International Law and the Bosnian War

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Overview

• Definitions
• Why is Ethnic Cleansing "Not Genocide?"
• Why Srebrenica?
• The ICTY

Definitions

• Ethnic Cleansing
• Genocide
• ICTY – International Criminal Tribunal for Yugoslavia
Why is Ethnic Cleansing “Not Genocide?”

- The events of Post War Europe

- Expulsion of the Germans from Eastern Europe – At the same time the Convention on Genocide was being written

- Collective Guilt and European Security

Where did the Germans go?

Why was Ethnic Cleansing in Bosnia “Not Genocide?”

- The Early 1990s Was a Very Problematic Time

- Revisiting the Ghosts of World War II
Old Germany and New

Why Srebrenica?

• Systematic?

• State Sponsored?

• Deliberate Targeting of All Males

• Genocide is not about the number of people killed, it is about why they were killed

The ICTY

• Law, Justice, or Inquisition?

• Who Gets Indicted
  – The Court is Good when it goes after “Them”
  – The Court is Bad when it goes after “Heroes”

• Who Gets Convicted

• Rules We Would Never Accept for US Courts
  – Many of the procedures of evidence for US Military
    Commissions come directly from the ICTY