**[Defining genocide](http://dobbs.foreignpolicy.com/posts/2011/10/31/defining_genocide" \o "Defining genocide)**

**Posted By** [**Michael Dobbs**](http://dobbs.foreignpolicy.com/blog/630847) **http://www.foreignpolicy.com/images/091022_meta_block.gifMonday, October 31, 2011 - 11:37 AM http://www.foreignpolicy.com/images/091022_meta_block.gif**[**[http://www.foreignpolicy.com/images/091022_more_icon.gif](http://www.addthis.com/bookmark.php?v=20)Share**](http://www.addthis.com/bookmark.php?v=20)



Few matters are more fraught with emotion in Srebenica, and Bosnia as a whole, than the question of whether the cold-blooded executions of around 8,000 Muslim men by Bosnian Serb forces in July 1995 should be qualified as "genocide." I experienced this myself when I referred to the event as a "massacre" in a conversation with a Srebenica survivor. "It was not a massacre," Hatidza Mehmedovic shouted at me angrily. "It was a genocide."

I must admit that I find it difficult to use the word genocide, which conjures up images of the Holocaust. The word appears to have been invented by the Polish-born American jurist, Raphael Lemkin, in 1944 in relation to Hitler's campaign of extermination against European Jewry. The word derives from the Greek *genos*, meaning "race," and the Latin suffix -*cida*, meaning "killer." In the popular culture, at least, when we talk about "geno-cide," we think about the killing of an entire race or ethnic group. Genocide is the most horrific of crimes.

My reluctance to use the word genocide, particularly in casual conversation, stems in part from the way in which the expression has been abused by all sides in the former Yugoslavia. Muslims, Serbs, and Croats accuse each other of genocide on a routine basis when talking about alleged war crimes committed against them. It is important that outsiders avoid the inflammatory rhetoric that has become so poisonous and commonplace in this part of the world. When we employ terms like "genocide," we need to be careful to explain exactly what we mean, and use the words in a very specific context.

So what exactly did the Yugoslav war crimes tribunal mean to say when it found that "genocide" had been committed at Srebrenica in July 1995? Fortunately, there is a wealth of case law defining the term very precisely.  As used by the tribunal, the term has a narrower meaning that the intent to destroy an entire race. It can also be employed to mean the intended destruction of a "substantial part" of an ethnic group in a given location, specifically eastern Bosnia in the case of Srebrenica. Article Four of [the tribunal's statute](http://www.icty.org/x/file/Legal%20Library/Statute/statute_sept09_en.pdf) draws directly on language from the 1948 U.N. Convention on Genocide to define genocide as:

any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) killing members of the group;

(b) causing serious bodily or mental harm to members of the group;

(c) deliberately inflicting on the group conditions of life calculated to bring about its

physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

Exactly what constitutes an ethnic group is the subject of a lengthy discussion in [a 2001 judgment](http://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf) involving one of Ratko Mladic's subordinate commanders, Radislav Krstic. The judgment defines the term "ethnic group" in this case as "the Bosnian Muslims of Srebrenica." The court concluded that the systematic massacre of 7,000 to 8,000 Muslim males from this community plus the forcible transfer of some 25,000 women and children to other parts of Bosnia constituted genocide within the meaning of the Genocide Convention:

The Bosnian Serb forces knew, by the time they decided to kill all of the military aged men, that the combination of those killings with the forcible transfer of the women, children and elderly would inevitably result in the physical disappearance of the Bosnian Muslim population at Srebrenica ... The Chamber concludes that the intent to kill all the Bosnian Muslim men of military age in Srebrenica constitutes an intent to destroy in part the Bosnian Muslim group within the meaning of Article 4 and therefore must be qualified as a genocide.

The original court found Krstic guilty of genocide. In 2004, an appeals court [modified the verdict](http://www.icty.org/x/cases/krstic/cis/en/cis_krstic_en.pdf) to "aiding and abetting genocide" on the grounds that it had not been proven that Krstic himself had the intent to commit genocide.

# Protest Letter to the U.S. Holocaust Memorial Museum regarding Michael Dobbs’ genocide comments

November 17, 2011

Dear Members of the Committee on Conscience:

The Congress of North American Bosniaks (CNAB), the Institute for Research of Genocide Canada (IRGC), and the Bosnian American Genocide Institute and Education Center strongly protest the reporting by Michael Dobbs, a Committee on Conscience fellow, who openly questioned the classification of killing of more than 8,000 Bosniak civilians in Srebrenica as genocide. In his contribution to “The Mladic Files”, Mr. Dobbs shockingly stated the following in the post called “Defining Genocide:

“I must admit that I find it difficult to use the word genocide, which conjures up images of the Holocaust. “

It is appalling that anyone would question the use of the term genocide in this case, given that it has already been established by the International Court of Justice, as the largest case of genocide in Europe since WWII.  Of course, the Holocaust, in which more than 6 million Jews were killed by Nazi and Fascist forces was much greater in magnitude, but nevertheless the Srebrenica genocide fits the UN definition that genocide constitutes “the deliberate and systematic destruction, in whole or in part, of an [ethnic](http://en.wikipedia.org/wiki/Ethnic_group), [racial](http://en.wikipedia.org/wiki/Race_%28classification_of_humans%29), [religious](http://en.wikipedia.org/wiki/Religious_denomination), or [national](http://en.wikipedia.org/wiki/Nationality) group.”  More than 8,000 Bosniaks were deliberately executed in Srebrenica in a matter of days because of their ethnic and religious identity. Furthermore, more than 30,000 were forcefully expelled.   Prior to the war, Srebrenica’s population was more than 70% ethnic Bosniak (Bosnian Muslim).  After the genocide, the population is now less than 1% with only a handful of families returning.

