

Markale Mortar: Unraveling the Mystery

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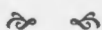
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"In war, truth is the first casualty."

-Aeschylus

Abstract:

On February 5, 1994, a mysterious, lone mortar round was lobbed into the midst of a bustling Sarajevo market, killing dozens of Bosnian civilians. The exact details of this incident were dubiously opaque, and its resounding effects proved sufficient to alter drastically the war's trajectory. Some scholars have promoted the somewhat obvious position that the Serb army, at that time laying siege to the city, were the perpetrators of this attack on innocent Bosnian civilians. Other factors may shed light upon a rather shocking alternative narrative: the Bosnian Army, at the behest of its government, shelled its own people in a risky attempt to garner international favor. What follows in this paper is a comparative analysis of both Serb and Bosnian culpability for this war crime.



Just after midday on February 5, 1994, a solitary mortar shell screamed its way toward a crowded Sarajevo market. Its deafening arrival echoed through the narrow streets of the besieged Bosnian Capital as razor sharp bits of shrapnel burst into every corner of the Markale Market. As the dust and debris settled, the howling echoes of emergency sirens serenaded the distraught and panicked masses. This precise and now lethal projectile had claimed the lives of 68 noncombatants and wounded another 197.

In the twenty-two months of Balkan conflict leading up to this incident, each warring faction had committed their own assortments of violent acts, but this particular attack was distinct from all the others. Not only are the significant details of this incident dubiously opaque, but its effects also attracted international media attention sufficient to alter the trajectory of the Bosnian War. Some scholars have argued that the Serbs were the perpetrators of this attack on innocent Bosnian civilians.¹ In response to these findings however, what follows is an investigation into both Serb and Bosnian culpability. This analysis suggests a rather shocking alternative allegation: for reasons of political expediency and for having demonstrated precedence for attacks of this sort, the Bosnian Army, at the behest of its government, shelled its own people in a risky attempt to garner international favor.

Before examining the specifics of this incident, let us briefly survey the broad Balkan conflict which will serve to provide

context. Upon the death of Josip Broz Tito, the Chairman of the League of Communists of Yugoslavia, some republics began to entertain the possibility of independence. The absence of Tito's unifying character in the Yugoslavian capital of Belgrade, coupled with the collapse of the Soviet Union, initiated a cascade of secessions that threatened to leave the former Communist Republic in fractured ruins. In 1991, Slovenia and Croatia each declared their independence despite Belgrade's violent attempts to preserve the union.

The Bosnian Republic, spearheaded by President Alija Izetbegović, began to make strides toward independence. However, Serb and Croat minorities residing there opposed such a referendum on religious grounds. They feared that independence would allow Bosnians to use their 44 percent plurality to take this new democracy on a path toward radical theocracy.² The authoritative single-party governance of the Socialist Federal Republic of Yugoslavia had only served to suppress these diverse factions in a *prima facie* (an appearance of) peace. The impending collapse of the Republic exacerbated minority fears while political leaders spewed ethnic and religious propaganda and jingoistic rhetoric. While Serbian leaders sought to salvage their floundering Balkan empire, shrewd Bosnian politicians began to shape their local Balkan area in accordance with their own ideals. This religious and political power-grab is what split Bosnia into factions willing to violently achieve their objectives.

The western concept of self-determination also played a role in escalating this conflict. Serbs, being largely of agrarian constitution, laid legitimate claim to 64 percent of Bosnian lands, and had for three centuries possessed the majority of the country's landholdings.³ These rural Serbs were opposed to an independent Bosnia and desired to stay within the protection of the Yugoslavian fold. There, they would gain political consideration from their Orthodox brethren in the neighboring Serbian Republic. A prominent dispute arose from the strategic significance of these Serb-occupied lands. A plan for strict partition along religious lines would have denied the largely urban Bosnian population access to fertile lands and logistical trade routes.⁴ So, on one hand, the Serb population claimed their right to a unified Yugoslavia, while on the other hand, the Bosnians demanded religious autonomy and the same national sovereignty previously declared in Slovenia and Croatia.

