

PIFWC - The Search for War Criminals in the FRY

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PROLOGUE

The radio on the rude wooden shelf beeped to life and a voice squawked in the smoky darkness-

“Gator Three One, this is Regulator Main, over.”

The team leader immediately awoke, as he was wont to do when the radio became active suddenly in the night. It took him a second to clear his head as the radio repeated its message – with a touch more urgency in the tone.

“Gator THREE ONE, this is Regulator Main, OVER.”

He keyed the mic and croaked –

“This is Three One, Alpha – Send it.”

The disembodied voice crackled back –

“You have a mission, lock down your people - zero outside comms – report to the White House for your OPORD.”

“Moving” he replied simply and as he released the mic button on the radio, he shouted into the darkness as he reached for the light switch – “Get UP! Get your kit! We have a mission”

He pulled on his thermal underwear, Battle Dress Uniform and arctic boots as the “General Purpose” – Medium tent came alive with the groaning sounds of the squad awakening and realizing that today would be a long day. Their Squad Leader slept across from him and would normally lead the mission, but he was home on Rest and Recuperation Leave – so it was up to the “Alpha” Team Leader to make things happen. He finished dressing in a combination of Gore-Tex and Polypropylene, strapped on his pistol belt and headed toward the door. He paused, turned around and spoke to the Military Police Soldiers, as they sleepily got dressed.

“Don’t call home before this mission – we are on lockdown. Prep the vehicles and weapons, commence PCCs (Pre Combat Checks) and stage in front of the White House. – and don’t forget to shut down the heaters!”

He stepped out of the cozy tent into what must have been the coldest night of his life. The bitter cold, augmented by a stiff breeze took his breath away in spite of the layers he was wearing. He silently lamented that the US Army, even in 1998 had not found a better way to heat tents than the dangerous kerosene stoves. As he trudged through the snow moving quickly toward the Headquarters Building for Multinational Division North, known as the “White House” he pulled a napkin from his pocket and cleared his nose. It came away black with the soot of the heaters.

After the mission brief and PCIs (Pre Combat Inspections – performed by the element leader to insure that the prior PCCs were done correctly), He gave the command to move out over the encrypted FM radio in the experimental “Up-Armored” XM1114 HMMWV¹. The vehicles roared through the night as the gunners scanned their sectors – their gloves and goggles slowly crusting over with frost. The Provost Marshal, Division Surgeon, Staff Judge Advocate, Combat Camera and others were piled into the back seats of the three-vehicle convoy. They drove fast through the night and off the installation only slowing for safety as they exited the heavily defended gate. Unlike other convoys, this one did not need a “Trip Ticket” – nor would they call back to headquarters as they passed checkpoints.

¹ The XM1114 HMMWV (High Mobility Multi-Wheeled Vehicle) is the predecessor to the heavily armored “Hummers” made famous during the late war in Iraq. While still experimental, they were fielded to protect the lives of the American troops in Bosnia where over eight million mines were placed, often with no record of where.

They arrived at the NATO Combat Surgical Hospital called the “Blue Factory” due to its co-location with an abandoned Bosnian northwest of the city center. The sentries at the gate were asleep when the convoy arrived, and only after several blasts from the horn of the lead truck did a Soldier stumble out into the cold to respond. After a brief, sharp conversation with the Provost Marshal, the convoy entered the compound without further delay and formed a perimeter with their vehicle around the small two-story building that was the hospital proper.

The passengers, three Team Leaders and the MP drivers all dismounted. The drivers moved to the back of the trucks and protected the flanks of the gunners that trained their M249 and M2 machine guns toward the outside of the perimeter. The “Charlie” Team Leader posted himself at the door as the others followed the group inside. The “Bravo” Team Leader posted himself outside of the Operating Rooms. Alpha shadowed the Provost Marshal and insured that his troops rotated positions every half hour to limit their exposure to the cold. The two MPs posted in front of entrances denied access even to those that worked in the Blue Factory, unless they were authorized by the Division Surgeon or Provost Marshal.

About 45 minutes into the wait, four men appeared, seemingly out of nowhere. They wore American uniforms, but displayed no insignia. Their hair was long and they sported beards, but they were tidy. All were obviously athletic and confident. They addressed each other by nicknames that were innocuous to the MPs observing their approach. Alpha appeared and greeted them warmly – he introduced the MPs to the Operators and simply stated, “They are OK”. After a cursory check of his troops, he went back inside.

