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### The unfinished trial of Slobodan Milošević: Justice lost, history told

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The Unfinished Trial of Slobodan Milošević: Justice Lost, History Told

ACADEMISCH PROEFSCHRIFT

ter verkrijging van de graad van doctor

aan de Universiteit van Amsterdam

op gezag van de Rector Magnificus

prof. dr. D.C. van den Boom

ten overstaan van een door het College voor Promoties ingestelde  
commissie, in het openbaar te verdedigen in de Aula der Universiteit

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## *Notes on Language and Translation*

This text is based on and frequently includes quotations from transcripts of proceedings, evidence presented in the courtroom, and materials collected as part of the criminal investigation in the Milošević case. These materials and courtroom testimonies originated in various languages, and in variants of languages (for example, in Bosnian/Croatian/Serbian or UK/US English), and many have been translated. Non-English primary materials tendered as evidence in court were translated into English and make up the official court record. Yet, many of these first translations went through a later audit process – in which meaning was clarified and syntax corrected – that produced a second revised version. Every attempt has been made to quote these revised translations when possible. But for materials that were not tendered as evidence, a revised version is unlikely to exist, and even revised translations sometimes contain errors. In this text, quotations from translated sources that do not read well in English have for the most part been paraphrased; or, if need be, edited in only the slightest ways to add clarity – using ellipses or brackets – but never to alter meaning.

As a researcher on the Milošević case, the author dealt with primary documents in both local languages (B/C/S) and in English, but where her original research was done with local language materials, the official English translation of those materials is presented in this text. In other words, the author did not translate those materials herself in the process of writing this text. Still, as a native B/C/S speaker fluent in English, the author had the advantage of being able to identify when official English translations were in some way inaccurate. One example of this is in the English transcript of the testimony of Stjepan Mesić. Mesić discussed Franjo Tuđman having compared the shape of Croatia to a *kifla*, the B/C/S word for a crescent-shaped roll that is traditional in Eastern Europe. In the English trial transcript, a slip-up in homophones resulted in this being translated as “oblong role” instead of “oblong roll” – a confusing error. In the courtroom, translations were also sometimes corrected on the spot by participants in the trial. In one such instance, an English translation of a letter written by Milošević was found online and referred to in court by the Prosecutor; it was corrected by the courtroom interpreter who explained the word “rats” was an inaccurate translation for the B/C/S word *hulje*, which means “scoundrel” and has a more sinister connotation. Milošević himself subsequently addressed the court to concur that “scoundrel” was the more appropriate translation.

Translation is a challenging task because languages not only have different vocabularies, but different personalities, cultural influences, and structures. Translating any text, but especially materials that deal with complicated political concepts and contain a number of linguistic subtleties, requires finding the balance point between what are known as ‘faithful’ and ‘idiomatic’ translations. A faithful translation is a literal rendering of a source text, without revisions that accommodate the nuances of the target language. An idiomatic translation is more focused on producing a text that conforms to the syntax and idiomatic character of the target language, so that a reader feels the text was originally written in their language. Sometimes, word-for-word translations simply do not convey meaning because idioms are a common way of communicating within languages but are not universal. Where translations are paraphrased in this text, attention has been paid to honouring the idiomatic meaning of the original.

Finally, this text is written in UK English – for example, “Defence” instead of “Defense” and “analyse” instead of “analyze” – but direct quotations of materials originally written in US English are used verbatim. This text also uses diacritical marks for words or names drawn from B/C/S, which clarifies their pronunciation (see the Pronunciation Guide for what these marks indicate). Because ICTY trial transcripts and some materials from the trial record do not include diacritics, they have been added in this text, even to quoted testimony, for consistency. Also, words that originated in B/C/S and are now widely used in their English transliteration – such as “Chetnik” (in B/C/S, “*Četnik*”) – appear in their English form.

