

Letter to the Editor

Response to Hayden: Comment on 'ethnic cleansing' and 'genocide'

Note: This paper refers to a Commentary by Robert Hayden that appeared in issue 17(6) of this journal of pages 546–547.

Dictionaries describe 'ethnic cleansing' as genocide.¹ A comparison of the accepted UN definition of genocide with a suggested definition for 'ethnic cleansing' leads us to ask: what are the real differences in the outcomes? (See Table 1.) Proof of genocide does not depend on the number of victims but on evidence of 'the intent to destroy, in whole or in part' by the perpetrators. It is hard to see how the genocidal outcomes of 'ethnic cleansing' can occur without similar perpetrator intent. The International Court of Justice's ruling that there was no proof of genocidal intent by the Serbian leadership was a result of its failure to obtain and examine evidence that might have pointed to inference of intent.³

Hayden cites studies estimating that war-related death tolls range from 97 000 to 103 000.^{4,5} A UN Commission estimated 200 000 deaths, including 100 000 civilians and 28 000 soldiers among Bosniak Muslims. The UN Commission found 800 prison camps, 500 000 persons kept in detention, 50 000 tortured, at least 20 000 cases of rape, and 151 mass graves.⁶ If more than 8000 persons were killed in Srebrenica, then we ask: from 1991 onwards, who killed the tens of thousands other Muslim *civilians*, and when and where did these killings occur?

Tabeau and Bijak describe their estimates of 'war related deaths'—as

'conservative', 'based on minimum number of unique records', 'incomplete', and 'interim' and furthermore note 'that all war-related deaths, including disturbances in the reproduction process should be considered as components of war-related distortions of population development'. It is not clear whether their estimates include deaths from morbidity and injuries not directly from war—as well as premature mortality among Bosnian émigrés. They question Hayden's own earlier estimates as 'suggesting a political motivation' and have 'reservations concerning their reliability'. Minimization of numbers of victims is one of the most common tactics of genocide denial.⁷

As Yugoslavia disintegrated, all sides committed mass atrocities in 1991–1995. There were many atrocity crimes directed against ethnic Serbs in the Krajina region of Croatia and ethnic Albanians in Kosovo. But Bosnian Muslims suffered the greatest losses in absolute numbers. Hayden's claims that acts of genocide were restricted to Srebrenica ignore the evidence of Serbian intentions going back to 1991–1992. In 1991, Serbian forces were compiling lists of Bosnian and Croatian intellectuals,⁸ and began rounding up, beating, and executing non-Serbs, and Radovan Karadzic made the first of his statements threatening to annihilate the Bosnian Muslims, warning that 'Sarajevo will vanish and there will be 500 000 dead... Muslims will disappear from Bosnia... and... their leadership... be killed in... hours...'. By 1992, Serbian paramilitaries were carrying out mass killing and torture of civilians of all age and sex groupings and pillaging entire towns and villages.⁹ The evidence is consistent with

the hypothesis that the intent of Serbian leaders was to 'destroy, [the Bosnian Muslim community], in substantial 'part'.¹⁰ The fact that acts of genocide occur during a civil war does not diminish their genocidal character.

Regarding Kosovo, David Scheffer used the term 'indicators and precursors of genocide',¹¹ when deaths numbered under 10 000, precisely to carry out the purpose of the Genocide Convention to prevent genocide, rather than wait until it was too late. NATO's cluster bombings avoided the necessity to invade with ground troops, but caused massive loss of life and property. This outcome does not absolve Serbian perpetrators from responsibility for their genocidal choices, but does state the case for earlier precautionary non-violent interventions before the 'tipping point' is reached, i.e. when the killing starts—such as prompt indictments for incitement to genocide.

Hayden utterly fails to disprove our conclusion that the term 'ethnic cleansing' is a euphemism for genocide, its official use creates a climate favouring inaction to stop genocide and therefore it should be expunged from use.

Acknowledgements

To Ann Weiss, who brought to our attention the question of an anonymous woman survivor of the Srebrenica genocide who asked whether 'ethnic cleansing' meant she was not clean

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Table 1 Comparison of definitions of genocide and 'ethnic cleansing' (2)

Definition of UN convention on prevention and punishment of crime of genocide: (1948)	Suggested definition of 'ethnic cleansing': (1992): expert advisory committee to security council:
Any of following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:	
1. Killing members of group	Murder
2. Causing serious bodily or mental harm to the group	Extrajudicial executions
3. Deliberately inflicting on the group conditions calculated to bring its physical destruction in whole or in part	Sexual assault
	Torture
	Confinement of civilians to ghetto areas
	Deliberate initiation of attacks or threats of attacks on... civilians and civilian areas
	Wanton destruction of property
	Forcible removal, displacement and deportations
	Indirect result of above
4. Imposing measures to prevent births within the group	
5. Forcibly transferring children of the group to another group	

References

- 1 American Heritage Dictionary, Britannica Concise, Houghton Mifflin Political Dictionary, cited in Wikipedia for definitions of 'Ethnic Cleansing'.
- 2 Blum R, Sagi S, Richter ED. 'Ethnic Cleansing' Bleaches the Atrocities of Genocide; in Session on 'Effects of the term "Ethnic Cleansing" on Intervention' Seventh Annual Biennial Meeting: international association of genocide scholars. Sarajevo 9–13 July 2007. See also, Final Report of the UN Commission of Experts established pursuant to Security Council Resolution 780 (1992); UN Doc S/1994/674/add.2 (28 December 1994).
- 3 Scheffer D. The World Court's Fractured Ruling on Genocide. *Genocide Studies and Prevention* 2007;2:123–136.
- 4 Tabu E, Bijak J. War Related Deaths in 1992–1995 Armed Conflicts in Bosnia and Herzegovina. A Critique of previous estimates and recent results. *Euro J Population* 2005;21:187–215.
- 5 Brunborg H, Lyngstad TH, Urdal H. Accounting for genocide: how many were killed at Srebrenica?. *Eur J Population* 2003;19:229–248.
- 6 Bassiouni Ch. Genocide in Bosnia and Herzegovina Hearing before the Commission on Security and Cooperation in Europe. 104th Congress, Commission on Security and Cooperation in Europe, [CSCE 104-X-X], 4 April 1995, Washington DC.
- 7 Stanton GH. Twelve Ways To Deny A Genocide. In: Apsel J, editor. *Darfur: Genocide Before Our Eyes*, New York: Institute for the Study of Genocide, 86 pp.
- 8 Power S. *A Problem from Hell: America in the Age of Genocide*. New York: Basic Books, 2000; 330 pp.
- 9 Kreso M. Milosevic Guilty of Genocide-Decision on Motion of the Hague Tribunal of 16 June 2004, Sarajevo 2007, (Institute for Crimes Against Humanity and International Law, Sarajevo, 2007, p 9.
- 10 International Criminal Tribunal for the former Yugoslavia. Prosecutor v. Radislav Krstic, 2 August 2001, OF/P.I.S./609e.
- 11 U.S. State Department Report on the Visit of Ambassador Scheffer to the Border Between the Former Republic of Macedonia and Kosovo, April 1–2 and Refugee Accounts of Atrocities, Washington, DC 7 April 1999.

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