One of the Operators took off his backpack that looked like something from the movie Ghostbusters, and set it on the ground. As he unpacked it and assembled the device inside, it took the form of a strange metallic black spider web. He aligned it with a level and compass and then

attached it to a radio. One of the MPs asked, “Satellite?” To which the operator smiled and nodded. Soon he was talking to what was obvious to all, both a command center somewhere far away and to a pair of helicopters that were inbound to the Blue Factory.

Another half an hour passed before suddenly two black painted MH60 Pave Hawk helicopters came to a hover and landed quickly on the pad adjacent to the hospital. Like clockwork, commandos poured out of the aircraft, bringing with them a man on a stretcher. As the wind and rotor wash buffeted them, the MPs could see that these commandos were not American, but wearing the uniform of Dutch Marines. As the commandos brought in the stretcher, the MPs could see that the man they carried was naked beneath the wool blanket that was strapped over him, and he was leaving a trail of blood behind him as he was moved inside. A medic from inside soon moved out to examine one of the Dutch commandos as he had been hit by bullet fragments that shattered on his MP5 submachine gun when they were capturing the target - the man on the stretcher.

After a few hours in surgery and recovery, the Provost Marshal and his entourage advised the man of his rights and the charges against him. He was wanted by The Hague for genocide and other war crimes. He was handcuffed by the MPs and the whole event was filmed by the Combat Cameraman. They transported him back to the airbase across town and he was loaded into the cavernous belly of a C17 Globemaster III cargo aircraft where he was transferred to the custody of some very serious looking Air Force “Ravens.” His day had started badly, but it was about to get worse as he was flown to the Netherlands to face the justice of the Free World.

This was not a scene from some Hollywood feature, but an actual event in the UN sanctioned and NATO led hunt for PIFWCs (Persons Indicted For War Crimes) in the former

Yugoslavia. This event is indicative of the handling of the PIFWCs by NATO and happened on a fairly regular basis throughout the late 1990s and into the new millennium.²

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ABSTRACT

The late war in the Former Republic of Yugoslavia (FRY) and more specifically Bosnia and Herzegovina ended in sputters with the intervention of the United States led North Atlantic Treaty Organization (NATO) peacemaking force known initially as IFOR (Implementation Force) and later as SFOR (Stabilization Force). While the major fighting was quelled by the massive influx of NATO forces with an apparent willingness to crush any opposition, the soul of the fight was still black and still at large. These criminals, designated by the International Criminal Tribunal for the former Yugoslavia (ICTY - also referred to as simply “The Hague” for its location in the Netherlands), as “Persons Indicted for War Crimes” (PFWICs) were published NATO enemies, not unlike the deck of cards issued to allied troops during the liberation of Iraq. Most NATO troops were very familiar with the wanted posters that advertised the status of the PFWICs in and around Bosnia. While the average NATO troop was forbidden from actively

² Davis, Ernest. Personal recollection of events as they happened, in the winter of 1997-8. The author was a Military Police Team Leader in support of both MND-N Provost Marshal’s Office and US SOCOM efforts to apprehend PIFWCs. He was based at Tuzla Airbase in Bosnia in 1997-8.

pursuing these criminals, NATO Special Operations Forces (SOF) worked tirelessly to bring the wanted to justice.³

THESIS

The establishment of the Wanted List and the pursuit of PIFWCs throughout the FRY led to the capture and prosecution of dozens of war criminals under the auspices of the NATO intervention. These missions proved the combined/joint special operations environment was not only viable but also effective under real world conditions. While it did take years to recover some of the worst offenders, the mission itself was successful and daring considering the political environment. The mission was not only a demonstration of capability, but remained relatively shadowy compared to the glitz and glamour of more recent “Kill or Capture” missions of NATO Special Operations Forces. These missions proved to the world, and more importantly their own governments, that in spite of earlier setbacks such as Operation Gothic Serpent in Somalia, the West would and could surgically remove High Value Targets (HVT) in a hostile environment with relative impunity. This set the stage for an evolution in SOF beyond a reactive role and into a proactive one.

TO CATCH A PIFWC

The war in Bosnia-Herzegovina is a direct result of the collapse of the former Federated People’s Republic of Yugoslavia. With the Eastern Europe’s newfound liberty with the demise of the Soviet Union, along with that of particular leaders like Tito, came many ethnic and religious conflicts that, in some cases left places like Yugoslavia in a chaotic and unstable state. While one cannot point to a particular event or even set of events that led to the civil wars in

³ Robert Baumann, George Gawrych, and Walter Kretchik, *Armed Peacekeepers in Bosnia* (Fort Leavenworth, KS: Combat Studies Institute Press, 2004), 186.