## ***Pronunciation Guide***

Bosnian, Croatian, and Serbian are closely related but subtly different languages, all variants of a common pluricentric language. Though Bosnian and Croatian use the Latin alphabet, and Serbian uses the Cyrillic alphabet, the languages are sometimes referred to as one and abbreviated as B/C/S. Unlike in English, vowels in B/C/S are pronounced consistently and some consonants are marked with diacriticals to indicate their pronunciation. Diacritical marks are used in this text and so their pronunciation, as well as that of vowels, is indicated below.

<b>a</b>	<u>a</u> , as in <i>bar</i>
<b>c</b>	<u>ts</u> , as in <i>cats</i>
<b>č</b>	<u>ch</u> , as in <i>much</i>
<b>ć</b>	<u>ch</u> , as in <i>chosen</i> (this sound is softer than č)
<b>dž</b>	<u>j</u> , as in <i>gin</i>
<b>đ</b>	<u>j</u> , as in <i>jewelry</i> (this sound is softer than dž)
<b>e</b>	<u>a</u> , as in <i>pen</i>
<b>i</b>	<u>ee</u> , as in <i>meeek</i>
<b>j</b>	<u>y</u> , as in <i>yes</i>
<b>o</b>	<u>o</u> , as in <i>omen</i>
<b>r</b>	the <u>r</u> is rolled
<b>š</b>	<u>sh</u> , as in <i>push</i>
<b>u</b>	<u>u</u> , as in <i>rule</i>
<b>ž</b>	<u>zh</u> , as in <i>vision</i>

### ***Previously published portions of this manuscript***

There are several places in this manuscript where the author has cited her own previously published work; and in one case, a co-authored chapter. As a specialist in the field, she has written frequently on issues related to the ICTY, including in the midst of research for this manuscript. Inevitably, this has led to similarities between the arguments expressed in some of that writing and those expressed in this manuscript. Therefore, the author's previously published works are cited where this text significantly reflects thoughts expressed in those publications.

1) Tromp, Nena. "A Troubled Relationship: The ICTY and Post-Conflict Reconciliation." In *Regional Co-operation and Reconciliation in the Aftermath of the ICTY Verdicts: Continuation or Stalemate?*, edited by Ernst M. Felberbauer and Predrag Jureković. Vienna: Republic of Austria, 2013, 47-67.

Pages 47-48 of the original correspond to page 7-8 of this text (see: Introduction).

2) Tromp, Nena. "War Crimes Tribunals and The International Criminal Tribunal for Former Yugoslavia." In *15 Years of Peace Building in the Western Balkans: Lessons Learnt and Current Challenges*, edited by Ernst M. Felberbauer and Predrag Jureković. Vienna, December 2010, 151-163.

Pages 151-152 of the original correspond to page 3-4 of this text, pages 154-155 to pages 6-7, and pages 156 to page 9 (see: Introduction); pages 156-157 correspond to pages 25-26, page 160 to page 34, page 161 to pages 38-39; and pages 162-163 to pages 29-30 (see: Chapter I).

3) Tromp, Nena. "Understanding the Milošević Case: Legacy of an Unfinished Trial." In *The Genocide Convention: The Legacy of 60 Years*, edited by H.G. van der Wilt, J. Vervliet, G.K. Sluiter and J.Th.M. Houwink ten Cate. Leiden: Martinus Nijhoff, 2012, 27-39.

Page 28 of the original is similar to page 49 in this text; page 29 corresponds to information on pages 39,42, and 44; page 30 to pages 43- 44 of the manuscript; page 31 to page 92; and page 32 to pages 26, 28, 40, and 42 (see: Chapter I).

4) Nice, Geoffrey, and Nena Tromp. “Bosnia and Herzegovina.” In *The United Nations Security Council in the Age of Human Rights*, edited by Jared Genser and Bruno Stagno Ugarte, 288-319. Cambridge, UK: Cambridge University Press, 2014, 288-319.

Pages 306-314 and 316 of the original more or less correspond to pages 214, 236-238, and 241-248 of this text (see: Chapter VII).

<b>Page in “Bosnia and Herzegovina”</b>	<b>Corresponding page in this manuscript</b>
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***Note on co-authorship***

Geoffrey Nice contributed to the writing of this chapter, authoring pages 288-294 and 317-319.