Sensing the mounting tension in the Bosnian Republic, the Yugoslavian President Slobodan Milosevic, who was himself a Serb, requested a United Nations (UN) imposed arms embargo.

2 Kate Hudson, *Breaking the South Slav Dream: The Rise and Fall of Yugoslavia* (Sterling: Pluto Press, 2003), 103, 107. Prewar religious distribution: 44% Bosnian, 31% Serb, and 17% Croat.

3 "Conflict in the Balkans; On Hilltop Outside Sarajevo, A Serbian Battery Defies U.N.," *New York Times*, February 22, 1994. And Kate Hudson, *Breaking the South Slav Dream: The Rise and Fall of Yugoslavia* (Sterling: Pluto Press, 2003), 113.

4 "Sarajevo: The Right Response," *New York Times*, February 9, 1994.

1 For consistency, standardized nomenclature for each faction will be as follows: "Bosnians," "Serbs," and "Croats" will respectively refer to the religiously Muslim, Orthodox Christian, and Catholic populations residing within the Bosnian Republic. Benjamin Rusek and Charles Ingrao, "The 'Mortar Massacres': A Controversy Revisited," *Nationalities Papers* 32, no. 4 (2004): 848.

His request was granted on the basis that it would delay armed conflict long enough to allow for diplomatic measures to be fully exhausted.⁵ Over the course of many rounds of peace talks, governmental and nongovernmental diplomats carefully crafted agreements hoping to prevent bloodshed. The Serbs, however, rejected treaties calling for an independent Bosnian state, while the Bosnians rejected geographic divisions along religious lines. An intentional Serb boycott of the independence referendum did not prevent the Bosnian majority from approving its passage, and on March 1, 1992, the day of its signing, belligerents fired the first shots and this brutal war claimed its first casualties.⁶

Twenty-two months of ferocious fighting ensued, eventually culminating in the mysterious Markale mortar incident. Along the way, combatants from all sides repeatedly committed what Balkan scholar Riikka Kuusisto described as “gross violations of human rights [as they] held UN resolutions and ceasefire agreements in contempt.”⁷ Despite these obstructions to peace, the mounting war exhaustion managed to bring Serbs and Croats to the negotiation table just weeks before the Markale attack.⁸ This solitary but deadly projectile, however, collectively halted these voluntary peace negotiations, awakened the world to this bitter conflict, and sent all parties back on the offensive for fear of losing ground.

Despite hosting the 1984 Winter Olympic Games, Sarajevo was now a significant front of this war, its denizens subject to frequent, indiscriminate sniper and artillery fire. Nevertheless, on February 5, 1994, the city was uncharacteristically quiet.^{9,10} Taking full advantage of this rare occurrence, many boldly ventured to the Markale Market to buy, sell, and trade goods that would help them sustain their meager wartime existence. Just after twelve noon, a lone mortar round pierced the sky and violently unloaded its ballistic force upon the unsuspecting shoppers. The *New York Times* reported on the carnage as follows:

Blood, arms, legs and pieces of flesh were strewn about the market. People screamed hysterically, rushing about to try to give help or escape. A woman lay by an overturned table, her legs severed. Men threw the badly wounded into makeshift stretchers fashioned out of scraps of corrugated tin that had shaded the stalls and raced to ambulances and private cars. Eight bodies were so mangled they could not be identified as men or women.¹¹

Shortly after impact, news cameras swarmed the scene and broadcast the carnage live around the world. The shocking images of dead and suffering noncombatants begged for retribution, and western nations scrambled to discuss an appropriate response. Bosnian War historians Benjamin Rusek and Charles Ingrao argue that “although indiscriminate [indirect] fire accounted for a small fraction of the total civilian deaths during the war, graphic video footage of the mass slaughter exercised a disproportionate effect on world public opinion and, therefore, on Western policymakers.”¹² The public slaughter of these innocent victims demanded that a perpetrator be named and brought to justice.