Yugoslavia, the catalyst that can largely be seen as the beginning of the end was the death of Tito.

Yugoslavia was not, until the 20th century, a solid, contiguous nation state. It was more as it appears today - a collection of individual states that are diverse, both politically and ethnically. The area has been contested between European and Arab-Muslim powers for centuries. However, with the demise of the Ottoman Empire at the end of the First World War, and subsequent unification of the then Kingdom in 1929, Yugoslavia still had major issues with ethnic and political partisanship between her member states. Josip Broz "Tito" came to power in about 1937 and by the end of the Second World War, the Yugoslavs were effectively united under the Red banner. It would take a strong leader with a firm hand to hold together that unification. Tito was just that man.⁴

While Tito is often seen as a benevolent father figure by Yugoslavs and the West alike, partially due to his break with Stalin and his unique friendship with the Western powers, he was indeed a Communist Dictator that held his nation in an iron fist. The unity of Yugoslavia was a testament to both Tito's vision of a powerful nation and his understanding that political and ethnic strife could ruin him. He employed many of the same tactics as Stalin and other hardliners to keep dissent – especially ethnic dissent in check. labor camps and purges eliminated the leadership and openly hostile while giving fair warning to the population that they were

⁴ Aleksa Djilas, "Tito's Last Secret - How Did He Keep The Yugoslavs Together?," *Foreign Affairs* 74, no. 4 (1995, July 1): 116-122.

Yugoslav first – not Croat, Serb or Muslim. Even after his death, Tito's unity survived for several years – with some trepidation.⁵

That trepidation was well founded, as Tito's final legacy was the installation of politically weak persons in places of political power at high levels throughout the government. He did this to prevent a coup via upstarts. However, after his death, more politically powerful and charismatic leaders like Slobodan Milosevic steadily rose to power in the coalition government. Soon all sides were exploiting old divisions and the republic began to disintegrate along religious and ethnic lines. Generally, Serbs are of the Eastern Orthodox Christian faith, while Croats are Catholics and Bosniaks and ethnic Albanians are Muslims. These are the primary factions involved in the Bosnian war, as central to the larger disintegration of Yugoslavia.⁶

However, the trouble was not one of simply disagreement between the factions in how to worship the god of Abraham. Since the height of the Ottoman expansion, the Serbs and Croats had clung to their religions and ethnic identity and felt themselves oppressed by Muslim rule. During World War II, the Croats and Bosniaks were recruited to support Nazi Germany and killed many thousands of Serbs and Jews in the region. Hence, once the Serbs came to power as the predominant ethnic group in the hierarchy of the government after Tito died, they set about to slowly expand the power of their fellows and envelop the lands they considered historically

⁵ "Tito's Yugoslavia," GlobalSecurity.org, <http://www.globalsecurity.org/military/world/war/yugo-hist2.htm>.

⁶ Ed Vulliamy, *The War is Dead - Long Live the War* (London: The Bodney Head, 2012), xxi-xlvi.

theirs. Similarly, Serb minorities in Croatia feared Croat rule if the republics seceded from the Yugoslav union.⁷

As the states of Yugoslavia began to pull away from the Serbian majority, declaring for independence, the Serbs in Croatia rebelled and the civil war began. Much of what came in the beginning accelerated and worsened as the war went on. In a game of tit-for-tat, the three major factions forcibly relocated their ethnic foes from their homes, sometimes to concentration camps sometimes sending them toward areas populated by similar peoples and sometimes killing them outright.⁸ Contrary to the most popular narratives presented in the Western Press, all three sides participated in ethnic cleansing, and while Muslims were the minority when compared to their Croat and Serb brothers, they were no less vicious than the other two factions were.⁹

As for the media favorites, the Serbs were indeed prolific vis-à-vis war crimes. One of most wanted from that war was only captured after the killing of Osama bin Laden in 2011. Ratko Mladic, a Serbian General is perhaps one of the most recognizable names one associates with Genocide in Bosnia. His forces were responsible for thousands of murders of Bosniaks during the war – not simply battlefield deaths – but murders. This is the Commanding Officer of the Serbian forces that “ethnically cleansed” Srebrenica in 1995, one of the key events leading to

⁷ Tony Barber, "The Bosnia Crisis: Serbs, Croats And Muslims: Who Hates Who And Why," *The Independent* (London), sec. World, August 9, 1992.