These pages are not referred to in this text.

## ***List of Acronyms***

BiH	Bosnia and Herzegovina ( <i>Bosna i Hercegovina</i> )
DB	FRY/Serbian State Security ( <i>Državne bezbednost</i> )
DEPOS	Democratic Movement of Serbia ( <i>Demokratski pokret Srbije</i> )
FRY	Federal Republic of Yugoslavia
HDZ	Croatian Democratic Union ( <i>Hrvatska demokratska zajednica</i> )
IC	International Community
ICR	ICTY Court Record
ICTY	International Criminal Tribunal for the Former Yugoslavia
JATD	Unit for Anti-terrorist Operations ( <i>Jedinica za anti-teroristička dejstva</i> )
JNA	Yugoslav People's Army ( <i>Jugoslavenska Narodna Armija</i> )
JSO	Unit for Special Operations ( <i>Jedinica za specijalne operacije</i> )
JUL	Yugoslav United Left ( <i>Jugoslavenska ujedinjena levica</i> )
KLA	Kosovo Liberation Army
KOS	Military Counterintelligence Service ( <i>Kontraobveštajna služba</i> )
MUP	Ministry of Internal Affairs ( <i>Ministarstvo Unutrašnjih Poslova</i> )
NATO	North-Atlantic Treaty Organisation
NIOD	Netherlands Institute for War Documentation
OSCE	Organisation for Security and Cooperation in Europe
PJP	Special Police Units ( <i>Posebne jedinica policije</i> )
PSFRY	Presidency of the Socialist Federal Republic of Yugoslavia
RS	Republika Srpska
RSK	Republika Srpska Krajina

SAJ	Special Anti-terrorist Units ( <i>Specijalna Antiteroristička Jedinica</i> )
SANU	Serbian Academy of Sciences and Arts ( <i>Srpska akademija nauka i umetnosti</i> )
SAO	Serbian Autonomous Region ( <i>Srpska autonomna oblast</i> )
SBSW	Slavonia, Baranja and Western Sylvania ( <i>Slavonia, Baranja i Zapadni Srem</i> )
SDA	Party of Democratic Action ( <i>Stranka demokratske akcije</i> )
SDC	Supreme Defence Council ( <i>Vrhovni savet odbrane</i> )
SDS	Serb Democratic Party ( <i>Srpska Demokratska Stranka</i> )
SFRY	Socialist Federal Republic of Yugoslavia ( <i>Socijalistička Federativna Republika Jugoslavija</i> )
SIV	Federal Executive Council ( <i>Savezno izvršno veće</i> )
SPOK	Serbian Resistance Movement of Kosovo ( <i>Srpski Pokret Otpora Kosovo</i> )
SPS	Socialist Party of Serbia ( <i>Socijalistička partija Srbije</i> )
SRS	Serbian Radical Party ( <i>Srpska radikalna stranka</i> )
SVK	Serbian Army of Krajina ( <i>Srpska Vojska Krajine</i> )
TO	Territorial Defence ( <i>Teritorijalna odbrana</i> )
UN	United Nations
UNPROFOR	United Nations Protection Force
UNSC	United Nations Security Council
V-K-K	Virovitica-Karlovac-Karlobag
VOPP	Vance-Owen Peace Plan
VRS	Army of Republika Srpska ( <i>Vojska Republike Srpske</i> )

## *Maps*

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## *Preface*

It was early Saturday morning, 11 March 2006. I was just finishing breakfast before leaving to spend yet another weekend in the office, when the telephone rang. On the phone was Geoffrey Nice, the Principal Trial Attorney in charge of the team – of which I was a part – that was prosecuting Slobodan Milošević at the International Criminal Tribunal for the Former Yugoslavia (ICTY). Very calmly, he told me: “You won’t need to go into the office today. He’s dead. He died last night. There’s no need to do any work today, or any other day. That’s it. That’s the end of the trial.”

