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# The arrest of Ejup Ganic: Serbia's aggression against Bosnia continues

By Marko Attila Hoare, 3rd March 2010

## EXECUTIVE SUMMARY:

- 1. The arrest of Ejup Ganic, former vice-president of Bosnia-Herzegovina during the war of 1992-1995, in London at the request of Serbia, which seeks his extradition to Belgrade to face spurious 'war-crimes' charges, demonstrates that Serbia has not turned its back on the aggressive policies of the Milosevic era.**
- 2. Britain and the EU must make clear to Serbia that it has no place in the EU or in democratic Europe so long as it continues to persecute Bosnians guilty only of defending their country from Serbia's aggression**

**in the 1990s.**

**3. Britain must immediately release Ejup Ganic and state unambiguously that Serbia's attempts to have him extradited are illegitimate.**

**4. Britain and the EU must demand the release from captivity in Serbia of Ilija Jurisic, imprisoned for his part in a legitimate military action by Bosnian forces at Tuzla in Bosnia in 1992.**

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Imagine if, fifteen years after the end of World War II, the Japanese government had tried to have Henry A. Wallace, Vice President of the US during the war, extradited to face trial in Japan for the deaths of Japanese soldiers during the Battle of Pearl Harbour. Imagine if the German government after the war had tried to have survivors of the Warsaw Ghetto Uprising extradited from Israel to Germany to face trial for the killing of German soldiers during the uprising.

On Monday, Ejup Ganic, the former *de facto* Bosnian vice-president during the war of 1992-95, was arrested in London at the request of the Serbian government, which seeks his extradition to face trial in Serbia for the killing of Yugoslav People's Army (JNA) soldiers in Sarajevo on 3 May 1992. This incident demonstrates that Serbia is still very far from showing repentance for its aggression against Bosnia during the 1990s. On the contrary, with the arrest of Ganic, Serbia is continuing this aggression, by attempting to persecute Bosnians guilty only of trying to defend their country from it.

The incident for which Ganic's extradition is being sought by Belgrade occurred at Dobrovoljacka ulica (Volunteers' Street) in Sarajevo on 3 May 1992. At this time, the JNA forces in Sarajevo and in Bosnia as a whole were *de jure* and *de facto* the forces of the neighbouring state, the self-proclaimed 'Federal Republic of Yugoslavia' (i.e. Serbia and Montenegro), which was then engaged in a full-scale war of conquest against Bosnia-Herzegovina, involving the systematic massacre and expulsion of non-Serbs from the areas that it occupied. In principle, the JNA should have been the joint army of all

the former Yugoslavia's republics and peoples. But thanks to the Serb preponderance in its top command and its officer corps, from 1990 the JNA had been transformed into an exclusively Serbian (and technically also Montenegrin) army. On 27 June 1990, Veljko Kadijevic, the Yugoslav Secretary of People's Defence and the most senior officer of the JNA, agreed with Borisav Jovic, Serbia's representative on the Yugoslav Federal presidency and Slobodan Milosevic's right-hand man, a plan 'forcibly to expel' Slovenia and a dismembered Croatia from Yugoslavia, thereby breaking up the common state and creating what was in effect a Great Serbia. The JNA was thereafter steadily transformed into a Serbian army.

During the war in Croatia in 1991-92, the JNA fought against Croatia, bombarding Croatian cities, killing and expelling Croatian civilians and turning over territory to the Serb rebels in Croatia - all without any authorisation from its constitutional commander, the Yugoslav Federal presidency, or from the Yugoslav government of Ante Markovic. The JNA simply disregarded orders given to it by Stjepan Mesic, the Yugoslav president. On 3 October 1991, even formal pretence that the JNA was still 'Yugoslav' was dropped; the Serbian and Montenegrin members of the Yugoslav presidency carried out a *coup d'etat*, appropriating to themselves the right to command the JNA. This represented a violation of the rights of Bosnia-Herzegovina, which was still part of Yugoslavia. From then on, the JNA on Bosnian territory was a Serbian and Montenegrin army of occupation.