Hundreds of eyewitnesses, including some of the most ambitious war correspondents with cameramen at the ready, were useless in identifying the perpetrators of the massacre. Crater analysis would be the only means of investigation, but its methods in this particular case would be inexact at best. Expert investigation teams typically require three or more projectile craters to effectively triangulate the origin of approach, but this incident provided only one.¹³ The United Nations Protection Force (UNPROFOR), well aware of these forensic complications, sacrificed diligent investigation in response to international pressures for rapid and decisive action. Dubious calculations in initial UN investigative reports made necessary a more comprehensive final investigation, and it concluded that “the distance of origin of fire clearly overlaps the confrontation line by 2,000 meters.”¹⁴ Such attempts at conclusive forensic evidence were only capable of producing mortar approach paths so broad as to render them impotent in implicating either faction.

Despite the lack of conclusive forensic evidence, on December 5, 2003, an offender was indeed named at the International Criminal Tribunal for the former Yugoslavia (ICTY). Serb General Stanislav Galic, the commander of the troops encircling Sarajevo, pled “not guilty” to all charges, but was convicted for war crimes against civilians. The list of charges included the Markale mortar incident, and he was sentenced to twenty years in prison.¹⁵ Despite an otherwise unanimous guilty verdict, Judge Nieto-Navia, the tribunal panel’s lone dissenter claimed that:

...the Prosecution must prove a fact aimed at a conviction beyond a reasonable doubt. I indicated to the Majority my concerns and doubts about the evidence relating to 8 out of 23 scheduled sniping incidents, 3 out of 5 scheduled shelling incidents - including the Markale incident which is discussed in detail in my opinion - as well as certain unscheduled incidents. I considered these doubts to be reasonable.¹⁶

From this statement, it appears that any conviction, regardless of legitimacy, was preferred to assuage the victims’ calls for justice. Closing the book on this case provided marginal vindication for the tragic deaths of the civilians that day and brought closure to

5 Kate Hudson, *Breaking the South Slav Dream: The Rise and Fall of Yugoslavia* (Sterling: Pluto Press, 2003), 110.

6 Kate Hudson, *Breaking the South Slav Dream: The Rise and Fall of Yugoslavia* (Sterling: Pluto Press, 2003), 112.

7 Riikka Kuusisto, “Savage Tribes and Mystic Feuds: Western Foreign Policy Statement on Bosnia in the Early 1990s,” Andrew Hammond, ed., *The Balkans and the West: Constructing the European Other, 1945-2003* (Burlington: Ashgate Publishing Company, 2004), 174-175. Riikka Kuusisto is a Political Science lecturer at the University of Helsinki in Finland.

8 “Bombs and Blind Faith,” *The Times* of London, April 13, 1994.

9 Benjamin Rusek and Charles Ingrao, “The ‘Mortar Massacres’: A Controversy Revisited,” *Nationalities Papers* 32, no. 4 (2004): 828.

10 David Binder, “Anatomy of a Massacre,” *Foreign Policy*, Winter 94/95 (n. d.): 78.

11 “Toll is the Worst in 22 Months of Attacks,” *New York Times*, February 6, 1994.

12 Benjamin Rusek and Charles Ingrao, “The ‘Mortar Massacres’: A Controversy Revisited,” *Nationalities Papers* 32, no. 4 (2004): 827.

13 Benjamin Rusek and Charles Ingrao, “The ‘Mortar Massacres’: A Controversy Revisited,” *Nationalities Papers* 32, no. 4 (2004): 845.

14 David Binder, “Anatomy of a Massacre,” *Foreign Policy*, Winter 94/95 (n. d.): 77.

15 Galic’s prison term was later changed to a life sentence following an appeal decision on November 30, 2006.

16 ICTY, Press Release, December 5, 2003, 7.

one of the more significant loose ends of this conflict. After all, the court already had in their custody an otherwise guilty war criminal. However, a look at the available evidence against both groups will not only demonstrate the opacity of this incident, but may also serve to cast doubt upon the legitimacy of this conviction.