⁸ Vulliamy, xvii. – These camps were similar to the camps in Nazi German, except generally speaking, they were *not* purposeful extermination camps.

⁹ *Ibid*, xxi-xlvi.

the NATO takeover of the mission in Bosnia.¹⁰ However, complicity does not end with the Top General.

The President of the Republika Srpska, the Bosnian satellite of Greater Serbia, Radovan Karadzic is also a major figure in the Serbian hierarchy of genocide. His planning and active support of genocide throughout the region was enough that his initial indictment was a joint one with General Mladic.¹¹ He was finally detained in 2008 and is currently a guest of The Hague where his trial is ongoing.¹² However, even this personality is not where the proverbial buck stops. Indeed, the President of Serbia during the war in Bosnia and Kosovo was also on the most wanted list.

Slobodan Milosevic was indicted for masterminding many of the crimes overseen and committed by Mladic and Karadzic. However, as the political leader of his intended Greater Serbia, he was responsible for the overall conduct of the war as well as the planning and execution of the massive genocide that came with it. While the highest of the political food chain, he was the first captured after deposed in free elections in 2000, the new more NATO friendly Serb government soon handed him over. He passed away while imprisoned in The Hague during his drawn out trial. Together these three men led to more than 100,000 people

¹⁰ Michael Dobbs, "General Mladic In The Hague," *Foreign Policy* no. 194 (2012, July 1): 100-105.

¹¹ Unknown, "Serbia/Bosnia: Karadzic's Arrest Will Advance EU Bid," *Oxford Analytica Daily Brief Service* July 2008.

¹² Unknown, "U.N. Court Acquits Karadzic of 1 Genocide Count," *USA Today* (McLean, VA), sec. World, June 28, 2012.

being killed in the war – but they are not alone.¹³ Of course their various underlings were also complicit and in some cases outright guilty of pulling the trigger themselves. However, as mentioned, the Serbs may have gotten the most press – but the Croats and Bosniaks were not at all innocent.

Former Police Officer and respected member of his community Naser Oric was one of the Bosniak commanders that faced judgment at The Hague. He was present, but escaped death at Srebrenica – and had a remarkable role in the events that led to that massacre. His forces were responsible for the deaths of hundreds of Serb civilians as well as ethnically cleansing the areas near the Muslim enclave at Srebrenica. The Serbs finally countered and smashed Oric's forces, sending them in retreat to the UN "Safe Area" of Srebrenica. He and his men preyed on the UN and civilians alike, running a Mogadishu style black market. Oric finally abandoned Srebrenica and his men, fleeing to Tuzla. Soon after the small UN garrison stood by and watched as the Serbs moved in and reversed the fortunes of the Muslims.¹⁴ Ultimately, he was captured in 2003.¹⁵ He was only convicted on one count in all the indictments from the ICTY, and was released on two years' time served prior to the trial.¹⁶

¹³ Idi Gaparayi, "The Milosevic Trial At The Halfway Stage: Judgement [sic] On The Motion For Acquittal," *Leiden Journal of International Law* 17, no. 4 (2004, January 01): 737-766.

¹⁴ Chuck Sudetic, "Blood And Vengeance: One Family's Story Of The Massacre At Srebrenica And The Unending War In Bosnia," *Rolling Stone* December 1995, 90.

¹⁵ Unknown, "Bosnian Officer Faces War Crimes Charges," *Chicago Tribune* (Chicago), sec. World, April 12, 2003.

¹⁶ Tilman Blumenstock and Wayde Pittman, "Prosecutor V. Naser Oric: The International Criminal Tribunal For The Former Yugoslavia Judgment Of Srebrenica's," *Leiden Journal of International Law* 19, no. 4 (2006, January 01): 1077-1093.

Like the Bosniaks, the higher level Croats seem to have been overlooked entirely or until much later by the ICTY. Men like Ante Gotovina, a Croatian General, are just as culpable for crimes against Serbs and Muslims as are his counterparts. He led “Operation Storm” that was meant to expel Serbs from Croatia in the beginning of the war, his command responsibility led to his indictment on 2001 and he was captured in 2005. He currently serves a 24-year sentence after conviction.¹⁷ However, his President Franjo Tudjman was never formally indicted, although many sources point to his complicity in the crimes committed in Operation Storm. While there was a possibility of his indictment, he died in 1999 before justice could be served.¹⁸

These men were indeed the instigators, or at the very least tacit supporters of the war crimes that were committed throughout the region over the course of the war. However, in most cases, they were not the actual perpetrators of the crimes – the blood on their hands was only figurative. Likewise, many mid level politicians, military officers and municipal leaders were indicted and many dozens of those were captured and have been convicted of command culpability.¹⁹ Surely still hundreds that actually pulled triggers, raped, pillaged, burned and forcibly cleansed regions of the Balkans will go unpunished, just as surely hundreds of low-level Nazis from World War II were never brought to justice. Nonetheless, there is one thing that they all have in common – and that is the crimes that they committed.