The Bosnian presidency and government under Alija Izetbegovic remained neutral during the war in Croatia. They bent over backwards to avoid provoking the JNA on Bosnian territory, and to retain good relations with it. Izetbegovic, his fellow Bosnian presidency member Ejup Ganic and other senior Muslim political leaders naively believed that war could be avoided and that the JNA would not support the Serb extremists. This was an error of monumental proportions. Following a long and careful preparation, at the start of April 1992 - before Bosnia-Herzegovina's independence had been recognised by the international community - the JNA, under Serbia's formal

control, launched a full-scale military attack on Bosnia-Herzegovina. Eventually, the Bosnian Serb nationalists under Radovan Karadzic and Ratko Mladic would assume command of a formally independent Bosnian Serb army ('Army of the Serb Republic'). But until 19 May 1992, all Bosnian Serb forces were either themselves part of the JNA, or under JNA command.

The International Court of Justice (ICJ), in its 2007 verdict in Bosnia's case against Serbia for genocide, ruled that 'it is established by overwhelming evidence that massive killings in specific areas and detention camps throughout the territory of Bosnia and Herzegovina were perpetrated during the conflict' and that 'the victims were in large majority members of the protected group [the Muslims], which suggests that they may have been systematically targeted by the killings.' Moreover, 'it has been established by fully conclusive evidence that members of the protected group were systematically victims of massive mistreatment, beatings, rape and torture causing serious bodily and mental harm, during the conflict and, in particular, in the detention camps.' This process began while all Bosnian Serb forces were still under the command of Serbia and the JNA, whose central role in these crimes has been [extensively documented](#).

Izetbegovic and Ganic were certainly guilty in relation to the JNA - they were guilty of failing to prepare their country to resist its aggression, and for failing to take action against it even after this aggression had begun. Already during 1990, in preparation for its attack on Bosnia, the JNA had begun disarming the Bosnian Territorial Defence, but had run into resistance from sections of the latter, which refused to turn over their weapons. After Izetbegovic and Ganic came to power in the Bosnian elections of autumn 1990, their Bosnian presidency actually ordered the Bosnian Territorial Defence to turn over its weapons to the JNA. Izetbegovic and Ganic would continue to restrain Bosnian resistance to the JNA until long after the aggression had begun. When the Serbian paramilitaries of Zeljko Raznatovic 'Arkan' attacked the Bosnian city of Bijeljina on 1 April 1992, Izetbegovic sanctioned the JNA's occupation of the city, in the belief that it would restrain the Serb extremists. Weeks after the JNA and Serbia's paramilitaries had already begun conquering Bosnian towns and killing and

expelling their non-Serb inhabitants - Bijeljina on 1-3 April, Kupres on 8 April, Zvornik on 8-10 April, and so forth - Izetbegovic was still systematically vetoing moves by Bosnia's commanders to strike back against the JNA.

On 26 April, Izetbegovic signed an agreement with the regime in Belgrade to permit the JNA to withdraw from Bosnia, along with its own weapons and those that it had confiscated from the Bosnian Territorial Defence. This was arguably an act of treason on Izetbegovic's part, since he had turned over Bosnia's confiscated armaments to the army of a neighbouring state that was currently engaged in attacking and conquering his country. But it did not mollify the JNA, whose operations against Bosnia did not cease; at the start of May, JNA forces previously withdrawn from Croatia were used to conquer the Bosnian towns of Derventa and Dobojo.

Sarajevo was the object of a full-scale offensive on 2 May, on the part of Colonel General Milutin Kukanjac, commander of the Sarajevo-based Second Military District of the JNA, attacking with his garrison within the city and attempting to seize control of the Bosnian presidency building, while additional JNA forces attacked the city from outside. Sarajevo's post office, telephone exchange and other public buildings were bombarded. On the same day Izetbegovic, returning from peace negotiations at Lisbon, was kidnapped by the JNA at Sarajevo airport. This amounted to a concerted assault by JNA forces on the organs of Bosnia's democratically elected government. But the JNA's offensive against Sarajevo was defeated by the Bosnian Territorial Defence, and Kukanjac's column was surrounded.

