, violence or migration which had affected the Muslims since the 18<sup>th</sup> century. The historian Mustafa Imamović wrote, for example, that:

... genocide against the Muslim in Bosnia and Herzegovina in the war of 1941-1945 was but a bestial finale of the 250 year old history of the systematical and planned persecutions and pogroms, historical and cultural depersonalization and ethnical extermination

and that during the Second World War the Muslims had been victims of a double genocide:

The genocide was committed by two parties: by the Ustasha Independent State of Croatia and by the Chetniks of Draža Mihailović. The genocide against the Muslims had two aspects: on the one hand, their cultural-political entity as well as the political

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[Contribution to the Study of the Chetnik Genocide against the Muslims in Eastern Bosnia], *Istorijski zbornik*, vol. 10, no. 10, 1989, pp. 157-75.

<sup>58</sup> 'Simpozij: Genocid nad Muslimanima. Smireno i kritičko' [Symposium: The Genocide against the Muslims. With Calm and Critical Spirit], *Muslimanski glas*, vol. 2, no. 31, 22 November 1991, p. 12.

entity were denied and, on the other hand, their mass physical extermination was carried out.<sup>59</sup>

In this context, any massacre became a genocide and Mustafa Imamović and Rusmir Mahmutćehajić could therefore state that:

... the most dramatic genocide over the Bosnian Muslims in the Kingdom of Yugoslavia happened at the beginning of November 1924 in the villages Šahovići and Pavino Polje in the district of Bijelo Polje. Armed Montenegrins killed off and slaughtered around 600 Muslims in one night.<sup>60</sup>

Therefore, in the Muslim case as well, the increasing use of the term 'genocide' went hand in hand with an ever-broadening and rather vague definition.

## Conclusion

There is undoubtedly a certain degree of continuity between the Yugoslav authorities' insistence on a broad definition of the concept of genocide in the immediate post-war period and the political instrumentalisation of this same concept by various nationalist actors in the late 1980s. This continuity is particularly visible in the use of the concept of 'cultural genocide,' or in the biography of Vladimir Dedijer. But it is equally important to consider developments and ruptures without which the situation in the 1980s could not be comprehended. Some of these developments and ruptures are common to Europe as a whole, such as the spillover of the legal category of genocide in the vocabulary of historians or, more generally, the growing insistence on the massacres and civilian victims of the Second World War. In the case of Yugoslavia, however, these developments took place in a very specific context, marked on the one hand by the strong dimension of civil war taken by the Second World War in the Yugoslav space, and on the other hand by the slow process of dislocation experienced by the Yugoslav federation from the 1970s onwards. More, no doubt, than the definition of the term 'genocide' given in 1951 by the Yugoslav penal code, it is this specific historic and political context which explains the semantic drifts which affected this term in the 1980s. The wars and massacres of the 1990s have fed and even accentuated these drifts, and any reflection on the current uses of the term 'genocide' in the states which emerged from the Yugoslav federation, or on the local reception of the decisions of the International Criminal Tribunal for the Former Yugoslavia and of the International Court of Justice should take this historical background into account.

<sup>59</sup> Mustafa Imamović, *Pregled istorije genocida nad Muslimanima u jugoslovenskim zemljama* [Insight into the Story of the Genocide Against the Muslims in the Yugoslav Countries, text in Serbo-Croat, in Arabic and in English], Sarajevo, Glasnik Rijasetu Islamski zajednice u SFRJ, 1991, pp. 6 and 19.

<sup>60</sup> Mustafa Imamović and Rusmir Mahmutćehajić, *The Genocide against the Bosnian Muslims*, Sarajevo, E. Mulać and R. Mahmutćehajić, 1992, p. 13.