¹⁷ Unknown, "Gotovina In The Dock," *The Economist* December 2005, 1.

¹⁸ Unknown, "Franjo Tudjman, Ex-communist General Who Led Croatia's Secession, Is Dead At 77," *New York Times* (New York), sec. World, December 11, 1999.

¹⁹ "Operation Joint Endeavour," North Atlantic Treaty Organization, accessed September 25, 2012, <http://www.nato.int/ifor/ifor.htm>.

These crimes can be enumerated per person and act, but suffice it to say that as one was committed by one side, a similar retaliatory crime would follow on another side. It started with simple ethnic strife, damage to private property and burning of buildings. It escalated with forcible removal and ejection from a region. The situation worsened as concentration camps were built to house the displaced. What followed was torture, mass killings, rapes, deliberate targeting of civilians on the combat areas and extortion of those that remained. None of these was exclusive to one group or one faction.²⁰ This was the degradation of common human decency on a national scale that left chaos and sorrow in its wake.

Early on, the war itself concerned the budding European Economic Community (EEC), specifically Member states with competing reasons to either recognize breakaway republics or prevent the rise of ethnic nationalism in the region. The inability to come to even a consensus of what to do, much less to actually implement a plan allowed the killing to go on unchecked. Meanwhile, the British and French saw the UN as a break from the EC stalemate with the Germans as well as actually offering the expertise and manpower for peacekeeping operations that the EC just did not have, short of sending in NATO combat troops...but that would come later.²¹

The establishment of the UN Protected Areas (UNPA) and their attendant United Nations Protection Force (UNPROFOR) troops was initially successful in reducing the amount of heavy combat in the region by sequestering heavy weaponry and backing the Yugoslav

²⁰ Eric Stover, *The Witnesses: War Crimes and the Promise of Justice in The Hague* (Philadelphia: University Of Pennsylvania Press, 2012), ix-xii.

²¹ William Durch, *UN Peacekeeping, American Policy and the Uncivil Wars of the 1990s* (New York: St Martin's Press, 1996), 214-219.

National Army (JNA)²² out of its pressing positions. However, overall they were almost completely ineffective as the belligerent parties continued their campaigns of ethnic cleansing, maintenance and acquisition of arms and various other violations. The UNPROFOR troops were strong-armed and bullied by almost every faction to the point that the whole of the contested areas were lawless and the factions battled almost at will, breaking into weapons caches and spinning back up to nearly full-scale war. Additionally, the UNPAs and the UNPROFOR had no real authority to prevent massive relocation of resources and smuggling of good through each UNPA. The permission based UNPROFOR was a paper tiger that all three factions used to their advantage in one way or another.²³

The Vance plan and its limp wristed mandate left the Serbs trying to solidify their gains, the Croats unwilling to negotiate and the Bosniaks scrambling to catch up. In Bosnia itself, the UNPROFOR's mandate to "keep the population alive" was a miserable failure with the war raging on all sides and the troops given no authority to force entry into any situation that needed it. Mass murders and ethnic cleansing became the norm, often under the eye of UNPROFOR troops – such as the infamous slaughter in Srebrenica. However, even then the UNPROFOR was able to get relief supplies through and stabilize some sectors enough that life began to resemble something close to normalcy for the civilians.²⁴

Finally, the largest and most egregious failure of the UNPROFOR was the inability to resolve the basic fracture that started the whole conflagration. That is where would ethnic

²² The "J" In JNA is from the Serbo-Croatian spelling of Yugoslavia, in which the J makes a Y sound.

²³ Durch, 214-219.