It took some time to comprehend what this meant; and before I could make any sense of it, a colleague who was already in the office, and who had just heard the news on television, called me inquiring about what we were to do. That weekend, Prosecution researchers had been set to begin preparing for the cross-examination of Momir Bulatović, who was being called by Milošević as a Defence witness.<sup>1</sup> For the Prosecution, preparation for a witness such as Bulatović was exactly what those of us in the Leadership Research Team (LRT) had been hired to do.<sup>2</sup> I became a member of the LRT in May 2000 and thereafter worked exclusively on the Milošević case until his death. The LRT and the MAT (Military Analyst Team) were part of the ICTY’s Office of the Prosecutor (OTP), consisting mostly of non-legal experts and researchers hired to provide information and expertise on historical, political, and military topics required by Prosecution trial teams that were made up mostly of police investigators and lawyers.

Bulatović was a dream witness for the Prosecution and we could hardly believe that Milošević was being so reckless as to call him; for Bulatović had knowledge of more or less everything the Prosecution needed to prove in order to establish our case. He had been a trusted associate and protégée of Milošević, in something of a father-son relationship, especially since his ‘election’ as the President of Montenegro at the age of 34. He had been present at many of the most important

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<sup>1</sup> The testimony of a witness consists of three parts: testimony ‘in chief,’ ‘cross-examination,’ and ‘re-examination’. Testimony ‘in chief’ is the term used in legal jargon for adducing evidence from a witness in court by the party – the Prosecution or Defense – that calls the witness. It is followed by a ‘cross-examination’ by the opposing party. After the cross-examination of a witness, the party that originally called the witness and conducted the examination ‘in chief’ has an opportunity to re-examine the witness on topics addressed by the opposing party during the cross-examination, for clarification or correction.

<sup>2</sup> Members of the LRT came from different national backgrounds. All spoke the languages of the former Yugoslavia and most had been academics, with expertise in the Balkans. The author maintained her position as a lecturer in European Studies at the University of Amsterdam throughout her employment at the UN.

high-level meetings that had determined Serbia's role in the three conflicts for which Milošević was indicted and, during cross-examination, could be asked by the Prosecution to confirm the authenticity and accuracy of documentary evidence.

Milošević's defence was to be concluded by the end of April 2006. He died in his prison cell less than two months before the official end of the trial. His death was by no means entirely unexpected; his ill health was well known and his medical condition was not helped by the fact that he had represented himself. He had not only acted as his own advocate in court, but had also read, watched, and listened to every piece of evidence presented against him. He wrote his own opening addresses, prepared cross-examinations of every Prosecution witness, and organised and conducted the Defence case, preparing Defence witnesses before examining them in court himself. These would have been difficult tasks, physically and mentally, even for a healthy person in his or her prime.

But with the trial so abruptly concluded, indeed – as my colleague had asked – what were we to do? How were we to think about, and what were we to learn from, an unfinished trial? We were confronted with how the sudden end of a trial can obscure the truth. It was with that in mind that the end of the trial became the stimulus for some of us to start a new journey of discovery; this time, reviewing the frozen record of the trial outside of a sealed courtroom, where we had breathed stale but exhilarating air filled with the anticipation of what witnesses would, or would not, say. We knew what had been said. We knew what could not be said. Yet, in hundreds of thousands of pages of our own research, and in the court record, we had the makings of history.

The death of Milošević marked more than the end of a man. It was also the end of our chance to reveal more about Milošević and his plan, and to force him to face truths he never expected to confront. In the immediate aftermath of his passing, it seemed these truths would forever be hidden and that Milošević's death was another demonstration – among many – that trials of individuals in international courts leave unreliable records of historical events. But, in the unexpected turn of his death lay an unexpected discovery – that records of such trials may actually be invaluable points of departure to a level of discovery far greater than trial lawyers can ever conjure as they balance tests of proof against the rules of a court and the decisions of judges. After the dust of any trial has settled, perhaps it is the quiet precision of academic

research that future generations should turn to when they seek the truth about what a trial actually brought to light.