It was perhaps Bosnia's greatest military victory to date, and it was largely squandered by Izetbegovic. Initially, on 3 May, Izetbegovic negotiated his own release from JNA captivity in exchange for the Bosnian armed forces allowing Kukanjac to leave Sarajevo. But immediately afterward, Kukanjac demanded that his entire JNA garrison be allowed to leave Sarajevo as the price for Izetbegovic's release. This revised deal was not supported by Ganic and the Bosnian military commanders in Sarajevo, but it was supported by General Lewis Mackenzie, the UN commander in Sarajevo and subsequently

a paid lobbyist of SerbNet, a Serb-nationalist lobbying group in the US. Once Izetbegovic was safely back in Bosnian hands, the Bosnian forces opened fire on the JNA convoy in Volunteers' Street, succeeding in killing or capturing dozens of JNA soldiers.

There is some uncertainty as to whether the initiative to attack the JNA convoy was taken spontaneously by the Bosnian soldiers on the ground themselves, as Jovan Divjak, the then deputy commander of the Bosnian Territorial Defence, [claims](#), or whether it was ordered by the top Bosnian commanders or even by Ganic himself, deputised by Izetbegovic to head the Bosnian presidency and critical of the deal with Kukanjac. Were the attack on the JNA convoy a war-crime, it would make no difference: Ganic and other members of the Bosnian wartime presidency - including Izetbegovic himself - as the supreme command of the Bosnian armed forces, would be automatically responsible. But the attack was not a war crime: it was an attack on a legitimate military target. At most, the Bosnian defenders were guilty of violating a ceasefire agreement extracted from them under duress, by an enemy that had attacked them, been defeated, then sought to extricate itself from its defeat by kidnapping their democratically elected president and holding him as a hostage.

The real guilt of Bosnia's leadership in the spring of 1992 was not that, on this and one or two other occasions, its forces attacked and killed soldiers belonging to the army of a foreign state that was attacking its country. Its guilt lies in the fact that its forces did not do so more often. Where Bosnia's defenders did prepare their defences and fight back against the JNA, they were sometimes able to protect their people from killing and massacre. So it was at Tuzla, where on 15 May 1992, the city's defenders successfully destroyed the city's JNA garrison, as a result of which Tuzla's population was spared the massacres, expulsion, torture and rape that befell the citizens of other East Bosnian towns. So it was initially in Srebrenica, where the local defenders fought back and saved their town from destruction for three years, though they would eventually pay a very heavy price for their resistance. But in towns where the Bosnian authorities followed Izetbegovic's lead and did not resist the JNA, such as in Foca and Visegrad, the non-Serb population

was massacred or expelled.

The JNA would nevertheless probably have been allowed to withdraw peacefully from Sarajevo and Tuzla had it been willing to return the weapons it had confiscated from Bosnia's Territorial Defence. Yet Belgrade's strategy - carried out via the JNA - was to disarm Bosnia's defenders and keep them disarmed, while arming the Bosnian Serb forces to the teeth, to enable them to carry out their genocidal plans against a defenceless enemy. In principle, the JNA had been the collective army of all Yugoslavia's republics, and even its own weapons were therefore the collective property of all of them; the claim by Serbia and Montenegro (the 'Federal Republic of Yugoslavia') to be the sole successor state of the defunct Yugoslavia was never accepted by the UN or the international community. The ability of Bosnia's defenders to defend their civilian population from the Serbian genocidal attack depended largely on their ability to recapture their weapons from the JNA - their attacks on the JNA in Sarajevo and Tuzla were a matter of life and death.

With the arrest of Ejup Ganic and attempt to have him extradited to Serbia, Belgrade is persecuting a former member of the democratically elected presidency of the state that it attacked in 1992, for the crime of having resisted that attack. Last September, Ilija Jurisic, one of the Bosnian military commanders who directed the attack on the JNA at Tuzla on 15 May 1992, was [sentenced](#) by a Belgrade court to twelve years in prison for his role in the attack. Fifteen years after the end of the Bosnian war and ten years after the overthrow of Milosevic, Serbia is still hounding Bosnians who attempted to resist its aggression and genocide in the 1990s. Such behaviour is of a kind with the Serbian parliament's [unwillingness](#) to recognise the Srebrenica massacre as an act of genocide, despite the fact that this genocide has been recognised by two different international courts.

Britain must release Ejup Ganic at once. Britain and other EU members must make it absolutely clear that such behaviour on Serbia's part will not be tolerated; that until Belgrade ceases its persecution of Ganic, Jurisic and other politicians and soldiers of the Bosnian war of independence, it will have no place in the EU or in democratic Europe.



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