Initial media reports and op-ed pieces immediately implicated the Serbs.¹⁷ This opinionated reporting, as opposed to factual journalism, saw that the victims were Bosnian, and therefore the obvious perpetrators would be Serb. But what available evidence would offer definitive proof that the world's focus was appropriately directed? The very first of many forensic reports indicated that the mortar round approached the market from a northerly direction, an area generally held by Serb gunners.¹⁸ It was this initial report that led the UNPROFOR Commander and British Army Lieutenant General Sir Michael Rose to report that "the crater analysis confirms that the mortar shells were fired from Serb positions."¹⁹ Immediately, the Serbs denied their involvement in this attack and instead accused the Bosnian army for firing upon their own people.²⁰ Rose countered that he had "never seen any evidence that suggests forces are firing at their own people in order to get a counter-effect."²¹

Serb denial would not be sufficient to ground the anxious North Atlantic Treaty Organization (NATO) bombing sorties indefinitely. Rose was a keen diplomat who worked tirelessly in the immediate aftermath of this attack to negotiate a peace settlement. While the whole world seemed to be calling for NATO hellfire to rain down upon the Serb gun positions, Rose knew that a military action of that sort would place the members of his observational command in harm's way.²² He was adamantly opposed to NATO retaliatory airstrikes, and had he possessed any indisputable forensic evidence that might implicate the Bosnians for attacking their own civilians, he most likely would have released it.²³ The absence of evidence implicating the Bosnians at that time however did not constitute evidence of Serb guilt.

Perhaps the most compelling argument given to implicate the Serbs is one of induction offered by Rusek and Ingrao. They claim that for the previous two years, the Serbs had demonstrated unmatched brutality against the citizens of Sarajevo by way of indirect fire and routine sniper fire, which had claimed the lives of many civilians to include women and children.²⁴ Leading up to

this attack, UNPROFOR monitors had estimated that 600,000 rounds of ordnance had penetrated the besieged city by the hands of Serb soldiers.²⁵ It would seem reasonable, in the light of a bombardment on this scale, that this one additional mortar was also fired by the Serbs.

Let us now examine the events that suggest Bosnian blame for this incident. Extraordinary claims require extraordinary evidence, so the remaining task is to demonstrate a high degree of evidence corroboration that would indict the Bosnian leadership for the shelling of their own civilians. The first indicator emerges when considering why Sarajevo's citizens were visiting the Markale Market on this particular day in the first place. The sheer number of casualties suggests that hundreds were gathered here as if they were not fearful of the previously routine incoming sniper or mortar fire. UN monitors assigned to report on Serb gun activity generated reports showing that Serb guns were inactive on February 5.²⁶ This would seem to indicate that the Serb army was not in an offensive posture on this day, or if the round was indeed fired from Serb hands, it came from a position unbeknownst to the UN.

If a Bosnian indictment was warranted, a motive would be necessary. The political riskiness and sheer boldness of such an act would necessitate an adequate payoff to outweigh both the cost of innocent lives, and the potential for political opprobrium. Top-ranking officials from the European Union (EU) and UN unofficially reported that the Bosnian government had the most to gain from this attack.²⁷ The UN-enforced arms embargo had essentially denied the Bosnians the opportunity to defend themselves adequately against a smaller but much more militarized Serb army. The effects of this embargo certainly placed the Bosnian government in a precarious position where various options, however egregious, might be implemented. Shortly after the attack, Bosnian President Izetbegovic voiced his disgust for the continued implementation of this embargo and proclaimed that "we are condemned to death, denied the right to defend ourselves."²⁸ Immediate condemnation of the embargo could be construed as employing victim tactics to win over an increasingly sympathetic and captivated international audience to realize political and military gains.