It is even more disappointing and shocking to us that the questioning of the term genocide in Srebrenica would appear on the official website of the United States Holocaust Memorial Museum, an organization which we collectively admire and support. CNAB even published the announcement of the “Mladic Files” project and encouraged its members to spread the news.  Hence, it is very disheartening to us and all the Bosnian genocide victims whom we represent that we must once again defend the truth even to those who are supposed to help preserve it, the USHMM Committee on Conscience.  Even though you state on your website that “The views expressed are his own”, we strongly advocate that you have a moral responsibility to stop the open questioning of genocide because it is hurtful to the victims and undermines the integrity of your committee.  Just as it’s the case with Holocaust deniers, Srebrenica genocide and other genocide cases that occurred in Bosnia and Herzegovina cannot be questioned, as Srebrenica genocide is  one of the most documented and undeniable cases of genocide in modern history?

In conclusion, we believe it is your responsibility, according to the mandate found on your website (<http://www.ushmm.org/genocide/about/> ) “to alert the national conscience, influence policy makers, and stimulate worldwide action to confront and work to halt acts of genocide or related crimes against humanity.”  One of the most important ways to prevent genocide is to stop its denial.  Thus, we respectfully ask that you remove Mr. Dobbs’ outrageous post from your website and prevent any future denial of genocide by people associated with the USHMM.  It is the least you can do to honor the victims and preserve the truth.

Sincerely,

Haris Alibasic, MPA, President  
Congress of North American Bosniaks (CNAB)  
[www.bosniak.org](http://www.bosniak.org/)

Prof. Emir Ramić, Chairman  
Institute for the Research of Genocide, Canada (IRGC)  
<http://www.instituteforgenocide.ca/>

Sanja Seferovic-Drnovsek J.D, MEd, Chair  
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[www.baginst.org](http://www.baginst.org/)

[**A response to criticisms of 'Defining genocide'**](http://dobbs.foreignpolicy.com/posts/2011/11/22/a_response_to_criticisms_of_defining_genocide)

**Posted By** [**Michael Dobbs**](http://dobbs.foreignpolicy.com/blog/630847) **http://www.foreignpolicy.com/images/091022_meta_block.gifTuesday, November 22, 2011 - 5:51 PM http://www.foreignpolicy.com/images/091022_meta_block.gif**[**[http://www.foreignpolicy.com/images/091022_more_icon.gif](http://www.addthis.com/bookmark.php?v=20)Share**](http://www.addthis.com/bookmark.php?v=20)

My post "[Defining genocide](http://dobbs.foreignpolicy.com/posts/2011/10/31/defining_genocide)" has provoked some sharp reaction from portions of the Bosnian Muslim community in the United States. The Congress of North American Bosniaks has written to the Committee on Conscience of the U.S. Holocaust Memorial Museum-which is sponsoring my project-to denounce my comments as "outrageous" and "appalling" and demand that the post be removed from the museum website. They accuse me of "questioning genocide," much as "Holocaust deniers" question the Holocaust. You can read their letter in full [here](http://www.bosniak.org/protest-letter-to-the-u-s-holocaust-memorial-museum-regarding-michael-dobbs-genocide-comments/).

While I respect the opinions of my critics, and their right to disagree with anything I have written, I would invite them to read my posts about Srebrenica again. Far from questioning the crimes committed by Bosnian Serb forces under Ratko Mladic, I have described the series of atrocities in painful detail. I have [written extensively](http://dobbs.foreignpolicy.com/posts/2011/10/26/the_individual_stories_of_srebrenica) about the cold-blooded executions of around 8,000 Muslim men and boys in July 1945, and the forcible expulsions of the remaining Muslim population of Srebrenica.

As I wrote in my post, genocide is the most horrific of crimes, conjuring up images of the Holocaust. We should be wary about using such terminology, without first making clear the precise legal grounds for the accusation. My post was an attempt to explain exactly what "genocide" means, in legal and criminal terms, as defined by the [1948 United Nations Convention on Genocide](http://www.hrweb.org/legal/genocide.html).

One of the reasons why genocide is difficult to prove in legal terms is that it revolves around the question of *intent.* In the words of the [2001 judgment in the case of Radovan Krstic](http://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf), a senior Bosnian Serb general under Mladic, "It is not necessary to intend to achieve the complete annihilation of a group from every corner of the globe. Nonetheless the crime of genocide by its very nature requires the intention to destroy at least a substantial part of a particular group." Defining terms such as "intent" and "substantial part" can become extremely complicated.

The proper place to decide such questions is the courts. While I do not agree with all the opinions handed down by the Yugoslav War Crimes Tribunal, I agree with the conclusion of the judges that the Srebrenica massacre met the legal definition of "genocide," as defined by the United Nations Convention. I thought I made this clear in my original post. If that was unclear, I am happy to set the record straight.