I wondered what would happen to all the research, testimony, and documentary and other evidence that had been collected by all parties. After all, I had handled material on a daily basis that uncovered the historical and political context in which mass atrocities had occurred during the wars that accompanied the disintegration of Yugoslavia. Might it disappear into oblivion because the trial did not come to a close? A huge amount of the material already assembled and analysed for use in court seemed destined to remain unexploited.

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As the product of a legal proceeding dealing with individual criminal responsibility, the Milošević trial record contains a comprehensive – possibly the largest existing – collection of materials pointing to the political and criminal responsibility of individuals for the disintegration of Yugoslavia and for the mass atrocities by which it was marked. Although the traditional objectives of criminal law, such as retribution, justice for victims, and deterrence, were not achieved in the Milošević case, the trial produced an extensive archive of testimonies, expert reports, hearing transcripts, and other documentary evidence to be studied by researchers from various fields. Indeed, there is no doubt that the Milošević trial record is a significant historical resource. And any record of a mass atrocities trial – whether finished or unfinished – establishes a chronicle of past events. These records contribute to interpretations of a historical period and the shaping of collective memory in postconflict societies. In this way, mass atrocities trials do not have merely a legal purpose, they also have a pedagogical function to fulfil.

Examining the Milošević trial record for academic purposes, I experienced advantages and disadvantages as an ‘insider’ to the subject of my research. One clear advantage was my familiarity with the trial record – the principal source for this study – in which I was easily able to identify relevant passages and references in transcripts. But, at the same time, I had to be sure to remain true to the academic requirements of objectivity, academic distance, and impartiality. This dilemma, over the appropriate measure of distance or proximity for those writing about mass atrocities, has been described occasionally by scholars like Mark Osiel, who questioned:

How to strike an authorial posture that is scholarly, yet humane; “disinterested,” yet not disengaged? How to represent the victims’ suffering, for instance, in a way that is neither luridly salacious nor unduly solicitous and sycophantic? For the victims turn out to be perpetrators as well. How to render the perpetrators’ self-understanding at once as supremely malevolent yet humanly intelligible? How to depict the zealotry of international prosecutors in both its sincere humanitarianism and its professional self-aggrandizement?<sup>3</sup>

From my own experience, neither an insider nor an outsider can be preferred as a matter of principle, nor can either be assumed to maintain appropriate detachment more capably. Any author and researcher must engage academic discipline, consisting of critical thought, rigorous scrutiny of sources, and a mind open to new discoveries.

My journey in trying to make sense of the trial record was a difficult one, not least because of the enormous volume of material the trial produced. The trial lasted 467 days, leaving behind 49,191 pages of transcripts. During the trial, over 400 witnesses were called, the Prosecution tendered 5,759 documentary exhibits into evidence amounting to approximately 150,000 pages, and the Defence tendered 2,107 exhibits of some 25,000 pages. Milošević and his lawyers also received approximately one million pages of potentially exculpatory material supplied to them by the Prosecution under the ICTY’s Rule 68.<sup>4</sup>

I sought guidance and insight from scholars who have studied Nazi war planning by scrutinising the records of Nuremberg war crimes trials. The Nuremberg Tribunal produced a very specific historical interpretation of the Nazi plan, ascribing responsibility for the war chiefly to one person and the ruling elite; but, historians realised over time how the evidentiary focus of criminal proceedings in Nuremberg had unwittingly influenced their analysis in favour of what came to be known as the ‘intentionalist’ interpretation of the period, which maintains that the Holocaust resulted from an explicit master plan created by Adolf Hitler himself and implemented from the top down.<sup>5</sup> Only later was attention directed to the role of minor bureaucrats and

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<sup>3</sup> Mark Osiel, *Making Sense of Mass Atrocities* (Cambridge, UK: Cambridge University Press, 2008), xvii.

<sup>4</sup> Rule 68 deals with the obligation of the Prosecution to disclose potentially exculpatory and mitigating material to the Defence. See: ICTY, “Rules of Procedure and Evidence,” No. IT/32/Rev.48, 19 November 2012, 65–66.