In fact, Izetbegovic was no stranger to utilizing shrewd public relations methods to gain international favor. Pacifism scholar Peter Brock, describing the suspicious media coverage of the Balkan conflict, reported that the international "public relations firms of Ruder Finn and Hill & Knowlton, Inc. were the premier agents at work behind the lines, launching media and political salvos and raking in hundreds of thousands and perhaps millions of dollars while representing the [Bosnian government]."²⁹ Such information demonstrates Izetbegovic's reputation for

17 David Binder, "Anatomy of a Massacre," *Foreign Policy*, Winter 94/95 (n. d.): 72.

18 David Binder, "Anatomy of a Massacre," *Foreign Policy*, Winter 94/95 (n. d.): 75.

19 "Toll is the Worst in 22 Months of Attacks," *New York Times*, February 6, 1994.

20 "Toll is the Worst in 22 Months of Attacks," *New York Times*, February 6, 1994.

21 "Clinton Calls Crisis Talks on Massacre," *The Times of London*, February 7, 1994. At the time of this incident, Rose had been in command for only 27 days and may not have been aware of previous UNPROFOR reports which did in fact conclude that Muslim forces had fired upon their own people in previous attacks (see note 35).

22 "Clinton Calls Crisis Talks on Massacre," *The Times of London*, February 7, 1994.

23 Laura Silber and Allan Little, *Yugoslavia: Death of a Nation* (Seattle: TV Books, 1996) 311.

24 Benjamin Rusek and Charles Ingrao, "The 'Mortar Massacres': A Controversy Revisited," *Nationalities Papers* 32, no. 4 (2004): 828.

25 Benjamin Rusek and Charles Ingrao, "The 'Mortar Massacres': A Controversy Revisited," *Nationalities Papers* 32, no. 4 (2004): 829.

26 David Binder, "Anatomy of a Massacre," *Foreign Policy*, Winter 94/95 (n. d.): 78.

27 David Binder, "Anatomy of a Massacre," *Foreign Policy*, Winter 94/95 (n. d.): 78.

28 "Toll is the Worst in 22 Months of Attacks," *New York Times*, February 6, 1994.

29 Peter Brock, "Dateline Yugoslavia: The Partisan Press," *Foreign Policy*, No. 93 (Winter, 1993-1994), 160.

unscrupulous public relations methods to accomplish political goals, perhaps indicating his commitment to win at all costs.

Bosnian culpability can also be raised in the reiteration of a previous point: within hours of the attack, the Serb leader Radovan Karadzic denied responsibility. Perhaps this sort of denial would be politically expedient for the Serb cause, but the Serbs had previously acknowledged their involvement in 6 similar attacks by either openly admitting their responsibility or by choosing not to dispute the public charges by the international media.³⁰ In fact, just one day prior to the Markale attack, a Serb mortar killed 8 and wounded 20 Bosnian civilians in a Sarajevo suburb of Dobrinja.³¹ The Serbs accepted blame for the Dobrinja attack, but their Markale response was much different. Karadzic was so adamant in declaring Serb innocence that in desperation, he "ordered his forces to block all humanitarian aid convoys until the UNPROFOR publicly exonerated the Serbs of blame."³² Either the Serbs suddenly decided to change their public relations policy regarding official acknowledgement for attacks on civilians or they were being honest in claiming to play no role in the attack.

In yet another piece of evidence, there seemed to be a coordinated effort by Bosnian officials in the way they controlled access to the attack site. A *Times of London* correspondent reported that Bosnian media officials "were on the scene 'within seconds', as if poised in advance to record the full horror of the carnage to gain as much world impact as possible."³³ Adding to this suspicion, Bosnian policemen denied access to a UNPROFOR officer team of first responders who sought to assess the damage. Both of these elements could be quite coincidental, but when taken together, they suggest that Bosnian officials were more interested in accommodating the media's attempt to publicize the massacre than they were in cooperating with UN investigators seeking to identify the offenders.