²⁴ Ibid.

minorities live and who would govern them. The breakdown of the situation had stemmed from the integration of multicultural regions under Tito. Once his influence was no longer felt, the extremists in each group spun up the others leading to an ethnic civil war. The UNPROFOR had never addressed the issue that caused the war, thus was doomed to fail, as no group would be satisfied with the outcome that was not so much as discussed.²⁵

The UN failure to even enforce its own air exclusion and Safe Zones in places like Srebrenica and others, as well as the continued shelling of heavily besieged and cut off downtown Sarajevo led to NATO finally taking action to stop advances across the board. Airstrikes commenced fall of 1995 and finally forced all parties to the talks in Dayton Ohio.²⁶ The peace agreement signed there would form the framework for what has become a relatively stable region twenty years on. However, NATO leaders and military commanders realized that they could not enter the fray with any hopes of peace if they did so in half measures.²⁷ Therefore, when NATO forces entered Bosnia, they did so spearheaded by the US Army's 1st Armored Division. Nearly 60,000 soldier deep the combined force boasted troops from all of the NATO member states as well as several outside states, notably Russia.²⁸ The 1st AD was admonished by their commander on the ground to use their might and combat power to intimidate the factions

²⁵ Durch, 214-219.

²⁶ Susan Ellingwood, "The Dayton Game," *The New Republic* January 1997, 217.

²⁷ Durch, 214-219.

²⁸ "Operation Joint Endeavour," North Atlantic Treaty Organization, accessed September 25, 2012, <http://www.nato.int/ifor/ifor.htm>.

into compliance – to be “the meanest dog on the block.” This paid off in stabilizing the region, but had little effect in capturing PIFWCs.²⁹

While the British and French actively sought to capture several of the more notable War Criminals. (even before the NATO IFOR and follow on SFOR arrived on scene) limitations in the UN and later NATO Rules of Engagement (ROE) effectively kept the PIFWCs hiding in plain sight, with little fear of capture. As the efforts in hunting wanted men had proved dangerous and sometimes disastrous in recent years, such as in Panama and Somalia, the US Commanders and ground forces alike wanted little to do with such “police work”³⁰ However, this would soon change for some Soldiers. The establishment of the ICTY in 1993 brought concrete indictments in many cases, and SFOR troops under American, British and Dutch command began to have some success in capturing mid-level PIFWCs by mid 1997.³¹

The United States, Britain and The Netherlands had grown weary of the PIFWC protection game being played by all of the factions in Bosnia. The Local and Federal police forces in each area were often headed by men who were operatives of the very men that they were intended to capture, according to the Dayton Accord.³² Further, the police and military forces were known to participate in actively protecting the PIFWCs by providing safe houses and warning when SFOR troops were in the area. In some cases, soldiers and police were acting as bodyguards for the PIFWCs with orders to kill anyone attempting to capture them. This further

²⁹ Baumann, et al, 128.

³⁰ Ibid, 186.

³¹ Ibid, 224.

³² Ibid, 186.

reduced the likelihood of NATO commanders committing their conventional forces to the effort of capturing these dangerous men.³³ Enter the NATO SOF.

The United States committed the secretive counter terrorism units from the Army and Navy known then as Special Forces Operational Detachment – Delta (SFOD-D) and Sea, Air and Land (SEAL) Team 6 respectively. They trained at RAF Hereford in the United Kingdom with the 22nd Special Air Service (SAS) for very specific missions as well as the overall hunt.³⁴ Meanwhile, other reconnaissance units began to spread out in the target areas, working undercover and using methods ranging from surveillance to bribery to locate and track the PIFWCs.³⁵

Arriving in sealed cargo containers in the dead of night at the US held Tuzla Airbase, the operators made their first moves into the war torn region. They lived in safe houses and worked undercover. Together with the preceding recon elements would begin to learn as much as they could about their target, from where he liked to eat, to with whom he was sleeping. High-tech collection methods were also employed. From the now ubiquitous UAV³⁶ to satellite and cellular phone intercepts and GPS tracking devices, almost all of the James Bond gadgetry one can imagine was employed.³⁷ In some cases, they had concrete locations and plans for some of

³³ Rick Francona, *Chasing Demons - My Hunt for War Criminals in Bosnia* (Carmel, CA: Booknook.biz, 2012), Kindle location 915.

³⁴ "Hunting War Criminals - The First Account Of Secret U.S. Missions In Bosnia," World Report, Richard J. Newman, accessed September 25, 2012, http://www.specialoperations.com/Army/Delta_Force/bosnia.html.

³⁵ Francona, Kindle location 698.

³⁶ Unmanned Aerial Vehicle, commonly referred to as a Spy Drone.