<sup>5</sup> The terms “intentionalists” and “functionalists” was coined by Timothy Mason in his 1981 essay “Intention and explanation: A current controversy about the interpretation of National Socialism,” published in G. Hirschfeld and

functionaries at all levels of German society – an approach known as the ‘functionalist’ interpretation and concerned with the complicity of ordinary Germans in the Holocaust, to such an extent in the case of some scholars that they ascribe the adoption of the Final Solution primarily to social and political pressures from the bottom up.<sup>6</sup>

Given that the Milošević trial revolved around his leadership and his ability to articulate and implement his plan, I narrowed my examination of the trial record to the exploration of three major topics – the Leader, the Ideology, and the Plan. I also considered that any criminal investigation and the criminal trial that may follow deal with three elementary questions: *Who?* *What?* and *How?* These questions are revisited by judges when weighing the evidence and writing a judgement and these are also the questions of interest for historians researching a historical period. In the following chapters, these essential questions will be addressed. The question of *Who?* addresses the role of Milošević as the Accused. The question of *What?* addresses the Ideology and the Plan behind the leader. The question of *How?* elicits a search for answers about what led to the violence and mass atrocities that occurred, and at what point in the planning they were sanctioned.



Long before his trial started in 2002, there was an ongoing debate among scholars, journalists, politicians, and diplomats about the extent of Milošević’s historical and political responsibility for the violent disintegration of Yugoslavia; and there has been near consensus among these authors that Milošević personally bore the greatest share of blame for it.<sup>7</sup> Still, one might argue that the dominant Yugoslav political culture – which relied on strong leadership – had allowed him to develop very extensive *de jure* and *de facto* powers. And so, notwithstanding his personal

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L. Kettenacker, eds., *The “Fuehrer State”: Myth and Reality – Studies on Structure and Politics of the Third Reich* (Klett-Cotta:Stuttgart: 1981). Mason criticised authors who focused too much on Hitler in explaining the Holocaust, calling them intentionalist. He called the opposing school functionalists because they saw the Holocaust as consequence of the way the Nazi state functioned. Mason himself proposed, as an alternative, an investigation into a broader perspective of the period with a distinct focus on the economy.

<sup>6</sup> See: Ruti Teitel, *Transitional Justice* (New York: Oxford University Press, 2000), 74; Mark Osiel, *Mass Atrocities, Collective Memory and the Law* (Piscataway, NJ: Transaction Publishers, 1997), 100; and Daniel Goldgahen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Alfred A. Knopf, 1996).

<sup>7</sup> Jasna Dragović-Soso “Why did Yugoslavia Disintegrate? An Overview of Contending Explanations,” in *State Collapse in South-Eastern Europe: New Perspectives on Yugoslavia's Disintegration*, eds. Lenard J. Cohen and J. Dragović-Soso (Purdue University Press, Indiana, 2008), 1-39, 14.

mark on Serbia's path to war, the trial record also contains a wealth of material about the ideology to which Milošević tied his political destiny, best described for the purposes of this text as a variant of Serbian state ideology.<sup>8</sup> Since the 19th century, one expression of this ideology has manifested in aspirations for what is known in historiography as a Greater Serbia – a state that would include all Serbs scattered across the Western Balkans. Over time, a number of publications have been seen as roadmaps for such a state, including the 1941 pamphlet “Homogeneous Serbia,” which proposed that the western border of a Greater Serbia cut through Croatian territory along the line extending between the three Croatian towns of Virovitica, Karlovac and Karlobag. This became known as the V-K-K line, and evidence of its continued significance emerged in the courtroom. Materials contained in the trial record on Serbian state ideology will be explored in this text with particular focus on Milošević's contribution to its development in the 1980s and 1990s, by means of a project he described by its aim: “All Serbs in a Single State.”