Bosnian officials also demonstrated reluctance toward a negotiated peace. In the wake of the attack, Lieutenant General Rose hosted Bosnian Army General Jovan Divjak for dinner to discuss the details of a hasty ceasefire agreement. The purpose of this agreement was to allow the UN time to conduct a thorough investigation of this incident and to give the international community time to deliberate on appropriate punitive actions. Divjak agreed to meet with Rose and his Serb counterpart General Milovanovic the next morning at the UN headquarters to make the agreement official. Divjak never arrived at the appointed time, however, and a disgusted Rose stormed downtown to Divjak's headquarters to demand compliance to their agreement. Earlier that day, President Izetbegovic had overruled General Divjak's commitment to the ceasefire agreement for fear that it would prevent the proposed NATO retaliatory strikes.³⁴ An undaunted Rose then produced the latest (albeit unconfirmed) Markale incident investigation report that fully implicated the Bosnians.

30 Benjamin Rusek and Charles Ingrao, "The 'Mortar Massacres': A Controversy Revisited," *Nationalities Papers* 32, no. 4 (2004): 829.

31 Benjamin Rusek and Charles Ingrao, "The 'Mortar Massacres': A Controversy Revisited," *Nationalities Papers* 32, no. 4 (2004): 838.

32 Laura Silber and Allan Little, *Yugoslavia: Death of a Nation* (Seattle: TV Books, 1996) 309.

33 "Mystery of the Market Massacre," *Times of London*, March 28, 2000.

34 Laura Silber and Allan Little, *Yugoslavia: Death of a Nation* (Seattle: TV Books, 1996) 314.

Fearing that this report would be made public, Divjak quickly signed the agreement and thus demonstrated the unscrupulous duplicity of the Bosnian leadership.³⁵

The final and perhaps the most compelling piece of evidence is that the Markale Market incident was neither the first nor the last time that Bosnians were investigated for firing upon their own people. *New York Times* correspondent David Binder reported that UN officials disclosed to him reports of Bosnian forces previously firing upon their own civilians. Such reports concluded that these attacks were conducted as a means to elicit Serb blame from the international media.³⁶ Later in 1994, *New York Times* correspondent Chuck Sudetic reported that the two shells that fell on the Bosnian-populated Sarajevo suburb of Kosevo Brdo on November 8 had clearly been fired from Bosnian controlled territory.³⁷ Such indictments reveal that the audacious act in the Markale Market was consistent with the Bosnian government's methods of waging this war.

The General Framework Agreement for Peace in Bosnia and Herzegovina was signed on December 14, 1995, and this war fought in futility concluded in a stalemate. Many men since, both Bosnian and Serb, have had to face their demons as accounts of this terribly unnecessary war were laid bare before the ICTY. Members of these factions have had their time in court. Their proceedings have both resulted in a loss of international respect for their respective nations, and their actions have invariably assured subsequent decades of political, social, and economic instability.

After weighing the evidence from this chaotic Markale scene, it is impossible to determine guilt definitively. Amidst this chaos, our desire to know the truth and to name the perpetrators of this atrocity, which cut short the lives of 68 men and women, remains stalwart. It would seem that occurrence in broad daylight with hundreds of eye witnesses and modern media resources would be sufficient to usher us to a just consensus. However, despite all of our modern achievements, before us lays a situation mired in uncertainty. The fog of war and deceit has obstructed the view of the facts surrounding this tragic event to the extent that what seemed to be the more likely scenario now appears specious. As guilty as our named offender might otherwise be, it is possible that he played no part in this incident and the real perpetrator(s) are still at large. Tragic though they were, the deaths of innocent civilians did not justify a hasty and unjust verdict. Ultimately, we must with humility face our inadequacies for dealing with such ambiguity, and despite it, strive to walk circumspectly through war's swirling and elusive truth.

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35 David Binder, "Anatomy of a Massacre," *Foreign Policy*. Winter 94/95 (n. d.): 75.

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