³⁷ Francona, Kindle location 574.

the more High Value Targets like Karadzic and Mladic – however, for political reasons, those takedowns were belayed from the highest levels of US civilian government.³⁸

Most often, the takedowns themselves were conducted by the Bijzondere Bijstands Eenheid (BBE) of the Royal Netherlands Marine Corps for political expediency.³⁹ These troops are the counter terrorism force for the Netherlands. They were provided with air support from the US Air Force and the US Army's 160th Special Operations Aviation Regiment (SOAR). United States Naval Special Warfare Development Group (NSWDG/SEAL Team 6) provided reconnaissance, intelligence, outer cordon and backup support of the BBE. However, the British SAS, Russian Spetsnaz, French GSG-9, US Army SFOD-D and others also participated in the apprehensions of these targets.⁴⁰ These forces were in complete control of the mission on the ground, only relinquishing control of the target to the Provost Marshal of Multi-National Division North (MND-N) after they cleared the scene and returned to a major installation.⁴¹

Once the PIFWC was in the custody of NATO SOF, he would then be transferred to The Hague, via a specific and well thought out plan that took into account the logistics, security and other needs of the mission. Most often, rotary wing aircraft would extract the SOF with their prize and any intelligence gathered from the site of the takedown. If the target were injured, he

³⁸ Newman.

³⁹ Richard Sale, *Clinton's Secret Wars: The Evolution of a Commander in Chief* (New York: St. Martin's Press, 2009), 114.

⁴⁰ Newman.

⁴¹ Laura Dickinson, "The ICTY At Ten: A Critical Assessment Of The Major Rulings Of The International Criminal Tribunal Over The Past Decade: The Relationship Between Hybrid Courts And International Courts: The Case Of Kosovo," *New England Law Review* 37, no. 1 (2003, Summer): 78-87.

would be transferred to the nearest NATO combat hospital for medical aid and stabilization. Once medically sound, the SOF would officially hand off the target to the Provost Marshal.⁴²

The Provost Marshal's team arrived in force at a predetermined rendezvous point in force with an entire squad of Military Police who were especially trained in securing with High Value Targets as well as insuring the safety of the Provost Marshal's team and the target themselves. The eleven-man squad sported more firepower on their persons and mounted on their HMMMWVs than an entire infantry platoon. The team also included a Combat Cameraman to record the events in their entirety, Military Intelligence linguists, the Staff Judge Advocate to insure the legality of the proceedings, the Division Surgeon and a Combat Medic to insure the physical welfare and condition of the target and of course the Provost Marshal himself – who would officially take custody of the target in the name of the United States Government and NATO under the auspices of the indictments handed down by the Hague.⁴³

As soon as the quick but thorough inspection of the target was done, he was advised of his rights under international law and read the indictment against him. He was then moved briskly to aircraft awaiting him for transportation to The Hague itself. This was often accomplished by US Air Force C130 Hercules and C17 Globemaster III transports, which were some of the only large transports capable of taking off and landing on the short fields of the main US Base in Tuzla. Security on board was provided by more especially trained Military Police

⁴² Davis.

⁴³ Davis.

from the US Air Force Security Forces “Mission Security Teams” and later “Phoenix Raven” team members.^{44,45}

Once they land at The Hague, the PIFWCs are given a thorough medical examination and are housed in relative comfort. They are given legal counsel (sometimes forcibly) and adequate time to prepare their defense. The tribunal itself is a typical western style court with all of its good and bad. The proceedings are argued down to the technicality of both local, national and international law and the rules of argument and evidence would be recognizable to most Westerners. The conviction rate seems to be relatively high, although the sentencing, considering the crimes imposed is sometimes laughably light. Many argue that the courts are far too lenient in fact and question the fairness and veracity of the proceedings.⁴⁶ Nonetheless, some sort of minimal justice is being served – regardless of the shortcomings of the ICTY – but this feeling of minimal retribution has led to the court’s marginalization in the Global War on Terror.

In both Iraq and Afghanistan, the hunt for High Value Targets became the newest and most exciting activity imaginable for most of the Western world. Operators from around the free world came to ply their skills in the hunt for the likes of Bin Laden, Hussein and their cronies. In fact, entire lines of entertainment industry products have followed and mimicked this deadly serious game of cat and mouse. From tactical gear in airsoft games to video games and movies,

⁴⁴ Davis.

⁴⁵ Anthony Sobieski, "Phoenix Raven – A Brief History," Military History Online, accessed September 25, 2012, <http://www.militaryhistoryonline.com/general/articles/phoenixraven.aspx>.

⁴⁶ Dickinson.

tracking down bad guys as a Special Operations Soldier has become the Cowboys and Indians of the post 9/11 era. Nonetheless, the combat is real and the targets are as deadly as ever.