Milošević's plan for achieving a state which would encompass all Serbs was a process of attempting to reach five successive goals set between 1987 and 1999, beginning with a successful attempt to centralise Serbia by revoking the autonomy of its two formerly autonomous provinces, Kosovo and Vojvodina. The Serbian Constitution of 1990 reflected those changes, and its revision launched Milošević to new political heights among Serbs. The successful centralisation of Serbia was followed by unsuccessful efforts to centralise the Yugoslav Federation and secure Serb domination through control of the Communist Party and federal institutions of the Socialist Federal Republic of Yugoslavia (SFRY). Attempts to achieve this second goal instead brought the disintegration of the SFRY, after Slovenia and Croatia declared their independence in 1991.

Milošević's third goal was set in reaction to the failure to preserve a centralised SFRY. The disintegration of the Federation led to efforts to preserve a Rump Yugoslavia that would consist of all former SFRY republics save for Slovenia and parts of Croatia.<sup>9</sup> This Rump Yugoslavia was

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<sup>8</sup> Some authors use the term “Serbian State Project” to denote the various forms that aspirations for a Serb state have taken since the 19th century. For example, see: Biserko, *Yugoslavia's Implosion*.

<sup>9</sup> The term ‘rump’ can be applied as an adjective to describe the remainder of any state after the separation of a region or regions. In the local languages of Croatia and BiH, the term *krnja Jugoslavija* was used to refer specifically to the former Yugoslavia less Slovenia and parts of Croatia. The word *krnja* means “truncated” or “made incomplete” but, colloquially, is associated with a “messy break” or a “rough edge.” Here, Rump Yugoslavia

projected to include ‘Serb-designated territories’ in Croatia and, to that end, attempts were made to secure those territories by force as early as mid-1990.<sup>10</sup> These actions led to an escalation of violence and a full-fledged war in Croatia in 1991. In this process, Croatian Serbs proclaimed their own quasi-state entity. The Republika Srpska Krajina (RSK) was envisaged to extend to the Virovitica-Karlovac-Karlobag (V-K-K) line – a boundary that is the very representation of the Greater Serbia ideology articulated in 1941 – and the borders of the RSK were more or less achieved by December 1991.

The failure to achieve a Rump Yugoslavia with the inclusion of BiH led to Milošević’s fourth goal. A referendum on independence held in BiH in February 1992 made it clear that a majority of the population there was in favour of independence. Adjusting to the loss of BiH, the republic of Serbia and Montenegro – which had not given up on Yugoslavia as the name for a common state – constituted the Federal Republic of Yugoslavia (FRY) in April 1992. The FRY Constitution allowed for other territories to join in. At the same time, Bosnian Serbs, following the example of Croatian Serbs, formed their own quasi-state in BiH: the Republika Srpska (RS). Unlike the formation of the RSK, which was achieved after several months of fighting, the formation of the RS took more than three years to realise and led to mass atrocities against non-Serbs. Eventually, the peace agreement for BiH that was signed by all parties in December 1995 allowed the RS to maintain its territorial autonomy despite the fact that its borders were established by the commission of crimes, including genocide.

The fifth goal Milošević sought to achieve was related to Kosovo. The Kosovo conflict escalated into an armed conflict in 1998, exposing Milošević’s failure to keep Kosovo under Serbian rule even after revoking its autonomy in the 1990 Serbian Constitution. The eruption of violence between the Kosovo Liberation Army (KLA) and Serbian forces in 1997 was used by Serbia to justify a violent campaign against the Kosovo Albanian population that sought to alter the ethnic composition of Kosovo in favour of Serbs. By the end of December 1998, Milošević’s determination to keep Kosovo in Serbia – and on his terms – resulted in a war, causing a humanitarian catastrophe that was eventually brought to an end by NATO military intervention.

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is used in English as a proper noun to reflect the specificity of how the term *krnja Jugoslavija* was used in the early 1990s in the former SFRY.

<sup>10</sup> ‘Serb-designated territories’ was the term used by the ICTY Prosecutor to denote the areas in Croatia and BiH that Serb leaders had claimed on ethnic, historical, or geostrategic bases.

NATO's defeat of Serbian forces led to Serbia's loss of Kosovo in June 1999 and, eventually, to the downfall of Milošević in October 2000.