The US Special Operations Command (SOCOM) has made quite the name for itself in tracking down and killing or capturing some of the most notorious HVTs one can imagine. While the previous missteps in places like Somalia were overblown in the media and the successes in the Balkans were ignored by the same media – SOCOM has become the media darling of the new millennium. Success in everything from rescuing ships captains from pirates to motivating and fighting alongside of the Iraqi Kurds and Northern Alliance in Afghanistan almost pale in comparison to the very high profile “Kill or Capture” missions that those same operators have effected in the same era. First, the posthumous capture of Saddam Hussein’s sons in Mosul Iraq followed by the capture of the dictator himself demonstrated the effectiveness of the Operators in a very short time. Dozens of other HVTs would soon follow either ending up in prison or killed during their capture, the last think in the sight of men like Zarqawi in Iraq and Awlaki in Yemen and Bin Laden himself in Pakistan was either the nosecone of a hellfire missile or the goggled face of an American Operator.⁴⁷

However effective the SOCOM forces have been at killing or capturing those that they seek, there has been a steady stream of replacements for the neutralized HVTs. Additionally, few - if any- of the terrorists and war criminals that have been targeted by the United States, NATO and their allies have been charged or even sought by The Hague as the de facto court of

⁴⁷ "JSOC: Black Ops Brain Trust," National Geographic, <http://channel.nationalgeographic.com/channel/explorer/articles/jsoc-black-ops-brain-trust/>.

record for such criminals.⁴⁸ This has led to many questioning the legitimacy and effectiveness of both The Hague itself as well as the UN mandate under which it operates. Indeed, it seems that the longer that the war between the West at large and Islamists in general lasts, the less that either side seeks assistance or mandate from the UN.⁴⁹

Nonetheless, the UN and NATO can claim some sense victory in the Balkans in spite of the extra judicial operations of the United States and her allies. While the UN by itself was ineffective, the Dayton accords, along with a very robust and forcible NATO presence to enforce the UN mandates led to a much more stable and peaceful former Yugoslavia overall and Bosnia in particular. While there are still tensions, and Bosniaks have taken to training Jihadists, there is no doubt that the region has come a long way since 1995.⁵⁰ Likewise, the elimination and marginalization of PIFWCs in the region seems to have allayed some of the hatred and fear that permeated the region twenty years ago. Nonetheless, the ethnic divide is still a gaping wound – with whole cities like Mostar split by a river and the religious beliefs of its citizens.⁵¹ Additionally, PIFWCs are still being captured, often by the authorities in the Balkans, showing some effort to join the European community as reformed members. Meanwhile, their economic

⁴⁸ Jennifer Kibbe, "Conducting Shadow Wars," *Journal of National Security Law & Policy* 5, no. 2 (2012, January 01): 373-392.

⁴⁹ Dickinson.

⁵⁰ Evan Kohlmann, *The Afghan-Bosnian Mujahideen [sic] Network in Europe* (Stockholm: Swedish National Defence [sic] College, 2006).

⁵¹ Matthew Pomy, "Bosnian Muslims On Trial For War Crimes Against Serbs." *Jurist.Org*, accessed September 25, 2012, <http://jurist.org/paperchase/2012/04/bosnian-muslims-on-trial-for-war-crimes-against-serbs.php>.

outlook is not spectacular, but promising and one can hope that a stable economy will help the peace will hold.⁵²

Western Special Operations Forces are both glamorous and mysterious. Since the inception of Counter-Terrorism Forces in the 1970s, the role of Special Operations Forces has evolved with fits and starts – particularly in the arena of Counter-Terrorism. Actual and perceived failures in Iran and Somalia left the United States in particular leery of the capability and effectiveness of its Special Operations Forces in the role of capturing wanted criminals and terrorists. However, with the collapse of Yugoslavia and the bloody, brutal war that followed, Western Special Operations Forces came into their own, learning and honing the skills that would be needed in a much broader sense after September 11, 2001. Their capabilities became proven assets and they themselves the scourge of a generation of War Criminals in Bosnia that were brought to justice while avoiding costly conventional battles. These skills and lessons learned have become the mainstay of the American efforts to bring to justice the next generation of war criminals.

⁵² Joel Deichmann, "Historical Legacies And Foreign Direct Investment In Bosnia And Herzegovina," *South East European Journal of Economics and Business* 7, no. 1 (2012, January 01): 7-18.

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